

DELEGATED

AGENDA NO
PLANNING COMMITTEE:

DATE 26th NOVEMBER 2008

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

08/2969/VARY

69 - 71 Green's Lane, Stockton-on-Tees,

Application to vary condition no. 2 (approved plans) of application 06/3612/FUL 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 30 December 2008

SUMMARY

Planning permission is sought to vary the plans approved under application reference 06/3612/FUL for a residential development of 15no. apartments split over two blocks and 3no. dormer bungalows with ancillary development including car parking, cycle and bin store and a vehicular access onto Greens Lane.

A total of 11 letters of objection have been received in respect to the proposed development. The main objections relate to the proposed changes between this and the previous scheme, specifically the increased height of the main block. Other objections include an objection to the principle of the development and to the loss of a parking space, although, the proposal does not actually reduce the number of parking spaces from the scheme approved under the previous application.

The proposed development retains the previously approved building footprints and site layout and is very similar in design and appearance. Several design changes have been made to the buildings which alter window and door styles, and building elevation details including an increased eaves and ridge height of the main apartment block and the change from a water table detail (stone copings on the roof) to overhanging verges. The changes proposed are considered to be a loss of an opportunity in terms of design quality, although, they do not have an unbalancing effect on the street scene, thereby allowing it to maintain a positive contribution to the character of the street scene.

Based on the comments of the Head of Technical Services it is considered that the proposed development adequately provides parking and access for the development.

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

RECOMMENDATION

It is recommended that planning application 08/2969/VARY be approved subject to the applicant entering into a section 106 agreement in respect of the provision of a commuted lump sum of £11,900 in lieu of the provision of on site amenity space and subject to the following conditions:-

Should the section 106 agreement not be signed prior to 22nd December 2008, that the application be refused.

- 01 **The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.**

Plan Reference Number	Date on Plan
SBC0001	30 September 2008
01 rev A	30 September 2008
02	30 September 2008
03	30 September 2008
106	30 September 2008
107	30 September 2008
200	30 September 2008
201	30 September 2008
202	30 September 2008
203	30 September 2008
204	30 September 2008

Reason: To define the consent.

02. **Prior to the roofs of the development hereby approved being erected on site the roof cover materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development.

03. **Notwithstanding details hereby approved, prior to any further works being carried out on site a scheme of tree protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the following;**
- a) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).**
 - b) Areas of level change,**
 - c) Precise locations and type of protective fencing,**
 - d) Areas of material storage within the site, and**
 - e) Excavations required for service runs.**

The approved scheme shall be implemented in full on site prior to any further works taking place.

Reason: In the interests of visual amenity in accordance with the requirements of Policies GP1, H03 and H011 of the Stockton on Tees Local Plan.

04. **Prior to occupation of any part of the development, a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. 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.**

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.

- 05. 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.

- 06. A temporary car park shall be provided on site in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority and shall be operable throughout the construction phase of the development and made available for the operatives on the site.**

Reason: In the interests of highway safety

- 07. 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.

- 08. 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.

- 09. 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.

- 10. Notwithstanding details hereby submitted, prior to occupation of any dwellings on site, details of a proposed pedestrian link from the south western 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

- 11. Prior to occupation of any part of the site, 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. 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

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.

BACKGROUND

1. Planning permission was refused at the site under application reference 06/1182/FUL 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.

2. 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.

3. The application (reference 06/1182/FUL) was appealed against and the Planning 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'.

4. Following the appeal outcome, a new application was submitted which amended items raised by the Planning Inspectorate and planning permission was granted under application 06/3612/FUL for the erection of 15no. apartments and 3no. dormer bungalows with associated works.
5. Approval 06/3612/FUL required a contribution towards off site amenity space to be paid prior to commencement on site. This contribution has never been paid to date.
6. Whilst development has commenced on site, pre-commencement conditions relating to materials, ground and floor levels, landscaping, provision of a temporary car park and surface water disposal have not been discharged by the developer.

