

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 14 JANUARY 2009

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

07/3441/FUL

The Rookery, South View, Eaglescliffe

Demolition of The Rookery and construction of 13 no. apartments in two blocks as detailed in planning approval 06/3591/FUL.

Expiry Date 12 March 2008

SUMMARY

Members will be aware that the above application was deferred at the meeting on the 15th October 2008 in order that further information in relation to a full technical appraisal of the existing condition of the foundations, the underpinning of the entire existing foundations and a financial report identifying the difference in cost of underpinning compared to the proposal for demolition and rebuild be supplied.

The request for this information was sent to the applicant's agent and no further information has been supplied. However an appeal on the grounds of non-determination has been received and made valid by the planning inspectorate. As the application was not determined Members must therefore give an indication of what their decision would have been, if the Local Planning Authority had determined the application.

The application site lies within an area of land known as 'The Hole of Paradise' and is bounded on three sides by Uray Nook Road (A67), Yarm Road (A135) and South View and forms part of the Egglecliffe Conservation Area. The Rookery occupies the north and centre area of the 'Hole of Paradise' and currently has a previously extended 1930's built dwelling house upon it.

Planning permission is sought to provide 13 no. apartments within two separate blocks which would involve the demolition of the existing property. The redevelopment of the building will result in a more prominent main building than at present but would be the same size and design to the previous scheme which gained approval for extension and conversion of the host property

Members should be aware of the requirement of section 72 of the Listed Buildings and Conservation Area Act 1990, which requires that special attention should be given when exercising planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area when determining applications in respect of buildings within a conservation area.

It is considered that although the proposed development would result in the loss of the historic fabric of the building, the replacement structure would be identical to that already approved. The scheme is judged to be visually acceptable and would not detrimentally impact on this part of the conservation area, would not have a detrimental impact on the privacy or amenity of the neighbouring properties or highway safety.

On balance the development is therefore considered acceptable and is viewed to be in accordance with Saved policies GP1, HO3, HO11, EN24, EN25 and EN28 of the adopted Stockton on Tees Local Plan and the Local Planning Authority would have been minded to approve the application had the appeal on non-determination not been made.

RECOMMENDATION

That Members resolve that they would have been Minded to approve application 07/3441/FUL subject to the conditions set out below and the applicant entering into a section 106 agreement or unilateral undertaking for a contribution towards nearby open space provision in the area.

- 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.***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>12 December 2007</i>
<i>1505/3/5B</i>	<i>12 December 2007</i>
<i>18505/3/6B</i>	<i>12 December 2007</i>
<i>1505/3/7D</i>	<i>12 December 2007</i>
<i>1505/3/8A</i>	<i>12 December 2007</i>

Reason: To define the consent.

- 02. *Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.***

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

- 03. *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

- 04. *Before any building for which permission is hereby granted is occupied, all surface water and sewage disposal works required shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority..***

Reason: To ensure satisfactory means of sewage disposal.

- 05. *All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.***

Reason: In the interests of the visual amenities of the locality.

06. **No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).**

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

07. **Details of all external lighting of the buildings and car-parking areas shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.**

Reason: To avoid light pollution in the interests of the visual amenities of the area.

08. **Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings and street furniture).**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

09. **A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

10. **Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

11. **Notwithstanding the submitted information provided in this application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority**

Reason: To define the consent

12. **The proposed parking bays in the north-east corner of the site shall be constructed using 'no-dig' construction methods. Full details of the construction materials and methods to be employed shall be submitted to and be agreed in writing with the Local Planning Authority prior to commencement of the development. Such an agreed scheme shall be implemented in accordance with these details.**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

13. **Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

14. **No storage of building materials shall take place underneath the crown spread of the tree(s) to be retained on site.**

Reason: To preserve the said trees in the interests of the amenities of the area.

15. **The commencement of the development authorised by this permission shall not begin until:**

a. The Local Planning Authority has approved in writing a full scheme of works of improvement to:

(i) Realign the kerb line on the southern approach along South View

(ii) Provision of pedestrian access/crossing point along South View

(iii) A revised kerb line and the western entrance to the site

and

b. The approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

16. **Notwithstanding the submitted information provided the external render shall be finished and painted in accordance with a colour scheme to be agreed in writing with the Local Planning Authority. Such an agreed colour scheme shall be retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To define the consent

17. **A detailed description of the steps and works to be taken and carried out under this consent shall be submitted to the Local Planning Authority before any work of demolition is begun until the said Authority has signified in writing its approval to the proposed steps and works. Such a scheme shall involve a timetable of works for**

demolition and completion of the development in accordance with the approved plans detailing that commencement of the redevelopment of the site shall begin within 3 months of the demolition of the existing building. The agreed timetable for demolition and completion of development shall be adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the preservation of the visual amenities of the conservation area.

