

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE: 25th October 2006

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

06/2783/FUL

Harpers Garden Centre, Junction Road, Norton

Revised application for residential development comprising 46 no. dwelling houses and 36 no. apartments together with associated means of access and landscaping.

Expiry date: 5th December 2006

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 46 houses and 36 apartments 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 proposed development incorporates the provision of 6no. affordable housing units.

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 intend to continue its use through the re-provision of an access and car park on land to the north of the adjoining railway lines which has recently been granted planning approval under application 06/1632/FUL.

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

A total of 19 letters of objection have been received from nearby residents 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 developments 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. Objection has also been raised by Sport England in respect to the loss of the clubhouse associated with the golf course.

The Head of Integrated Transport and Environmental Policy has requested additional information and marginally amended details. Amended plans have been submitted which are currently being considered which will be commented on in an update report.

The Council's housing team consider the six affordable housing units to be adequate provision on site.

Subject to acceptance from the Head of Integrated Transport and Environmental Policy and the Councils Landscape Officer, in respect to the amended plans, and subject to the imposition of conditions, it is considered that the proposed development would comply with the requirements of policies GP1, HO3, HO4, HO11, EN6 and EN28 of the Stockton on Tees Local Plan.

RECOMMENDATION

It is recommended that application 06/2783/FUL be approved subject to the applicant entering into a Section 106 agreement relating to the provision of on site affordable housing and subject to the following conditions:

- 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): - To be confirmed.***

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 off-site 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.

18. **Notwithstanding details hereby approved, the precise details of the pumping station shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved plans.**

Reason: In order to adequately control the appearance of the development.

19. **No development shall take place unless in accordance with the mitigation detailed within the protected species report (A bat and barn owl survey of land north of Harpers Nursery, Norton, Stockton on Tees, E3 Ecology Ltd; R02 Final 25/08/06) including, but not restricted to adherence to timing and spatial restriction; provision of mitigation in advance; undertaking confirming surveys; adherence to precautionary working methods; provision of bat boxes in advance; provision of 16no. bat roost sites type C apartment buildings.**

Reason: To conserve protected species and their habitat.

Heads of Terms

A Section 106 agreement is required in respect of the provision of six Affordable Housing Units on the site

BACKGROUND

1. Planning Committee refused planning permission (06/1080/FUL) on the 14th July 2006 for the erection of 99 dwellings at this site. The reasons for refusal were as follows;

“In the opinion of the Local Planning Authority the position, design and appearance of the proposed development incorporating 4 storey buildings and the rear of properties fronting on to a principal road would have a detrimental impact on the character and appearance of the area making it a less attractive place in which to live contrary policies GP1 and HO11 of the Adopted Stockton on Tees Local Plan.

The proposal does not accord with the Designing Out Crime Principles and in the opinion of the Local Planning Authority the proposed layout would encourage anti social behaviour and thereby have an unacceptable impact on crime and disorder in the area contrary to Section 17 of the Crime and Disorder Act”

2. The refused scheme included the provision of four storey apartment blocks to the rear of the site whilst it retained an access track to the front of the site, both of which, amongst other elements have been omitted and amended by

the current proposal.

THE PROPOSAL

3. 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 82 dwellings and associated infrastructure, would result in the loss of the garden centre as well as the car park, clubhouse and ancillary development associated with the golf course immediately to the north.
1. The proposed development incorporates several house types and sizes including terraced, semi detached and detached as well as a range of three storey apartments to the rear of the site. There is an area of open space located relatively central within the site and an access link to the existing adjoining property in the north western corner of the site.
2. Access to the site is gained from Junction Road, adjacent to which is the emergency access for the site. The internal road layout forms cul de sac areas.
6. The operators of the golf course to the north intend to continue the use of the golf course its use through the re-provision of an access and car park off Blakeston Lane. Approval for such provision has already been granted under planning approval 06/2543/FUL

CONSULTATIONS

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

Head of Integrated Transport and Environmental Policy

8. The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end the following matters are amongst those requiring attention
 - The application is for full planning consent for an 82 residential unit development accessed off Junction Road. The development is situated on land bounded by Junction Road to the south and railway tracks to the north, west and east. The development site currently serves a garden centre and a golf clubhouse, which is accessed by a simple priority junction.
 - HITEP comments in relation to the proposed access / junction into the site will remain the same as the previous application (06/1080/FUL, points 2,3,4,5, 6 and 11) and would need to be undertaken by way of a Section 278 agreement.
 - Driveways should be at 90 degrees to the carriageway.
 - Traffic calming within the proposed development will be required in accordance with the Design Guide and Specification.

