

DELEGATED

AGENDA NO

PLANNING COMMITTEE

31st January 2007

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

06/3612/FUL

69 - 71 Greens Lane, Hartburn, Stockton On Tees

Revised application for residential development of 16 no. apartments in two blocks and 3 no. dormer bungalows, associated new access road and demolition of the two existing buildings.

Expiry Date: 2 March 2007

SUMMARY

Planning permission is sought for a residential development of 16no. apartments split of over two blocks and 3no. dormer bungalows with ancillary development including car parking, cycle and bin store and a vehicular access onto Greens Lane.

The application is a revision to application 06/1182/FUL which was refused by the Planning Committee on grounds of the proposed development being an over development of the site, having an unacceptable overbearing impact on the amenities of the occupiers of the adjacent residential properties and being provided with an access which is unacceptable as it would not provide the required visibility splays.

33 letters of objection have been received in respect to the proposed development. The main objections relate to the demolition of two high quality properties currently on the site, the scale and design of the development, its impact with regards to parking, traffic generation and pedestrian safety, the loss of landscaping, the provision of flatted development generally and the over development of the site.

The proposed development is considered to achieve adequate spacing between proposed dwellings as well as those existing dwellings surrounding the site, to prevent any significant undue impact on privacy or amenity. It is considered that the current submission addresses the previous reasons for refusal in respect to this. The design and general layout of the site and the impact on tree cover within the site are all considered to be acceptable for the area based on there been a mix of property types and styles within the area and a significant amount of landscaping remaining within the site.

Based on the comments of the Head of Integrated Transport and Environmental Policy, it is considered that the proposed development adequately provides parking and access for the development, subject to the requirement for a Traffic Regulation Order in respect of preventing traffic parking within the visibility splay of the access.

There is limited area for play provision or open space within the site. As such a commuted sum has been agreed in lieu of on site provision.

RECOMMENDATION

It is recommended that planning application 06/3612/FUL be approved subject to the following conditions and subject to the applicant entering into a section 106 agreement in respect of the provision of a commuted lump sum in lieu of the provision of on site amenity space and in respect to the provision for a Traffic Regulation Order and subject to this being carried out prior to the 2nd March 2007.

Should the section 106 agreement not be signed prior to the 2nd March 2007, it is recommended that the application be refused.

- 01. 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.

- 02. 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.

- 03. 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.

- 04. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.**

Reason: To take into account the impact of the development on the surrounding development.

- 05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping. Such a scheme shall detail the following: -**
- a) Hard and soft landscaping including all boundary treatments,**
 - b) Soil depths, plant and tree species, numbers, densities, locations, and sizes, planting methods, maintenance and management.**
 - c) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).**
 - d) Areas of level change,**
 - e) Precise locations of protective fencing,**
 - f) Areas of material storage within the site, and**
 - g) Excavations required for service runs.**

The development shall be carried out in accordance with the approved details. Planting works 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: In the interests of visual amenity and in order to adequately protect the landscape features of the site.

- 06. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-**
- a) All external windows and doors shall be recessed from the face of the building by 75mm.**
 - b) All external rainwater goods shall be black in colour**

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 07. Prior to works commencing on site a scheme for a temporary car park to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to commencement of any development to provide in curtilage parking for persons working on the site.**

Reason: In the interests of highway safety

- 08. 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.

- 09. During the construction phase of the development there shall be no burning of waste on the site.**

- Reason: To protect the amenity of the occupants of nearby properties.**
- 10. During construction of the scheme hereby approved there shall be no development works undertaken 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.

- 11. Notwithstanding details hereby submitted, the development hereby approved shall not be occupied until a scheme for bin and cycle stores has been submitted to and approved in writing with the Local Planning Authority and the approved details have been implemented on site.**

Reason: In order to achieve adequate provision on site.

