

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 10<sup>th</sup> January 2006**

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

**06/0996/ful**

**Clock house, Leven road, Yarm**

**Revised application for the erection of 5 no. Detached dwelling houses together with associated means of access, landscaping and drainage**

**Expiry date 31<sup>st</sup> may 2006**

### **Summary**

Planning permission is sought for the erection of 5 dwellings on land associated with Clock House, Leven Road, Yarm. Clock House is a Grade II listed building set in extensive grounds which has been previously subdivided into two individual properties.

The scheme proposes two properties to the rear of the site and one to the west of Clock House which would be served off the existing access to Clock House although which itself is indicated as being upgraded to an adoptable standard as part of the scheme. A further two properties are proposed to the front of Clock House, being served directly off Leven Road.

A significant level of objection has been received in respect to the proposed development as well as several letters of support. Objection is mainly based on the impact of the development on the clock House as a listed building, the impact on the character of the area, wildlife, tree cover and landscaping, drainage, privacy and amenity associated with surrounding properties whilst the additional traffic is considered to be detrimental to highway safety.

The Head of Integrated Transport and Environmental Policy has accepted the proposed development, as has the Councils Landscape Officer and Environmental Health team, subject to necessary conditions being imposed. The Head of Integrated Transport and Environmental Policy has also indicated that a reduced speed limit would be required along Leven Road and has indicated that a contribution from the developer through a S.106 agreement would be required in connection with this.

The design of the properties is considered to be generally in keeping with the adjoining listed building and although relatively large in scale, are considered to be adequately distanced to achieve a suitable massing which would not dominate Clock House.

In view of the distances between the proposed and existing properties it is considered that the proposed development would not have any significant undue impacts on the surrounding development.

The proposal for surface water and foul water drainage have received objection due to perceived existing constraints of the site. The Environment Agency and the councils Environmental Health Officer are satisfied with the details submitted subject to a condition requiring a more detailed scheme to be provided.

In view of all of the above it is considered that the proposed development is in accordance with the guidance of Local Plan Policies GP1, HO3, HO11 and EN26, TR15.

## **RECOMMENDATION**

***It is recommended that planning application 06/0996 be approved subject to the following conditions and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms as listed.***

- 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): - SBC001, 1012.1b, 1012.2, 1012.4a, 1012.5, 1012.6a***

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

- 02. *No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.***

***Reason: To ensure the proper restoration of the site.***

- 03. *No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.***

***Reason: To ensure the proper restoration of the site.***

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

***Reason: To take into account the sites location in respect to surrounding properties.***

- 05. *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. 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.***

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

**Reason: In the interests of highway safety**

- 08. Notwithstanding details hereby approved, the proposed upgraded access road, associated footway and ancillary development including street lighting, shall be constructed strictly in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the approved details shall be carried out on site prior to occupation of plots 3, 5 and 6 as indicated on plan 1012.1.B received on the 20th November 2006.**

**Reason: In order to ensure the construction details and materials of the highway and associated infrastructure are not detrimental to the setting of the listed building.**

- 09. No development hereby approved shall be commenced until a scheme for the provision of surface water drainage works including flow regulation has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage works shall be implemented in accordance with the approved details prior to the dwellings hereby approved being occupied.**

**Reason: In order to adequately provide for surface water discharge from the site.**

- 10. Full details of the proposed means of disposal of foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the properties hereby approved are occupied.**

**Reason: To achieve a satisfactory form of development.**

- 11. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme unless otherwise agreed in writing with the Local Planning Authority: -**
- a) **All windows within all properties shall be timber, painted white, and of a traditional design to be agreed in writing with the Local Planning Authority prior to installation on**

*site. The windows shall remain as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.*

*b) All windows shall be recessed from the face of the properties by 100mm.*

*c) All timber sections, glazing bars and external moulding forming the windows and doors shall be of a thickness and section to be agreed in writing with the Local Planning Authority prior to installation.*

*d) All rainwater goods shall be cast, painted black and fixed on rise and fall brackets.*

*e) There shall be no fascia or soffit boards used throughout the scheme.*

*f) The properties shall be constructed having cement verges finishing flush with the walls of the house and there shall be no timber overhanging verges.*

*g) All doors shall be timber, of a design to be agreed in writing with the Local Planning Authority.*

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

12. *Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.*

*Reason: To adequately control future development to prevent any due impact on surrounding properties or the adjoining listed building*

13. *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.*

14. *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.*

15. *Notwithstanding the details hereby approved, all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to being implemented on site and the means of enclosure shall be erected in accordance with the approved details.*

*Reason: In order to adequately control the visual impact of the development on the adjoining listed building.*

### **Heads of Terms**

To provide a contribution of £20,000 towards the imposition of a 30mph speed limit and associated traffic calming measures along Leven Road and to make the payment prior to commencement on site.