- Driveway to plot 68 should not be located on the radius.
- Plots 56 and 57, confirmation of a double drive is required.
- Plot 66 - confirmation that there is sufficient space for 3 vehicles is required.
- Plot 1 not acceptable as there is insufficient space for 3 vehicles
- Garage and driveway for plot 76 sited away from the property, which is not ideal.
- There should be 54 spaces provided for the apartments, from calculations it would appear there are only 53 provided. Two of the visitor spaces provided to the north of the bin store are unacceptable as when both accessing and leaving them it would involve a vehicle travelling over a substantial area of footway, which is unacceptable.
- Bend on western cul-de-sac should be widened on the bend to 5.5metres.
- Provision of cycle parking should be considered.
- Site levels will be assessed in detail as part of the Section 38 agreement.

Development Plans Officer

9. "The Panel for the Examination in Public (EIP) of the Regional Spatial Strategy (RSS) recommended an increased allocation for Stockton on Tees. However, the Boroughs increased allocation to 2021 has already been substantially committed. The Council needs to give careful consideration to the implications of the heavy front-loading of the Boroughs housing quota in a forward planning context. This is with particular regard to the Councils aspiration to integrate the delivery of housing with the themes identified in the Community Strategy for the Borough and with the advice in PPG3 that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle (para. 10).

It is not proposed at the present time to introduce a housing restraint policy. However, the Council will continue to monitor the level of housing that is committed in the Borough and consideration will continue to be given to the option of introducing a housing restraint policy."

Joint Public Transport Group

10. Consideration should be given to the developer providing bus stops to serve the site, in lay-bys if necessary, and to include raised bus platforms. Otherwise the nearest bus stops are in The Glebe or on Junction Road.

English Nature

11. Based on the information provided, English Nature is satisfied that the above proposal is unlikely to have an adverse affect in respect of species especially

protected by law, subject to a condition requiring development to take place in accordance with the submitted information.

Cleveland Archaeologist Section

12. The site previously contained a number of features of industrial archaeological interest. These would appear to have been cleared with little potential expected from below ground remains. I therefore have no objections to the proposal and no further comments to make.

NEDL

13. No objections

Sport England

14. Summarised:

While Sport England welcomes the retention of the golf course, the applications do not detail that a replacement clubhouse is to be provided. If this is the case, the residential development will still lead to a loss in the quality and appeal of the golf course. On this basis Sport England would wish to object to the residential development application.

15. No response has been received from the following consultees. Any reply received before Committee will be included in an update report.

- Care For Your Area
- The Environment Agency
- Network Rail
- Tees Valley Wildlife
- Highways Agency
- Councillors
- Corporate Director Children, Education And Social Care
- Payphone Planning
- Environmental Health Unit
- Northumbrian Water Limited
- Northern Gas Networks
- Landscape Officer
- Police Crime Reduction Architect
- Historic Buildings Officer

PUBLICITY

16. Following publicity to the application a total of 19 objections were received in respect to the application from the following properties:

Alanbrown46@yahoo.co.uk, 8, 10, 12, 14, 15, 16, 17, 23 Chelsea Gardens' Norton, 6, 18 Syon Gardens Norton, 3, 10Kew Gardens Norton, 3 Kenley Gardens' Norton, Chris@archer2112.fsworld.co.uk, 94, 106 Junction Road' Norton, 3, 14 Railway Cottages' Norton

17. Objections raised are summarised as follows:

- The proposed development remains to contain apartment blocks, and

although there has been a reduction in height by 1 metre, they will remain to be a blot on the landscape. Providing 2 bedroom starter houses instead of apartment blocks would be more in keeping with the neighbouring residential developments whilst remaining within Government guidelines on net density.