- 12. Notwithstanding details hereby submitted, prior to occupation of any dwellings on site, details of a proposed pedestrian link from the southwestern corner of the site onto Greens Lane shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site prior to occupation of the development.**

Reason: In the interests of highway safety

- 13. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Greens Lane, Stockton - Summer Bat Survey report by Argus Ecological Services dated October 2006 including but not restricted to the provision of mitigation in advance; undertaking confirming surveys, where required, adherence to precautionary working methods, provision of crevice roosts and bat boxes. The developer should advise the Local Planning Authority in writing within 28 days of the implementation of the mitigation as specified.**

Reason: In order to adequately protect protected species and to allow the Local Planning Authority to confirm compliance with the condition.

- 14. No demolition works shall take place during the bat hibernation period of November through to March or the bat maternity period of May through to August due to the potential of buildings supporting hibernating or breeding bats, unless a confirming survey has been submitted to and approved in writing by the Local Planning Authority which indicates an absence of such roosts, immediately prior to the commencement of demolition. The roofs and eaves of the two buildings must be demolished by hand under the supervision of an appropriately qualified ecologist in order to minimise the residual risk of bats being harmed by the proposals.**

Reason: In order to minimise the risk to protected species.

- 15. Notwithstanding details hereby submitted, prior to occupation of any dwellings on the site hereby approved an unobstructed visibility splay of 4.5m x 90m shall be provided at the entrance to the site to the written satisfaction of the Local Planning Authority.**

Reason: In order to ensure the development adequately provides for its intended use in accordance with Policy HO11 of the Stockton on Tees Local Plan.

- 16. 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 areas of space which will not form private curtilages of individual properties 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.

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the scale and design of the proposed development is considered adequate for its surroundings, which currently incorporate a variety of scales and design. The proposed layout should prevent any significant undue impacts on the amenity and privacy associated with existing development or those proposed within the scheme. The proposed scheme makes adequate access and provision of parking and overall impacts on highway safety are considered to be acceptable. Necessary account has been taken with respect to protected species and existing landscaping on the site and there are no other material considerations which indicate a decision should be otherwise

Local Plan Policies of the Stockton on Tees Local Plan

GP1,
HO3,
HO11,
TR9

Should planning permission be granted, this does not absolve the developer of the site from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the circular.

HEADS OF TERMS

A commuted lump sum of £11,900 is required in lieu of the provision of informal and formal recreation space. This would be used towards the provision of active off site recreation within the locality.

A commuted lump sum of £1,500 is required in order that a Traffic Regulation Order can be implemented, to ensure that the visibility splays at the proposed access to the development are kept clear of parked vehicles at all times.

BACKGROUND

Planning permission was recently refused at the site for a residential development comprising 14no. apartments and 5no. cottages. The scheme required the demolition of 2 existing dwellings on the site and proposed to replace them with three

blocks of development, a terrace of 4 two-storey cottages, a split height block of 5 apartments and a split height block of 9 apartments and one cottage.

Planning permission was refused at committee on the 19th July 2006 for the following reasons: -

In the opinion of the Local Planning Authority the proposed development by virtue of its size, height and siting would be an over development of the site and have an unacceptable overbearing impact on the amenities of the occupiers of the adjacent residential properties contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

In the opinion of the Local Planning Authority the proposed access to serve the development is unacceptable as it would not provide the required visibility splays and would give rise to unacceptable hazardous conditions for vehicles entering and leaving the site as well as pedestrians contrary to policies HO3 and HO11 of the adopted Stockton on Tees Local Plan.

This refusal is currently the subject of appeal which remains to be determined.

