

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 12 July 2006

**REPORT OF CORPORATE DIRECTOR OF
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

Residential development for the erection of 61 no. dwellinghouses and 38 no. apartments together with associated means of access and landscaping. Harpers Garden Centre, Junction Road, Norton 06/1080/FUL

SUMMARY

Planning permission is sought for the redevelopment of the Harpers Garden centre site off Junction Road, Norton. The development which consists of the erection of 99 dwellings and associated infrastructure would result in the loss of the garden centre as well as the car park, club house and ancillary development associated with the golf course immediately to the north.

The residential development includes a mix of property types, sizes and designs whilst incorporates an area of open space centrally within the site.

The operators of the golf course intended to continue its use through the re-provision of an access and car park. The Local Planning Authority are currently considering an application for the creation of a new access and track off Blakeston Lane.

This application has been supported with the submission of an ecological assessment, noise assessment, flood risk survey and transport statement.

A total of 54 letters of objection have been received from in response to the neighbour consultation. The main objections relate to the scale and density of the development and the increase in traffic levels on an already congested road where there are other development having similar impacts and where highway safety would be compromised. Other objections include the loss of the golf course facility, noise and other forms of pollution, impact on wildlife and impact on the setting of the adjoining listed building.

Objection has been raised from English Nature based on insufficient information having been submitted to adequately assess the impact of the development on protected species. Sport England have objected should the proposed development result in the loss of the provision of the golf course. The payment of a commuted sum has been agreed in lieu of the provision of on site affordable housing as required by Local Plan Policy HO4 which is intended to assist in achieving provision elsewhere.

The Head of Integrated Transport and Environmental Policy has requested additional information to support the transport assessment. This is currently being considered and will be updated at committee.

Subject to adequate information and detail being submitted to meet the requirements of English Nature and the Head of Integrated Transport and the recommended conditions, it is considered that the proposed development is in accordance with policies GP1, HO3, HO4, HO11, EN6 and EN28 of the Stockton on Tees Local Plan.

RECOMMENDATION

It is recommended that application 06/1080/FUL be conditionally approved subject to the applicant entering into a Section 106 agreement for a commuted lump sum for the provision of off site affordable housing and subject to no objection being raised by English Nature or the Head of Integrated Transport and Environmental Policy or subject to additional conditions being attached as necessary in respect of ecological and highways issues.

Planning application 06/1080/FUL be Approved with Conditions subject to

- 01. *The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.
Drawing Number(s):-
Reason: To define the consent.***
- 02. *Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.
Reason: To achieve a satisfactory form of development.***
- 03. *No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.
Reason: To ensure the proper restoration of the site.***
- 04. *No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.
Reason: To ensure the proper restoration of the site.***
- 05. *A survey of the site shall be conducted to test for the presence of landfill gas within the existing ground. The results of this survey shall be submitted to the Local Planning Authority and written agreement shall be reached over any gas monitoring or control measures, which may need to be exercised.

Reason: To reserve the rights of the Local Planning Authority to agree these details to ensure the proper restoration/development of the site.***

06. **No trees or landscaping on the site shall be lopped, topped, pruned or felled until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall indicate those areas of landscaping to be retained and a scheme for their protection in accordance with BS5837.**
Reason: In the interests of visual amenity.
07. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping, tree and/or shrub planting. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The work shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.**
Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.
08. **During construction of the scheme hereby approved there shall be no operation of plant outside the hours of 8.00a.m. - 6.00p.m. Weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.**
Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.
09. **Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**
Reason: To protect the amenity of residents from excessive noise from adjacent dwellings.
10. **Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent roads and railway shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before any of the permitted dwellings are occupied.**
Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.
11. **Notwithstanding details shown on the plans hereby approved, the low wall forming the western boundary of the site shall be retained in position until a scheme of boundary enclosure has been approved for the site.**
Reason: In the interests of preserving historical details of the site.
12. **Notwithstanding details hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority which addresses the future management of the area of Public Open Space within the site. The management plan shall identify the precise areas of maintenance and schedule works to be carried out. Works within the approved management plan shall be carried out in perpetuity within the site or until such time that the site is no longer in residential use.**
Reason: In order to ensure the long term management of the site is adequately controlled in the interests of visual amenity and the provision of amenity space.

13. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels, finished floor levels for dwelling houses and road levels. Thereafter the development shall be completed in accordance with the approved details.**
Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future residents.
14. **Notwithstanding details hereby approved a scheme of security measures for dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include security measures for external lighting and rear access gates and be implemented on site as required by the approved scheme.**
Reason: In the interests of personal security.
15. **Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority.**
Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development.
16. **All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.**
Reason: In the interests of the visual amenities of the locality.
17. **No development shall commence until a suitable car park has been constructed, laid out and brought into use in association with the existing golf course to the north of the site, in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.**
Reason: In the interests of retaining amenity provision within the area in accordance with Policy HO3 of the Stockton on Tees Local Plan.

Heads of Terms

A commuted lump sum of £400,000 is required as a contribution towards the provision of off-site affordable housing. It is intended £200,000 is to be payable within 10 working days of the legal completion of the 50th plot with the balance of £200,000 to be paid within 10 working days of the legal completion of the 99th plot or 18 months after the first £200,000 payment, whichever is the sooner.

THE PROPOSAL

1. Planning permission is sought for the redevelopment of the Harpers Garden centre site off Junction Road, Norton. The development which consists of the erection of 99 dwellings and associated infrastructure would result in the loss of the garden centre as well as the car park, club house and ancillary development associated with the golf course immediately to the north.
2. Access is gained from Junction Road, adjacent to which lies the emergency access for the site. The internal road layout forms cul de sac areas, one of which surrounds an area of open amenity space. The residential development includes a mix of property types

including terrace, semi detached and detached houses as well as three and four storey apartment blocks.

3. The operators of the golf course intend to continue its use through the re-provision of an access and car park elsewhere and the Local Planning Authority are currently considering an application for the creation of a new access and track to serve the golf course to the north side of the railway lines, off Blakeston Lane.

CONSULTATIONS

The following Consultations were notified and any comments they made are below: _

Payphone Planning

Environmental Health Unit

Summarised:

No objection in principle. Conditions relating to the following should be imposed should the development be approved:

- Noise disturbance between living accommodation
- Noise disturbance from adjacent road traffic
- Noise disturbance from adjacent railway
- Possible land contamination - Environmental Risk Assessments.
- Landfill gas
- Construction noise

Northumbrian Water Limited

Summarised:

The developer should make early contact with our new development team regarding a water supply and any costs involved.

New discharges of foul and surface water must be on separate systems.

Surface water flows should be discharged to soak aways, suitable infiltration systems, streams, watercourses, the sea and at a last resort the public sewer. If the surface water or combined sewer is the only possible means of discharge, Northumbrian Water must be consulted.

All connections to public sewers must be carried out by Northumbrian Water.

The foul flows can be accepted into the public system although there may be insufficient capacity in the system to accept the surface water flows. All other means of discharge must be investigated.

Northern Gas Networks

No Objections

Landscape Officer

Summarised:

Open space - Provision is welcomed although insufficient in size for the LA to take title transfer.

This will therefore need to be maintained in perpetuity via a management plan.

Tree cover - Existing trees should be retained where possible and losses accounted for with new planting. A protection scheme should be undertaken which meets the relevant British Standard.

Schemes for Hard Landscaping, Ground Modelling, Tree Planting, grassed areas and overall maintenance are required.

Development Plans Officer

Historic Buildings Officer

I have been asked to consider whether the gashouse located on the proposed residential development site lies within the curtilage of the grade II listed building, 14 Railway Cottages.

6.19. Section 1(5) of the Act sets out the meaning of a listed building for the purposes of the Act: a listed building is one included in a list compiled or approved by the Secretary of State and includes 'any object or structure fixed to the building' and 'any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948'. The Courts have considered in a number of cases in this context the meaning of 'any object or structure fixed to the building' and 'curtilage'.

The principal tests as to whether an object or structure is within the curtilage of a listed building relate to the physical layout of the land surrounding the listed building at the date of the statutory listing and the relationship of the structures on the surrounding land to each other. Changes in ownership, occupation or use after the listing date will not bring about the de-listing of a building which formed part of the principal building at the date of listing. The Courts have held that for a structure or building within the curtilage of a listed building to be part of a listed building it must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building.

Having looked at the listed building and its setting and relevant listed building case law, I do not consider that the gas house forms part of the curtilage of the listed building. The Building was listed in 1985 and it is clear on the historic maps that the gas house was a separate building long before the building was added to the list. The gas house would have formed a structure associated with the wider railway purposes and surroundings buildings and not this building in particular. In addition from studying the historic maps the gashouse does not appear to have formed part of the planning unit associated with the listed building, it is currently physically separate and always appears to have been so. I therefore would conclude that the pumping station is a physically separate unit from that of the listed building and does not form part of the associated listed curtilage.

