

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE  
21<sup>st</sup> February 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 15 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 15no. apartments in two blocks and 3 no. 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 that the proposed development constituted over development of the site, would have an unacceptable overbearing impact on the amenities of the occupiers of the adjacent residential properties and substandard access, as it would not provide the required visibility splays. A subsequent appeal was determined after this new application was submitted. The appeal was dismissed mainly on grounds of impact on the adjoining properties as a result of the proximity of buildings and the associated parking.

33 letters of objection have been received in respect to the proposed development, although since these have been received further amendments have been made to the scheme following the Planning Inspector's decision. 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, which prevents any significant undue impact on privacy or amenity. It is considered that the current submission addresses the previous reasons for refusal and the Inspectors comments set out in the decision letter. The design and general layout of the site and the extent of the loss of tree cover from the site are considered acceptable in this locale as the area is characterised by a mix of property types and styles and a significant amount of vegetation would be retained as part of the development.

Based on the comments of the Head of Technical Services and the findings of the Planning Inspector, it is considered that the proposed development adequately provides parking and access. However, this is subject to a Traffic Regulation Order being made, which would prevent vehicles parking within the visibility splay of the access.

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

Having carefully examined the Inspector's conclusions in respect of a similar proposal at this site, it is considered that this current revised scheme looks to and addresses those issues and concerns raised in his decision letter.

In view of the above, it is considered that the proposed development accords with adopted local plan policy and guidance, and it is therefore recommended that planning permission be granted subject to securing the necessary financial contributions and the imposition of the conditions set out below.

## **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 2<sup>nd</sup> March 2007.***

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

- 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): -***

***0556/01, 02C, 03C, 041D, 042D, 051B, 06B1, 06B2, 07C, 08C, 09A, 10C, 11C, 12, 13A***

***Reason: To define the consent.***

- 02. *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.***

- 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. 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.**

- 06. 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.**

**07. 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.**

**08. 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**

**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. 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.**

**11. 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.**

**12. 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.**

**13. 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***

14. ***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.***

15. ***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.***

16. ***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.***

17. ***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.***

#### **Informative**

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 as well as the comments of the Planning Inspectorate Decision in respect to application ref 06/1182/FUL and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP1 General Principles  
HO3 Development on Unallocated Sites  
HO11 Design and Layout  
TR9 Public Transport - Buses

Protection Afforded to Species under the Habitats Regulations  
European Protected Species of Animals – Bats

*That the applicant be advised that 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 in respect of as described in Part IV B of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.*

## 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

1. On 19<sup>th</sup> July 2006, planning permission was refused on the site for residential development comprising 14no. apartments and 5no. cottages. The scheme proposed the demolition of 2 existing dwellings on the site and 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.
2. Planning Committee refused to grant planning permission 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.*

3. A subsequent appeal has been determined, (Inspector's decision letter attached at Appendix ref. 6) and that decision has resulted in changes to this submission and is a material consideration when determining the application.

The Inspector, in dismissing the appeal, concluded that:

*'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 PROPOSAL**

4. This application proposes residential development comprising 15 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 block of 4 apartments measuring 19.8m in width, 8.8m max. in depth. This block has a ridge height of 6.75m and an eaves level of 4.28m.
  - A split height block of 11 apartments, which is L shape in plan. The maximum dimensions of this building are 28.2m in width, 15.8m in depth and 10.3m to ridge.
5. The layout provides a 23 space communal car park for the 15 apartments (1.5 per unit) whilst the remaining three bungalows each have an integral garage and parking space.
6. The parking areas are sited off a turning head access point which links the internal part of the site to Greens Lane. The access is shown to achieve a 4.5m x 90m visibility splay.
7. A covered cycle store is to be provided adjacent to the car park for the storage of 7 cycles, and a lockable enclosure is indicated for 4no. Euro bins, located adjacent to the turning head section of the access.

8. Landscape details have been submitted which show a total of 10 trees subject to a Tree Preservation Order (TPO) to be retained and one TPO tree being removed. Other trees within the site to be removed are generally located centrally within the site whilst the majority of perimeter trees are to be retained.
9. A 2.4 m high timber acoustic barrier fence would be provided along the northern boundary with the adjoining bungalows on Levisham Close, and a 2 m timber acoustic barrier fence would be erected adjoining the garden boundaries to the south west corner of the site being.

## **PUBLICITY**

10. 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'  
Rejcttheapplication@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.

## CONSULTATIONS

### Cllr E Johnson

11. 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

12. 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 Technical Services

- Summarised:  
13. 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:  
14. 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 comments made relate to tree protection and provision of a landscaping scheme.

