

DELEGATED

AGENDA NO  
PLANNING COMMITTEE  
17 FEBRUARY 2016  
REPORT OF DIRECTOR ECONOMIC  
GROWTH AND DEVELOPMENT SERVICES

16/0054/COU

Change of use of land to the rear of Vicarage Avenue to Community Garden  
Land to the rear of 13-43 (odds) Vicarage Avenue) and 33-59 Dunmail Road, Stockton

Expiry Date: 4 March 2016

**SUMMARY**

Planning permission is sought for the change of use of land to a Community Garden at the rear of 13-43 (odds) Vicarage Avenue) and 33-59 Dunmail Road, Stockton.

No objections have been received in relation to the application and the proposal is supported by the Ward Councillor.

The change of use is to create a community garden for the local residents and there are no planning policies which would render the application unacceptable.

Taking into account all comments received, it is considered that the scheme would not have a significant detrimental impact on neighbours or the character of the area and is recommended for approval.

**RECOMMENDATION**

***That planning application 16/0054/COU be approved subject to the following conditions and informatives;***

**01 Time Limit**

*The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*

*Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).*

**02 Approved Plans**

*The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC001</i>	<i>08 January 2016</i>

*Reason: To define the consent.*

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

***Informative: Working Practices***

*The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application*

## **SITE AND SURROUNDINGS**

1. The application site is an area of land located to the north of 3-59 Dunmail Road and south of 13-43 (odds) Vicarage Avenue).
2. The land is a grassed area and access is restricted to local residents only with alley gates at each end of the rear alleyway.

## **PROPOSAL**

3. Planning permission is sought for the change of use of the land to use as a community garden by adjoining neighbours.
4. No physical alterations are proposed to the land or to existing boundary treatments

## **CONSULTATIONS**

5. The following Consultations were notified and any comments received are set out below:-
6. Highways Transport And Environment  
General Summary: The Highways, Transport & Environment Manager has no objection to this application.  
Highways Comments: This proposal does not affect the highway no objections are raised
7. Councillors – Councillor Baker  
A great idea and look forward to seeing it in use

## **PUBLICITY**

8. Neighbours were notified and no objections have been received, however the consultation period does not expire until the 15<sup>th</sup> February 2016. Any comments received will be presented in an update report or reported verbally.

## **PLANNING POLICY**

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
10. **National Planning Policy Framework**  
Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

**11. Local Planning Policy**

The following planning policies are considered to be relevant to the consideration of this application.

**12. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

8. Additionally, in designing new development, proposals will:

\_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

\_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

\_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

\_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

**MATERIAL PLANNING CONSIDERATIONS**

13. The main issues for consideration when assessing this application are the principle of development, the impact of the proposed development upon the amenity of neighbouring properties, character of the surrounding area and implications for highway safety.

Principle of Development

14. The site is an area of land with no official allocation in the local plan and given that the proposal is to serve local residents there would be no sustainable planning policy reasons to refuse the principle of development.

Character of the area

15. The land is currently land locked by virtue of the existing residential dwellings, boundary treatments and the associated alley gates. Direct views can therefore only be obtained from the dwellings that this proposal will serve.

16. The use of the land will be as a community garden for residential purposes and whilst this may result in the siting of play equipment, planting of fruit/vegetables it is not considered that the use would significantly alter the character and appearance of the land.

Amenity of Neighbouring Land Users

17. The surrounding properties are the residents that will benefit from the use and therefore it is not considered that proposal would have a significant adverse effect on these neighbouring properties.

Highway Safety

18. The proposed change of use will not result in any additional highway movements and accordingly the Highways Transport and Environment Manager has raised no objections to

the proposed scheme. It is therefore considered that the proposal will not result in an adverse impact upon highway safety.

## **CONCLUSION**

19. Overall it is considered that the proposed development accords with planning policy and there will be no adverse impacts on the character of the area or neighbouring properties. The development will not have an adverse impact on highway safety and it is therefore recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

## **WARD AND WARD COUNCILLORS**

**Ward Newtown**  
**Ward Councillor(s) Councillor P Baker**  
**Ward Councillor(s) Councillor R Proud**

## **IMPLICATIONS**

**Financial Implications:** *There are no known financial implications*

**Environmental Implications:** *There are no known environmental implications.*

**Human Rights Implications:** *The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.*

**Community Safety Implications:** *The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report*

**Background Papers:** *Stockton on Tees Local Plan Adopted 1997, Core Strategy DPD 2010*  
*Application File: 16/0054/COU*