Policy EN28 of the Stockton-on-Tees Local Plan states that "development which is likely to detract from the setting of a listed building will not be permitted."

The development as proposed will be situated at almost 65m from the boundary away from the listed building. In addition there is an existing tree belt separating the site, which creates good screening. At a storey height of two-three storeys I consider that this is sufficient not to cause any undue harm to the setting of the listed building.

The listed building is constrained on two sides by the existing railway tracks. It is not considered that potential views to the listed building will be affected by the development and they are currently somewhat restricted by the existing boundary planting. Views will still be obtainable through the proposed building blocks towards and from the listed building and I do not consider that the development will adversely affect the character or setting of the building.

I therefore consider that the proposed dwellings are situated at a significant distance from the listed building as to cause no adverse impact on its appearance and setting.

Corporate Director Children, Education and Social Care

Police Crime Reduction Architect

Summarised:

Comment is made in regard to the specification of the boundaries of dwelling houses, access gates and locks intended in reducing option for unauthorised access. Narrow paths running behind and between houses are not desirable likewise, acute changes in their direction is not suitable. Shrubs and hedges should have a maximum growth height of 1m and if placed around the perimeter, be barbarous and low growing. Hard landscaping should be securely fixed to prevent vandalism. Planting adjoining car parking bays should be max. 0.5m height. Street lighting should be laid out to cover vulnerable areas. Security lighting should be vandal resistant, opaque and movement operated located at the highest inaccessible points above front and rear doors, with no switch option. Suitable specification of front, rear, apartment, fire, internal flat and patio doors is given as well as that of windows. Further comment is made in respect to intruder alarms, telephone lines and CCTV.

Joint Public Transport Group

Network Rail

Summarised:

Network Rail has no objection in principle, subject to the following;

Primary concern is the closure to through traffic of the private level crossing, through which access is currently gained by the golf club. A separate application has recently been submitted for a new golf club access; however, for the purposes of this application, we have to assume the status quo.

All surface and foul water must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure.

All operations must be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail or within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur whilst a method statement may be required in respect to work procedures.

Network Rail consider there is an increased risk of trespass and require a new fence along the boundary whilst security of the railway boundary is required to be maintained at all times unless otherwise agreed.

The Harpers Garden centre level crossing is unmanned and is for the sole use of Network Rail and the golf course. Future residents should be advised they do not have a right of way, unless they are a member of the golf club.

Any building should be located 2m away from the railway line boundary in order to allow effective maintenance to be carried out.

Necessary soundproofing should be undertaken to protect residential amenity.

Tree and shrubs should be planted at a minimum distance greater than their mature height.

Lighting should be controlled to not dazzle train drivers.

With respect to the revised layouts and other plans submitted under the above planning reference, I can inform you that our comments remain as before.

NEDL

Tees Valley Wildlife

Engineers and Transportation

Awaiting comments following consideration of the additional Traffic Assessment information submitted.

Highways Agency

I refer to our telephone conversation regarding the swept path analysis at the development access. The analysis is of a large refuse, pantechnicon and panel van. The swept paths for large refuse and pantechnicons encroach onto opposing stoplines and as such are not acceptable. The traffic island on Junction Road is also overrun. The left turn out by a panel van is tight, when taking into account the proposed lanes width and vehicle wing mirrors.

Can you look as addressing these issues:-

I have also forwarded the plans to Middlesbrough for their comments on the traffic signal details.

I am currently reviewing the submission.

Councillors

The Environment Agency

I refer to the above which were received on 13 June 2006.

The Environment Agency has no objection to the development proposal. We acknowledge that the development will restrict the surface water discharge to that of the existing development. However, we would like to place two planning conditions on the application.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION : No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding

Corporate Director Children, Education and Social Care

English Nature

Thank you for consulting English Nature on the above proposal. Your letter was received by this office on 13 June with the supporting documentation entitled A Bat and Barn Owl Survey of land

and buildings at Harpers Nursery, Norton Stockton on Tees, E3 Ecology Revision R01, Dated 22.05.06 received by SBC 8 June 2006.

In line with paragraph 45 of ODPM Circular 08/2005 English Nature will respond within the 21 day consultation period for statutory consultees which commences upon our receipt of adequate information to make a substantive response. We cannot respond by the requested date of 22 June 2006.

As we are unable, within your timescale, to provide advice inline with the provisions set out in Part IV and Annex A of ODPM Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System we therefore recommend that the planning application is refused / deferred / withdrawn / suspended until the council has adequate information to determine the application.