#### Police Crime Prevention Officer

15. General comments relating to crime and disorder

#### Natural England

Summarised:

16. 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

17. 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:

18. 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

19. No objections

Northern Gas Networks

20. No objections

Northumbrian Water

21. No response received.

## **PLANNING POLICY CONSIDERATIONS**

22. 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 Regional Spatial Strategy (RSS), 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**

- 23. 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.
- 24. 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 a pair of semi-detached houses and three bungalows. Two-storey semi detached housing is located on the opposing side of Greens Lane.
- 25. The site incorporates a variety of landscaping, having several trees covered by a Tree Preservation Order (TPO); the most prominent of which is a row of Poplars, which dominate the site boundary to the north.

### **MATERIAL PLANNING CONSIDERATIONS**

- 26. 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.

27. The proposed development is a revision of the earlier refused application, which has been dismissed at appeal. The appeal decision and its associated reasoning are a material planning consideration. The considerations of the Inspector's report are summarised as follows in paragraphs 26 – 33 highlighted in italic below:

**Character and appearance of the area**

28. *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. It is considered the design approach to be acceptable, indicating that style is not generally a planning matter. 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**

29. *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.*
30. *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.*
31. *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.*
32. *Together, these concerns would result in an unacceptable detriment to living conditions for adjacent residents.*

**The safety of users of Greens Lane**

33. *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**

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

35. *In view of the Planning Inspector's 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*

### **Principle of residential development**

36. The site falls within the limits of development as defined within the Borough Local Plan, not allocated for another use; neither used for recreational purposes nor 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 nor in a Conservation Area 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**

37. SPG 4 relates to the special requirements of locating flatted developments, to ensure that this type of development is located within close proximity to the relevant services and provisions, which would be required by the occupants of such a development.
38. 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. Although the proposals incorporate flatted development, which is not a common property type within the area, it is considered that there is no reason why the principle of flatted development is unacceptable. Furthermore, the Planning Inspector considered flatted development to be acceptable on the site.

### **Design, scale and appearance of development**

39. The proposed development incorporates a block of three dormer bungalows to the north eastern section of the site, each having its own curtilage and associated parking. The bungalows are of designs, which, although not characteristic of the area, are considered to be acceptable, having a cottage style appearance and incorporating details such as chimneys and water tabling. The bungalows are generally low in height and would blend with the surrounding built form.

40. The two blocks of apartments have been amended in their provision and scale since the dismissal of the previous application (see appendix ref. 3 and 5). The appearance and scale of the buildings 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.
41. The scheme includes a mix of elevation heights including two and three storey with staggered building lines, all of which results in various breaks in rooflines and elevations. Each block of development is unique in respect of scale, height and appearance whilst the plans submitted show a difference in elevation treatments and roof coverings between the apartments and cottages.
42. 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 rather than inward facing development. This is considered appropriate as the surrounding street scene is characterised by street facing properties.
43. It is considered that the proposed buildings would generally blend with the surrounding properties, rather than a bold modern development, which would have a greater contrast. The Planning Inspector did not raise issue with the design or appearance of the proposed development. A condition has been included in 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, and therefore accords with Policy HO11 of the Local Plan.
44. 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.

#### **Buildings Impact on surrounding properties**

45. 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 4no. apartment block and the 11no. apartment block. These are considered as follows: -
46. The appeal was, in part, dismissed as a result of the impact of the 4no. houses and their overall impact on the amenity and privacy of properties in Levisham Close. The proposal has replaced the four houses with three bungalows, resulting in a reduction in eaves heights from 5m to 2.5m and a reduction in ridge height from 8m to 5m. Furthermore, the footprint of the proposed bungalows has been amended to increase the distance of the development from 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 significantly reduce the scale and mass of the elevation as viewed from the adjoining properties as well as any dominating impact.



