

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 29 JUNE 2011

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

11/0136/FUL

The Rookery, South View, Eaglescliffe

Demolition of existing property and construction of 3 no. detached houses with detached double garages

Expiry Date; 29 March 2011

SUMMARY

The application site has been subject to several planning applications for residential development, more recently a revised application (06/3591/FUL), for the extension and conversion of the existing house into 8 no apartments and the construction of a new building to form 5 no. apartments was approved in January 2007. However, following a structural survey of the property, a further application (07/3441/FUL) was submitted in order to allow for the demolition of The Rookery and construction of 13 no. apartments in two blocks as detailed in planning approval 06/3591/FUL.

Given the current economic climate planning permission is sought for the demolition of the existing property and construction of 3 no. detached houses with detached double garages. Two of the proposed plots are situated close together in order to try and replicate the presence of a large dwelling on the site, particularly from distance views. . Each property is split over three floors and has the benefit of a basement.

It is considered that although the proposed development would result in the loss of the original fabric of the building, the replacement dwellings would reflect the architectural style of the existing property. The scale, massing and design of the scheme are judged to be visually acceptable and will preserve the character of the conservation area. The proposal is also not considered to have a detrimental impact on the privacy or amenity of the neighbouring properties or highway safety. The development is therefore considered acceptable and in line with the relevant planning policies set out within the report.

RECOMMENDATION

Planning application 11/0136/FUL be Approved subject to Section 106 agreement and the conditions set out below;

Approved Plans;

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>
21109/1/1	20 January 2011
2109/1/2C	1 February 2011

2109/1/3C	1 February 2011
2109/1/4A	1 February 2011
2109/1/5A	20 January 2011
2109/1/6	11 May 2011

Reason: To define the consent.

Materials:

- 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. The development shall be carried out in accordance with these agreed details.

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

Existing and proposed levels:

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

Reason: To define the consent

Means of enclosure:

- 04 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.

Hard landscaping works:

- 05 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.

Soft landscaping works:

- 06 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.

Landscape Maintenance:

07 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.

Construction Activity:

08 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.

Archaeological features:

09 No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason; The site is of archaeological interest.

Programme of works to allow for redevelopment of site:

10 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 it's 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.

Unexpected land contamination:

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

Reason: To ensure proper restoration of the site.

Tree Protection measures:

- 12 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; materials storage; location of underground services; location of site signage; and details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy. The development shall be carried out in full accordance with the agreed scheme, unless otherwise first agreed in writing with the Local Planning Authority

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

Visibility Splays:

- 13 Visibility splays of 2.4m x 43m shall be provided at each access in accordance with a scheme to be agreed with the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed scheme and the approved splays shall be maintained for the life of the development.

Reason; In the interests of highway safety.

Traffic management Plan:

- 14 Prior to works commencing on site a scheme for traffic management during demolition and construction, including a temporary car park for construction traffic and workers 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.

Reason: In the interests of highway safety

INFORMATIVES

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 not to harm the character of the conservation area, is visually acceptable and will not be detrimental to the amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.

Core Strategy Policies

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel; Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change; Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

Stockton on Tees Local Plan

HO3 Housing development on unallocated sites; EN24 – Conservation Area; EN28 – Listed Buildings; and EN30 – Sites of Archaeological Interest..

HEADS OF TERMS

A commuted lump sum of £11, 092.80 is required for the provision and improvement of open space, sports and landscaping facilities.

BACKGROUND

1. The application site has been subject to several planning applications for residential development over the past 20 years. During the 1990's planning permission was granted for the erection of two dwellings (Ref's: 91/1053/P, 94/1367/P, 97/1562/P & 98/0961/P), these units has since been erected and lie to the south west of the main dwelling.
2. More recently a planning application was submitted in 2004 for the redevelopment of both the Rookery and Sunnymount sites (04/2711/FUL). This proposal sought residential development of terraced properties and apartments and was refused on the basis of its impact on the character and appearance of the conservation area and an over development of the site.
3. 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. A revised application (06/3591/FUL), for the extension and conversion of the existing house into 8 no apartments and the construction of a new building to form 5 no. apartments was approved January 2007
4. However, following a structural survey of the property, a further application (07/3441/FUL) was submitted in order to allow for the demolition of The Rookery and construction of 13 no. apartments in two blocks as detailed in planning approval 06/3591/FUL. This application was approved at appeal (see appendix for decision notice).