- 18** ***Notwithstanding any plans contained as part of the application a revised site plan detailing additional planting, a feature wall and the relocation of the 5 no. parking spaces in the north-west corner of the site shall be submitted to the Local Planning Authority for approval, prior to the commencement of any development on the site. The agreed details shall be implemented on site in full accordance with these details.***

Reason; In the interests of visual amenity

INFORMATIVE

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be visually acceptable and will not be to the detriment of the amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.

Stockton on Tees Local Plan

GP1 General Principles, HO3 Housing development on unallocated sites and HO11 Housing Design and Layout, EN24 & EN25 Conservation Areas and EN28 – Listed Buildings.

HEADS OF TERMS

A commuted lump sum of £10,500 is required for nearby open space provision at St Margaret's Play area

BACKGROUND

1. The application site was subject to an earlier planning application during 2004 for the redevelopment of both the Rookery and Sunnymount sites (04/2711/FUL). This proposal sought residential development of 3 No. 4 bedroom terrace houses and 21 No. 2 and 3 bed apartments and included the demolition of The Rookery and Sunnymount. The application was refused by members of the planning committee for the reasons shown below, following comments made by English Heritage.
 01. In the opinion of the local planning authority the proposed development by virtue of its scale and massing would be an inappropriate development within the conservation area adversely impacting on the character and appearance of the conservation area contrary to policies GP1 and EN24 of the Stockton-on-Tees Local Plan and PPG15.
 02. In the opinion of the local planning authority the proposed development would be an over development of the site out of keeping with the general character of the area and conservation area contrary to policies GP1 and EN 24 of the Stockton-on-Tees Local Plan and PPG 3.
2. A further application was received during 2006 for extensions and conversion of the existing house into 8 no. apartments and construction of a new building to form 5 no. apartments

(06/2209/FUL). This application was withdrawn by the applicants following some concerns in relation to highway safety and also over the internal arrangements of the site.

3. A revised application (06/3591/FUL), again for the extension and conversion of existing house into 8 no apartments and construction of new building to form 5 no. apartments was approved January 2007 by members of the planning committee.
4. Members may recall that the application was deferred at the meeting on the 15th October 2008 in order that further information in relation to parts i and ii of Policy EN25 of the adopted Local Plan could be supplied. The following information was requested; a full technical appraisal of the existing condition of the foundations, the underpinning of the entire existing foundations and a financial report identifying the difference in cost of underpinning compared to the proposal for demolition and rebuild.
5. The request for this information was sent to the applicant's agent and no further information has been supplied. Furthermore an appeal on the grounds of non-determination was been both received and made valid by the planning inspectorate. Members must therefore give an indication of what there decision would have been, if the Local Planning Authority had determined the application.

PROPOSAL

6. Planning permission is again sought to provide 13 no. apartments within two separate blocks which would involve the demolition of the existing property. The redevelopment of the building will result in a more prominent main building than at present but would be the same size and design to the previous scheme which gained approval for extension and conversion of the host property
7. The new apartment block to the rear of the Rookery will be subservient to the main building and reflect and utilise elements of the main buildings overall style and design. The building is too measure 19m (wide) x 14m (long) and reach a maximum height of 8.5m.

CONSULTATIONS

8. The following Consultations were notified and any comments received are set out below:-

English Heritage

The application should be determined in accordance with the national and local policy guidance, and on the basis of your specialist conservation advice.

Councillor J Fletcher

Thank you for your letter of 14-12-07. I apologise for the delay in replying.

My comments are based on such information as is available to me. I may change/add to them in the light of anything further I may hear before the Application is determined.

Much of this Application is covered by precedents of the previous approval. It seems to me that the question to be considered under planning law is as follows. If the existing dwelling cannot be developed in the manner already approved, should it be left standing as it is (without prejudice to the erection of the new block not planned for the existing house's footprint)? Or, despite the special features of this house, is it in order to demolish it and replace it with a building of similar genre?