### **THE PROPOSAL**

1. Planning permission is sought for the erection of 5 no. detached dwellings on land associated with Clock House Leven Road. It is proposed to locate three houses on the land immediately to the north and west of Clock House, being served off an upgraded highway along with the

existing properties. The remaining two houses are proposed to be erected on the land to the south of Clock House, immediately adjacent to Leven Road and having access directly onto Leven Road.

2. The dwellings have a varied size and layout including a mix of single, two and three storey sections to the dwellings and integral garages.
3. As part of the development it is indicated that an existing garage associated with Clock House would be demolished.

## **CONSULTATIONS**

The following Consultations were notified and any comments they made are below: \_

### Councillors

4. Cllr Sherris (summarised)  
Is pleased to see the omission of one unit adjacent to Friarswood although has highlighted that there are several residents concerned about flooding downstream of the watercourse and the responsibilities for clearing of courses. Concern is raised regarding the new exits onto Leven Road near the brow of a hill and the impact these exits will have on the hedgerow bordering Leven Road. Furthermore, residents would still wish to see the speed limit reduced to 30mph.

### Yarm Town Council (summarised)

5. Object to the development due to:-
  - the adequacy, location and visual impact of the proposed water treatment plant,
  - the adequacy of the proposed drainage
  - restricted sightlines along Leven road when exiting the site, particularly for pedestrians on the pavement crossing the drive
  - the likelihood of increased traffic at the junction of Leven Road with the Spital which is already congested and which has been the scene of road traffic accidents in the past.
  - poor sightlines of vehicles exiting from the two proposed properties with direct access into Leven Road.
  - query whether the proposed access meets the councils design guide specification
  - over development of the area
  - significant negative impact on the visual amenity of immediate area and adversely affect neighbours and local residents
  - the aspect of the listed building will be seriously impaired
  - potential loss of habitat for wildlife, established trees and shrubs
  - The property showing a three storey elevation is out of keeping with the existing 2 storey clock house.
  - this would set a precedence for future similar developments along Leven Road which would result in the concerns outlined above being magnified.

Query is raised as to the definition of the land and whether it is designated as agricultural.

### Landscape Officer (summarised)

6. There are a group of trees located alongside the present driveway into the site which appears to be increased in width and will result in the removal of these trees. Based on information submitted I can only assume that the trees, which are protected under the above order, are to be entirely removed.
7. As a consequence, additional new tree planting will be required within this area of the site, as replacements. These trees shall be shown accurately on a plan, noting the species, stock size and type. Advanced nursery stock is preferred and extra heavy standard trees are recommended. Species shall include field specimens such as Quercus robur (Oak), Fraxinus excelsior (Ash) and Fagus sylvatica (Beech). Building lines, foundations and root barriers shall be considered to accommodate these species.

8. The omission of trees or a proposal to substitute field species with trees of smaller ultimate size to avoid special foundations will not be accepted. A geo-textile root barrier may be inserted between foundations and trees to allow planting closer to building etc whilst still conforming to regulatory requirements.
9. The properties along the eastern boundary have some partial views into the site, although these are restricted by the presence of trees and boundary planting. Additional planting should be carried out along the eastern boundary.
10. Trees within the site should be fully protected whilst hard and soft landscaping to certain specifications should be provided.

#### Environmental Health Unit (Summarised)

11. No objection is raised subject to conditions being attached to an approval which relate to the provision of an adequate environmental risk assessment and mitigation relating to contaminated land, the drainage of the development, and working hours of the site.

#### Cleveland Archaeologist Section

12. Clock House is an 18th Century Building which is Listed Grade II. As the house is to be retained I have no objection in principle and will defer any comments on the impact of the setting of the building to your conservation officer. I can confirm there are no known archaeological sites in the area indicated.

#### Development Plans Officer (Summarised)

13. Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The definition covers the curtilage of the development. The developed land may occur in both built up and rural settings. Clearly, if all land is considered to be previously developed land, (within the curtilage of the dwelling) it would be difficult to sustain a policy objection. However, if the site cannot be classified as previously developed land then the application will have to be treated as development on a 'Greenfield Windfall Site'. Clarification is therefore required regarding the current and previous land use of the site and how it is classified within the Guidance in PPG 3 annex C. If the site is to be a greenfield windfall site then I would object to the part of the development which does not fall onto previously developed land.

