

DELEGATED

AGENDA NO
PLANNING COMMITTEE

11 JULY 2012

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

12/1194/RNW

The Rookery, South View, Eaglescliffe

Application for new planning permission to replace extant planning permission 07/3441/FUL - Demolition of The Rookery and construction of 13 no. apartments in two blocks as detailed in planning approval 06/3591/FUL.

Expiry Date 9 August 2012

SUMMARY

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.

Planning permission has previously been granted for extensions and conversion of the existing house into 8 no. apartments and construction of a new building to form 5 no. apartments (ref; 06/3591/FUL). However, following a structural survey of the property, a further application (ref; 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 on grounds of non-determination. This current application seeks a renewal of this planning permission.

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 therefore judged to be visually acceptable. The proposed development is also not considered to have a detrimental impact on the privacy or amenity of the neighbouring properties or cause any significant harm to any features of archaeological interest or highway safety.

RECOMMENDATION

That planning application 12/1194/RNW be approved subject to the following conditions and informative;

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>
<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>

1505/3/7D
1505/3/8A

12 December 2007
12 December 2007

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.*

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

External Render;

- 03 *The external render shall be finished and painted and thereafter retained in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to commencement of the development.*

Reason: To define the consent

Means of Enclosure;

- 04 *All means of enclosure associated with the development hereby approved, including boundary walling along the South View frontage, shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure shall be erected fully before the development hereby approved is occupied.*

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

External lighting;

- 05 *Details of all external lighting of the buildings and car-parking areas together with its means of shielding and alignment shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is provided. The lighting shall be provided in accordance with the agreed details before the development is occupied and shall thereafter be retained in its approved form.*

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

Hard landscaping;

- 06 *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.*

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

Minor alterations to north-west corner of site;

- 07 *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

Soft Landscaping works;

- 08 A detailed scheme for landscaping and tree and/or shrub planting (including details of all trees to be retained on the site), and a maintenance schedule for a minimum of five years, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved 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.

Tree protection measures;

- 09 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.

'No-dig' construction to parking bays;

- 10 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.

Site levels;

- 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

Highway Works;

- 12 No development shall commence until a scheme has been submitted and approved in writing by the Local Planning Authority and has been fully implemented for works to realign the kerb line on the southern approach to South View, the provision of a pedestrian access/crossing point along South View and a revised kerb line and western entrance to the site.**

Reason; In the interests of highway and pedestrian safety.

Timetable for demolition and rebuild;

- 13 ***Prior to the commencement of development a scheme setting out the details of, and the timetable for, demolition of the existing building and the commencement of redevelopment, the latter to be begun within three months of demolition, shall be submitted to and approved in writing by the local planning authority. The timetable for demolition and redevelopment shall be adhered to at all times unless otherwise agreed in writing by the local planning authority.***

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

Provision of temporary car park;

- 14 ***Prior to works commencing a scheme for a temporary car park for construction workers to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to commencement of development and shall thereafter be retained for the duration of the construction period.***

Reason: In the interests of highway safety and to provide in curtilage parking for persons working on the site.

Hours of construction;

- 15 ***No construction activity or deliveries 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.

Building recording;

- 16 ***No development shall take place until a scheme for the recording of the existing building has been submitted to and approved in writing by the Local Planning Authority and has subsequently been carried out in accordance with the approved details.***

Reason; To provide a historical record as the site is of archaeological interest.

Archaeological recording;

- 17 ***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.

Reason; To afford the opportunity of excavation before the site is developed.

Unexpected land contamination;

- 18** ***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.

Site Waste management plans;

- 19** ***No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.***

Reason: To ensure a sustainable form of development and to accord with guidance contained within Stockton on Tees Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change.

No open burning;

- 20** ***No waste products derived as a result of carrying out the construction activity hereby approved shall be burned on the site except in a property constructed appliance of a type and design previously approved by the Local Planning Authority***

Reason; In the interests of the amenities of the area

INFORMATIVES

Summary reasons and General Policy Conformity;

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 harm the character of the conservation area, nor the setting of the listed buildings. The proposed development is also not judged to have a detrimental impact on the amenity of the neighbouring properties, highway safety or any features of archaeological interest. It is also considered that there are no other material considerations which indicate a decision should be otherwise.