Should you have any queries or concerns relating to the content of this letter, please contact the author, or Alison Povey, at the above address.

Thank you for consulting English Nature on the above proposal. Your letter was received by this office on 13 June with the supporting documentation entitled A Bat and Barn Owl Survey of Land and Buildings at Harpers Nursery, Norton; E3 Ecology Ltd; R01 22/5/06 .

Based on the information provided, English Nature maintains the objection lodged in our letter of 15 May as insufficient information has been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. If this is the case planning

Sport England

Summarised:

Sport England has the policy objective to prevent the loss of facilities or access to natural resources which are important in terms of sport development. Should redevelopment be unavoidable, an equivalent or better replacement facility should be provided in a suitable location. The development would lead to the loss of the Golf Courses parking area and club house and subsequently the golf course. Stockton Borough Council compare poorly in terms of such provision per head of population and as such object to the proposal. Should the retention of the golf course be achievable then this would negate the concerns of Sport England.

Neighbours were notified and any comments received are below (if applicable):-

A total of 54 objections were received, mainly from residents of the following areas. Kew Gardens, 3 Kenley Gardens, Chelsea Gardens, Syon Gardens, Railway Cottages, Junction Road, countisbury road, Weaverham Road,

Objections are summarised as follows

Highways related issues

The submitted Transport Statement contains irrelevant information, based on out dated data and is aimed at convincing the planning authorities to look favourably at the development. The transport statement does not take into account the increased traffic as a result of traffic calming. The selection of Bakery Drive estate as a comparison for the traffic factor is also flawed as that location differs topographically from the subject site with regard to carriageway, footpath and verge widths as well as sightlines

The provision of 99 residential units will result in increased traffic using Junction Road, in addition to that generated from the new development at West Quarry off Blakeston Lane or the existing car boot fair, as well as the expansion of the Tesco store. The new developments in the area could result in an additional 1000 traffic movements per day.

Junction Road and the surrounding highways were never designed for current traffic flows.

Perhaps it is time to replace both bridges and widen the entire section of this road.

Access from the side roads onto Junction Road is becoming increasingly difficult as a result of traffic levels and this will only worsen as a result. The proposed additional traffic signals on Junction Road will only serve to further delay traffic resulting in congestion on an already busy road at a point where the highway is at its narrowest as it passes through the bridges over the railway lines to the east and west of the site.

There is a requirement for an emergency access into the site, although no such allowance at either of the two bridges and increased congestion, particularly in the locality of the bridges where the highway narrows, could delay emergency vehicles such as ambulances reaching North Tees Hospital.

The entrance of the private driveway onto the adopted highway looks extremely hazardous.

Although meeting the council's policy requirements, parking levels are insufficient for today's needs and if levels are not increased it will result in on street parking which will in turn affect highway safety.

This will impact highway safety and erode the quality of life for many local residents.

Traffic jams of up to a mile have been witnessed along Junction Road. This scheme, along with the recently approved housing scheme for in excess of 148 dwellings could result in an additional 370 vehicles using the junctions at peak times. Exiting onto Junction Road can already take ten minutes during peak times.

Local school children use the footways adjoining Junction Road and risk to their safety would be heightened.

The speed limit along Junction Road is regularly broken.

Obviously golfers would park in this area as there is no other access to the golf course.

Heavy goods vehicles currently use the road and would be used during the construction phase. It is understood the bridge has a weight restriction on it whilst there is a ban on HGV's along the road.

There was a previous refusal for a hotel on the site, based on access issues.

Provision of an alternative access to the golf course via Blakeston Lane would simply create further traffic problems on a road which is barely adequate for present users.

It is suggested that as a result of the traffic issues, the density of the site should be at the lower end of government's guidance of 30 - 50 per hectare.

Access to Railway Cottages, both during and after the construction phase would be made difficult.

General matters

PPG3 refers to the need to conserve the quality of our environment but this development, with its associated congestion will not accord with governments aim.

The golf course is a positive local amenity for many people and although the majority of the golf course area does not form part of this application, the present car parking and access facilities do. Therefore, it is considered this application and the one for the new access into the golf course should be considered together. The golfers currently use the railway crossing, which is an emergency line and which is not used by trains on a regular basis. Golfers have used this access for years.

If the development is approved and the access refused, no doubt the closure of the Golf course will be blamed on the failure to gain access and not the Miller Development.

The assets of a golf course and garden centre are more beneficial to the area than more housing.

Why can't the car park be provided with the existing site and the garden centre replaced with housing.

Committee should perhaps defer making a decision on the proposed housing application until consideration has been given to the new proposed access.