THE PROPOSAL

7. This application seeks to vary the approved plans of application 06/3612/FUL. The development remains largely the same, being for 15no. apartments, 3 no. dormer bungalows and associated parking areas. The main changes between the this proposed variation and the earlier approved scheme are as follows;

Main Apartment Block

- 0.5m increase in ridgelines and eaves levels, (main section and secondary sections)
- Loss of Water Table detailing and replacement with overhanging verges
- Inclusion of header above first floor window of lower section

2 Storey Apartment block

- Increased depth window openings at first floor (2no.)
- Amended ground floor window and door details
- Amended main entrance door and rear stairwell door / window
- Reduced depth 0.2m

Bungalows

- Increased window depths in front elevation
- Rear projecting section increased in width by 0.2m

8. The proposal remains to provide the following;
 - 23 space communal car park for the 15 apartments (1.5 per unit).
 - An integral garage and parking space for each of the bungalows.
 - The parking areas being served off a turning head access point which links the internal part of the site to Greens Lane.
 - A covered cycle store and refuse store adjacent to the access.
9. It is indicated that a new fence boundary will be provided along the northern boundary with the adjoining bungalows within Levisham Close, being a timber acoustic barrier 2.4m in height and a new fence adjoining the garden boundaries to the south west corner of the site being a 2m timber acoustic barrier.

PUBLICITY

Brian A Morrison, 14 Green's Lane Stockton-on-Tees

10. The proposal appears to show a brick finish to Block B, which would contravene Policy HO3, which states that 'Developments should be sympathetic to their environment'. The dwellings formerly occupying the site were both rendered in white finish, and all surrounding houses on Greens Lane are similarly rendered. I would like to see compliance to this condition.

Mr G McGuckin, 12 Green's Lane Stockton-on-Tees

11. Objects to the increased height of the development as it will be detrimental to the appearance of the property and result in loss of light and privacy for residents of Greens Lane. The loss of the parking space on a scheme with existing insufficient provision of such will increase pressure on the parking facilities on Greens Lane. The changing of lintels and non facing brick areas to the detriment of the appearance of the development is purely a cost saving exercise.

Mr C Rawlinson, 10 Green's Lane Stockton-on-Tees

12. The maximum ridge height of this block was reduced in the current approved plans after previous objection representation on this subject and should not be exceeded. There has been a loss of landscape screening. Noise disturbance has been occurring from materials being delivered at unacceptable hours such as 05:42.

Kevin Winship, 6 Levisham Close Stockton-on-Tees

13. As a resident who is directly affected by this development I wish to communicate my objection to the proposed variations to the approved development.
14. Through extensive negotiations with the previous developer a number of concessions were conceded and given. I find it hard to understand that the now new developer has been given the opportunity to change plans that have been through all the planning processes including appeal to the Deputy Prime Ministers Office. If these amendments are permitted the actual footprint of the development will be significantly increased on that passed previously, the building will also be higher and more imposing on the nearby residents.
15. In addition I would like to make reference to my conversations with Katie Cormack in respect of site working start and finishing times and the developer disputing other aspects of the approved plans; namely boundary fencing, shrubbery, which goes to demonstrate the new developers contempt of the process already completed. A further example of this is that the foundations and block work for the proposed alterations have already been laid.
16. I hope that, on consideration of the above points the council refrain from allowing the proposed alterations to the final approved plans that have already been through the Council's robust procedure. It would help all in the area of this development if the plans as already agreed are again ratified and the developer is made to honour them. In anticipation of your due diligence we hope the above points are of assistance.

Rachael Brown, 30 Highfield Crescent Stockton-on-Tees

17. Objects as the development is already big enough, any further development is completely unnecessary and will spoil the area further. Concerned that an awful lot of trees have already been removed from the site.

Mrs Kay Morrison, 28 Dunedin Avenue Hartburn

17. I completely object to the new plans for this development, mainly because it looks higher than the original plans (cannot completely tell as apparently the plans on this site bear no resemblance to the passed plans) and also because of the lack of parking, one space

has already been removed and the law now states that more parking should be allowed, new plans should follow new rules.