- The inclusion of bin stores will render the development even less visually appealing and would no doubt become an ideal canvas for graffiti artists.
- Most of the existing trees would be removed and new planting of hedges and shrubs will be provided which may fall within private garden areas and therefore fall to the individual property owners to maintain.
- The area of public open space is not of a size that the Local Authority would adopt and maintain and would therefore be maintained privately. This raises concern in view of the track record of some developers.
- The development has included the access track to the south west corner in an attempt to 'design out crime' although it is suggested that the public open space and the provision of trees thereon is just as likely to attract those who are intent upon anti social behaviour.
- The new layout, although been reduced in number includes a significant number of house types attractive to larger family units with the consequence of 2 or 3 vehicles per household. This results in a significant number of vehicles using the development, having a detrimental impact on Junction road and the associated highway safety at a particularly dangerous point, which is commonly used by emergency service vehicles. The introduction of refuges from traffic as road safety measures further along Junction Road have already caused an accident and are therefore considered to provide additional hazard.
- Insufficient parking is provided in recognition that the majority of families have 2 cars, resulting in cars parking onto the highway.
- Little regard has been given to the effect of the development on traffic which will be increased, taking into account the development at West Quarry and the fact that there will be seven sets of traffic lights between Durham Road and The Glebe following the implementation of these developments.
- Apartments are not suitable properties for families who may wish to live here in view of the proximity of local schools.
- Significant number of accidents along this stretch of road.
- Loss of a local facility in respect of the garden centre
- Clarification is sought in respect to the appearance of the pumping station
- High quality housing would fit better with the position of the site.
- Objection to the loss of greenery and screening on the site.
- Increase and excess pollution as a result of additional vehicles.

- Impact of construction traffic – additional pollution
- Tesco has increased traffic along the road, as has the operation of a car boot fair off Blakeston Lane. There are already tailbacks and congestion which this development will affect further and which will have an impact on highway safety, as well as the response times of emergency vehicles
- The golf course is a valued local leisure facility and the proposed development will remove access and parking.

PLANNING POLICY CONSIDERATION

18. 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.
19. 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

20. 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.

Principle of Development

21. The garden centre and car park area are business uses 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

22. 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 highway narrows which in itself, results in congestion, an issue that will be made worse by this development.

23. The general principle of the development is accepted on highways grounds although highways implications of the recently submitted amended plans are being considered and will be commented upon in an update report.

Site Layout and Design

24. The proposed layout achieves adequate spacing between properties internally, provides garden areas to dwellings whilst incorporates an area of open amenity space.
25. Property types at the entrance to the site include a mix of terraced; semi detached and detached housing whilst the larger three storey apartment blocks are set to the rear of the site.
26. 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 adjacent to the site. The boundary of the application site varies from between approximately 40m and 65m away from the rear elevations of properties to the east. In view of these distances, and the development nearest to such properties being only 2 storeys in height, it is considered that residential amenity and privacy would not be unduly compromised.
27. Formal bin stores are provided within the site associated with the flatted development. These are located in relatively prominent positions however, are of a design and appearance consistent with the dwellings in respect of materials and through the provision of adequate landscaping, should in part be screened.
28. It is considered the mix of property types, the layout which incorporates both inward and outward facing properties, and the staggered building lines, result in an estate of properties which is acceptable in design and appearance and which would not be incongruous with the character of the surrounding area.

Affordable Housing

29. 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 has been agreed that 6 units of affordable housing will be provided within the site through the provision of a Section 106 agreement.

Protected Species

30. The application has been supported by an ecological survey. English Nature consider the impact of the development to be acceptable subject to

suggested conditions being attached which require the development to be carried out in accordance with the Ecological survey and mitigation measures. An appropriate condition has been attached.