The proposed four storey dwellings, having a kitchen window in each floor which looking directly across towards Chelsea Gardens. These blocks will compromise the privacy, amenity and daylight associated with properties in the Chelsea Gardens area.

Children have been seen walking along the railway lines which is dangerous. There should be less children living near the railway lines not more.

The banking along Railway Cottages appears susceptible to movement. Use of the access by construction traffic would put the banking and the road and footway at risk.

It is understood that there is no mains sewers on the site and this development may cause overload.

What will happen to wildlife inhabiting these areas, has anyone checked for protected species.

Is there sufficient capacity at the schools to deal with the demands created by the proposed developments?

Pollution from road traffic and construction traffic will affect local air quality and the environment in general being against national policy.

There is a large school in the vicinity and the safety of the pupils travelling to and from school and generally within the area will be compromised.

The development would affect the quiet enjoyment of the adjoining property to the north west corner of the site. Furthermore, this is a listed property, the former Inspectors house which is believed to be more than 150 years old. The building is listed for its architectural and historical merit and it appears no regard has been had for its setting. There is a presumption against development which may adversely affect the setting of a listed building. The principal elevations should not be crowded or obscured by the proposed development and care must be taken that the views of this building and its historical context of its position in the landscape or surrounding built environment is not lost.

The proposed development has not considered the heritage of the site, and would destroy the line of the original eastern railway cutting which lies in the western sector of the site. The original platform wall of the station is mentioned on the plans as a low stone wall and it is not clear if this would be destroyed.

The three storey apartment block abutting 14 Railway Cottages will result in the listed building being compromised as it becomes hemmed in. In addition, there is a gas house within the development site which is considered to formerly be an ancillary building to the listed Inspectors House. It is suggested officers and members may feel this historical relationship should be continued regardless of them being in separate ownerships.

The development appears to be designing in crime. Properties will face into the development leaving an access track in the south western corner of the site over which there will be no sense of control, ownership or responsibility making it likely to be prone to criminal activity and vandalism. The development will change the area from rural or semi rural to rural which requires urban solutions and should not leave areas which are not defensible or where there is no mutual protection. Back alleys and streets are being gated elsewhere in the Borough. This proposal creates such an area. The layout could be changed to incorporate this access track within the development site and therefore do away with these issues or alternatively, properties could front onto this access rather than backing onto it.

What about the possibility of flooding as a result of the low lying areas within the site.

The proposed developments rooflines would dominate the area and is not in keeping with the surrounding residential developments.

The geo-environmental survey states ' and it is understood that the development will consist of 2 and 3 storey housing' which is incorrect.

The development will result in the loss or thinning of many mature shrubs and trees along the boundary which currently offer screening between residential properties and act as a noise buffer from the railway. The development should have been designed around these trees whilst the loss of trees should be resisted as replacement coverage will take many years to grow.

The noise and vibration survey appear to be inaccurate as they relate only to a snapshot of time, outside of rush hour and when the diesel locomotives hauling freight were not experienced. Furthermore, they do not take into account the approved 3 daily return Sunderland to London passenger train which is scheduled to begin in 2007 or a possible freight route between Hartlepool Power Station and Sellafield. The report indicated there were no instances of trains sounding their horns which is accepted over the period of the survey, however, they do sound their horns on weekends which should be taken into account.

Noise on this section of the railway has been experienced before and contact made with the Council's Environmental Health Unit. It was found that the bend was particularly tight and required a high level of maintenance whilst required the type of rolling stock to be changed. These problems could reoccur.

With regard to noise for the railway lines, Stockton Council Engineers recorded 113db at the boundary with 21 Chelsea Gardens when the max. is 80db at 3 metres.

The pumping station and its supply piping have not yet been designed and there effects on trees are not known. These should be designed around the trees.

Question is raised as to whether the site is actually brownfield, and whether a garden centre falls under the definition of agriculture and would therefore be greenfield. If a garden centre is not

agriculture and it is a brownfield site then it is considered the development would only extend to part of the site under the PPG3 definition.

The properties would be under constant bombardment from golf balls.

It is understood that there is a colony of bats living in one of the buildings to be demolished and that there may be other colonies within the trees.

Development is sought for the maximum number of houses which could be achieved on the site under highways general criteria as against looking towards what would benefit the site.

Due to the sensitivities of the site, should officers and members be unhappy with the scheme, maybe a design brief be produced by the Borough Council.

Design and character

The site lies on the edge of urban fringe adjoining green open space. The Council seek a high quality development on such a site, which these proposals don't achieve.