Building Control Manager

I visited the property on the 7th March 2008, however was unable to gain access to the inside of the property, only the outside.

The property is suffering from extensive cracking to the rendering above and below the doors and windows to all elevations. In addition where the rendering has been removed it reveals that the cracking extends through the brickwork. Evidence of differential movement was also noted between the window heads and wall panels.

Beneath the rendering the common bricks appear weak and fragmented, with the mortar jointing being generally soft to weak. Generally poor quality workmanship throughout. This brickwork is unlikely to be adequate to sustain any additional vertical loads.

From earlier knowledge of the property there were a large number of trees to the boundary, front and rear gardens. These trees seem to have been felled a number of years ago. I would assume that these trees have been removed due to the cohesive deposit beneath the site having suffered drying shrinkage, caused by moisture removal from the clay deposits, by the trees.

There has only been one trial hole excavated and I would have liked to see further trial holes carried out around the perimeter of the property (*an additional four to five*). From the one trial hole excavated the main house foundations are at a depth of only about 600 mm. The concrete is of poor quality mixed in with what seems to be brick rubble. In addition the step in the concrete foundation is inadequate, which would lead to major structural problems if all the other steps to the concrete foundations have been constructed in a similar way.

From my observations the foundations of property seem to be inadequate to avoid differential settlement of the property. Underpinning work would also be very difficult to carry out if all the existing foundations are of the same poor quality concrete mix, with brick rubble found within the trial hole.

In conclusion I would agree with the consulting engineer that the risk of compressive failure and lateral failure of the external walls cannot be discounted and the walls should be rebuilt off suitable new foundations.

Further to my previous email, I visited the property again today. The owner of the property has dug a further two trial holes and exposed the existing foundations to the front and side elevations. The existing foundations are at a depth of approximately 850 mm below existing ground level. The thickness of the foundations are only 100/125 mm and of poor quality concrete, with some brick rubble below.

I would therefore confirm my previous recommendations.

Council for the Protection of Rural England (in summary)

The resolution of this application is simple. Permission to develop the site was only reluctantly given because the main part of 'The Rookery' was to be retained and converted in line with the Local Plan Policy. The Planning Committee had thrown out a previous application which involved the demolition of 'The Rookery'.

The applicant has therefore two straightforward options, either carry out the required works to amend the building, or if this is impractical, retain the building as it is and build only on block in the grounds.

The applicant and his advisors appear to have difficulty in grasping the term 'conservation area'. Perhaps they should refer to a dictionary. If an Authority has such a policy then it is the Planning

Departments responsibility to protect it and I confidently expect therefore that in your report, this misguided application will be recommended for refusal.

Environmental Health Unit

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 accommodations
- Noise disturbance from adjacent road traffic
- Open burning
- Construction Noise

Tees Archaeology

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

Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make. The application has been examined and Northumbrian Water has no objections to the proposed development.

NEDL

Have no objections but refer the developer to the Health and Safety Executives publications on working with and in and around electricity.

Northern Gas Networks

No Objections

Highways Agency

The development comprises 13 residential apartments and is predicted to generate less than 10 two way trips during each of the weekday AM and PM peak hours. Whilst we have not undertaken a detailed review of the traffic statement prepared by Jacobs Babbie, we would consider that this development will not have a material impact upon either the A66 to the north or the A19 to the east.

We therefore have no objection to this planning application.

Urban Design

I refer to your memo dated: as previous memo.

Reference drawing no: Site Plan – 1505/3/7D

General Summary

See amended comments below regarding entrance alterations and open space contribution. These comments should be added to previous reply ref. 07/3441/FUL.

Highways Comments

A minor revision of the alignment of 5 no. parking bays in the northwest of the site; to achieve the desired road widths to accommodate landscape entrance improvements is acceptable.

Landscape & Visual Comments

Our comments made in the previous memo highlighted the need for tree and shrub planting alongside the secondary access into the site. This access is indicated at the northwest corner of

the site and whilst the removal of the existing fruit trees along the boundary is proposed, additional tree and shrub planting should be provided in this location to create a visual buffer and to assist in providing some screening for the existing properties to the south.

This planting strip should be a minimum width of 2.0m and should wrap around the corner to join up with the proposed planting along the west boundary. This may also mean a slight reorganization of the parking bays directly to the north of block 2.

Following discussions with Highways, this would be possible and would mean a minor revision of the alignment of 5 no. parking bays in the northwest of the site, to achieve the desired road widths.

