

DELEGATED

AGENDA NO
PLANNING COMMITTEE

10 JULY 2013

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

13/1138/REV

674 Yarm Road, Eaglescliffe, Stockton-on-Tees

Revised application for erection of dwellinghouse (demolition of existing dwelling).

Expiry Date: 11 July 2013

SUMMARY

The planning application seeks approval for the erection of a dwelling house at 674 Yarm Road, Eaglescliffe. The existing dwelling will be demolished.

Seven individual letters of objection have been received from local residents and interested parties with the main objections relating to the impact of the development on the character of the area, impact on neighbours during construction works, impact on foundations and also the adverse impact on traffic and the highway during construction and also when the development is complete.

The site is within the limits of development and the application accords with the core strategy and local plan policies, accordingly the application is recommended for approval with conditions.

RECOMMENDATION

That planning application 13/1138/REV be approved subject to the following conditions and informative;

01. *Approved Plans*

The development hereby approved shall be in accordance with the following approved plan(s);

<i>Plan Reference Number</i>	<i>Date on Plan</i>
AM/101A	14 May 2013
001	13 May 2013
002	13 May 2013
003	13 May 2013
004	13 May 2013
AM/102 A	14 May 2013
AM/103	13 May 2013
AM/104 A	14 May 2013

Reason: To define the consent.

02. *Materials*

Construction of the external walls and roofs shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.

03. Means of Enclosure

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 order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.

04. Permeable materials

Prior to the development, hereby approved being brought into use, the proposed domestic hardstanding areas, access and parking areas shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences. Such details shall provide for the use of permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface. The surface shall be retained for the life of the development.

Reason: To prevent increase risk of flooding from surface water runoff in order to comply with the National Planning Policy Framework.

05. Code Level 4

The proposed dwelling shall be built to the principles of the Lifetime Homes Standards and to Code Level 4 of the Code for Sustainable Homes in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to accord with the requirements of Stockton on Tees Core Strategy Policy CS3 - Sustainable Living and Climate Change.

06. Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a scheme for the protection of trees BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations Section 5.5 and NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007 has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality in accordance with saved Policy HO3 of the Stockton on Tees Local Plan and Core Strategy Policy CS3.

07. Permitted Development Rights

Notwithstanding the provisions of classes A, B, C, D E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority

Reason: To prevent significant undue detrimental loss of privacy and amenity on 1 Cleveland Gardens taking into account the separation distances and to comply with saved Policy HO3 of the Stockton on Tees Local Plan

08. Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Reason: In the interests of protecting residential neighbours from noise and disturbance during construction

09. Unexpected land contamination

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 the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement

The Local Planning Authority have implemented the requirements of the NPPF.

BACKGROUND

1. Planning permission was sought for the demolition of the existing dormer bungalow and the erection of a replacement dwelling (application 12/1035/FUL). The proposed dwelling was shown to be a four bedroomed two storey dwelling house extending to a maximum height of 8.6 metres.
2. This application was withdrawn on the 23rd May 2012 following advice from the case officer who expressed concern regarding the significant increase in the height compared to the existing arrangement which would have resulted in an overbearing adverse impact on the occupier of 1 Cleveland Gardens due to its close proximity to this neighbours boundary and kitchen window. In addition the design of the dwelling would have been out of character in the area and would have had an imposing and dominant presence when viewed from Cleveland Gardens.

SITE AND SURROUNDINGS

3. The application site is a plot located on the southern corner of Cleveland Gardens and Yarm Road and currently houses a modest detached bungalow and detached garage with vehicular access from Cleveland Gardens. The existing bungalow has a footprint of approximately 11 metres x 10 metres at the widest points and is 5.407 metres high. The bungalow has a bedroom in the roof space served by an existing dormer window to the front.
4. To the north of the site is Cleveland Gardens with a detached dormer bungalow on the opposite corner and to the south is a two storey end terrace property, 676 Yarm Road which is included on the local list as a building which has architectural merit. To the west is a two storey dwelling house, 1 Cleveland Gardens and to the east is the main Yarm Road.
5. There are two trees in the front garden which are covered by a tree preservation order (00.8.5.78).