PROPOSAL

5. Under this current application, planning permission is sought for the demolition of the existing property and construction of 3 no. detached houses with detached double garages. Two of the proposed plots are situated close together in order to try and replicate the presence of a large dwelling on the site, particularly from distance views. The third dwelling is located in the rear garden adjacent to the western boundary. Each property is split over three floors and has the benefit of a basement.
6. The dimensions of the proposed buildings are as follows;
Plots 1&2 – 12.3m (w) x 14.2m (l) x 8.8m (h)
Plot 3 – 14.9m (w) x 12m (l) x 8.9m (h)

CONSULTATIONS

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

Former Councillor J Fletcher

Thank you for your letters of 4 & 8 February 2011. I apologise for the delay in replying.

On the information available to me, I would comment as follows.

It is a very sad day when the demolition of a building that's unique in our area is allowed. Sadly, the principle of demolition was allowed some time ago because the owner produced a survey showing that the structure wasn't sound and that underpinning was not a viable proposition. Planning decisions have to be taken on evidence not emotion and so demolition was approved. As a result any subsequent application will assume that demolition is acceptable. The previously approved application was to rebuild in almost the same outer form and add a second building of similar design in the grounds which would at least have preserved the form in the street scene. The present application reflects some of the features of the existing property in having curved bay windows and rendered walls, but is nevertheless 3 houses rather than the one currently there.

Although South View is not, I believe, a classified road, it is the only way for traffic to go from the S-bound A135 onto the NW-bound A67. This application involves an extra vehicular entrance/exit. However, the Application would generate less traffic than previous schemes to build apartments.

Will the Applicant be required to provide a footway along the S side of South View, as is usual with residential developments?

Parish Council

The above application was discussed at a recent meeting of my Council and I am asked to express their concern that there is no provision for a 2 metre wide footway along South View at the frontage of the properties.

Council For The Protection Of Rural England

No comments received

Northern Gas Networks

No objections

Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed developments. Northumbrian Water has no objections to the proposed development

English Heritage

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

Historic Buildings Officer

This section of the conservation area has no specific architectural character and varies from large dwellings in spacious plots to neighbouring semi-detached dwellings, bungalows and apartments at the neighbouring former Parklands garage site.

The Rookery sits in a prominent position within the Egglecliffe Conservation area and although significantly altered, is unusual in its Art Deco style within the conservation area.

The loss of the Rookery in the proposal is unfortunate however taking into account that due to previous approvals the authority has established the principle of the loss of the building I accept that the principle of a replacement building has already been established and will not re-iterate that point.

The current proposal picks up on the architectural form and style of the Rookery and the scale and massing of the proposal is appropriate in comparison with other buildings within the conservation area, as previously stated there is no generic architectural form in this section of the conservation area.

Having debated the merits of picking up on the architectural style and detailing of the Rookery with the architect and provision of the additional information requested showing details of the elevation treatments I am satisfied that these help to demonstrate further the final appearance of the buildings which will have a degree of architectural distinction. I therefore have no objection to the proposals.

Head of Technical Services

General Summary

Subject to the comments below Urban Design has no objections to the principle of this development.

Highways Comments

All developments should be designed and constructed in accordance with the Design Guide and Specification and SPD3: Parking Provision for New Development.

It is proposed to demolish the existing building and construct 3 substantial dwellings to be accessed from South View using 2 existing vehicle accesses and constructing 1 new access.

Visibility splays of 2.4m x 43m should be available at each access and maintained thereafter, this may require amendments to the boundary wall and planting so that there is nothing higher than 0.6m within the splay. This should be conditioned.

Each of the proposed dwellings has a large double garage and drive with a turning area providing at least 4 incurtilage car parking spaces which accords with SPD3 and should be maintained thereafter. This should be conditioned.

A traffic management plan for the demolition works and details of parking for construction workers should be submitted and agreed. This should be conditioned.

The applicant should contact Direct Services regarding the construction of the new dropped vehicle crossing.

Unbound materials, such as gravel, may only be used if a 1.5m hard surfaced buffer strip is provided adjacent to the highway for the full width of the access in order to prevent materials being carried onto the highway.

Landscape & Visual Comments

It should be possible to accommodate the latest development of three detached houses in the garden of the Rookery subject to the following points;

There are a number of trees within the garden of the Rookery three of which are protected by Tree Preservation orders. The submitted tree report highlights the need for protecting the Ash tree ref T2 and Beech tree ref T3 on the northern site boundary alongside South View road. It highlights specific construction methods be used when constructing the drives and garage near the trees and all these must be adhered to as follows –

Ash tree ref T2 – mini pile or pile and beam foundations to be used where the new garage falls within the root protection area (RPZ) of the tree utilising the smallest practical pile diameter.