The 4 storey apartments are inappropriate for this location. Norton is traditionally not a flat or apartment locality and the visual appearance of such would be unpleasing in what is a semi rural setting.

The 3 storey town houses are without architectural merit.

Does the council genuinely think residents of a mix of house types such as this will be compatible with one another; this is likely to result in the decline of the area.

The three storey development at Corby Lodge is already out of keeping with the area and the proposed 4 storey will also be out of keeping with the surrounding 2 storey development.

In order to take advantage of the sites layout as many properties as possible should front Junction road.

PLANNING POLICY CONSIDERATION

Where an adopted or approved development plan contains relevant policies, section 54A of the Town and Country planning Act requires that an application for planning permission shall be determined in accordance with the Plan, unless material planning considerations indicate otherwise.

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;

- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Development which is likely to detract from the setting of a listed building will not be permitted.

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Policy HO4

In housing developments exceeding 2 hectares (5 acres), affordable housing shall be provided to an extent agreed between the council and the developer as appropriate to help meet any local need. There shall be arrangements to ensure that the benefits will be passed on to subsequent, as well as initial, occupiers

Policy HO11

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

Policy TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

Policy EN6

Development proposals likely to result in harm to a protected plant or animal species or its habitat will not be permitted unless satisfactory provisions for these species have been made.

Policy TR9

New developments for housing, employment, shopping or community facilities should be located and designed to enable the provision and convenient use of public transport services.

MATERIAL PLANNING CONSIDERATIONS

4. The key issues to consider in determining the proposal relate to the principle of residential development on the site, the access and highway implications associated with the proposal, impacts on surrounding development and land uses, design and layout and flood risk as well as other general matters.

The application is considered as follows;

Principle of development

5. The garden centre and car park area fall within business uses as against agriculture and the site is therefore considered to be brownfield land. The site falls within the limits of development as defined within the Stockton on Tees Local Plan within which there is a general presumption in favour of residential development subject to the proposed development according with other policies of the Local Plan.

Highways

6. The highways implications of the proposal are being considered following the submission of a transport assessment. Significant local objection has been raised in respect to the likely impact of the development on the existing transport infrastructure which is considered by many to already be at capacity which currently results in traffic jams. Concern is raised over many highway related impacts as listed although particular concern is raised in respect to the cumulative impact of this, and other developments within the vicinity. Residents consider this would affect highway safety in an area which is used by school children as a way to school whilst the access is located between two railway bridges where the highways narrow which in itself result in congestion.

Site Layout and Design

7. The proposed layout achieves adequate spacing between properties internally, provides garden areas to dwellings whilst incorporates an area of open amenity space.
8. Property types at the entrance to the site include terrace and detached housing whilst the larger three and four storey apartment blocks are set to the rear of the site.
9. There is a railway line forming the site boundary to the North and East which act as a 15m wide buffer between the application site and the golf course and majority of existing housing within the area. The boundary of the application site varies from approximately between 40m and 65m away from the rear elevations of properties to the east. In view of these distances, although there are four storey apartment blocks in close proximity to the boundary of the site, it is considered that residential amenity and privacy would not be unduly compromised.
10. Property designs have been amended, as has the layout to take into account comments raised. It is considered the revised layout and designs would result in an estate of properties which are acceptable in terms of their design and which although contrasting with existing surrounding development would not be incongruous.

Affordable Housing

11. Policy HO4 of the Borough Local Plan relates to the provision of affordable housing within development schemes which exceed 2 hectares in area. The policy requires the extent of affordable housing to be agreed between the council and the developer as appropriate to meet the local need. Following discussions between the Developer and the Council's Housing officers, it was agreed that a commuted sum for £400,000 could be provided in lieu of providing the affordable housing within the site.

Protected species

12. The applicant has carried out an ecological survey in connection with the site. English Nature consider the report to be lacking in information and have objected to the proposed development, requiring additional information in order to allow them to make an informed assessment as to whether the development will adversely affect protected

species. It is expected that no objection will be raised from English Nature subject to mitigation work being undertaken in respect to the protection of any protected species, however, this matter will be reported to committee within an update report once the relevant information has been obtained.

Archaeology

13. Concern has been raised in respect to a low wall forming part of the western boundary of the site. A local resident believes this to be the former platform wall and that this should be protected.
14. Tees Archaeology have been informed of this, as well as development on the site in general and do not consider the site and its individual elements to require strict control in respect to their preservation. However, it is considered that the 'former platform' could be incorporated into the scheme without unduly compromising it. As such, a condition is recommended requiring its retention until a scheme for the means of enclosure for the site has been agreed. It is intended this would allow the platform to form part of the means of enclosure of the site.