PROPOSAL

6. Planning permission is sought for the erection of a replacement dormer bungalow. The proposed dwelling is shown to be largely on the footprint of the existing dwelling, with the

exception of an entrance porch (3.4 metres wide and projecting 1.5 metres) to the front. The dwelling will measure approximately 11 metres x 10 metres at the widest points and is 6.228 metres high.

7. The proposed dwelling will have a lounge/dining room, kitchen/utility, hall, two bedrooms and a bathroom at ground floor and in the roof space there will be two bedrooms served by dormer windows to the front with associated ensuite bathrooms served by roof lights to the rear.
8. The existing detached garage will be retained and the access from Cleveland Gardens will remain unchanged.
9. The applicant states that the existing property has no thermal insulation and therefore it would be unfeasible to renovate to current building regulation standards without losing valuable floor space to the first floor and therefore a demolition and rebuild is proposed.

CONSULTATIONS

10. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

Highways Comments: In accordance with SPD3: Parking Provision for Developments 2011, 3 in-curtilage car parking spaces are provided for a 4-bedroom house by retaining the existing drive and garage. While it is acknowledged that there is on-street parking issues associated with Cleveland Gardens, the proposed replacement dwelling would have sufficient in-curtilage car parking and should not exacerbate the situation.

Landscape & Visual Comments: There are no landscape and visual objections to this development as the new building layout is very close to the existing building footprint. The existing protected trees, the Ash and the Maple on the eastern site boundary with Yarm Road, must be protected in line with the BS 5837:2012 Trees in relation to design, demolition and construction.

Environmental Health Unit

No objections subject to conditions relating to construction noise and unexpected land contamination

Northumbrian Water Limited

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Northern Gas Networks

No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains record of the area covered by your proposals together with a comprehensive list of precautions for your guidance

Waste Management

No comments received

Northern Powergrid

No comments received

Councillor A L Lewis
No comments received

Councillor Phillip Dennis
No comments received

Councillor Mrs M Rigg
No comments received

PUBLICITY

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

Mrs Audrey Todd, 1 Cleveland Gardens Eaglescliffe

I would like to object to the revised proposal on a number of grounds. Changing the character from a bungalow to a 4 bed detached building will increase the overall height of the building over and above the existing roofline. The proposal is still out of character with both the existing bungalows at the entrance of Cleveland Gardens. The revised proposal is still outwith the existing footprint of the original property. The existing property is well built and requires replacement windows to the exterior following ten years of neglect by the owners. The revised plans allow for parking for three cars, but what will planners do to ensure parking is kept on the property rather than on Cleveland Gardens. If approved I would concur with the environmental health comments with regards to working hours, but would also expect appropriate screening around the property to prevent unnecessary dust, dirt and debris entering neighbouring properties and accessing either Yarm Rd or Cleveland Gardens. I would also like to know what arrangements the applicant is making for the parking of builder's vehicles on site. The cul-de-sac is confined and car parking already at a premium. No doubt the highways department would not want to see vehicles parked on Yarm Road and so close to a junction? As a result of the above points I would still like to see the revised proposal withdrawn and the existing property maintained to standard in keeping with the area.

David Griffiths, 2 Cleveland Gardens Eaglescliffe

As the cul-de-sac is only short with 6 houses in total the access and amount of cars in and out is too much now. The road has no lighting and there are potholes that are getting bigger. As there would not be access allowed from the main road for materials and other deliveries it would mean access via Cleveland Gardens only. This is unacceptable.

Mr William Roy Mohon, 676 Yarm Road Eaglescliffe

This property is one of eight dwellings that comprise Cleveland Gardens. They were designed to provide a balanced development appropriate to Yarm Road. The bungalow is built to the same standard as the other properties. The previous owner maintained both the bungalow and gardens in good condition. I recognize that there has been some deterioration since its sale and that refurbishment is needed both to the woodwork and exterior pipe work to the front drains, which are not functioning properly. The property requires new windows and new plastic drain pipes from the kitchen. My objections to the intended replacement of the building are as follows.