#### Engineers And Transportation

14. The application is for two detached houses served directly from Leven Road, four new detached houses which totals six dwellings served from a private shared drive, and one existing property which will be served from the existing access road which will be reconstructed as an adopted highway.  
The private drive will serve a total six properties, which is contrary to the Design Guide and Specification. Therefore, the applicant will need to complete a Departure from Standard for further consideration.  
The length of road is an unclassified road subject to a speed limit of 40mph. The desirable visibility splay for such a junction is 4.5 x 120m. However the current speed limit is considered excessive for nature of the road and a reduction to 30 mph is required, given the potential increase in properties served from the road. This would then allow a sight line of 3 x 90m. The developer would need to enter into a Highways Act 1980 section 38 agreement for the adoption of the relevant section of road to be an adopted highway and make a contribution of approx £20,000 towards the imposition of a 30 mph speed limit and associated traffic calming measures on Leven Road under a section 106 agreement.  
The applicant will need to contact Service Stockton regarding the requisite dropped kerb crossing for the two dwellings served from Leven Road.  
The Council has no specific information regarding any flooding of this site. The applicant is advised to make local inquiries.
15. The wording regarding the adoptable road is acceptable, however, the Local Authority would not wish to accept the maintenance of the proposed oil interceptor (item 7 in Encia letter dated 4th August 2006)

16. The development would need to comply with the Design Guide and Specification (Residential & Industrial Estates Development, Current Edition), to that end the following matters are among those requiring attention:
17. The amended application is for two detached houses served directly from Leven Road, three new detached houses which totals five dwellings served from a private shared drive and one existing property which will be served from the existing access road which will be reconstructed as an adopted as highway. The removal of plot 4 removes the need for the applicant to submit a Departure from Standard Form.
18. The length of road to be adopted should 4.8m wide with 1.8 footway/verge. Leven Road is an unclassified road subject to a speed limit of 40 mph. The desirable visibility splay for such a junction is 4.5 x 120m. However the current speed limit is considered excessive for nature of the road and a reduction to 30mph is required, given the potential increase in properties served from the road. This would then allow a sight line of 3 x 90m. The developer would need to enter into a Highways Act 1980 section 38 agreement for the adoption of the relevant section of road to be an adopted highway and make a contribution of approx £20,000 towards the imposition of a 30 mph speed limit and associated traffic calming measures on Leven Road under a section 106 agreement. The applicant will need to contact Service Stockton regarding the requisite dropped kerb crossing for the two dwellings served form Leven Road  
The Council has no specific information regarding any flooding of this site. The applicant is advised to make local inquiries

Natural England (summarised)

19. Natural England have commented several times on the application in view of what they considered to be an insufficient provision of adequate information on which to comment. Following several amendments and additions to information submitted, it appears that Natural England have advised that they will not raise objection to the proposed development although formal confirmation of this is awaited.

The Environment Agency

20. Several comments received throughout the process of the application. Summarised as  
It is recommended a condition would be required relating to a scheme of surface water drainage and flow regulation to prevent the risk of flooding.

Northern Gas Networks

21. No objections

NEDL

22. No objections

23. The following consultees have not responded formally:-  
Historic Buildings Officer  
Northumbrian Water Limited  
Parish Council

**Neighbours were notified and comments were received from the following addresses: -**

24. 60 letters of objection were received as a result of the neighbour consultation exercise although several of these objections are resubmission of earlier comments following the reconsultation exercise in respect of amended plans. 7 letters of support were also submitted. Responses have been received from the following addresses: -

6 Westworth Close Leven Park  
12 Stevenson Close Yarm  
60, 68 Mount Leven Road Yarm

3, 17 Spell Close Yarm  
16, 24, 25, 26, 28, 32, 33, 34, 52, 59 Valley Drive Yarm  
17, 20, 26, The Mount, Clock Lodge, Leven Road Yarm  
8, 12 Clockwood Gardens Yarm  
29 Enterpen Close Yarm  
31 Lingfield Road Yarm  
22, 41, 47, 59 Hemingford Gardens Yarm  
22B High Street Bishopton  
CPRE' C/O 26 Ashville Avenue  
2, 4, 5, 12, 14, 16, 18, 20 Friarswood Close Yarm  
4, 18, 67 Glaisdale Road Yarm  
1, 2, 9 The Pines Yarm  
3 Valley Close Yarm  
6 West Moor Close' Yarm  
Wm@wmyccook.fsnet.co.uk'  
Njholmesesq@hotmail.com'  
12 Eton Road' Middlesbrough  
9 Brooklyn Court' Manchester  
16 The Crescent' Middlesbrough