18. I would also like to bring to your attention there are double yellow lines which are never adhered to (by the developers) if we as residents and parents of children cannot park on the double yellow lines then why can the developers. The council advised us that more patrols would be available and I think I have seen them 4 times since the start of term. Therefore making a mockery of these parking restrictions, exactly what we said at the application meeting. The parking attendants and planning department need to be around at 7pm onwards just to see what these developers are doing (which is exactly what they want) including digging up trees and hedges that are supposed to stay or not CAREFULLY digging around by hand, taking off the roof by machine and not tile by tile. And starting work well before 8pm ! this is really caring for the community and residents

Mr Andrew Morrison, 28 Dunedin Avenue Stockton on Tees

19. The original application has rendering to some walls of block B. This treatment of the design was adopted following residents concerns that the use of brick alone was contrary to HO3 in that developments should be sympathetic to their environment. The 2 houses that previously occupied the site were completely rendered in light colours. The adjoining properties are rendered in white, as is the property on the corner of Highfield crescent. All of the properties opposite on Greens Lane are also rendered. The proposed revisions to the plans have a completely brick built building, which is not sympathetic to the surrounding street scene. In addition, this block is now proposed to be 0.5m higher than the existing proposal.
20. Parking and traffic issues were a significant part of residents objections to the original application, and there is now a parking restriction on Greens Lane, which will add to parking pressure within the development. Since the original plans were approved, the council has now adopted higher requirements for parking (Supplementary Planning Document 3: Parking Provision for New Developments Adopted November 2006). Under these guidelines, as this is in the 'Western' area, this development requires the following
- I. for the flatted element, 15 x 1.75 spaces = 27 spaces, vs. 23 now
 - II. 10% of the spaces should be suitable for disabled access (2 spaces) vs. none currently
 - III. The 3 bed bungalows should have 3 spaces, vs. 2 currently
- The current proposal has a reduction in one space from the agreed plans.

W C and M Richards, 3 Queensland Grove Hartburn

21. The access to the development should be moved from Greens Lane to Laneside Road which would allow parking along Greens Lane to serve the school, relieving parking problems experienced in the narrow roads around the school.

E D H Booth, 2 Queensland Grove Hartburn

22. Comments in respect to development commencing on site although no specific objection comments to the scheme.

Ian Jones, Rejecttheapplication@hotmail.co.uk'

23. You may as well let them just go ahead with the new application as the council are letting Bluesky do as they want anyway (i.e., not hand digging round the protected tree roots & parking on the double yellow lines). But I would put one proviso in that they should obey the double yellow lines that they wanted & the lines should be extended with immediate effect to the top of Highfield crescent as they are using the road opening & path to park on, almost totally blocking the road off, I take my child to & from Hartburn school on foot & have to walk in the middle of the road due to the ignorance of these people, this should be a priority from Stockton council as it is not legal to park there and it should be made a stipulation of the application. By letting them just get on with it this will get them out of the area quicker and give piece, access & road safety back to those who should not have had it taken away in the 1st place.

George Hewison, 5 Levisham Close Stockton-on-Tees

24. It is my opinion that the planning consultative process is a travesty. Work on the site is continuing apace so evidently the developer is confident that the planning department and Stockton Borough Council will rubber stamp any changes that are being proposed. I find it particularly cynical that the dormer bungalows are being marketed by the developers agent as being for sale with orangeries. This change was certainly not in plans given approval on 2 March 2007. No elevations are included in the drawings available to the public they only appear on the site plan annotated 'orangeries added 5.8.08.'

Mrs S McGuckin, 12 Green's Lane Stockton-on-Tees

25. Objects to the increased height of the development as it will be detrimental to the appearance of the property and result in loss of light and privacy for residents of Greens Lane. The loss of the parking space on a scheme with existing insufficient provision of such will increase pressure on the parking facilities on Greens Lane. The changing of lintels and non facing brick areas to the detriment of the appearance of the development is purely a cost saving exercise.