- (1) The development will disturb the present balance of the properties in Cleveland Gardens and on Yarm Road. The current plan is in my view an improvement on the previous one but the "modern" style and materials do not fit well with the immediate properties which are of an older vintage.
- (2) Though not shown on the "Typical Section", the intended front window and porch both move the property line forward of the existing Yarm Road property frontage line.
- (3) Increasing the accommodation is likely to impact on the existing drains, which have already caused problems.

(4) Increasing the accommodation will increase parking problems in the area. Although there is apparent parking for three cars within the site, this is not the reality because problems of manoeuvrability in and out of the drive with modern cars lead to parking on the pavement in Cleveland Gardens.

(5) The building activity will cause further damage to the pathway and road in Cleveland Gardens. I understand that there is resurfacing scheduled, which may be a help in this connection.

(6) The use of heavy machinery for further excavations of foundations so close to our dwelling poses a risk to our property as it is now over 100 years old. We have already suffered damage to one ceiling in our home as a result of manual building work. The original bungalow was placed very close to our property and the effect of yet another building on the original footprint means that the earth around the foundations of our home will be disturbed again by further excavation. The original garage, as approved by Planning, was placed so close to our gable wall as to prevent maintenance of the wall and in the event of significant longitudinal damage to the gable wall foundations two garages would need to be demolished to effect repairs. It is unfair that my wife and I, both now pensioners, should be left to have to rely upon builders regarding the preservation of our property from damage. Only recently a wall on Yarm Road collapsed as a result of building operations and it is matter of concern that further building operations are intended so close to the foundations of our property. It would appear that the Party wall Act would not be of benefit to us as the south wall of the bungalow is indicated as 3010 mm from our gable wall. We most strongly object to mechanized excavation so close to our property and should this replacement be approved consider that it should be upon condition that the new building is moved at least 2 metres North of the present plan and that mechanized excavation within 5 metres of our property should be prohibited and the site fenced off accordingly.

(7) It is also a matter of concern to us that builder's dust, disruption and noise would extend over a long period. A far better solution to replacement would be to restore the property to as good a condition as it was previously.

Miss Elizabeth Mohon, 14 The Links Hob Hill

As someone who stays regularly at the house next door to the property under consideration I have concerns about the parking access. The drives in Cleveland Gardens are almost impossible to access from the cul-de-sac (so the 3 spaces for parking on the property aren't generally used) and as the proposed property is likely to have more bedrooms it may mean more cars in an area where there are already significant parking issues. The same issue of more people staying in the property will also lead to overload on the facilities and utilities in Cleveland Gardens e.g. drainage, road etc.

Miss Sarah Mohon, 4/3 Westburn Avenue Westburn

I object to this development as I visit my parents most weekends and there is already a constant overspill of parking required from the cul-de-sac on which this property is being built. As I understand it the cul-de-sac road has never been adopted and these two issues need to be addressed before any building work is considered.

I am also concerned about the way in which original properties on Yarm Road are allowed to fall into rack and ruin and indeed become derelict preparatory to planning applications being made. I wish the council would ensure this is not encouraged perhaps by requiring an explanation of why a property has ceased to be maintained. It seems to me that when planning proposals to remove buildings are being made the owner leaves the property unmaintained (sometimes for many years) causing an eyesore to develop and forcing the hand of planners into approving a replacement property.

Mr Caleb Mohon; 39 Fairfax Road Middleton St George

As a regular visitor with my young children to my parents in the property 676 Yarm Road, I would like to raise the concern that the area lacks suitable parking for the increase in accommodation that is planned. The application has identified that the current space for three cars will be maintained, however it can be observed from the plans that the access to the parking to the rear of the property is not being widened to make it possible easily access this from Cleveland Gardens. Cleveland Gardens is already significantly congested

due to the lack of parking for the properties in the area. This is combined with being a very narrow road which makes manoeuvring in and out of a narrow driveway very hard. I would therefore suggest that the parking will not be used for the theoretical three cars and Cleveland Gardens will become further congested and more dangerous for the local residents (including children). I have already had my car crashed into causing over £800 of damage into through lack of safe parking in the area.

Anne Gray, 12 St Andrew's Close Eaglescliffe

My objection to a new build is that it will not be in keeping with the bungalow at the opposite corner at the entrance to Cleveland Gardens. The brickwork is perfect and the bungalow could be repaired.