47. The windows within the rear of the proposed properties to this boundary have reduced from 8no. bedroom and bathroom windows to 3no. bathroom windows, which would prevent any undue impact on privacy.
48. 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.
49. In order to reduce the impact of on the adjoining bungalow of no. 7 Levisham Close and the house of 65 Greens Lane, the proposed block of 4no. apartments located in the north western corner of the site has been relocated and reduced in footprint in comparison to the scheme dismissed at appeal. The revised scheme now achieves a distance of 13.9m from the rear of 7 Levisham Close (1.7m further than dismissed proposal) and approximately 17.5m from the rear elevation of Greens Lane (approx. 0.5m further than dismissed proposal). In addition, and more fundamental, the overall height of this block has been significantly reduced by removing the upper storey. The maximum ridge height of the 4no. apartment block has reduced from 10.5m to 6.75m. (see appendix ref. 3 which shows previous scheme outlined over proposed scheme).
50. As the distance between opposing properties has increased, overall spacing from the boundaries increased, a significant reduction in the height of the proposed apartment block, and side elevations of the apartments 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 as set out in the Inspector's letter. In addition, the revised scheme incorporates a 2m high timber acoustic fence boundary between existing surrounding properties and the proposed development site, which would further assist in reducing both the visual impact and noise impact arising from the proposed development.
51. The proposed block of 11 apartments is shown located approximately 8.5m from the side elevation of the adjoining property to the west, 65 Greens Lane. The side elevation has only a door located within it and as such is unlikely to reduce the privacy associated with the adjoining properties. The roofline of the western section of this apartment block has also been marginally lowered. The main block is approximately 30m away from the existing semi detached houses on the opposite side of Greens Lane. Although the proposed apartment block includes three storey sections 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.
52. In view of the significant changes to the smaller of the two apartment blocks, it is considered that the overall impacts on the adjoining property of 65 Greens Lane have been reduced to an acceptable level which address the Inspector's concerns.

### **Impact of car park on surrounding buildings**

53. The car park area has remained in the same position as the previous proposal, although has been decreased in number by 1 space along its southern boundary. The details currently being considered include the provision of an acoustic boundary fence to the northern edge of the site adjacent to the parking area, whilst the existing hedge is also to be retained.
54. The Inspector also 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 arise from starting and driving cars, as well as the opening and closing of doors. It is considered that the impact arises as a result of the numbers involved, the proximity of the parking as well as the nature of intervening boundaries.
55. The proposed scheme has been revised from this earlier proposal through a reduction in the number of apartments by 1no. and through amendment from 4 cottages to 3 bungalows in the north eastern corner. In addition, it is proposed to locate an acoustic fencing to form the boundary immediately to the north of the car park and to the boundary with properties in Greens Lane. The acoustic fencing should attenuate some of the noise generated on site whilst the reduction in unit numbers should marginally reduce the overall amount of traffic using the site.
56. Having considered this particular element of the Inspector's report, due consideration is given to other appeal decisions within the Borough, in particular, applications 04/0866/FUL for No.1 The Avenue Stockton and 03/0107/P Corby Lodge. These schemes raised similar issues in respect of 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.
57. In view of these other appeal decisions and subject to the adequate provision of acoustic boundaries being provided it is considered that noise impacts could be adequately mitigated against.

### **Impact on the area in general**

58. 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 would result in the majority of the landscape boundary of the site remaining in place offering screening and general amenity to the area. The Council's landscape officer considers this is an acceptable situation subject to a suitable landscaping scheme being achieved on site. Furthermore, the Planning Inspector did not raise this as an issue for refusing the proposal.
59. 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

60. The Head of Technical Services considers that 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 number of spaces per dwelling accords with the Council's Design Guide.
61. 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 Technical Services 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.
62. 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.
63. 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.
64. The Inspector's decision on the dismissed appeal indicated that the Inspector was satisfied that the traffic generated by the development, and the presence of adequate on-site parking to meet the Council's 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. In view of this and the Head of Technical Service's own comments, it is considered that highway matters are adequately addressed by this scheme.

## Play space

65. 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.

66. 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**

67. The scheme achieves a 12m-separation distance between the school 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.
68. 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.
69. 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.
70. 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.
71. In order to ensure the amenity space associated with the flatted development is maintained, a condition has been attached.
72. Objection has been raised in respect of drainage, specifically relating to the capacity of the sewage system, which may not be able to accept flows from the development. Northumbrian Water has not, to date, responded in respect of the consultation regarding this proposal. Comments will be set out in an update report.

### **CONCLUSION AND RECOMMENDATION**

73. 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 would 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. Furthermore, having carefully examined the Inspector's conclusions in respect of a similar proposal at this site, it is considered that this current revised scheme looks to and addresses those issues and concerns raised in his decision letter.

74. In view of the above, it is considered that the proposed development accords with adopted local plan policy and guidance, and it is therefore recommended that planning permission be granted subject to securing the necessary financial contributions and the imposition of the conditions set out above.

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**Financial Implications,**

None

**Environmental Implications,**

As Report

**Legal Implications**

As Report

**Community Safety Implications**

None

**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 application reference numbers 06/3612/FUL & 06/1182/FUL

**Ward  
Councillors**

**Grangefield  
Councillor Mrs J. Wade  
Councillor E Johnson**