THE PROPOSAL

1. This application relates to a revised proposal for a residential development of 16 no. apartments in two blocks and 3 no. dormer bungalows associated new access road and demolition of the two existing buildings. The three blocks of development are scaled as follows: -
 - A terrace of 3 dormer bungalows each being staggered from one another, having an eaves height of 2.5m and a ridge height of 5.5m.
 - A split height block of 5 apartments measuring 19.8m in width, 8.8m max. in depth. This block has a split height, the ridge height of each section being 9.4m and 6.75m.
 - A split height block of 11 apartments, which is L shape in plan. The maximum dimensions of this building are 29.7m in width, 15.8m in depth and 10.3m to ridge.
2. The layout provides a 24 space communal car park for the 16 apartments (1.5 per unit) whilst the remaining three bungalows each have an integral garage and parking space.
3. The parking areas are served off a turning head access point which links the internal part of the site to Greens Lane. The access is shown as achieving a 4.5m x 90m visibility splay.
4. A covered cycle store has been indicated for the storage of 7 cycles adjacent to the car park area whilst a lockable enclosure is indicated for 4no. Euro bins, located adjacent to the turning head section of the access.
5. Landscape details have been submitted which show a total of 10 TPO'd trees as remaining and one TPO'd tree being removed. Other trees within the site indicated to be removed are generally located centrally within the site whilst the majority of perimeter trees are shown as being retained.

6. It is indicated that a new fence boundary will be provided along the northern boundary with the adjoining bungalows within Levisham Close. The fence is specified as being a timber acoustic barrier 2.4m in height.

PUBLICITY

The neighbours (if applicable) have been notified individually. The neighbour consultation period expired on 25 December 2006. 33 letters of objection have been received in respect to the proposed development. In addition, a petition of 78 signatures has been submitted. The objections raised relate to the following addresses.

28 Dunedin Avenue, 6, 22, 30 Highfield Crescent,
1, 2, 3, 15 Greenwood Road, 4, 5, 6 Levisham Close,
4, 8, 10, 12, 14 Green's Lane,
1, 2, 5, 9 Stonecrop Close,
12 Woodside Grove' Hartburn
A.duffie@ntlworld.com,
Hhjmittchell1@aol.com'
Rejecttheapplication@hotmail.co.uk'
Hartburn Primary School' Adelaide Grove

Objections are summarised as follows:

Highways Matters

- The proposed development has insufficient parking provision, which would result in vehicles parking on Greens Lane.
- Greens lane is a busy Road, which already suffers congestion mainly as a result of the adjoining school and nearby Methodist chapel. The development would add to this congestion and raise safety issues for children crossing the access to and from school.
- Where will the displaced cars go from the visibility splay?
- It is requested that a traffic survey is carried out at all times of the day.
- The cycle crossing in the area would be adversely affected by the development.
- Planning permission has previously been refused on Greens lane for additional displaced parking on Greens Lane been unsafe and disruptive to traffic flow.
- The traffic survey is inaccurate and misleading.
- Congestion of the road takes place between 8.40 – 9.15 and 3.15 – 3.45, being linked with the adjoining school.
- Driveway access and ingress will be increased significantly which will affect highway safety for persons crossing the junction. If the visibility splay is controlled from parking, this will have an impact on the parking of other vehicles.

Design, appearance and layout

- There are no apartments in the area and this type of development will be out of keeping with the area.
- The demolition of the two substantial and attractive houses will inevitably detrimentally alter the character of the area.

- The density of housing will be dramatically higher than any other location in and around the proposed site.
- It will result in an over development of the site whilst will not add anything to the site.
- The existing building platform is 1.5m above road level. In view of levels issues across the site, can the development be constructed at road level?
- The main apartment block will dominate Greens Lane as a result of its height, scale and location as well as its proposed use of brick.
- The development will affect the mature trees on the site.
- The development would be outside of the building line of Greens Lane.
- The development achieves a density of 55.9 dwellings per hectare, above the guideline of 30-50 dwellings per hectare and as such is an over development of the site.
- Design is out of keeping with the area.

Impact on surroundings and adjoining properties

- Security of adjoining properties could be more easily breached during construction phases of the development.
- Concern over the overall height of the buildings and the resultant impacts on privacy.
- The development will cause a great deal of noise and disturbance during construction and the movement of traffic which will in turn affect highway safety.
- It is requested that the working hours be limited between 8-5.30 weekdays 8.30-1.30 on Saturdays and at no times on Sundays or bank holidays. Furthermore, it is requested that burning of rubbish is not allowed, that demolition is controlled in respect to dust and asbestos and that the proposed fencing and hedging be given priority prior to demolition to minimise security risks, noise reduction and breach of privacy.
- The owner of the bungalow to the north east of the site is not convinced the reduction to the side elevation is adequate to restore full sunlight to the property.
- The opposing properties will suffer from loss of amenity and privacy, having headlights shining toward their properties.