PLANNING POLICY

12. 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.
13. 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

National Planning Policy Framework

14. 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. 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.

Local Planning Policy

15. The following planning policies are considered to be relevant to the consideration of this application

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.
6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

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 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.
2. When seeking contributions, the priorities for the Borough are the provision of:
 - _ highways and transport infrastructure;
 - _ affordable housing;
 - _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy HO3 of the adopted Stockton on Tees Local Plan

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.

MATERIAL PLANNING CONSIDERATIONS

16. The main planning considerations in determining this application would be the principle of development, the impact the character of the area in general, the scale and layout of the development, impact on neighbouring properties, access and parking, landscaping features and any other residual matters.

Planning Policy

17. The application site lies within the defined limits to development and the presumption in such areas is in favour of sustainable development, unless the proposed development would cause harm to the local area.
18. The site lies in close proximity to local services and there is a regular bus service in the vicinity. The site is therefore considered to be a sustainable location for a replacement dwelling and meets the sustainable development objectives as set out in the National Planning Policy Framework and the adopted core strategy.
19. Core Strategy Policy CS3 (4) states "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". In view of this, Code 4 is now required. The requirement to achieve this level can be secured by way of a planning condition which has been recommended.
20. As such the principle of residential development on the site is considered to be acceptable, subject to the more detailed consideration of the criteria set out in Core Strategy policies CS1, CS2 and CS3 and saved local plan policy HO3.

Impact on the character of the area

21. The property currently on site is a modest detached bungalow, which is set back from the highway, located approximately three metres from the neighbour at 676 Yarm Road and approximately 5.4 metres from the boundary with Cleveland Gardens.
22. Yarm Road has differing property types and layouts along its length, and varying plot sizes. The proposed development would provide a new bungalow on largely the same footprint as the current dwelling. The property to the west is a modern two storey detached dwelling and the property to the south is a late Victorian end of terrace brick built house.
23. Objectors have stated that this development would be out of character with the area and the modern style and materials do not fit well with the immediate properties which are of an older vintage appearance and in addition, the development would unbalance the entrance to Cleveland Gardens as the bungalow opposite is very similar to the existing dwelling on this site.
24. It is considered the surrounding dwellings vary in design from two-storey properties to bungalows, and providing the new bungalow is kept to a modest height and design as detailed then the proposed development would be acceptable in this location and would not

be detrimental to the character of the area. The existing bungalow was built in the 1950's and it is considered that its replacement, whilst more modern in appearance would not have a negative impact on the remainder of the properties in the area.

25. It is accepted that the bungalow on the opposite corner is very similar to the existing dwelling on this site, however it is considered that due to the different materials and size of the dormer window and other subsequent alterations to 672 Yarm Road that this is not immediately obvious. There is existing landscaping on both sites which further reduces the perception of balance and the similarities of both dwellings.
26. Objections have been raised to the provision of a bay window and porch which are forward of the existing Yarm Road property frontage line and say this will affect the character of the area. The proposed building will be set slightly further forward but as this property is detached from the neighbouring terrace it is not to such an extent to warrant refusal of the application. It should be noted that existing properties can also build porches of a certain size on the front without the need for planning permission which could also breach this 'frontage line'.
27. Overall it is considered the street scene will not be significantly adversely affected by the proposed scheme; however the final details of the boundary treatment and materials have been conditioned to ensure these complement the surrounding area.

Scale and Layout

28. Where properties have a road frontage then their scale should normally be similar to that of the surrounding developments. The dwellings that are immediately adjacent are two storeys in height with a bungalow on the opposite side of the road. The proposed dwelling is approximately 820mm higher than the existing dwelling and still retains a modest height of 6.228 metres.
29. The proposed dwelling will be served by large front and small side garden areas that would provide adequate levels of spacing and amenity levels for future occupiers of the proposed dwelling. The proposal would not place a burden on the planting to the northern and eastern boundaries of the site, which would assist in softening the impact of the development and the applicant has indicated that planting and hedging will be retained where possible.
30. The rear of the dwelling will be used for car parking and access to the garage which reflects the current arrangement.
31. Overall it is considered that the proposed scale and layout of the new dwelling is acceptable and will provide a dwelling with an acceptable level of amenity space for the future occupiers and will not be out of scale with its surroundings.