Core Strategy;

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

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

Stockton on Tees Local Plan Saved policies:

HO3 – Development on Unallocated Sites

EN24 & EN25 – Conservation Areas

EN28 – Listed Buildings.

EN30 – Sites of Archaeological Interest

National Planning Policy Framework:

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 12. Conserving and enhancing the historic environment

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. More recently a planning application was submitted in 2004 for the redevelopment of both the Rookery and Sunnymount sites (ref; 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.
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 (ref; 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 (ref; 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
3. However, following a structural survey of the property, a further application (ref; 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 on grounds of non-determination (see appendices for decision notice). However, the Planning Inspectorate was advised that the LPA would have been minded to approve the development.
4. More recently a further application for the construction of 3 no. detached houses with detached double garages (ref 11/0136/FUL). This application has been approved subject to a section 106 agreement for a contribution towards open space and sports provision. However, at present the s.106 agreement remains unsigned and the permission has not been issued.

SITE AND SURROUNDINGS

5. 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 Eggescliffe 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.

PROPOSAL

6. Planning permission is sought via a renewal of planning permission 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 as a previous scheme that that gained approval for extension and conversion of the host property. The proposed building will measure a maximum of 22.8m (w) x 21.4m (d) with a maximum height of 9.1m.

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 to measure 19m (wide) x 14m (long) and reach a maximum height of 8.5m.

CONSULTATIONS

8. The following Consultation responses have been received and are set out below:-

Stockton Police Station - Eddie Lincoln

Consideration should be given to applying Secured By Design principles. Good design must be the aim of all those involved in the development process and should be encouraged everywhere. Current government planning policy strongly supports this principle and makes clear that community safety is an integral part of the design agenda. Should you wish to apply for Secured by Design certification please complete an application and checklist form, which can be obtained from www.securedbydesign.com Secured by Design SBD New Homes Application Form. Please forward to me at the earliest opportunity.

Northern Gas Networks

No objections

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.

Head of Technical Services

I refer to your memo dated: 15/05/12

General Summary

Subject to the comments below Technical Services have no objections.

Highways Comments

Subject to highway conditions being attached to any permission granted as per the appeal decision for 07/3441/FUL there are no highway objections.

Landscape & Visual Comments

Previous comments apply re this application - those in italics below were the last ones made with respect to this development in memo ref 07/3441/FUL 1.

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.

Environmental Health Unit

I have no objection in principle to the development; however, I do have some concerns with regards to noise, dust and burning. Therefore can the following be put on as informatives?

- Site Waste management Plans
- Open burning
- Construction Noise
- Unexpected land contamination

Tees Archaeology

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 rear plot 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 but archaeological remains may exist.

Should the application be given consent then I recommend that archaeological recording takes place during development of the rear plot which may contain heritage assets of archaeological interest (NPPF: Annexe 2) connected with the Stockton and Darlington Railway. 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 (NPPF Para. 141).

Likewise, should consent be granted, I recommend that historic building recording takes place to provide a permanent archive for The Rookery (NPPF Para. 141).

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.

Egglescliffe and Eaglescliffe Council

No comments received

Local Ward Councillor - Phillip Dennis

As Ward Councillor I wish to object on the grounds that this development will have an adverse impact on the local area it will: -

Dominate the area both visually and materially.

This is an over development of a much loved location of historic importance to the local area.

There is insufficient access from a busy highway.

