

DELEGATED

AGENDA NO

PLANNING COMMITTEE  
31<sup>st</sup> 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

UPDATE REPORT (in addition to the previous update report which is attached)

1. Since the main committee report and subsequent update report were produced, the appeal decision has been issued by the Planning Inspectorate with regard to the previously refused application on the site, which this application has been based upon. The Inspectorates decision is a material consideration when determining this current application. A copy of the Planning Inspectors decision letter is attached to this update report.
2. The Inspectorates decision was to dismiss the appeal, the conclusion of which is set out below;  
***'Despite some reservations, I do not consider that, overall, the proposed development would have an unacceptable effect on either the character and appearance of the area or the safety of users of Greens Lane. However, there are decisive objections on the basis of effect on the living conditions of adjacent residents. I am also concerned by the absence of a legal agreement in relation to the provision of a contribution towards offsite open space. For these reasons, as set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed'.***

The considerations of the Inspectors report are summarised as follows;

#### **Character and appearance of the area**

3. The two existing large, well maintained detached properties are not of special architectural merit and their loss would not, on its own, justify a refusal of the permission.
4. It is considered the design approach to be acceptable, indicating that style is not generally a planning matter.
5. The layout and scale generally respects the configuration of the site and loss of existing mature vegetation would be kept to an acceptable minimum. The site is considered to be located in a sustainable location whilst there is no fundamental objection raised with respect to density.

### **Living conditions of adjacent residents**

6. At its nearest, the north west gable of the proposed cottage block would be only 6 metres from the converted garage extension at no.6 Levisham Close, significantly less than the recommendations of SPG2. However, more concern was raised in respect to the relationship between the rear elevation of the northern most cottage and the rear conservatory at no.5 Levisham Close which would facilitate overlooking from the new development and a significant loss of privacy for the occupants of the latter.
7. The relationship of the proposed northernmost apartment block to 7 Levisham Close and 65 Greens Lane would meet the separation distances indicated in SPG2, however, the closeness of the new blocks to the common boundaries with their neighbours would contribute to the overall loss of amenity.
8. The introduction of an open car park for 23 cars within 2 metres of the boundary of the properties to the north would also lead to a significant deterioration in living conditions for residents to the north.
9. Together, these concerns would result in an unacceptable detriment to living conditions for adjacent residents.

### **The safety of users of Greens Lane**

10. The Inspector is satisfied that the traffic generated by the development, and the presence of adequate on-site parking to meet the Councils requirements, would be unlikely to have any significant impact on traffic conditions on Greens Lane whilst the visibility requirements along Greens Lane could be achieved.

### **Other considerations**

11. As there was no Section 106 agreement submitted with the appeal, the Inspector considered this to be a reason for refusal.

## **MATERIAL PLANNING CONSIDERATIONS**

12. In view of the planning Inspectors decision, it is considered necessary to reconsider the issues raised within the appeal decision. These are;
  - Impact of properties to the north on no's 5 and 6 Levisham Close
  - Impact of 5no. apartment block on 7 Levisham Close
  - Impact of apartment blocks on 65 Greens Lane
  - Impact of car park on properties to the north

Each of the issues raised within the Inspectors decision are considered as follows;

### **Impact of properties to the north on no's 5 and 6 Levisham Close**

13. The proposed properties to the northern section of the site have been amended from the scheme considered at appeal to that which is being considered. The amendments have taken the development from four cottages to three dormer bungalows. The heights of these dwellings has reduced from an eaves and ridge height of 5m and 8m to an eaves height of 2.5m and a ridge height of 5.5m. It is considered that these amendments significantly reduce the scale and mass of the elevation as viewed from the adjoining properties.

14. The windows within the rear of the proposed properties to this boundary have reduced from 8no. bathroom windows to 3no. bathroom windows. In addition, the proposed dormer bungalows have been set further away from the adjoining properties, from 6m to 13.2m from the converted garage associated with 6 Levisham Close and to be approximately 22m from the conservatory associated with 5 Levisham Close. It is considered that these amendments address the Inspectors reasons for refusal with respect to the impact of the proposed dwellings on no. 5 and 6 Levisham Close.

**Impact of 5no. apartment block on 7 Levisham Close**

15. The 5no. apartment block has been reduced in height and set further away from its boundary from no. 7 Levisham Close by approximately 2.2m, at which point the ridge height of the building has been reduced by 2.2m. It is considered that these amendments adequately reduce the impact of the development on the amenities of the occupants of no.7 Levisham Close.

**Impact of apartment blocks on 65 Greens Lane**

16. The 5no. apartment block is located in the same position with respect to the rear of 65 Greens Lane, although the overall ridge height of the block at this position has been reduced by 1m at this position. In addition, the main block of apartments as currently proposed is 2m closer to the adjoining property of 65 Greens Lane than the previous proposal which retained a 9m gap between the elevations of buildings, whilst this end of the apartment block has increased in footprint area from the dismissed scheme.
17. It is considered that these amendments would not address the issues raised by the Planning Inspector with regard to the impact of the apartment blocks on the adjoining properties and as such, further reductions would be required.