A feature wall should also be provided at this entrance into the site to improve the quality and visual appeal of the boundary treatment.

I request that the applicant provides a revised site plan which reflects the above requirements.

A contribution towards off-site public open space should be sought as part of the development and discussions should take place with Countryside and Greenspace.

Parish Council

The above application for demolition of The Rookery and building of 13 flats in two blocks was discussed at our meeting last night.

I am instructed to inform you that this Council is opposed to the proposal to demolish the Rookery. Our comments on the original application in 2006, to extend and convert the building actually stated that we welcomed retention of this building which is within the boundary of Egglecliffe Conservation Area.

In 2004 this Council was in contact With English Heritage to investigate the possibility of having the Rookery listed. Unfortunately the Inspector did not have enough evidence for this to be listable but his final comment in his report states "THIS IS A VERY IMPORTANT LOCAL EXAMPLE OF AN INTERNATIONAL STYLE HOUSE AND IT IS HEARTENING THAT THE LOCAL AUTHORITY AND THE DoE INSPECTOR HAVE ACKNOWLEDGED THIS IS THEIR DECISIONS". I can provide you with a copy of his full report should you require this.

We are led to believe that the house simply requires the foundations underpinning - this may be a more expensive option than demolishing and rebuilding, a cost-cutting exercise which should not be an adequate reason for allowing demolition of this historic building.

Are Stockton Council engineers carrying out their own checks on the structural engineers report - we understand that there has only been one hole dug for investigation?

Additionally, we fully support neighbours concerns that the existing 4" drain which runs through the grounds of the adjacent Sunnymount, would not be nearly adequate for an additional 13 dwellings - the development will require its own drainage system.

I trust these comments will be taken into consideration and await confirmation that SBC Engineers are investigating the structural report.

PUBLICITY

9. Neighbours were notified by post as a site notice being displayed and an advert being placed in the local press. A total of 44 objections were received and the comments made are shown below (in summary);

- Egglecliffe is already saturated with flats

- ❑ The building is rare in this area and needs to be preserved
- ❑ Access is unsuitable
- ❑ Increase traffic
- ❑ Effect on the character of Eaglescliffe
- ❑ Area is over-developed
- ❑ Many flats in the locality are empty
- ❑ Loss of trees
- ❑ Loss of privacy
- ❑ Increase in pollution (light and noise)
- ❑ Drainage issues
- ❑ Construction issues - mud on road
- ❑ Underpinning is possible, just expensive
- ❑ That once demolished the site will remain derelict for long period of time
- ❑ Emergency vehicles would find it almost impossible to access the Crescent should fire break out in one of the properties.

PLANNING POLICY

10. The relevant development plan in this case is the adopted Stockton on Tees Local Plan. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, 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 following planning policies are considered to be relevant to the consideration of this application:-

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 EN24

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Policy EN25

The demolition of buildings and other structures which require consent for demolition within conservation areas will not be permitted unless:

- (i.) It can be shown that the loss is not detrimental to the character or appearance of the conservation area; or
- (ii.) The structural condition renders it unsafe; or
- (iii.) The structure is beyond reasonable economic repair.

Conditions will normally be imposed to secure the satisfactory redevelopment of the site.

Policy EN28

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

Planning Policy Guidance No. 3. Planning Policy Statement 3 - Housing and Planning Policy Guidance 15: Planning and the historic environment are also considered to be relevant to this decision.

SITE AND SURROUNDINGS

11. The application site lies within an area of land known as 'The Hole of Paradise' and is bounded on three sides by Uraly Nook Road (A67), Yarm Road (A135) and South View and forms part of the Egglecliffe Conservation Area. The Rookery occupies the north and centre area of the 'Hole of Paradise' and currently has a previously extended 1930's built dwelling house upon it.

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are the impacts of the development on planning policy, the character of the area, the setting of listed buildings, impact on residential amenity, archaeological features, highway safety and landscaping features.

Principle of development;

13. The application site lies within the limits to development and is a previously developed site. The site has no specific allocation although lies within the Egglecliffe Conservation Area. Both Planning Policy Guidance No. 3 and the recently produced Planning Policy Statement 3 outline that priority should be given to re-using previously developed land within urban areas and create more sustainable patterns of development near to public transport and local services.
14. Section 72 of the Listed Buildings and Conservation Area Act 1990, requires that special attention should be given when exercising planning functions to the desirability of preserving or

enhancing the character or appearance of a conservation area when determining applications in respect of buildings within a conservation area.