A building of this size may also have an impact on the integrity of existing structures by adding additional stress to the geology of the area,

Historic Buildings Officer

The application is a resubmission of a previous permission which accepted in principle the loss of the Rookery building and the redevelopment of the site as proposed through the current application. At this time the loss of the building was considered to be on balance acceptable by the LPA. Although the building contributed to the character of the conservation area it had been significantly modified and was of no significant special interest. In the intervening time the NPPF has come into force which states that In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. The Rookery is a distinctive Art Deco building set within the Egglecliffe Conservation Area subsequently this building is regarded as a heritage asset through the NPPF. Loss of a building which makes a positive contribution to the significance of the Conservation Area Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Due to the altered nature of the building I would consider this a heritage asset falling under paragraph 134 of the NPPF, less than substantial harm. This advises that: 134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance there are no direct public benefits in redevelopment of the site. However, previous structural reports have indicated that the building has significant structural issues. The Building Control Manager and Structural Engineer both concluded previously 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. Although the loss of the building would be a loss to the general character of the conservation area the building is likely to need substantial rebuilding as the general build and workmanship quality throughout the building is poor. Therefore as it is likely that the building would have to be substantially reconstructed in the future I raise no objection to the demolition proposals. The NPPF states that Local Planning Authorities should not permit loss of the whole or part of a heritage asset without taking all

reasonable steps to ensure the new development will proceed after the loss has occurred therefore I would request a suitable condition to ensure appropriate redevelopment of the site.

PUBLICITY

9. Neighbours were notified and comments received are set out below:

Objections:

Visual Impact/Property is a prominent feature which should be preserved

3 dwellings would better fit with the area

Similar developments in Eaglescliffe and Yarm and a surplus of flats.

Vehicular access/egress is poor

Impact on traffic and parking in the area, particularly along South View

Safety of children/pedestrians using South View

Loss of privacy and security to existing residents

Light pollution from buildings and motor vehicles

Overbearing impacts and intrusion on the occupants of the surrounding dwellings

Impact on Local amenities which are already stretched

Dust and upset will be caused by the demolition of the building

Noise and disturbance during construction

From;

Mr Stephen Horne - 2 Roedean Drive Eaglescliffe

Mrs Atlanta Basford -17 South View Eaglescliffe

Mr Leonard Mendoza - 5 Butts Lane Stockton-On-Tees

Mr and Mrs J Bell - 7 Butts Lane Stockton-On-Tees

David Allen - 9 South View Eaglescliffe

Catriona Britton - 12 Cromer Court Eaglescliffe

Dr J Easby - 127 High Street Yarm

Mr Peter Stopher - 8 Hazel Slade Eaglescliffe

Mr David Angus - 16 St Andrew's Close Eaglescliffe

Ms C Basford - Sunnymount South View

Mr J Basford - Sunny Mount South View

Mr J P Byer - 2 The Crescent Eaglescliffe

Mrs J McGuinnell - 4 The Crescent Eaglescliffe

Mrs Freda and Paul Young -19 The Crescent Eaglescliffe

David Palmer - 21 The Crescent Eaglescliffe

A D Morrow - 17 The Crescent Eaglescliffe

C J Lawrence - The Lodge 657 Yarm Road

S Dobson -11 The Crescent Eaglescliffe

Mr Alan Close - 91 Mayfield Crescent Eaglescliffe

Joyce Longwill - 608 Yarm Road Eaglescliffe

Comments:

Railway Heritage should be preserved

No objection to new build.

Development must include sufficient parking and be restricted to no more than 3 storeys high

Double yellow line should be provided on South View up to the T junction to Yarm/Darlington

Reduction in speed limit to 20 mph should also be considered

From;

Robert Waller - West End House Church Road

Mr and Mrs M Garland - 6 Railway Cottages Eaglescliffe

G Perks - 2 South View Eaglescliffe

Support:

Sound and competent scheme, no reason why planning permission should not be granted
Would enhance Eaglescliffe conservation area

From;

Miss K Dawson - 17A Post House Wynd Darlington

Mrs J Davis - 17A Post House Wynd Darlington

PLANNING POLICY

10. 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 saved policies of the Stockton on Tees Local Plan
11. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
12. 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.

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.

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

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.

Saved 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.

Saved 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

Saved 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.