Dismantling of existing raised planter and re-establishment of original soil levels to be by hand and great care taken not to damage the existing root structure. The frontage wall which is also acting as a retaining structure for the tree should be retained and repaired.
Any pruning works required should be carried out under the TPO regulations.

Beech Tree ref T3 – no dig construction techniques should be used where the new access driveway passes within the RPZ of the tree. A permeable surface is requested for the drive to allow moisture to continue to reach the trees root structure and an edging support using steel pins or equivalent utilised to prevent the need for a traditional kerb excavation within the RPZ. To this effect Stockton Council Informatives on no tree protection, dig construction and permeable surfaces next to trees are attached in the informative section below
Any pruning works should be carried out under the TPO regulations.

We do not disagree to the replacement of the protected birch tree which is in poor health – the new tree should be located as near as possible to the existing tree.

New tree planting, should be provided to enhance the scheme and soften the development along with shrub and hedge planting especially around the edge of the scheme on the northern, southern and eastern boundaries.

Shrub and hedge planting should be used on the western site boundary to soften views from the adjacent houses.

Details of the boundary treatment along south view following construction of the new accesses is requested along with hard details of the new driveways. Ideally the existing wall should be retained and repaired as required to protect the existing vegetation.

Condition wording is attached below in the informative section in relation to requested landscape details.

We believe an off site contribution was requested on the former development to be used for an adjacent playground and this is once again requested.

LANDSCAPING – HARDWORKS
EXISTING AND PROPOSED LEVELS
ENCLOSURE
LANDSCAPING – SOFTWORKS
LOCATION OF SITE WORKS
MAINTENANCE- SOFTWORKS

Environmental Health Unit

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

- Construction Noise
- Unexpected land contamination

Tees Archaeology

Thank you for the consultation on these planning applications.

Recent research into the railway history of the area demonstrates that the short lived Yarm Branch of the Stockton and Darlington railway terminated in the rear garden of The Rookery. The proposed Plot 3 occupies part of a siding and railway yard. As far as I can tell, from available aerial photographs, there are no upstanding remains surviving within the site. The council may wish to consider the impact of the proposal on the route of the line which could be considered to be nationally important.

Should the application be given consent then I recommend that archaeological recording takes place during development of Plot 3. This would take the form of archaeological monitoring any excavation work such as topsoil stripping and foundation trenching. Any archaeological remains connected with the railway would be subject to appropriate recording.

Likewise, should consent be granted, I recommend that historic building recording takes place to provide a permanent archive for The Rookery. This recording can be secured by mean of a planning condition. I set out below the suggested wording for such a condition: -

A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

I attach a brief for the recording along with a list of archaeological contractors who are able to tender for the works.

PUBLICITY

8. Neighbours were notified and any comments received are below (if applicable)

Mike and Alexandra Haskins – 41 Coatham Vale

Re the above we wish to protest re the demolition of this property. It is an example of the Art Deco period and adds character to Eaglescliffe. Sadly Eaglescliffe has lost some of its character in recent times. Traffic around South View is terrible and the parked cars don't help the situation. Since the advent of Tesco traffic piles up between the Tesco roundabout and The Cleveland Bay pub. The fact that the delivery entrance for Tesco lorries is so near the main road/roundabout. makes matters worse. Another three houses on South View will only compound matters.

We also hear that a 1000 dwellings are to be constructed near Allen's West!!! The mind boggles! Where are all the cars going to go?

Mike and Lynn Johnson - 3 Headlam Terrace Eaglescliffe

I write to you with reference to the proposed plans for The Rookery, South View. My concern, as with previous application plans for this site, is for the impact on the ability to park vehicles along South View. The addition of another private entrance to one of the planned detached

properties I feel will have a negative effect for the residents of Headlam Terrace who currently barely manage with the on street parking along South View. Presumably some element of yellow line restrictions will be applied to South View to ensure visibility for vehicles entering and leaving the new properties. Once again the plans for this site do not take into account other local residents who have limited options available to them already.

We feel preservation of the original building would be more beneficial on this site than the addition of 3 large detached dwellings.

I hope that the council will take account of these concerns when considering this planning application.

E And J Alexander - 6 The Crescent Eaglescliffe

Strongly objects to the proposed development as it will result in more congestion on South View, which is already used as a rat run and parking area for Yarm and other residents. Approval of the proposal would result in 5 properties on what was in the past, 1 plot.

Mr J & Mrs C Basford - Sunnymount South View

Object to the application on the basis that the OS plan is out of date, there being insufficient parking, poor visibility splays, problems with drainage, impact on trees, overlooking, does not comply with new government policy. Wish to see the Rookery restored to its former glory.