CONSULTATIONS (summarised)

Councillor A Cockerill

26. I object to the revised application. We have already put in place yellow lines as agreed with the developer, now it seems a car parking space is to be deleted from the original plans! It has been noted parking is a problem, due to the immediate vicinity of Hartburn School and the church; this will only serve to increase this problem. Parking was one of the original problems and I can't see how this revision can be allowed to go ahead.

27. The change in types of lintel etc I have lesser problems with as long as they do not deviate too strongly from the original plans.

Northumbrian Water Limited

28. Recommend a condition be imposed relating to drainage details to be submitted.

Northern Gas Networks

29. No objections

CE Electric UK

30. Standard Connection comments received.

Natural England

31. The Local Planning Authority should consider whether changes to the current proposals may alter the level of impact on protected species and or the design of the mitigation strategy, and therefore negate the advice previously given by Natural England. If the LPA believes this to be the case, they may then wish to reconsult Natural England, ensuring that the protected species information supplied with the consultation has been updated to reflect the changes in the proposals. If the LPA believes that the new proposals will not affect advice previously given, they may choose not to reconsult us.

Tees Archaeology

32. I have no objections or comments to make on this application.

Environmental Health Unit

33. I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.
Construction Noise

Unexpected land contamination

Urban Design Engineers

34. The revised plan shows access and parking arrangements to be the same as the previously approved plans listed in Condition 2 of application number 06/3612/FUL. Furthermore the access road width, radii and visibility splays are unchanged and are considered to be acceptable.
35. The previous scheme was granted approval subject to a Traffic Regulation Order (funded by the developer) being implemented in order to protect the visibility splays and improve road safety at the proposed access. This has now been introduced and should restrict on-street parking around the development.
36. Given the above I have no objection to the proposed variations.

Urban Design Landscape & Visual Comments

37. I have no objection to the proposed variations to the previously approved scheme, however, if consent is granted, conditions should be applied relating to;
 - Enclosure and street furniture
 - Landscape, hard and soft works and soft works maintenance.
 - Retention of existing trees, shrubs and hedges
 - Tree Protection
 - Retained trees prohibited works

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

- 38. The site is located on Greens Lane approximately 210m away from the junction with Darlington Road. The site measures approximately 0.34ha and formerly comprised two large detached dwellings and extensive mature gardens, although these have now been demolished following a previous approval for development of the site.
- 39. 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.
- 40. 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

- 41. The development relates to a brownfield site within the defined limits of development and therefore needs to be considered against saved policies GP1, HO3, HO11, and TR9 of the Local Plan. The proposed scheme incorporates an element of flatted development and Supplementary Planning Guidance Note 4 on flatted development is also a material planning consideration.
- 42. The proposed development is a variation of the previously approved scheme and is identical to the previously approved scheme in respect of the number of units being provided, the number of parking spaces and the location of the buildings and access etc.

Location of flatted development

- 43. 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. As such, the site remains to be considered to be located within a sustainable location for residential development according with the principles of SPG 4 which relates to the locating of flatted developments. Furthermore, the Planning Inspectorate considered flatted development to be acceptable on the site.

Design, scale and appearance of development

44. 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 a design, which although not a specific 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 should blend with the surrounding built form. The revised plans being considered show an increase in width of 0.2m of the projecting rear section to the bungalows, an amendment to the design of the arch above the garage doors and a front window which has a lower cill level, none of which are considered to be detrimental to the design, scale or layout or impacts of the site.
45. The two blocks of apartments have been amended in their appearance. The main change to the smaller 4 unit block is a change to the style and appearance of the window and door details. The main amendments to the larger 11 unit block are a 0.5m increase in the eaves and ridge levels, removal of water table detail (stone copings to side of roof), amendments to window details and additional masonry being provided above 1st floor windows. It is considered these changes are a lost opportunity to the overall design concept that runs through the site, it is considered that the revised scheme remains acceptable. The increased eaves and ridge height are not considered to result in an undue overbearing impact on the street scene or on the surrounding residential properties.
46. The scheme retains a mix of elevation and roof 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 to one another in respect to scale, height and appearance.
47. The southern elevation of the main apartment block adjacent to Greens Lane remains to have an elevation which incorporates details 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.
48. It is considered that the proposed buildings should generally blend with the surrounding properties, as against being a bold modern development, which would have a greater contrast. The Planning Inspector did not raise issue with the design or appearance of the development as previously considered.
49. The layout of the site remains to achieve adequate spacing from the boundaries with adjoining uses whilst provide adequate general amenity space and internal spacing between built development.