Objections are summarised and categorised below: -

25. Impact on Listed Building and its setting

To surround the listed building of clock house which is one of the oldest and most imposing houses in Yarm, with modern development can only detract from its attractive setting, which with the loss of mature trees and hedges, the setting of the building would be lost.

The development would obscure views of Clock House

Clock House requires grounds that are proportionate in scale and the four dwellings to the north, east and west are set far too close, being uncomplimentary and out of scale to Clock House.

The proposed 3-storey elevation is out of keeping with the two-storey elevation of clock house

The proposal does not improve the appearance of the area whilst is not sympathetic to the character of the area.

The adopted road with street lighting is out of context with the character of the area whilst will require the removal of trees and shrubs.

26. Impact on trees and landscaping

The development will result in the loss of mature trees and hedges whilst could damage the roots of trees within neighbouring properties during construction, in particular the development may damage the willow trees to the east of plot 6.

TPO's should be placed on all existing trees to the western boundary,

27. Impacts on adjoining properties

The house and garden of plot 4 is close to the boundaries of 12, 14 & 16 Friarswood close which would affect their amenity.

Back gardens of the west side of Friarswood close would become waterlogged after a lot of rain.



The rear of plots 5 and 6 should be limited to single storey height to avoid the development intrusively dominating the southern skyline when viewed from 28 Valley drive and adjoining properties, which are considerably lower than the development.

Concern raised between the levels associated with plot 3 and that of 34 Valley Drive

28. Highways and traffic issues

Extra access to Leven Road should be resisted and considered in view of the application for 18 Leven Road.

The proposed scheme does not accord with the Stockton on tees Design Guide and Specification with respect to the number of properties being served off a single access, the length of the access, and the length of refuse collection

Leven Road / Spital Road junction is already inadequate and this will exacerbate the problem. Furthermore, this junction is used by persons attending the nearby schools.

The proposed development would be detrimental to highway safety as a result of poor sight lines, the contours and bends within the highway and the existing level of traffic.

Works to the lane to insert services will make it difficult to access existing houses.

There is no safe wheelchair access

29. General

The land to the front of Clock House has always been used for grazing and cannot therefore be considered to be residential curtilage or brownfield land

The development would result in a loss of habitat for wildlife.

The construction of 6 houses would not benefit the community

Leven Road is very attractive having natural beauty, which would be lost as a result of this application, which would also set a precedent for other development along Leven Road.

The development would result in a very high density of buildings

The garage sited in the southeast corner of the site will interfere with drainage and sunlight for surrounding properties.

The proposal does not accord with chapter 1 of the Local Plan with respect to Design, appearance, size, type, existing landscape features, wildlife habitats

The race to concentrate over the few remaining open spaces is destroying the ambience of the area whilst brings about traffic pollution etc.

Surely there is sufficient housing at Ingleby to not require the development of such sites.

The ODPM's statement regarding the development of Back Gardens indicates that not all back gardens are suitable for development.

The proposal is contrary to Policies GP1, HO3 and HO11.

The site is not greenfield land. It has only ever been used for grazing and has never accommodated any development and cannot therefore be considered to be garden land.

Post and rail fencing should be used in the paddock area whilst the use of old bricks and pantiles should be compulsory

30. Drainage

The indicated stream is not a stream as it has no source, instead being brought about by rainfall and spillage and which septic tanks have spilled into. Outflow of septic tanks into the stream is unacceptable and additional load on the system will not be accepted (by owner of land through which pipe flows). Modern treatment plants remain to be unacceptable in residential areas as a result of the odours emitted.

Concerns over ability /amount of drainage required.

Elements of the submission statement are questioned with respect to Sewage Plant details not having been submitted, the removal of existing trees not being shown, the visibility of clock house from Leven road, a balancing pond not being shown,

The loss of trees is likely to affect water levels and drainage on the site.

Concern over the amount of water which the stream and its associated infrastructure will have to cope with and the problems this may result in.