Dennis Hall - 5 South View Eaglescliffe

Wishes to object on the grounds of less parking space being available on Railway Terrace due to the additional entrance and that the development may increase the pressure for parking in the surrounding streets.

Mrs A V Haskins - 41 Coatham Vale, Eaglescliffe,

I note with dismay that yet again our local area is under attack from developers, namely the proposal to demolish The Rookery. I cannot believe that this building does not have some sort of protection given that it is a magnificent example of art deco design and only adds to the unique character of the area. I sincerely hope that our Liberal Democrat representatives are of the same opinion?

PLANNING POLICY

9. 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 Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

Ministerial Statement from Greg Clark

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable

communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)

- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
- (v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions

10. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

- i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
- ii) Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

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 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 EN28

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

Policy EN30

Development which affects sites of Archaeological interest will not be permitted unless;

- i) An investigation of the site has been undertaken
- ii) An assessment has been made of the impact of the development upon remain; and where appropriate;
- iii) Provision has been made for preservation 'in situ'.

Other material considerations include;

Planning Policy Statement 1: Delivering Sustainable development

Planning Policy Statement 3: Housing

Planning Policy Statement 5: Planning for the Historic Environment

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 northern and central area of the 'Hole of Paradise' and currently has a previously extended 1930's built dwelling 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 lies within the Eggescliffe Conservation Area. Planning Policy Statement 3 outlines 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. The revised document does now exclude garden areas from the definition of previously developed land. However, it does not specifically preclude development of garden areas and each must be assessed on a case-by-case basis against the development plan. In this particular instant it is also important to recognise the planning history of the site and the previous approvals of flatted development, including the demolition of the Rookery building.
14. Members may also be aware that as part of the coalition governments plans to reform the planning system, Greg Clark MP stated that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. In particular it is necessary to consider fully the importance of national planning policies aimed at fostering economic growth and employment; maintain a flexible and responsive supply of land for key sectors including housing; consider the range of likely economic, environmental and social benefits; and ensure that they do not impose unnecessary burdens on development.
15. The application site is surrounded by a number of styles of property, including several that have been constructed in more recent years. The immediate surrounding area is therefore devoid of any distinctive character. Furthermore the site lies close to Yarm High Street with good access to bus and rail services. The site is therefore considered to be in a sustainable location and residential development of the site is also viewed to remain acceptable subject to the planning policies and considerations set out in the report below.
16. Objections have also been raised in relation to the demolition of the building, however, as part of a previous planning approval given, the demolition of the Rookery was deemed acceptable as the resultant scheme would reflect the art deco style of the property and preserve the character of the Conservation Area. It is also important to note that 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.
17. Given the above, the scheme is considered to meet the considerations set out by Greg Clark MP and it not having a detrimental impact on the character of the conservation area, the demolition of the Rookery and its replacement with additional housing is considered to remain acceptable,

Impact on the character of the area;

18. As set out earlier this section of the conservation area has no specific architectural character and varies from large dwellings in spacious plots to neighbouring semi-detached dwellings, bungalows and apartments at the neighbouring former Parklands garage site. The design of the proposed dwellings has taken influence for the art deco period due to the previous approvals granted and the 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 dwellings to the front of the site retained some status as a local landmark. Without a prevalent style for this area of the Conservation Area, the scheme is considered to be visually acceptable and on balance does not cause significant harm the character of the conservation area or the visual amenity of the area.

19. Revised details have been requested to utilise a shared access for plots 1 and 3, this would also for the repositioning of the garage and provide the opportunity for greater landscaping along the front of the site towards South View.
20. 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 is considered acceptable. Furthermore, the consent for the demolition of the building and construction of a flatted scheme remains extant and does not expire until 20 April 2012. In consideration of all these facts it is considered that the overall impact on the character of the conservation area is therefore one that would preserve the overall character of this part of the conservation area.
21. Given the above and subject to receiving an amended plan 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 PPS 5, Core Strategy policies CS3 and CS10, local plan policy EN24 or 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 dwellings. 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 saved policy EN28 of the adopted local plan and PPS 5.