Buildings Impact on surrounding properties

50. 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.
51. The previous appeal was in part dismissed as a result of the impact of the scheme on properties in Levisham Close, as it proposed 4no. houses where it now proposes 3 no. bungalows. The proposed bungalows are located on the same footprint as previously approved whilst their scale and orientation remains the same.
52. The proposed block of 4no. apartments located in the north western corner of the site retains the same footprint and overall scale and orientation as the previous approval, achieving adequate spacing from surrounding properties to prevent undue impacts on

privacy and amenity. The scheme incorporates a timber acoustic fence boundary between existing surrounding properties and the proposed development site which should further assist in reducing both the visual impact and noise impact of the proposed development.

53. The proposed block of 11 apartments is shown located approximately 8.5m from the side elevation of the adjacent 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 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 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.
54. In view of the above the development is not considered to have any additional impacts on its surroundings than the previously approved scheme.

Impact on the area in general

55. 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. The Councils Landscape Officer considers the proposal to be an acceptable scheme subject to conditions being imposed in respect to enclosure's, Landscape, hard and soft works, soft works maintenance, retention of existing trees, shrubs and hedges and tree protection.
56. The car park remains to be in the same location as previously approved. In order to reduce the impact of the car park on surrounding properties it is considered that acoustic fencing and landscaping remain to be necessary boundary treatments.
57. 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

58. The Head of Integrated Transport and Environmental Policy considers parking provision, access and the internal highway layout to be acceptable, achieving 1.5 spaces per apartment and 2 spaces per bungalow.
59. The required visibility splay of the previous scheme has been achieved through the implementation of a Traffic Regulation Order which prevents on street parking around the access of the site.
60. The Inspectors 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 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. In view of this and comments from the Head of Integrated Transport and Environmental Policy, it is considered that highway matters are adequately addressed within the scheme.

Play space

61. 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 and SPD 6 relating to Planning Obligations.

62. 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 and SPD 6, the applicant is required to enter into a S106 agreement to pay a commuted sum. The commuted sum associated with the previous scheme was £11,900 and in view of this previous approval being a material planning consideration, it is considered appropriate to re-impose this figure on this proposal.

Other Matters

63. It is not considered necessary to re-impose conditions in respect to drainage for the site and internal insulation against noise between accommodation as the development requires building regulation approval which mechanism should ensure adequate details are provided in this regard.
64. Several conditions relating to approval reference 06/3612/FUL have been either discharged or adhered to in terms of time scales and as such, it is not considered necessary to re-impose conditions 4, 5, 15, 16 and 17 relating to land contamination, ecological surveys and timing of demolition works and the provision of a Traffic Regulation Order.
65. The initially submitted site layout plan indicated an orangery being located within the rear garden area of each of the bungalows; however, this has now been removed from the proposed scheme.

CONCLUSION

66. 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.

Corporate Director of Development and Neighbourhood Services

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Financial Implications

As report

Environmental Implications

As report

Legal Implications

As report

Community Safety Implications

As report

Human Rights Implications

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

Article 1 (protection of property)

Article 6 (fair trial)

Article 8 (respect for private and family life)

Article 9 (freedom of thought, conscience and religion)

Article 10 (freedom of expression)

Article 14 (non-discrimination: but only subsidiary)

WARD AND WARD COUNCILLORS

Ward	Grangefield
Ward Councillor	Councillor P Broughton, Councillor A Cockrill