Saved Policy EN28

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

Saved Policy EN30

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

An investigation of the site has been undertaken

An assessment has been made of the impact of the development upon remain; and where appropriate;

Provision has been made for preservation 'in situ'.

National Planning Policy Framework (NPPF)

13. Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
14. For decision-taking this means:
 - approving development proposals that accord with the development without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
 - specific policies in this Framework indicate development should be restricted.

The following sections of the NPPF are considered to be relevant to the determination of this application;

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 12. Conserving and enhancing the historic environment

MATERIAL PLANNING CONSIDERATIONS

15. The main planning considerations of this application are compliance with planning policy and the impacts of the development on the visual amenity and the character of the conservation area; residential amenity; features of archaeological interest. Traffic and highway safety.

Principle of development;

16. The application site lies within the limits to development and although it can no longer be classed as previously developed land under the definition set out in the NPPF, the site lies within close proximity to employment, public transport and service provision within the surrounding area. The site meets the criteria for high-density development as outlined in the Council's Supplementary Planning Guidance for high density/flatted developments (SPG 4) and is within approximately 400 metres from Yarm High Street. Consequently the site is considered a sustainable location for a high-density development.
17. In the intervening period since the application was first considered, the National Planning Policy Framework (NPPF) has been introduced and is a new consideration. The Historic Building Officer considers that due to the altered nature of the building paragraph 134 of the NPPF is most relevant. Whilst in this instance it is recognised that there are no direct public benefits in redevelopment of the site, previous reports have indicated significant structural issues and both the Building Control manager and the Structural Engineer concluded there was risk of compressive failure and lateral failure, it was also noted the building is built off poor foundations. Although the loss of the building would be a loss to the general character of the conservation area, the building is likely to need substantial rebuilding as the general build and workmanship quality throughout the building is poor. Consequently there is no objection to the demolition proposals subject to a suitable condition to ensure appropriate redevelopment of the site
18. 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.
19. Some of the objections received have raised the issue of there being an over-supply of flats/apartments in the Yarm and Eaglescliffe area and that many of these as subsequently vacant. Whilst these concerns are noted, any over-supply or lack of need for further apartments is a matter for the developer and would not provide justification for refusal of the planning application.

Impact on the character of the area;

20. Within the immediate locality there are a range of building styles and sizes. The design of the two units takes influence from the 'art deco' style of the existing property and remains the same as that approved under applications 06/3591/FUL and 07/3441/FUL both of which have been accepted by the Local Planning Authority and the Planning Inspectorate. 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. This proposal is therefore considered to be visually acceptable and does not harm the character of the conservation area or the visual amenity of the area.
21. Several of the objections received have raised concerns 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 and layout on the site would not be significantly different to a previously approved scheme. In considering the appeal the Planning Inspector noted that the detailed investigations indicated that the building would be unable to cope with additional loading from the various extensions and that as a result of the scheme being of an identical nature (except for demolition and rebuild) considered the scheme acceptable and one which would preserve and enhance the character of the conservation area, As a result and in view of the planning history to the site the proposed development is considered to be visually acceptable and would not be in conflict with national planning guidance (NPPF), CS3(8), saved policy EN24 of the adopted Local Plan and Section 72 of the Listed Buildings and Conservation Area Act 1990.

Landscaping features;

22. 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 a scheme for further landscaping and tree protection measures have been conditioned as part of any approval given.
23. In terms of landscaping features the Council's Landscapes architects have advised that there is the need for tree and shrub planting alongside the secondary access into the site to create a visual buffer and to assist in providing some screening for the existing properties to the south. This would require the slight alignment of the 5 no. parking bays in the northwest of the site, to achieve the desired road widths. It is also requested that a feature wall should also be provided at this entrance into the site to improve the quality and visual appeal of the boundary treatment, these issues can be addressed via a planning condition.

Setting of Listed buildings;

24. The site lies in close proximity to the grade II listed Leyfield House to the north-west of the site, this listed property lies approximately 40 metres from the front of the proposed apartment block. Given this distance and that the design, scale and massing of the units are considered to be appropriate, the proposal 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.