**Impact of car park on properties to the north**

18. The car park area has remained in the same position as the previous proposal, although has been increased in number by 1 space along its southern boundary. The details currently being considered include for the provision of an acoustic fence boundary treatment to the northern edge of the site which is indicated within the submitted plans as being 2.4m in height. The existing hedge is also indicated as being retained.
19. The Inspector considers that the car park would result in a significant deterioration in living conditions for the residents to the north, and although noise is not specifically mentioned, it is assumed that noise is the particular concern. Such noise would be generated by starting and driving cars as well as the opening and closing of their doors and that this problem is a result of the numbers involved, the proximity of the parking as well as the nature of intervening boundaries.
20. The proposed acoustic fencing should attenuate some of the noise generated on site whilst the amendment of some property types on the site from cottages to smaller bungalows may result in less traffic movements on the site.
21. Having considered this particular element of the Inspectors report, due consideration is given to other Appeal decisions within the Borough, in particular, application 04/0866/Ful for No.1 The Avenue Stockton and 03/0107/P Corby Lodge. These schemes raised similar issues with respect

to parking areas adjoining residential properties, however, the location of parking areas for similar numbers of vehicles were considered to be acceptable based on the likely low levels of traffic associated with these sites.

22. In view of these other appeal decisions and subject to the adequate provision of acoustic boundaries being provided it is considered that the issue of noise could be adequately mitigated against.

### **RECOMENDATION**

23. In view of the appeal decision only being received on the 30<sup>th</sup> January 2007 the applicant has not had sufficient time to address matters raised. As such, it is recommended that the application be deferred until the next planning committee in order to allow the applicant time to amend the scheme in order to take into account the views of the Planning Inspectors Decision Notice ref: APP/H0738/A/06/2027002.

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### **UPDATE REPORT**

Within the main report, the statutory consultees and internal consultees responses were omitted. In order to rectify this situation, the consultees responses are as follows;

#### Cllr E Johnson

I would like to object to the above application. The revised plans do not remove the problem of extra vehicles entering Greens Lane so close to Hartburn Primary School. I feel the development is out of character with the surrounding area and is an over development of the site.

I have been asked by a resident to request that the planning committee visit the site during school leaving time.

#### Environmental Health

I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

Noise disturbance between living accommodation

Possible land contamination and remediation

Construction Noise

#### Head of Integrated Transport and Environmental Policy

Summarised:

Parking provision, access road width, visibility splays and connecting footways are all acceptable.

The trip generation associated with the development will not have a material impact on the local highway network.

A further 3 cycle parking spaces should be provided.

A commuted lump sum of £1500 is required for a Traffic Regulation Order to be implemented to ensure the visibility splays at the proposed junction are kept clear at all times.

### Landscape Officer

Summarised:

The Existing Site Plan (drg no 0566/01) indicates many mature trees within the site. The most notable are a line of Lombardy Poplar trees located along the northwest boundary. These trees are worthy of protection due to their contribution towards the visual amenity of the surrounding area and as a result they are protected under the Tree Preservation Order legislation.

The Proposed Site Plan drawing (drg no 0566/12) indicates the trees to be removed and trees to be felled within the site. Whilst it would be desirable to retain the beech tree (tree no T903 on the plan), it was originally growing alongside other beech trees, which have recently been removed and as such, it contributes less as a single specimen.

I would not object to its removal, however a high quality landscape scheme would be required to offset the general loss of trees within the site and to provide screening and maturity along some boundaries. Additional tree planting should in particular be carried out along the front and side boundaries of the proposed 3 no. dormer bungalows. Other general information relating to tree protection and provision of a landscaping scheme.

### Police Crime Prevention Officer

General comments relating to crime and disorder

### Natural England

Summarised:

Based on the information provided, natural England advises that the above proposal is unlikely to have an adverse affect in respect of species especially protected by law, subject to conditions being imposed relating to compliance with the mitigation statement and restrictions on the demolition period.

### Tees Archaeology

There are no known archaeological sites in the area indicated. I therefore have no objection to the works and no further comments to make.

### Durham Bat Group

summarised:

Durham bat group consider the survey effort for the houses as adequate although it is very difficult to know whether trees are being used as roosts unless a dawn re-entrance survey is carried out. As this has not been the case, there remains a risk that the trees could be used by bats. Concern is that the effects of the development have been under-estimated with respect to the loss of potential roosting sites and the loss of bat feeding sites. Mitigation should be in place to ensure that there is no loss of conservation status.

Durham Bat Group consider the mitigation suggested by the report should be included on the plans, being concerned that there is an assumption that the new buildings will automatically provide similar roost sites to those lost in the demolished buildings. Clearly with recent changes in building practice this will not be the case and the mitigation should be designed into the new build.

Durham bat Group is concerned that the loss of trees could affect the way bats use the site locally and the way bats can move around on a wider scale. This needs to be addressed and reassurance offered that the removal of the proposed trees really is not damaging. The report tells us that there is significant foraging , so the inference

is that tree removal will be damaging and hence illegal without a DEFRA licence. It would be good to seek clarification from the Consultants here.

Northern Electric

No objections

Northern Gas Networks

No objections