Adjoining Listed Building

15. The application site lies adjacent to the curtilage of a listed building which is indicated within the listing as being a mid 19th Century railway cottage. The cottage is distanced from the development by its curtilage and other buildings. Only the railway cottage is mentioned within the listing. Objection is raised in respect to the overall impact of the development on the setting of the listed building whilst question is raised with regard to a 'gas house' building located within the application site and its own status. Having looked at the listed building and its setting and relevant listed building case law, the Council's Historic Buildings Officer does not consider that the gas house forms part of the curtilage of the listed building. The Building was listed in 1985 and it is clear on the historic maps that the gas house was a separate building long before the building was added to the list.
16. The listed cottage is located approximately 65m away from the boundaries of the application site and approximately 75m from the nearest building. There is a band of trees currently running along the boundary between the two sites which should, as a result of the proposed layout, be able to be retained within the scheme. The nearest proposed buildings are a mixture of two and three storey properties which would be located along the eastern and southern boundaries of the listed building. The proposed built development along these boundaries is intermittent as against being continuous.
17. Although the proposed development would affect the listed building and its setting, in view of the distance between built forms, the massing of the proposed buildings and the listed building having an extensive curtilage between it and the development site, it is considered listed building would retain sufficient setting and any impact would not be of a significance which would warrant refusal of the application. It is therefore considered that the proposed development accords with Policy EN28 of the Borough local Plan.

Landscaping

18. The site is already heavily landscaped along its northern, eastern and western boundaries together with intermittent landscaping elsewhere within the site. The overall site layout should allow the retention of some of this planting as well as other structured planting to be provided as part of a landscaping scheme. In view of these factors it is considered landscaping can be dealt with by condition.

Open space

19. The provision of informal and formal open space is a requirement of new housing development under Policy HO11 of the Borough Local Plan. The supporting text to the policy suggests that for larger developments, the Council will adopt the National Playing Fields Standard of 2.46ha per 1000 population. Assuming an average occupancy of 2.4 dwellings per hectare, this would place a requirement for 0.65ha of informal and formal open space. The development incorporates an area of open space of approximately 0.25ha within the centre of the site. Properties outlook onto the area which is intended to incorporate both open grassed areas as well as areas of landscaping. This area of land is considered to be sufficient in scale to offer informal recreation and amenity to the residents of the estate whilst in view of other provision within the wider area and in view of the majority of dwellings on the site having enclosed rear garden areas. In addition, the open space is located in a position which would allow active surveillance from the dwellings within the estate.
20. Due to the size of the area of land the Local Authorities open space adoptions officer has indicated that the land is too small for the Local Planning Authority to consider for adoption and that the maintenance of this land would therefore need to be carried out by private agreement. A condition has been attached requiring a management plan to be provided for the long term maintenance of this land.

Flood Risk Assessment and drainage considerations

21. The site falls within a Flood Risk Zone 1 area. The Environment Agency have raised no objection to the proposed development subject to suitable conditions being attached relating to foul drainage for the site and surface water drainage during the construction phase. The Environment agency have also advised that a Flood Risk assessment is required and it is the Local Planning Authority that should be satisfied that the Flood Risk Assessment fully considers the impact of surface water drainage.
22. The Environment Agency do not respond in respect to Zone 1 Flood Risk Assessments whilst Northumbrian Water have advised they would not wish to comment specifically in respect to the flood risk assessment.
23. The findings of the Flood Risk Assessment indicate that surface water currently flows to a soakaway within the site and that the proposed development would increase the impermeable area of the site from 28.3% to 43.3%. The development would therefore increase the surface water discharge rate of the site.
24. Northumbrian water have advised there is sufficient capacity to accept the foul drainage from the site, however, consider there may be insufficient capacity to accept the surface water flows into the drainage system. As such, the developer is required to consider other alternatives such as permeable footpaths.
25. The Flood Risk Assessment proposes to transfer the surface water under gravity to the stream to the north of the site via a pipeline to be constructed under the operational railway line and across the golf course to a new headwall structure at a convenient location on the stream. It is indicated that the Environment Agency have preliminarily agreed a discharge rate into the watercourse, being restricted to the discharge rate of the existing development. It is proposed that new foul sewers discharge to either a pumping station or treatment works constructed at an appropriate location on the development site.