Discharge quantities have to be taken into account for sites which discharge into the stream

The proposed STP is totally inadequate and the discharge of treated liquids into the stream is totally unacceptable, as it will lead to offensive vapours.

Does Clarion have permission to pass soiled water across other peoples land?

Significant risk to increase of flooding,

31. Representations of support are summarised below:

The development will provide much needed provision of family sized house with large gardens which fit well with Clock House.

Properties are designed to be sympathetic to clock house, fitting in well with the area and complimenting Leven Road

Historical maps show there were other buildings around Clock House, immediately to the north so this development would not be incongruous with its past.

The development is not significantly altering the tree and hedge cover whilst is proposing a pond and wildlife garden and overall there will be an increase in wildlife habitats.

This proposal provides good quality housing to meet housing demand needs

If the development goes ahead there will be an adopted road leading up to clock house which will have the advantage of making it accessible to the general public.

There are many examples of new development being built near listed buildings successfully

## **PLANNING POLICY CONSIDERATION**

### National Planning Policy

32. National Planning Policies are set out in Planning Policy Guidance Notes (PPG's) and the more recent Planning Policy Statements (PPS's). Those relevant to this application are:

PPS1 Delivering Sustainable Development.

PPG3 Housing. (Advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of Greenfield land developed)  
PPG 13. Transport. (Promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas).

33. 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 Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy.
34. Regard also has to be given to the Emerging regional Spatial Strategy RSS, which is at the consultation stage and will ultimately replace Regional Planning Guidance Note no. 1 (RPG 1). Policies in RPG 1 set out the need for a sequential approach to development; sub regional guidance to include inter alia, targets for the re-use of previously developed land and buildings, and a managed release of housing land for development.
35. Stockton Borough 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 EN28**

Development which is likely to detract from the setting of a listed building will not be permitted

## Policy TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

## **MATERIAL PLANNING CONSIDERATIONS**

### Principle of development

36. The site falls within the Limits of development as defined within the Stockton on Tees Local Plan. As such, the principle for the development is dependant on whether the site is classified as either brownfield or greenfield land. National Planning Policy Guidance Note 3 describes brownfield as :

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.*

There are several restrictions to this definition based on certain types of buildings, none of which relate to this proposal, although it is advised within the same text that; *there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.*

37. The site is relatively expansive, having areas which are clearly garden associated with Clock House and an area of land to the front of the site which has a more natural, un-maintained appearance which is separated somewhat from Clock House by a tree lined stream / culvert. In view of the appearance of the land to the front of the site it was considered that an assessment needed to be made whether this is greenfield land and as such unsuitable for residential development or whether this is brownfield land where such restrictions would not apply.
38. The applicants or their agents were unable to submit any information which indicated the historical use or association of the land apart from statements from the owners of the two existing properties within Clock House although these were not considered sufficient to justify any conclusion. However, having searched the planning register, it is noted that a previous application S1885/82 was approved for the subdivision of Clock House from one to two dwellings. The associated information with this file is limited, although the plan on record, matches the area that is covered by this application. As such, it is considered that the site should be considered as being part of the residential curtilage associated with the existing dwellings, and therefore a brownfield site in accordance with the definition of PPS3.
39. Having established the definition of the land it was then appropriate to consider the proposed development in respect to its impact on the setting of the listed building (clock house) and the character of the surrounding area, its impact on surrounding properties, internal layout, Highway Safety, Landscaping and other associated matters. These are considered as follows: -

### Impact on Clock House as a listed building on the character of the area

40. Within the Department of the Environments listing, Clock House is described as an 18<sup>th</sup> Century house of soft red brick with pantiled rear wings of varying dates having two storeys, sash windows and a pedimented gable to the front. There is no discussion of the setting of the building or its grounds being of specific importance in their own right, although as with all listed buildings, the impact on the setting of such a building is a material planning consideration.

