



**REPORT TO CHAIR AND MEMBERS OF
PLANNING & DEVELOPMENT COMMITTEE:
3rd September 2010**

AGENDA ITEM 5

SUBJECT:

SUBMISSION OF DETAILS OF AMENDED SITE LAYOUT AND HOUSE TYPES TO COMPLY WITH CONDITION 17 ON PLANNING PERMISSION M/FP/1146/09/P – PLOTS 65-68 AND 130-133, ORCHARD VIEW, FORMER KIRBY CAMPUS, LINTHORPE

1. PURPOSE OF REPORT

- 1.1 This report refers to a submission of detail that is required to be made in order to comply with a condition attached to the planning permission for the amended site layout and housetypes on the former Kirby Campus approved by the Committee in November 2009 (reference: M/FP/1146/09/P). Members will recall that a number of specific concerns expressed by the neighbouring residents at 22a Cornfield Road (known as College Cottage) were discussed at that meeting but, given that some of these concerns were not capable of full resolution at the time, the Committee accepted a recommendation that any further amendments needed to the approved layout and design in order to resolve those concerns be dealt with, not only by means of a specific condition, but also by reserving the approval of these details to itself.
- 1.2 This report first describes the overall background, and then sets out these specific submitted details, any neighbour consultations carried out and any responses received, and assesses the merits of these details in terms of the formal discharge of the relevant condition.

2. RECOMMENDATION

- 2.1 It is recommended that Members:
- (a) Note the description of these submitted details and the outcome of any neighbour consultations;
 - (b) Approve these submitted details as being appropriate to the site and its surroundings, and therefore in compliance with the condition; and
 - (c) To advise that the due completion of these works in accordance with these details will thereby formally discharge the relevant condition.

3. FINANCIAL IMPLICATIONS

3.1 There are none arising from this report.

4. BACKGROUND

4.1 Planning permission was originally granted in April 2006 for the redevelopment of the former Middlesbrough College site at Kirby Campus in Linthorpe for housing, this being part of an overall package for the amalgamation of the 4 existing College campuses (2 others receiving approvals for housing redevelopment at the same time) and their relocation to a single-site campus in Middlehaven. However, as a result of the economic downturn and changes in local housing market conditions, Taylor Wimpey submitted an application to formally amend the previously approved plans for specific parts of the former Kirby campus site. This was approved subject to conditions on 6th November 2009 (Reference: M/FP/1146/09/P).

4.2 A particular issue raised at that time was that of the possible modification by the developer of the existing vehicular and pedestrian access from Cornfield Road (to the north of the site) to the existing dwellinghouse known as College Cottage at 22a Cornfield Road. However, as part of their work regarding the ownership and status of this existing link, the applicants held specific discussions with the occupiers of the existing cottage and, as a result, introduced further minor amendments to the proposed site layout that recognized the full curtilage of the existing cottage (it extends slightly further into the former campus site than was previously shown) and which also changed the alignment of the footpath link as it passes the cottage. These amendments had an effect on some plots' garden sizes and also resulted in the re-alignment of this important link.

4.3 In response, a number of specific concerns about the proposed development as a whole were expressed by as well as on behalf of the occupiers of the cottage. However, they were duly advised that such issues (construction noise, dust and possible structural damage) were not matters to be dealt with under planning law, but would rather be dealt with separately either under environmental health law or under private property law. It is understood that no action has been taken by Community Protection regarding the former, whilst separate discussions with Taylor Wimpey on the latter are continuing. However, the neighbours also raised particular concerns about the proximity of the proposed houses close to the site, including some to 3-storeys in height, that they considered would cause overlooking and overshadowing to the cottage, as well as a loss of privacy and amenity for a south-facing bedroom window. A further specific issue was that of the potential for additional pedestrian traffic using the link between the new housing development (and, indeed, Orchard Road beyond to the south) and Cornfield Road to the north.

4.4 As a result of these specific concerns, which were received immediately prior to the date of the Committee meeting (on 5th November), and also to ensure that the consequences of the recently amended plans would be fully considered in due course (including the possibility of further layout or house type changes) a condition to control these specific elements in this part of the site was imposed on this permission. This condition (Condition 17) states that:

“Notwithstanding the submitted and amended plans, the layout and design details of Plots 65 to 68, and 130 to 133, and the adjoining footpath link,

along the northern boundary of the site shall only be as submitted to and approved by the Local Planning Authority prior to the commencement of that part of the development. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