Impact on residential amenity;

25. Concerns from objectors and local residents over a loss of privacy, daylight and overlooking are noted. 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.
26. 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. 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.

27. The design and layout of the proposed development results in a landscaped setting for the two units and it is considered that sufficient amenity space is provided within the site of future residents. Given the amount of available space within the site the proposed development is not considered to represent an over development of the site.
28. 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.

Features of archaeological interest;

29. Tees Archaeology has 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. It is understood that the proposed rear plot occupies part of a siding and railway yard and although there are no upstanding remains, it is considered that archaeological remains may exist. Furthermore it is also requested that a historic building recording takes place to provide a permanent archive for The Rookery. Both of these elements can be satisfactorily addressed through the imposition of appropriate planning conditions.

Impact of Traffic and Highway safety;

30. Whilst the majority of the objections received raise concerns over the impact on existing traffic and on-street parking problems along South View are duly noted, 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 by both the Head of Technical Services and the Planning inspectorate. Given the proposal remains for 13 apartments and there has been no material change in circumstance since the previous approval in highway terms.
31. The Head of Technical Services has considered the information submitted under the previous planning application, the access and parking arrangements within the development remain as previously approved and there is no objection to the scheme. A Grampian style planning condition is therefore recommended to be included as part of any planning approval to ensure the necessary highway improvements are carried out prior to the development commencing.

Planning Obligations;

32. During the consideration of the planning appeal the planning inspector considered the need for a planning obligation toward open space provision on the grounds that there was no indication of open space deficiencies within the area and no details of on what the money would be spent on. It was also considered that there was no direct linkage of open space needs of the development. It was concluded that the scheme failed to meet the test of circular 05/2005 and ultimately that such a contribution was not necessary to make the development acceptable.
33. In the intervening time, the Councils Open Space, Landscaping and Sports Supplementary Planning Document has been adopted, this requires new development to contribute towards the enhancement and provision of infrastructure where there are justified impacts. The document highlights that Eaglescliffe is deficient in natural greenspace, play space and allotments. In addressing these specific open space deficiencies a planning contribution of £8,996.40 would be required for the development. However, consideration must also be given the fact that the proposed development is for affordable housing provision, must remain viable and meet the tests set out within the Community Infrastructure Levy (CIL) Regulations 2010.
34. Having considered the nature of the proposed development, the provision of open space in the area, the lack of a clearly identified impact or appropriate costed schemes to improve quantity and/or quality, the Planning Inspectors previous decision and the fact that the application

seeks a renewal of planning permission there is considered to be no satisfactory evidence at this point in time to directly link the proposal to an impact on infrastructure requirement and thereby justify the need for a planning obligation. As a result, it is difficult to identify the harm that would result from the absence of a section 106 agreement in this particular instance. Consequently the tests under Regulation 122 of the Community Infrastructure Regulations 2010, whereby obligations have to be necessary to make the development acceptable in planning terms, have not been met.

CONCLUSION

35. 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 therefore judged to be visually acceptable and would not detrimentally impact on this part of the conservation area or the setting of the adjacent listed building. The proposed development is also not considered to have a detrimental impact on the privacy or amenity of the neighbouring properties or cause any significant harm to any features of archaeological interest or highway safety.
36. On balance the development is therefore considered acceptable and is viewed to be in accordance with guidance contained within the National Planning Policy Framework, Core Strategy Policies CS2, CS3 and Saved policies HO3, EN24, EN28 and EN30 of the adopted Stockton on Tees Local Plan and is subsequently recommended for approval subject to the conditions set out within this report.

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

WARD AND WARD COUNCILLORS

Ward Eaglescliffe
Ward Councillor Councillors A L Lewis, Mrs M. Rigg and Phillip Dennis

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act as set out in report

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers

Stockton on Tees Core Strategy
Stockton on Tees Local Plan Alteration
National Planning Policy Framework (NPPF)

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 & 11/0136/FUL.