41. Policy EN28 of the Local Plan indicates that '*development which is likely to detract from the setting of a listed building will not be permitted*'. Clearly any development within the curtilage or adjoining the curtilage of a listed building will affect its setting, however, it needs to be considered what the importance of the setting is and the overall impacts of the proposal are to this.
42. It is considered that the main features of Clock House, which are important, are its frontage, age and overall design with the setting being secondary. With regard to its setting it is considered the buildings relationship with surrounding mature landscaping and its position at a high point within the locality are the most important features which allow the painted clock to the front of the house to be viewed above the tree line, although this may not be entirely possible when surrounding trees are in leaf.
43. The proposed development initially included a sixth dwelling on the land to the east of Clock House which has been removed following concern that this would have unduly compromised the setting of the listed building as it would have created a cramped situation. As a result of this omission the approach to Clock House will remain relatively unchanged apart from the upgrading and improvement of the highway to an adoptable standard. However, having discussed this element with the Councils Highways Officers, it is considered that this could be carried out using historical materials, which would be in keeping with the listed building.
44. The two properties to the rear incorporate single storey sections and only relatively narrow two storey sections. In view of this and as a result of these two properties being located approximately 36m behind the frontage of Clock House, and being obscured in view, it is considered that these two properties would not unduly affect the setting of the listed building.
45. The dwelling to the side (plot 3) has a lower height to that of Clock House whilst has been specifically set behind the line of front elevation of Clock house, in order to reduce its impact, and allow the existing listed building to dominate the site.
46. The two properties to the front of the site are set approximately 42m in front of Clock House and as such would allow adequate intervening space, which in itself is landscaped with mature trees and would offer a natural separation between the listed building and the proposed plots.
47. In view of all these factors it is considered that the proposed development is of a scale and position which when considered with the design of the proposed buildings, would not unduly compromise the setting of the listed building.

#### Design and appearance

48. The proposed dwellings have been designed to reflect the style and design of clock house, incorporating traditional details and having traditional proportions. As such it is considered that the appearance of properties is considered to be acceptable for their location.

#### Impact on surrounding property and their associated privacy and amenity

49. The two properties to the front of the site (plots 1 and 2) which access directly onto Leven Road are located approximately 42m away from Clock House, 36m from the existing dwelling to the east, approximately 60m from the nearest property to the west and 37m from the properties on the opposing side of Leven Road. In view of these distances it is considered the two properties to the front of the site would not raise any significant privacy or amenity issues for the adjoining properties.
50. The two properties to the rear of the site (plots 5 and 6) are located at a much higher level than the existing properties to the rear as a result of land sloping down to the north. Plots 5 and 6 of the proposed scheme are located as close as 8m to the rear boundary of the site which adjoins the residential curtilage boundaries of existing properties, however, other sections of these two properties lie up to 26m away from the boundaries due to their layout

and plot orientation. Plots 5 and 6 do incorporate two storey elements, although there are no windows at first floor level within the rear elevations which would directly overlook the properties to the rear apart from a single roof light.

51. The closest of the existing properties to the rear of plots 5 and 6 is located within 18m of the boundary between properties, having an overall minimum distance between opposing elevations of proposed and existing properties of 25m. This distance is considered to be sufficient to achieve adequate privacy.
52. The proposed dwelling to the west of the site (plot 3) is located approximately 11.5m from the side elevation of Clock House and over 30m from the dwelling on the opposing site to the west. Plot 3 is a two-storey dwelling although as a result of a significant change in ground levels the property will have a single storey height eastern side and a two-storey height western section. The eastern elevation includes kitchen, bedroom and garage windows within it although in view of the intervening distance between this and clock house and the limited windows within the west elevation of clock house, it is considered that the proposed plot 3 would not unduly compromise the privacy and amenity of the existing Clock House.
53. Although the impacts on privacy and amenity of surrounding properties are not considered to be significant, due to the significant change on levels across the site and on the surrounding sites it is considered that there is a need for the finished levels of the development to be controlled by condition.

#### Impact on Highway Safety

54. Several comments have been received from the Head of Integrated Transport and Environmental Policy based on amendments and additional information being submitted by the Applicant. Initially, the application related to the development of four properties off a shared private drive, which already served three properties. The proposed development has been reduced by one unit, whilst following requests from the Head of Integrated Transport and Environmental Policy; the applicant has amended the details to provide a stub road within the first section of the site immediately off Leven road, which is to be constructed to an adoptable standard. The access road continues as a driveway to the rear of the site at a width of 4.5m and is indicated as providing an area to allow refuse vehicles to turn.
55. The Head of Integrated Transport and Environmental Policy has advised that the current requirement for a visibility splay along Leven Road would be 4.5 x 120m as a result of the 40mph speed limit. However, were Leven Road to have a 30mph limit then a 3 x 90m sightline would be acceptable. The applicant has indicated that a 3 x 90m sightline can be achieved and as such, this will require the imposition of a speed reduction along Leven Road. The applicant has therefore been asked to contribute £20,000 towards a scheme of speed reduction and traffic calming along Leven Road.