15. The site also meets the criteria for high density development as outlined in the Council's Supplementary Planning Guidance for high density/flatted developments (SPG no. 4) and is within approximately 400 metres from Yarm High Street; therefore the site is considered to be suitable and sustainable enough for accommodating flatted development.
16. Some of the objections received have raised the issue of there being a saturation of flats within the Eaglescliffe area. However, this application will replace the 13 no. flats already approved in the extant consent 06/3591/FUL. Other concerns have also been raised in relation to the demolition of the building and the possibility of the site remaining derelict. Whilst these concerns are appreciated the site lies within a conservation area and it is considered reasonable that a planning condition be imposed in order that there is a short time period between demolition and construction works starting.
17. Given the above and the previous approval the principle of residential development on the site is still considered to be acceptable subject to policies GP1, HO3, HO11, EN24, EN25 and EN28 of the adopted Stockton on Tees Local Plan.

Impact on the character of the area.

18. Within the immediate locality there are a range of building styles and sizes. The design of the two units remains the same as that approved under application 06/3591/FUL that sought extensions and alterations to the existing property and takes influence from the 'art deco' style of the existing property. The scale and massing of the building is considered to be appropriate within the immediate locality and would ensure that the development retains its status as a local landmark. Visually this proposal is therefore considered to be acceptable and does not harm the character of the conservation area or the visual amenity of the area.
19. Comments have been made by local residents in relation to the demolition of the existing property and the impact on the character of the area. Whilst it is acknowledged that the demolition of the building would mean the loss of historic fabric the external appearance, scale and layout on the site would be the same as the previous approval that sought to extend and convert the existing property.
20. As there is an existing permission on which theoretically work could commence tomorrow and this current application proposes the same scheme but with the demolition of the existing property and effectively its rebuild albeit with the extensions approved in 06/3591/FUL, visually there is no external difference between this application and the approved 06/3591/FUL scheme. The overall impact on the character of the conservation area is therefore one which would remain the same and it is considered that the proposal would preserve the overall character of this part of the conservation area. A structural assessment has been submitted to justify the reasoning for needing to demolish the property and the Council's building control officers have also assessed the site and the trial holes around the property to assess the quality of the foundations. Having carried out the assessment the building control officer considers that the foundations are in a poor condition and that the wall should be rebuilt off suitable foundations. Notwithstanding that a full technical appraisal of the existing condition of the foundations, the underpinning of the entire existing foundations and a financial report identifying the difference in cost of underpinning compared to the proposal for demolition and rebuild has not been supplied it is considered that the proposed scheme is acceptable.
21. Given the above and the existing extant consent for extension/alterations to the property it is considered that the proposed development is visually acceptable, would preserve the character of the conservation area and would not be in direct conflict with PPG15, local plan policies GP1 or EN24 and section 72 of the Listed Buildings and Conservation Area Act 1990.

Setting of Listed buildings

22. The site lies in close proximity to the grade II listed Leyfield House to the north-west of the site, the building lies approximately 40 metres from the location of the front apartment block. Given that the design, scale and massing of the units are considered to be appropriate, the proposed development is not considered to have a detrimental impact on the setting of this listed building and is in accordance with policy EN28 of the adopted local plan

Impact on residential amenity.