Other matters

- It will set a precedent for other sites in the area.
- Many flats within the area remain to be unsold or not let.
- The development will not bring the right people to the area.
- The small bungalows to the rear of the site will be totally over whelmed.
- There is no regular bus service to the site.
- Harpers Parade is located 300m away, not 255m, being contrary to the 250m requirement within SPG4.
- Northumbrian Water has advised that the sewerage system is at design capacity and may not be able to accept additional flows.
- No provision is made for recycling whilst the bin store backs onto the primary school.
- Insufficient cycle storage is provided.
- Damage will be caused to local bat inhabitants.
- It is questionable whether the bins sufficient in size and may result in overspill and vermin.
- Concern over the maintenance of the amenity space around the buildings.

PLANNING POLICY CONSIDERATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

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.

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 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 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.

SITE AND SURROUNDINGS

7. The site is located on Greens Lane approximately 210m away from its junction with Darlington Road. The site measures approximately 0.34ha and comprises two large detached dwellings and extensive mature gardens. Each property has an access onto Greens Lane, although properties are partially screened from Greens Lane as a result of an existing fence along the southern boundary of the site and existing landscaping.
8. There is a primary school adjoining the southern and eastern boundaries of the site, Greens Lane lies to the southwest with residential properties and open space to the north. The adjoining properties comprise of a pair of semi-detached houses and three bungalows. Two-storey semi detached housing is located on the opposing side of Greens Lane.
9. The site incorporates a variety of landscaping, having several trees covered by a tree Preservation Order, the most prominent of which is a row of Poplars, which dominate the site boundary to the north.

MATERIAL PLANNING CONSIDERATIONS

10. The site is located within the defined limits of development, which as a result of the existing properties on site is classified as being brownfield. As such, the proposed development needs to be considered mainly against policies GP1, HO3, HO11, and TR9 of the Local plan. The proposed scheme incorporates an element of flatted development and as such Supplementary Planning Guidance Note 4 on flatted development is also a material planning consideration.
11. The proposed development is a revision of the earlier refused application, the reasons for refusal of which have also been considered. The proposal is considered as follows: -

Principle of residential development

12. The site falls within the limits of development as defined within the Borough Local Plan whilst is not allocated for another use, used for recreational purposes or located under electricity lines. The proposed development would result in the loss of the existing dwellings on site, which are a positive attribute to the character and appearance of the area, as is their landscape setting. However, these properties are not listed and as such the redevelopment of the brownfield site is considered to accord with the principles of government guidance and Policy HO3 of the Borough Local Plan.

Supplementary Planning Guidance Note No. 4

13. SPG 4 relates to the special requirements of locating flatted developments, to ensure flatted development is located within close proximity to the relevant services and provisions, which would be required by the occupants of such a development.
14. The site is within the limits of development, is brownfield, is located within 500m of a regularly serviced bus stop and 270m of the Harpers Parade neighbourhood centre which itself offers a variety of provision. Although SPG 4 requires flatted development to be within 250m of a neighbourhood centre

the overall affect of the additional distance is not considered to be significant. The development would result in a density of approximately 56 dwellings per hectare, which, in view of its location in respect of the nearby shopping parade, is considered to be suitable. Where flatted development is not the only element of a proposal, SPG 4 does not require strict compliance with the criteria listed, and in this instance, the proposed development is considered to accord with the principles of SPG4 relating to sustainability of the sites location.