Impact on neighbouring properties

32. The main dwellings that could be adversely affected by this dwelling are the neighbours to the west and to the south.
33. 1 Cleveland Gardens is located to the west of the site. The property has four windows in the side elevation serving a kitchen at ground floor and landing and bathroom at first floor. The main habitable room windows are in the front and rear elevations. In summary, this neighbour has objected as they consider the development is out of character (which has been considered at paragraphs 20-27), the existing property could be repaired (see paragraphs 57-60), car parking and impact during construction (see paragraphs 43-47 and 53-56).

34. The proposed development is to be kept at a similar distance from this neighbour as the existing dwelling, albeit the building will be approximately 820mm higher. It is considered that this increase in roof height would not have such a significant impact on this neighbour to warrant refusal of the application due to the distances involved (approximately 7.1 metres). The proposed dwelling will have two windows in the rear elevation which is comparable to the existing dwelling albeit one is currently screened by the existing garage. There is a high fence between the two plots which affords adequate screening to prevent overlooking from window to window, and then this fence reduces in height between the blank gables and the drives. A condition has been recommended to ensure that full details of means of enclosure are provided and therefore should this need replacing or altering as part of the redevelopment then these details can also be controlled.
35. Overall it is considered that the proposed erection of this bungalow, with an increase of approximately 820mm in height, will not have such an adverse impact on this neighbour to warrant refusal of the application.
36. 676 Yarm Road is located to the south of this property and is a two storey Victorian end terrace with a blank gable wall facing onto the site. This neighbour has objected due to the design and layout of the dwelling which has been considered in paragraphs 21-31), drainage (see paragraphs 50-52), car parking and access (see paragraphs 43-47) impacts during construction (See paragraphs 53-56) and the potential impact on the stability of their own property during construction and demolition works.
37. This neighbour is concerned that the use of heavy machinery for further excavations of foundations so close to their dwelling poses a risk to their property as it is now over 100 years old. They state they have already suffered damage as a result of manual building work. They also state the Party Wall Act would not be of benefit as the south wall of the bungalow is indicated as 3010 mm from the gable wall and object to mechanized excavation so close to their property. Should this replacement be approved consider that it should be upon condition that the new building is moved at least 2 metres north of the present plan and that mechanized excavation within 5 metres of their property should be prohibited and the site fenced off accordingly.
38. In respect of the building work, the foundations would generally need to be 900mm deep (however this may vary should there be any trees present that would influence this depth) and Building Control confirmed that it is highly unlikely that these foundations would affect the neighbours. Building Control would always warn the builders of potential impacts that the development could have and advise them with regards to piling/raft foundations; however the responsibility will ultimately lie with the builder.
39. The potential impacts from construction are a legal matter that stands outside both Planning and Building Regulations. The Party Wall Act is the method in dealing with such disputes. It may be necessary that this neighbour engages a Building Surveyor to represent them should the work proceed as it lies outside the control of the local planning authority.
40. The neighbours also state the original garage was placed so close to their gable wall as to prevent maintenance of the wall and in the event of significant longitudinal damage to the gable wall foundations, the two garages would need to be demolished to effect repairs. It is considered that this is an historic situation and as the garage is in place and will be retained this is not a matter for concern in the current application, however it should be noted that the Party Wall Act would provide assistance in the case of this event and any works required would be a civil issue.
41. Separate from the above concerns that may occur during construction, the neighbour at 676 Yarm Road has a blank gable and it is considered that once built the development will not have an adverse impact on the privacy or amenity of this neighbour.

42. Overall it is considered that the proposed development could be adequately accommodated within the site and the proposed scheme does not have a significant adverse impact on the neighbouring properties through loss of privacy or overlooking to warrant refusal of the application. Other matters regarding construction can be adequately dealt with under other separate legislation.