26. Local residents have made comment in respect to flooding of the site whilst officers have witnessed standing water in the low lying areas of the site. The Flood Risk Assessment concludes that the risk of flooding from ground water is considered to be low and that the site may require some minor regarding works to remove the low lying areas. The surface water from hard standing areas will be discharged to a watercourse and therefore the risk of flooding from ground water will be reduced or at worst, remain unchanged.
27. In view of the matters raised and the findings of the Flood Risk Assessment, it is considered appropriate to make any approval of the proposed development conditional upon the agreement of an adequate drainage scheme and surface water attenuation scheme which can consider these matters in the necessary detail.

Access to 14 Railway Cottages

28. Objection and concern has been raised with respect to the existing access serving no.14 Railway cottages to the front of the site. Objectors advise that this access track is subject to unsociable behaviour and would have limited surveillance over it, making it a haven for undesirable people to congregate. It is understood that both the owner of 14 Railway cottages and Network Rail have a right of access over this access. The owner of 14 Railway cottages has suggested the access track be incorporated into the scheme as back gardens or similar and that the access to 14 railway Cottages be taken from the newly created internal estate road.
29. It is considered this would improve the appearance and layout of the site and this specific request has been made to Millers. Millers have advised however that in view of Network Rail's right of access over the track which runs alongside a stretch of line, they do not feel this to be suitable and do not wish to amend their layout in this respect.

Loss of car park serving Norton Golf Course

30. The proposed development would result in the loss of the car park and associated development which serves the Norton Golf Course. An application has been submitted for the provision of a new access track to serve the golf course off Blakeston Lane. This is currently been considered.
31. Sport England have objected to the loss of the car park and associated ancillary development if this would prevent the golf course from being used. Sport England have indicated that there is already a low level of provision for such facilities within Stockton Borough (in comparison with other areas).
32. The owners of the Golf Course have advised that they intend to gain additional access to the golf course, although have also indicated that if this is not possible, the use of the golf course will be abandoned.
33. Policy HO3 of the Borough Local Plan states that within the limits of development, residential development may be acceptable provided that it does not result in the loss of a site which is used for recreational purposes. Should no alternative parking provision be found for the golf course then it is suggested that this proposal would not accord with the requirements of Policy HO3 and should be refused. In order to address this issue, a condition is attached which requires an alternative car park to be provided prior to development commencing.

Security Issues

34. The Architectural Liaison Officer at Cleveland Police has raised several points of concern in respect to the layout of the site whilst made suggestions on security measures which should be incorporated into the scheme. Specific areas of concern related to the provision of long service paths to rear gardens, available surveillance within the estate and the retention of the unadopted access road which serves 14 Railway Cottages. Other general comments are made in respect to security measures which are suggested to be incorporated into the scheme such as security lighting, CCTV and slam lock access gates.
35. The site layout has been amended to reduce the extent of rear garden access paths which is considered to significantly improve the security aspect of these properties whilst should prevent the proliferation of bins being stored outside the fronts of properties. It is considered that security elements such as bulkhead lighting and slam locks for gates can be dealt with by condition which has been attached accordingly. The applicant is not willing to incorporate the access road to 14 Railway Cottages within the scheme as discussed elsewhere within the report.
36. Other areas of suggested security relate to the types of doors, windows, street lighting, fire exits and landscaping. The adequacy of the majority of these will be considered under 'Building Regulations' although landscaping will be considered by condition.

Other Matters

37. Within objections raised comment is made in respect to the refusal of a hotel on the site. This application was refused in 1991 and in view of changes to policies and standards since this date, it is considered the proposed development should be considered on its own merits and based on current, up to date guidance.
38. Objection has been made in respect to the noise assessment. It is suggested that the survey is only a snap shot of information and that this does not adequately take into account the complete use of the railway lines or indeed the future use of the lines. The Council's Environmental Health Officer has assessed the noise survey report and has raised no objection to the scheme subject to the provision of conditions relating to noise mitigation.

CONCLUSION

The proposed development is laid out in a manner which should adequately provide for the future residents of the site whilst the overall scale and design of properties should not result in the development being an incongruous feature within the immediate surroundings. Properties are sufficiently distanced from adjoining properties to prevent an undue impact on privacy or amenity being created whilst is sufficiently distanced from the adjoining listed building to prevent any detrimental impact on its setting.

Subject to the responses of English Nature and the Head of Integrated Transport and Environmental Policy being positive and subject to the provision of an adequate car park facility elsewhere, it is considered the scheme is in accordance with the relevant policies of the Borough Local Plan.

Human Rights Implications

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

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