#### Impact on, and consideration of landscaping

56. The site spreads beyond the existing property on the site in all directions, having landscaping along the majority of the site boundaries as well as internally within the site. Landscaping on the site appears to consist of both ornamental garden planting as well as more native natural landscaping, with some trees being covered by Tree Preservation Order (Clock House TPO 1991). The Councils Landscape Officer has no objection to the proposal overall and considers the site to be dominated by the presence of mature trees on and adjoining the site indicating that these provide an effective level of screening both from views within the site and views from the boundaries.
57. In view of the alignment of the proposed new highway it is expected that a number of the existing trees which are protected under the above order are to be entirely removed. The Councils Landscape Officer has indicated that as a consequence, that additional new planting will be required within this area as replacements which are of a suitable species, size and

location. Ultimately, it is considered the construction techniques will need to reflect the need for appropriate landscaping.

### Drainage

58. It is advised that the foul water should connect to public sewer, as there is adequate capacity with the surface water being discharged into a culvert which runs through the site. The Environment Agency have advised that the provision of a surface water drainage scheme can be conditioned which takes account of the need for flow attenuation and which would take account of maintenance, potential flooding and impact downstream.
59. There has been objection to the use of the culvert as this passes through other properties curtilages and concern is based on the potential impacts on these properties. In view of the comments of the Environment Agency and the ability to control flow it is considered that the impacts on the surrounding properties should not be significant. A suitable condition has been recommended to control both the foul and surface water discharge.

### Archaeology

60. Tees Archaeology has advised that the building is an 18<sup>th</sup> Century Grade II listed property. The property currently stands in relatively expansive grounds, some are which are formally laid to lawn and some of which are less maintained. Tees Archaeology have raised no objection to the proposed development in view of the scheme retaining the existing building on site and as a result of their being no known archaeological sites within the immediate area.

### Impact on wildlife and protected species

61. Natural England have commented several times on the application in view of what they considered to be an insufficient provision of adequate information on which to comment. Following several amendments and additions to information submitted, it appears that Natural England have advised that they will not raise objection to the proposed development although formal confirmation of this is awaited. The updated response will be reported to committee accordingly.

### CONCLUSION

62. It is considered that the proposed dwellings are sufficiently spaced from surrounding development to prevent undue impacts on privacy and amenity whilst the provision of access and parking are acceptable subject to the provision of a Section 106 agreement. Furthermore, the impacts of the scheme on landscaping, wildlife and the character of the area are all considered to be acceptable as a result of the overall scale and position of the development and the retention of a significant amount of the existing landscaping. It is considered the proposed development accords with Policies GP1, HO3 HO11, EN28 and TR15 of the Stockton on Tees Local Plan.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Andrew Glossop**  
**Telephone No 01642 527796**  
**Email address [development.control@stockton.gov.uk](mailto:development.control@stockton.gov.uk)**