Access and parking

43. The proposed dwelling will utilise the existing access and garage that currently serves the site and will provide a total of three spaces for the parking of cars. Objections have been raised regarding the increase in traffic and potential impacts on highway safety.
44. The Head of Technical Services was consulted on the proposal and has no objections as the proposed development can achieve the required car parking in accordance with SPD3 which equates to three spaces to serve a four bedroomed dwelling house.
45. Neighbours are concerned that cars will park on the highway and not use the car parking provided for the site, however the local planning authority can only ensure that developments are provided with the correct level of car parking to serve development but cannot force residents or visitors to use them. Should cars be parked indiscriminately in this private highway then this would be a matter for the owners of the road to take action as the road is not adopted and therefore not under local authority control.
46. Concerns have been raised that the road is in a state of disrepair with potholes and also has no lighting. Cleveland Gardens is not an adopted highway and private or un-adopted roads are not maintainable at public expense, however in this instance the local highway authority has recently resurfaced the road whilst the works were on going to repair Yarm Road but the lighting will need to be provided by the residents using the road unless the road is ever adopted by the local highway authority.
47. Overall, it is considered that on balance the proposed scheme will not have a detrimental impact on pedestrian or highway safety sufficient to warrant refusal of the application.

Landscaping

48. The site has various trees; hedging and planting to the boundaries and of particular interest are the two large trees to the front, an ash and a maple, which are protected by a tree preservation order. The applicant has stated that, where possible hedges and planting will be retained and care will be taken not to damage the existing two protected trees.
49. A condition has been recommended to ensure that these two trees are protected in line with BS 5837:2012 Trees in relation to design, demolition and construction and it is therefore considered that with this condition there should be no adverse impact on valuable existing landscaping.

Drainage

50. Objections have been received relating to the possible impact on flooding and also whether the sewers will cope with the surface water. NWL have been consulted and have raised no objections relating to the capacity of the sewerage system in this area.
51. Conditions have been recommended that will ensure permeable materials are used in the construction of the hard standing areas which will alleviate any impact from potential surface water.
52. It is therefore considered that this replacement dwelling will not have an adverse impact on the drainage in the area and the use of permeable materials on area of hardstanding should improve any surface water drainage.

Impact during Construction and Demolition

53. To prevent noise and disturbance to neighbours outside of normal working hours Environmental Health have suggested a condition restricting the hours of construction and this has been recommended which should reduce the noise impact of the development on neighbours.
54. The Building Control Department would oversee the demolition of the existing dwelling. The demolition works will require a method statement to be submitted which would outline the approach that would be taken. Building Control would consider this approach and advise on safety issues as well as the impacts on neighbours however ultimately the control of the works would lie with the developer.
55. Environmental Health have confirmed that should any impacts become a statutory nuisance then they would be investigated and dealt with under their legislation.
56. The delivery of materials and equipment to the site is a necessary part of any redevelopment and it is considered that any inconvenience will be temporary in nature and would not warrant refusal of the application. Should obstructions occur through the parking of construction traffic on this private road then this would be a civil matter.

Need for replacement dwelling

57. Objectors have commented that the current dwelling should be repaired and the council should require an explanation of why a property has ceased to be maintained
58. The applicant states that the existing property has no thermal insulation and therefore it would be unfeasible to renovate to current building regulation standards without losing valuable floor space to the first floor and therefore a demolition and rebuild is proposed.
59. Whilst this view is not supported by the Building Control Department, it is considered that the current building has no architectural merit and there would be no reason for the local planning authority to insist on its retention therefore this would not in itself be a reason to warrant refusal of the application.
60. There is no planning requirement to request that an explanation is provided regarding the lack of maintenance of properties that are not covered by other legislation such as the The Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Planning Obligations

61. Core Strategy Policy CS11 relating to planning obligations is relevant, along with the Open Space, Recreation and Landscaping Supplementary Planning Document. In accordance with Core Strategy Policy CS11 there would be a requirement for a contribution towards open space, recreation and landscaping.
62. Circular 05/05 (Planning Obligations) has now been re-emphasised by the CIL regulations, which has made 3 of the Circular 05/05 tests statutory, notably a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
63. The proposed dwelling will be served by a private amenity space and it is considered that it would be difficult to quantify the resultant impact of the proposed development on the