Design, scale and appearance of development

15. The proposed development incorporates a block of three dormer bungalows to the northeastern section of the site, each having its own curtilage and associated parking. These are generally low in height and should blend with the surrounding built form, which includes both single storey and two-storey accommodation. The bungalows are of a design, which although not a specific characteristic of the area, is considered to be acceptable, having a cottage style appearance and incorporating details such as chimneys and water tabling. See appendix ref. 4 (previous building outline shown overlaid)
16. The two blocks of apartments have been amended in their provision and scale since the refusal of the previous application (see appendix ref. 3 and 5). The appearance and scale and of the building incorporate similar features to the proposed cottages such as chimneys and water tabling although introduce additional details such as boarded doors, archway openings, bay windows and feature windows.
17. The scheme includes a mix of elevation heights including two storey, two and a half storey and three storey across the different building types, which results in various breaks in rooflines and elevations. Each block of development is unique to one another in respect to scale, height and appearance whilst the plans submitted show a difference in elevation treatments and roof coverings between the apartments and cottages.
18. The southern elevation of the main apartment block adjacent to Greens Lane has an elevation which incorporates detail such as bay windows and doors, which allows this elevation to give the appearance of being outward looking as against inward facing development. This is considered appropriate in view of the surrounding street scene being characterised by street facing properties.
19. The proposed buildings have been designed having a historic appearance, which should generally allow it to blend with the surrounding properties, as against being a bold modern development, which would have a greater contrast. Although the proposals incorporate flatted development, which is not a common property type within the area, it is considered that there are no reasons why the principles of flatted development are unacceptable. A condition has been included to the recommendation in order to achieve suitable detailing and subject to the use of appropriate materials it is considered the proposed development is of an appropriate design, scale and appearance, being in accordance with Policy HO11 of the Local Plan.
20. The layout of the site achieves adequate spacing from the boundaries with adjoining uses whilst provides general amenity space to achieve adequate internal spacing between built development.

Impact on surrounding properties

21. The impact of the development on the surrounding properties can be considered based on the three areas of development, these being the dormer bungalows, the 5no. apartment block and the 11no. apartment block. These are considered as follows: -
22. The proposed dormer bungalows located in the north eastern corner of the site are adjacent to the school grounds to the north east and south east whilst have existing bungalows adjoining the northern boundary. The proposed dormer bungalows are set in from the curtilage of the adjoining bungalows by approximately 2.5m, achieving a distance of 11m between the rear corner of the proposed bungalow and the rear elevation of the existing adjoining bungalow of no. 6 Levisham Close. In view of the bungalows having a relatively low height and being at an oblique angle to the existing bungalows, it is considered that this distance will retain an adequate degree of privacy and amenity associated with the adjoining properties. The front elevation of the proposed dormer bungalows are located 16m from the elevation of the main apartment block and are located at oblique angles to one another and as such it is considered these buildings would achieve adequate spacing.
23. The proposed block of 5no. apartments located in the north western corner of the site has been relocated in comparison to the previously refused scheme in order to reduce its impact on the adjoining bungalow of no. 7 Levisham Close. The apartment block is set in from the curtilage boundary to the north by approximately 6m, achieving a distance of approximately 14m between its side elevation and the rear elevation of the adjoining bungalow. To the southwest, the side elevation of the apartment block is located approximately 16m from the rear elevations of the adjoining properties. This apartment block has also been reduced in height from the previous refusal, having an eaves height of 4.28m to the northern gable and 6.9m to the southern gable (see appendix ref. 3 which shows previous scheme outlined). In view of the distance between opposing properties, the height of the proposed apartment block and it being the side elevations, which face adjoining properties, it is considered that this block would not have a significant detrimental impact to the amenity and privacy of the adjoining properties.
24. The proposed block of 11 apartments is shown located approximately 7.5m from the side elevation of the adjoining property to the west, having only an access door within the facing elevation. The main block achieves approximately 30m spacing between itself and the existing semi detached houses on the opposing side of Greens Lane. Although the proposed apartment block is three storeys in height and the site is slightly elevated, it is considered that the distance between opposing properties is adequate, particularly as there is an intervening highway. In order to control the overall levels on the site, a suitable condition is recommended.