5. SUBMITTED DETAILS

- 5.1 Following the final approval in December 2009 the developers have been in a series of discussions with both the owners and occupiers of College Cottage with a view to submitting the further amended details to comply with this condition. These details can be separated into 2 main elements – firstly, revisions to the overall housing layout and designs adjacent to the cottage itself; and secondly, specific revisions to the adjoining areas around the cottage and its curtilage and also to the access link to/from Cornfield Road. In particular, the latter includes an area of land to be transferred by agreement with Taylor Wimpey to the existing owners/occupiers and to be used and enclosed as an extension to the existing curtilage of the cottage. This includes an additional area of permeable hard-surfacing for a parking bay on the northern side of the curtilage and alongside the existing access from Cornfield Road, and also an additional driveway area extending to the edge of the realigned footpath link to the south-east close to Plots 130 and 131. These works are intended to be carried out by Taylor Wimpey, although no works would be carried out on the area of land still retained in the College's ownership (along the southern side of the cottage) until such time as the separate agreement or transfer of that land is achieved.
- 5.2 As regards the wider housing layout and design amendments, no changes have been proposed to either the approved house types and site layout at Plots 132 and 133 to the south of the existing cottage, and only a minor change in the house types (Wessex and Worleston) at Plots 130 and 131 (to the east of the cottage) has been effected. In addition to the proposed extended curtilage for the cottage at 22a Cornfield Road, the pedestrian link through to Cornfield Road would be re-aligned slightly when compared to the approved layout, and the proposed parking bays to be provided within the adjoining turning head would be replaced by a pair of semi-detached garages for Plots 67 and 68, and the turning head itself foreshortened.
- 5.3 Given the closer and potentially more problematical relationships, the most significant change to the proposed house types and designs would be introduced at Plots 65 to 68. These plots are directly to the south-west of College Cottage, with the house types approved in November 2009 forming a terrace of 4 3-storey townhouses (Astons) a minimum of 14 metres (approximately) away from the nearest living room window (to a bedroom) in the existing cottage. The current submission is to replace this short terrace of 4 dwellings with 2 separate pairs of semi-detached houses: the semi-detached pair of these nearest to the cottage (Plots 67 and 68) would be shifted slightly further away from the cottage, but the most effective change would be their reduction from 3-storey townhouses to 2-storey houses (a Wessex and a Worleston). The potential for overlooking and loss of privacy would, with this change of house type and reduced storey height and number of windows, be significantly reduced as a result. The remaining pair of semi-detached 3-storey townhouses approved for Plots 65 and 66 would, however, be retained, although the location of any living room and bedroom

windows on the northern elevation (especially at 1st and 2nd floor levels) would be at such acute angles relative to the existing cottage that there would be no issues of overlooking or loss of privacy and amenity for the existing residents in the cottage.

- 5.4 Plans showing these details and designs will be available for display at the meeting in the normal manner.
- 5.5 In considering these submitted details, and bearing in mind the Committee's previous decision on how these details are to be handled, neighbours at a total of 25 properties adjacent to the Orchard View site have been notified in this case. These include both the residents and the land-owners at 22a Cornfield Road. The Linthorpe Ward Councillors have also been notified of these submitted details. The period for any representations expires on 1st September but at this point in time no representations have been received to date.

6. ANALYSIS AND CONCLUSIONS

- 6.1 Following the approval in November 2009 of the amended plans for a significant part of the previously approved housing development on the former Kirby Campus site, the developers (Taylor Wimpey) have been involved in a series of discussions with the neighbours and property owners at the existing cottage at 22a Cornfield Road (known as College Cottage). These discussions were initially concerned with proposed modifications to be carried out to the existing vehicular and pedestrian access to the cottage from Cornfield Road, but have since involved other matters, including the possibility of providing additional parking and vehicular circulation facilities for these neighbours. These form an important part of the overall package of details now submitted in order to comply with Condition 17 attached to the formal approval of these previously amended plans.
- 6.2 The developers have also been involved in parallel discussions with the Council regarding the submission of details regarding further revisions and changes to the layout and design of Plots 65 to 68 and 130 to 133 again in order to comply with this Condition 17. This part of the package of details involves revisions to a number of the approved house types, as well as to the site layout, in the area around College Cottage. These proposed changes are considered to be a quite appropriate response to the concerns expressed by these neighbours about the potential impact of the housing development on their existing amenities and privacy.
- 6.3 As a result, the combination of both the amended house types and site layout, and the provision of additional facilities for the resident family at College Cottage, represents an appropriate solution to the various problems and issues that have arisen in this case. Accordingly, the conclusions are that this submission of detail does comply with the relevant Condition 17 and that, provided the approved part of this development is implemented in accordance with these approved details, the condition will be formally discharged in due course. The recommendation is therefore as set out in paragraph 2.1 above.

Committee Date: 3rd September 2010
Originator: Tony Hargreaves
Contact Officer: Mr. E. Vickers