### **Background Papers**

Clock House TPO 1991  
PPS3 – Housing  
Planning application ref S1885/82

**Human Rights Implications**

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

**Financial implications**

As report

**Environmental Implications**

As Report

**Community Safety Implications**

As Report

**Legal Implications**

As report

**Ward**

**Ward Councillor**

**Ward Councillor**

**Ward Councillor**

**Yarm**

**Councillor B Jones**

**Councillor Mrs J. Beaumont,**

**Councillor A B L Sherris**



CLOCKHOUSE LEVEN ROAD YARM

LOCATION PLAN



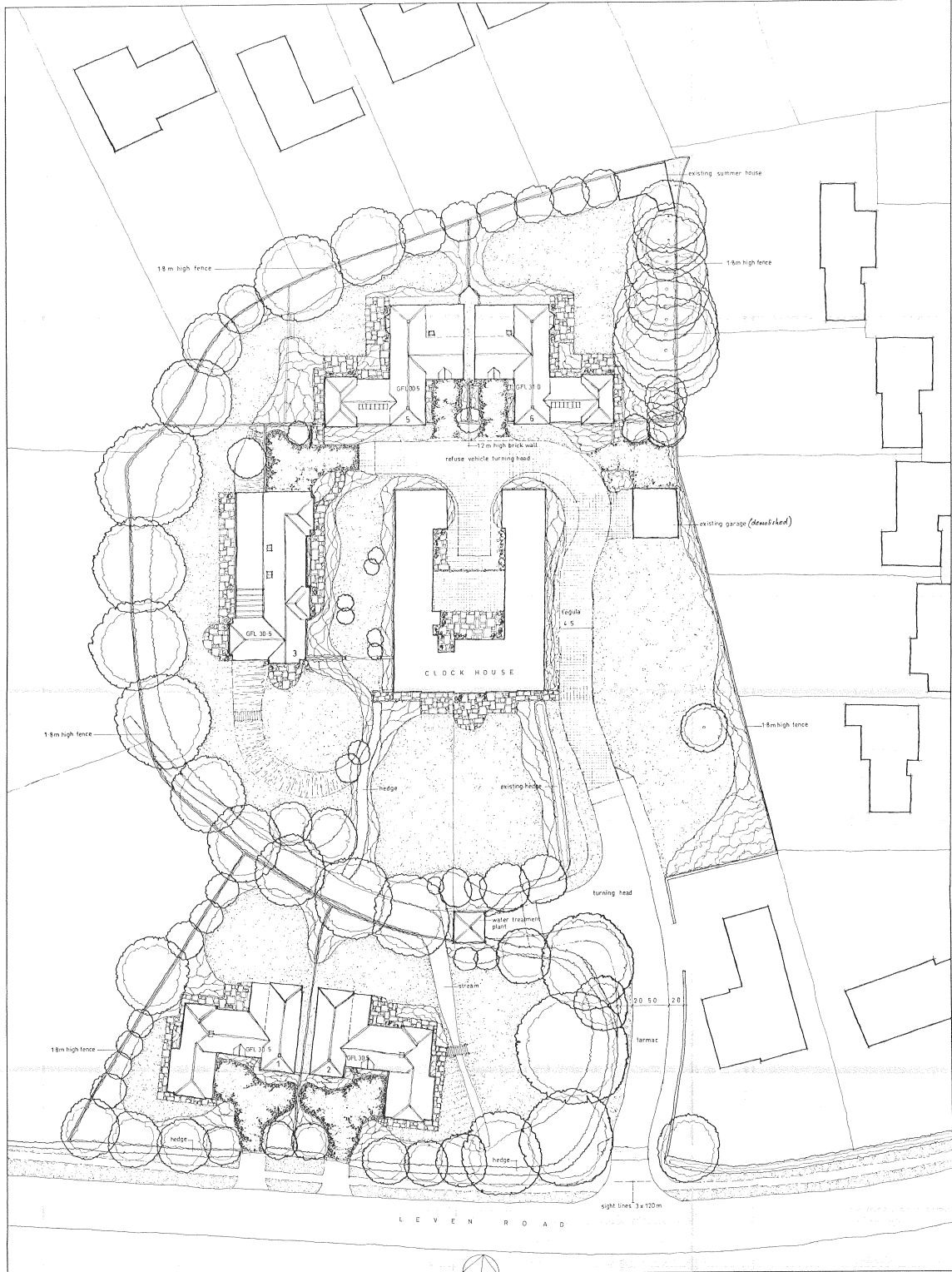
Ordnance Survey © Crown Copyright. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250

*This map was created with Promap*

STOCKTON BOROUGH COUNCIL  
PLANNING  
- 5 APR 2006  
DATE RECEIVED

06/0996/---

06/0996/FUL  
 Clock House, Leven Road, Yarm  
 Appendix ref. 2  
 Site Plan



RESIDENTIAL DEVELOPMENT OF CLOCK HOUSE LEVEN ROAD YARM

for  
 CLARION HOMES  
 RICHARD BURT DESIGN  
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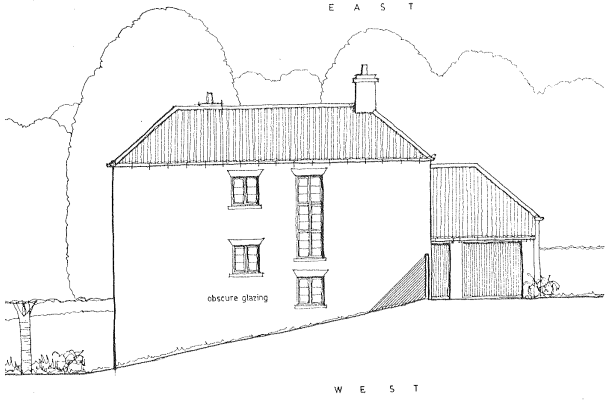


A 25.01.05 RB

A 25.01.05 RB  
 B 26.08.05 RB

04 OCT 20

Plots 1 and 2



**Plots 5 and 6**



**Plot 3**