Impact on the area in general

25. Several of the trees on the site have been subject to a Tree Preservation Order and are shown as being retained as part of the development as are numerous unprotected trees. The scheme proposes the removal of one tree covered by a TPO and several unprotected trees. The proposed development should result in the majority of the landscape boundary of the site remaining in place offering screening and general amenity to the area. The Councils landscape officer considers this is an acceptable situation subject to a suitable landscaping scheme being achieved on site.

26. As a result of the tree retention on the site and the specific design and appearance of the buildings, it is considered the development has taken into account the character of the locality and the important features of the site, in accordance with the requirements of the Policy HO3 of the Borough Local Plan.

Highway safety issues

27. The Head of Integrated Transport and Environmental Policy consider the access, internal highway layout, likely traffic generation and parking associated with the proposed development to be acceptable. Objectors consider there to be an insufficient level of parking, however, the site achieves 1.5 spaces per dwelling which accords with the Councils Design Guide.
28. A 4.5m x 90m visibility splay has been indicated and in order to ensure its provision is achieved a condition has been attached accordingly. In view of their being no hard surfaced pavement proposed on the western side of the access road, it is considered that a pedestrian link from the site onto Greens Lane would be required and is conditioned accordingly. The Head of Integrated Transport and Environmental Policy has indicated that a commuted sum of £1500 would be required for the provision of a Traffic Regulation Order to ensure that the visibility splays at the proposed access to the development are kept clear of parked vehicles at all times.
29. In view of the adequate provision of parking and visibility splays being provided, it is considered the proposed development would adequately provide for its intended use without giving rise to specific highways related matters. Objection is made in respect of the existing congestion occurring within the section of highway within the proposed visibility splay. It is indicated that this relates to school traffic and question is raised as to where this parking will be displaced. With regard to this, it is considered that there are other minor roads adjoining the school which may be more suitable for school traffic, although, the peaks associated with the school are likely to differ from those associated with the proposed development. Furthermore, officers have been advised that the school is preparing a green travel plan which itself may reduce the amount of traffic within this area generally. In view of these matters, the proposal is considered to accord with Policies GP1 and TR9 of the Local Plan.
30. Further objection is made with respect to the safety of pedestrians crossing the proposed access, however, this is not considered to be any different from any similar access crossing a footpath, which requires general road sense to be adopted.

Play space

31. The proposals provide individual domestic garden areas to the front and rear of the proposed bungalows and communal space around the apartments. However, the scheme fails to provide any meaningful formal or informal play space as required by criteria ii of Local Plan Policy HO11.
32. It is considered that a site of this scale would be unable to provide any meaningful play space without either significantly reducing the scale of the scheme or without detrimentally affecting the levels of privacy and amenity, which the occupiers of the dwellings could reasonably expect to have. In view

of this and the requirement under Policy HO11 to adequately provide such space, the applicant has agreed to enter into a S106 agreement to pay a commuted sum of £11,900 to the Local Authority in lieu of such space, which will be used in connection with off site recreation within the locality.

Other matters

33. The scheme achieves a 12m-separation distance between the playground and the nearest main elevation of the development, which is considered sufficient to prevent any undue impact on the playground or indeed its users. The Local Planning Authority has no control over the nature of the occupants of the proposed dwellings.
34. Objection is raised in respect to refuse bins and the clutter, pollution and potential for vermin to be attracted. The layout incorporates a bin store, which should allow a refuse vehicle to enter the site and empty the bins within the store. If operated and maintained effectively this should be adequate provision whilst would prevent any bins acting as obstacles on Greens Lane.
35. The proposed development would result in the demolition of two dwellings which are relatively old and which could potentially act as a roost for bats. As such, a condition has been recommended to mitigate the potential impact on bats.
36. Concern is raised over the impacts of the construction phase of the development. These are generally accepted as a requirement of developments, however in view of the proximity to surrounding dwellings it is recommended that conditions are attached relating to the burning of waste and the times of operation.
37. In order to ensure the amenity space associated with the flatted development is maintained, a condition has been attached.