Archaeology

31. Tees Archaeology has raised no objection to the proposed development. In considering the previous proposal, although objection was raised from a neighbour to the site regarding an existing wall on the site and its previous use as a railway platform. Although this element is not considered to be worthy of any formal protection, it is a historical element of the site and it is considered the site would benefit from its retention, which could be achieved without unduly compromising the scheme. 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

32. 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. Only the railway cottage is mentioned within the listing. The cottage is distanced from the development by its curtilage and other buildings.
31. The listed cottage is located approximately 65m away from the boundaries of the application site. 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.
32. 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

33. 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. Although objection has been made in respect to the loss of landscaping on site, it is considered the retention in part and provision of a new scheme will adequately provide adequate landscaping for the site.

Open space

34. 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 persons per dwelling, this would place a requirement for 0.48ha of informal and formal open space. The development incorporates an area of open space of approximately 0.14ha 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 given also other provision within the wider area and in view of the majority of dwellings on the site having enclosed rear garden areas, some of which are relatively large. In addition, the open space is located in a position, which would allow active surveillance from the dwellings within the estate.

35. 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

36. The site falls within a Flood Risk Zone 1 area. The Environment Agency raised no objection to the previous application relating to the proposed development of the site subject to suitable conditions being attached relating to foul drainage for the site and surface water drainage during the construction phase. The Environment Agency also advised that a Flood Risk assessment is required and it is for the Local Planning Authority to be satisfied that the Flood Risk Assessment fully considers the impact of surface water drainage.
37. 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.
38. 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 40%. The development would therefore increase the surface water discharge rate of the site.
39. Northumbrian Water have not yet commented on this application although advised in relation to the previous proposal for 99 dwellings that there is sufficient capacity to accept the foul drainage from the site. However, Northumbrian Water considers 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.
40. 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 has 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.

41. 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 works 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.
42. 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

43. Question has been raised whether the proposed new access point to 14 Railway Cottages is adequate to allow emergency vehicles to gain access. This has been forwarded to the Head of Integrated transport and Environmental Policy for comment and his response will be attached to the update report intended for this application.

Loss of facilities associated with Norton Golf Course

44. Sport England has objected as a result of the loss of the clubhouse associated with the development. The proposed development would also result in the loss of the car park and other associated development although these are to be re-provided on land off Blakeston Lane. In view of this re-provision it is considered the Golf Course will be able to remain, offering its provision and although there is to be no club house on the new site, this is not in itself considered to be a significant loss, in view of it not being a specific requirement for the operation of the golf course.
45. In order to ensure the new provision is created in accordance with Policy HO3 of the Borough Local Plan, it is considered necessary to include a condition, which requires the re-provision to be brought into use prior to closure of the existing.

Security Issues

46. The site layout has been amended from that of the previously refused scheme to reduce the extent of rear garden access paths, turn properties to front onto Junction Road and has resulted in the development of part of the existing access track to the south western corner of the site, all of which were raised as security issues in the previous application. It is considered that further secure elements can be achieved such as bulkhead lighting and slam locks for gates, which can be dealt with by condition.

Residual Matters

47. 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

previously assessed the noise survey report and raised no objection to the scheme subject to the provision of conditions relating to noise mitigation. These are recommended.

48. The Joint Public Transport Group have indicated that the developer should explore the possibility of providing two new bus stops along Junction Road to serve the development. The Head of Integrated Transport and Environmental Policy has considered this in view of the constraints which are currently in existence along this stretch of Junction Road such as other junctions, traffic lights, bridges and land levels. It is considered that such provision would not be easily achievable and as such provision of such has not been made a requirement of this proposal.

CONCLUSION

49. 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 and there is also sufficient distance from the adjoining listed building to prevent any detrimental impact on its setting.
50. Subject to the minor amendments to the plan layout being acceptable in terms of highway safety and provision and in landscape terms, it is considered the scheme would accord with the relevant policies of the Borough Local Plan.

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Financial Implications

None

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

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

Background Papers

Adopted Stockton-on-Tees Local Plan (June 1997)
Planning Applications 06/1632/FUL and 06/1080/FUL

Ward Norton West

Ward Councillors Councillor Mrs P. A. Cains,

Councillor R Cains