Impact on residential amenity;

23. Plots 1 and 2, fronting onto South View will be situated an adequate distance from the neighbouring properties on the opposite side of South View (in excess of 24m) so as not to cause any significant loss of privacy or amenity to these residents. The relationship between the buildings and the newly constructed properties in Sunnymount are considered acceptable with separation distances of 11m or greater to the gable elevations. The angle between the habitable rooms of plot 2 and the dining room windows of these properties are such that any future occupiers will not suffer any significant loss of privacy
24. Plot 3 in the south of the site 3.5 metres from the boundary with No. 15 South View. As there are no habitable room windows in the elevation nearest this plot and with both properties facing south it is not considered that the development will pose any significant loss of privacy to residents of No. 15 South View. Given the separation distances between the development and the positioning of plot 3 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. There is also a significant 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 existing or 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 it is considered that the development would not cause significant any loss of privacy/amenity. The overlooking of any garden areas does not provide sufficient justification for a refusal of the application.
27. Following advice within the Council's adopted Supplementary Planning Document for open space, sport and landscaping facilities a contribution of £11, 092.80 has been agreed. The applicant has agreed to provide this contribution upon implementation of the scheme and it is

therefore not considered this will provide an unnecessary burden on the development. It is therefore necessary for the applicant and interested parties in the land to enter into a section 106 agreement to secure these monies.

Features of Archaeological Interest;

28. Tees Archaeology have commented that recent research into the railway history of the area demonstrates that the short lived Yarm Branch of the Stockton and Darlington railway terminated in the rear garden of The Rookery. Whilst it is noted that there are no upstanding remains surviving within the site they stress the need to consider the impact of the proposal on the route of the line, particularly as it could be considered to be nationally important.
29. Accordingly they recommend that archaeological recording takes place during the development of Plot 3 in the form of monitoring excavation work such as topsoil stripping and foundation trenching with any archaeological remains found subject to appropriate recording. Furthermore it is also recommended that historic building recording takes place to provide a permanent archive for The Rookery.
30. Both of these elements can be controlled through the use of planning conditions. In view of these controls it is considered that existing archaeological features can be appropriately recorded/protected and meet requirements of the relevant planning policies.

Impact of Traffic and Highway safety;

31. The Head of Technical Services has commented that all developments should be designed and constructed in accordance with the Design Guide and Specification and SPD3: Parking Provision for New Development. Comments have been made with regards to the proposed access and visibility splays. Two of the accesses are existing and a condition is included to ensure visibility splays are achieved, as are details of a traffic management plan for the demolition works and construction workers.
32. Comments have also been made in relation to the parking provision for the properties being maintained in accordance with the adopted SPD. On the basis that sufficient parking provision is proposed and the scheme proposes detached garages, this request is considered unreasonable and thereby fails to meet the necessary test of planning conditions.
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 a reduction on the previously approved scheme that was judged to have no detrimental impact existing traffic flows.

Landscaping features;

34. The Council's landscape architects have considered the information supplied and note that a number of trees within the garden of the Rookery are protected by Tree Preservation orders. The contents of the submitted tree report are noted
35. It is requested that new tree, shrub and hedge planting should be provided to enhance the scheme and soften the development. Further details are also requested in relation to boundary treatment along south view along with hard details of the new driveways. All these matters can be satisfactorily addressed via planning conditions.
36. Concerns have been raised by the some objectors in relation to the impact on the existing trees. Many of the existing trees on the site are to be retained specific types of construction methods may be required. In order to preserve the existing trees a number of planning conditions are recommended in line with the Landscape Officers recommendations.

Residual Issues;

37. Objections have also been raised over the out of date OS plan that has been submitted. However the proposed site plan clearly shows the newly constructed properties with the gardens of Sunnymount and along with the site visit appropriate assessments have been made.
38. 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 provide details for approval by the Local Planning Authority.

CONCLUSION

39. In conclusion it is considered that although the proposed development would result in the loss of the historic fabric of the building, the replacement dwellings would reflect the architectural style of the existing property. The scale, massing and design of the scheme is judged to be visually acceptable and will preserve the character of the conservation area. The proposal is also not considered to have a detrimental impact on the privacy or amenity of the neighbouring properties or highway safety.
40. On balance the development is therefore considered acceptable and is viewed to be in accordance with the relevant planning policies set out within the report and is subsequently recommended for approval subject to the completion of a legal agreement for a contribution towards open space provision and the receipt of an amended plan.

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

WARD AND WARD COUNCILLORS

Ward Eaglescliffe
Ward Councillor Councillor A L Lewis
Ward Councillor Councillor P Dennis
Ward Councillor Councillor Mrs M. Rigg

IMPLICATIONS

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report and it is considered the application accords with these provisions.

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
Stockton on Tees Core Strategy
Planning Policy Statement 1; Delivering Sustainable development
Planning Policy Statement 3; Housing

Planning Applications 91/1053/P, 94/1367/P, 97/1562/P, 98/0961/P, 04/2711/FUL,
06/2209/FUL, 06/3591/FUL & 07/3441/FUL