CONCLUSION

38. It is considered that the proposed development is of a scale and type which fits with its immediate surroundings, is positioned and designed in a manner which should achieve adequate privacy and amenity for the surrounding dwellings as well as those within the site whilst providing a suitable highway access and vehicle parking numbers. In view of the above, it is considered the scheme accords with the relevant policies of the development 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

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Andrew Glossop

Telephone No 01642 527796

Email address development.control@stockton.gov.uk

Financial Implications,

None

Environmental Implications,

As Report

**Legal Implications
As Report**

**Community Safety Implications
None**

Ward Grangefield
Ward Councillors Councillor Mrs J. Wade, Councillor E Johnson

Appendix ref. 1
06/3612/FUL
69 – 71 Greens lane, Hartburn, Stockton on Tees
Site Location Plan



69 – 71 Greens lane, Hartburn, Stockton on Tees
Proposed site layout plan of this scheme and previously refused scheme



This scheme top, previously refused scheme bottom



Appendix ref. 3
06/3612/FUL
69 – 71 Greens lane, Hartburn, Stockton on Tees
Block of 5 apartments (front and side elevations)

Outline of previous proposal shown overlaid



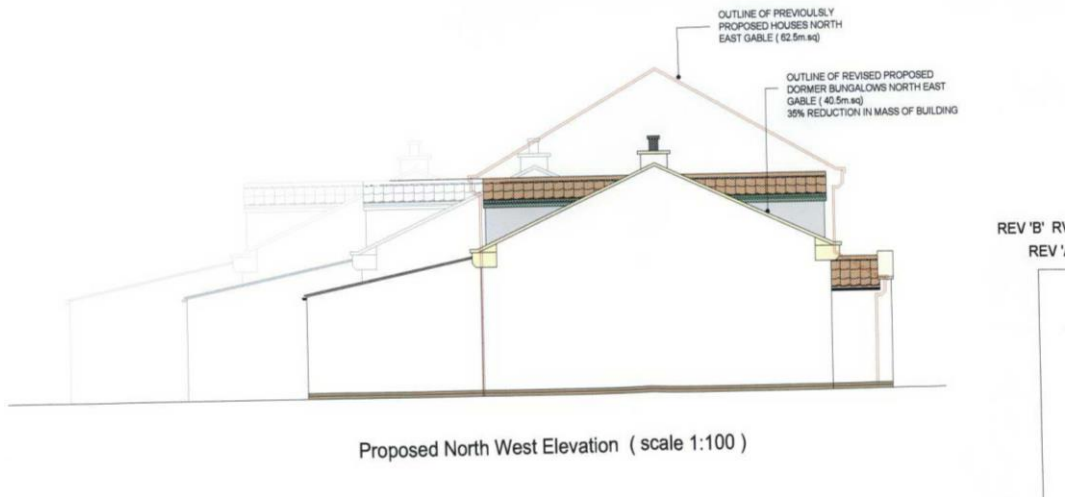
Proposed South East Elevation (scale 1:100)



Proposed North East Elevation (scale 1:100)

Appendix ref. 4
06/3612/FUL
69 – 71 Greens lane, Hartburn, Stockton on Tees
Proposed Bungalows

Front Elevation with outline of previous proposal overlaid



Proposed North West Elevation (scale 1:100)



Proposed North East Elevation (scale 1:100)

Appendix ref. 5
 06/3612/FUL
 69 – 71 Greens lane, Hartburn, Stockton on Tees
 Main block of 9 apartments and 1 cottage (elevations)



Proposed South Elevation (scale 1:100)



Proposed North Elevation (scale 1:100)



Proposed East Elevation (scale 1:100)

REV 'B' COTTAGE REVD TO 2 FL
 REV 'A' REVISED TO SUIT PLANNING O

Sean McLea

The Studio, 25 St.Aidan's Crescen
 Tel / Fax : 01642 555110 E-mail :

PROPOSED DEVI
 AT 69-71 GREENS LA
 STOCKTON-O

11 APARTMEN
 PROPOSED EL

Drg. No. 0566 / 11 B