23. The front apartment block will be situated an adequate distance from the neighbouring properties on the opposite side of South View so as not to cause any significant loss of privacy or amenity to these residents. The relationship between the buildings and the previously approved bungalows on Sunnymount meets the required minimum 21 metre separation distance and the angle between the habitable rooms of the buildings and the dining room windows of the property are such that any future occupiers will not suffer any significant loss of privacy. The relationship between the two apartment blocks is considered to be satisfactory given that there are no habitable rooms on the front elevation of the second apartment block.
24. The second apartment block would be situated approximately 3.5 metres from the boundary with No. 15 South View. As that there are no habitable room windows in the elevation nearest the second apartment block it is not considered that the development will pose any significant loss of amenity to residents of No. 15 South View. Given the separation distances between the development and neighbouring properties it is not considered that the development would be overbearing on these residents and would therefore not result in a significant loss of amenity.
25. Equally given the change in levels between the application site and the Parklands garage and the orientation of window positions it is not considered that the proposed development will result in a significant loss of privacy or amenity to the future residents of either development.
26. Concerns from objectors over a loss of privacy, daylight and overlooking issues are appreciated. However, the distances from the neighbouring properties and relationship between windows is such that the development causes no significant loss of privacy/amenity. The overlooking of any garden areas does not provide sufficient justification for a refusal of the application.
27. The application has been reconsidered in relation to open space provision by the Urban Design unit and the Countryside and Greenspace sections of the Local Planning Authority. Since the previous application the Council's SPD on planning obligations has been produced and adopted (May 2009) and it is considered that despite the open space provision on the site a contribution toward nearby open space provision is required. The justification for this is that the development proposed two and three bedroom accommodation.
28. The design and layout of the proposed development results in a landscaped setting for the two apartment block and it is considered that space is provided within the site so as not to be considered to represent an over development of the site.
29. Concerns have been raised in relation to issues with the refuse/bin store located in the north-west corner of the site; this would be covered and is considered to be a sufficient enough distance from neighbouring properties so as not to cause any significant loss of amenity or health issues.
30. It is accepted that if the application were to be approved that there could potentially be some issues with noise and disturbance during construction, however, this would only be a temporary issue and the hours of construction could be restricted via a planning condition to provide a reasonable level amenity during this time and would therefore not warrant a reason for refusal.

Archaeological Interest

31. Tees Archaeology has commented that they have a basic record of the existing building and do not have any objection to its demolition. As there are no objections it is considered that there is no basis for a refusal on archaeological grounds.

Impact of Traffic and Highway safety

32. The Council's Highways officers have considered the information submitted as part of the application. The access and parking arrangements within the development are considered to be acceptable; the requirement for improvements to the highway can be addressed via a Grampian style planning condition. It is therefore considered that there are no significant highway safety issues that remain and that the development is acceptable in this aspect.
33. The majority of the objections that have been received raise concerns over the impact on existing traffic and on-street parking problems within the area and along South View. The proposal remains the same in terms of design, layout and number as the previously approved scheme that was judged to have no detrimental impact existing traffic flows.
34. There remains no objection to the 13 no. apartments or any material change of circumstance since the previous approval, therefore on highway safety ground the proposed development is considered not to pose any significant threat to highway safety or to justify a refusal of the application.

Landscaping features

35. Concerns have been raised by the some objectors in relation to a loss of trees on the site. However, many of the existing trees on the site are to be retained and schemes for further landscaping and tree protection measures have been conditioned as part of any approval given.
36. Comments have also recently been received in relation to improving landscaping and entrance features into the site. This will require the relocation of the 5 no parking spaces in the north-west of the site to provide a planting strip, feature wall and the required highway width, all of which can be achieved. A revised site plan is therefore required and this information can be satisfactorily addressed via a planning condition.

Residual Issues

37. Objections have also been raised over a potential loss of views, whilst the development may mean that certain views towards Yarm may be lost from some properties this is not a material planning consideration.
38. Concerns over the origin of the letters of support have been received from some residents. It is acknowledged that whilst these may be from the applicant's family and others outside of the immediate area they have however, been treated as valid letters of support.
39. Objectors have also raised concerns over existing drainage from the site. This would be addressed by building regulation controls during construction although a planning condition could be imposed for the developer to provided details for approval by the Local Planning Authority.

CONCLUSION

40. In conclusion it is considered that although the proposed development would result in the loss of the historic fabric of the building, the replacement structure would be identical to that already approved. The scheme is judged to be visually acceptable and will preserve the character of

the conservation area. It is considered that it will not have a detrimental impact on the privacy or amenity of the neighbouring properties or highway safety.

41. On balance the development is therefore considered acceptable and is viewed to be in accordance with Saved policies GP1, HO3, HO11, EN24, EN25 and EN28 of the adopted Stockton on Tees Local Plan and the Local Planning Authority would have been minded to approve the application had the appeal on non-determination not been made.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

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

Stockton-on-Tees Local Plan

Regional Spatial Strategy

Tees Valley Structure Plan

Planning Policy Guidance No. 15: Planning and the Historic Environment

Planning Policy Statement 3: Housing

Planning Application 04/2711/FUL, 06/2209/FUL & 06/3591/FUL

WARD AND WARD COUNCILLORS

Ward Eaglescliffe

Ward Councillors A L Lewis, J. A. Fletcher & Mrs M. Rigg