

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
28 MAY 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/0797/FUL

The Rookery, South View, Eaglescliffe

Demolition of existing dwelling and construction of 14 no. apartments (one block of 9 apartments and one block of 5 apartments)

Expiry Date: 24 June 2014

SUMMARY

The application site lies within an area of land known as 'The Hole of Paradise' and is bounded on three sides by Urray Nook Road (A67), Yarm Road (A135) and South View and forms part of the Eaglescliffe Conservation Area. The immediate surrounding area has a mixture of architectures styles and as a consequence has no strongly defined character.

Planning permission is sought for the demolition of existing dwelling and for the construction of 14 no. apartments. The apartments will be spilt across two blocks, the larger of the two occupying the front of the site (containing 9 apartments) and a second smaller building within the rear (providing 5 units). The scale of the buildings will be predominately two storey, rising to a maximum of three storeys in height, with the third storey being 'tiered' on both buildings.

The Head of Technical Services has advised that the proposed pedestrian access to block A is located opposite a junction where it would not be safe to encourage pedestrians to cross and has recommended that this be amended to lead pedestrians to use the footway to the east along South View. An amended plan is awaited.

In assessing all of the material planning considerations it considered that the proposed development would boost the supply of housing meet with the definition of sustainable development as set out in the National Planning Policy Framework. The site is also considered to be within a sustainable location which is capable of accommodating higher density developments. Whilst the scheme would result in the loss of the Rookery, the replacement structure is considered to be appropriate in its scale, massing and design and would not have a detrimental impact on the character 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.

Consequently the proposal is considered to be in accordance with guidance contained within the National Planning Policy Framework and policies within both the adopted Core Strategy and Local Plan.

RECOMMENDATION

That planning application 14/0797/FUL to be delegated to the Head of Planning for approval subject to the receipt of an amended plan and no adverse comments being received from English Heritage and the following conditions;

- Approved Plans:**
01 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>1360/PL/01</i>	<i>25 March 2014</i>
<i>1360/PL/02</i>	<i>20 March 2014</i>
<i>1360/PL/04</i>	<i>25 March 2014</i>
<i>1360/PL/05</i>	<i>25 March 2014</i>
<i>1360/PL/06</i>	<i>25 March 2014</i>
<i>MBGD1404/SLP</i>	<i>20 March 2014</i>

Reason: To define the consent.

- Materials:**
02 *Notwithstanding any description of the materials in the application no above ground construction 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.

- Means of Enclosure:**
03 *All means of enclosure associated with the development hereby approved, including the boundary 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:**
04 *Notwithstanding the submitted information, full details of all external lighting of the buildings and car-parking areas together with its colour 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.

Site levels:

05 ***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 prior to commencement of the development. The development shall be carried out in accordance with those details thereafter.***

Reason: To define the consent

06 ***Highway Works:
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.

07 ***Timetable for demolition and rebuild:
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.

08 ***Provision of temporary car park;
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.

09 ***Hours of construction/demolition activity:
No construction/demolition 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.

10 ***Archaeological recording:
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 ensure that no accidental damage is caused to features of archaeological interest

No open burning:

- 11 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

Drainage:

- 12 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.**

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Soft Landscaping works:

- 12 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;

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

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

'No-dig' construction to parking bays;

- 14** ***The proposed access and 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.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority have implemented the requirements of the National Planning Policy Framework (NPPF).

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. Further applications were 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 and 06/3591/FUL), the first application being withdrawn and the later one

being approved. 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 was as a result of the building being structurally incapable over being extended and converted. This was approved on appeal on grounds of non-determination.

3. More recently an application for the construction of 3 no. detached houses with detached double garages (ref 11/0136/FUL) has been considered and was agreed in principle subject to a section 106 agreement for a financial contribution towards open space and sports provision. However, this was never signed and completed and the application was finally disposed of.
4. In 2012 planning permission was then also sought for the renewal of extant planning permission 07/3441/FUL (demolition of The Rookery and construction of 13 no. apartments in two blocks). This was also approved (ref;12/1194/RNW). This was then followed by another application for the erection of detached dwelling house to the rear of the existing Rookery building (ref; 13/0749/OUT), which was also approved.

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 Urray Nook Road (A67), Yarm Road (A135) and South View and forms part of the Egglescliffe 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.
6. The immediate surrounding area has a mixture of architectures styles and as a consequence has no defined character. To the north of the application site are a series of semi-detached interwar two storey houses, to the east are three properties including a bungalow (Sunnymount) and two recently constructed dormer bungalows. To the south of the site lies the flatted development of 'Parklands Court' a three storey development, while to the west of the site lies a small group of houses built in the mid 1990's.
7. Given the style of the property and its open frontage onto south view, the property occupies a relatively prominent position within the South view streetscape. However, as a result of the changing levels within the surrounding area, which fall relatively steeply to the south (towards Yarm) wider views of the building are restricted by more these more recent developments which include Parklands Court to the south and the two dormer bungalows to the east.

PROPOSAL

8. Planning permission is sought for the demolition of existing dwelling and for the construction of 14 no. apartments. The apartments will be spilt across two blocks, the larger of the two occupying the front of the site (containing 9 apartments) and a second smaller building within the rear (providing 5 units).
9. The scale of the buildings will be predominately two storey, rising to a maximum of three storeys in height, with the third storey being 'tiered' on both buildings. The parking areas

serving the development are split in two and will utilise the two access points from south view. Landscaping is then proposed in the remaining areas and offering the opportunity for a landscaped setting.

10. Both the proposed design and materials are contemporary, with the elevations being created from grey 'Cedral weatherboard' and facing brickwork and will incorporate dark grey window frames and 'frameless' balustrades to the balcony areas.

CONSULTATIONS

11. The following consultations responses were received to the application:-

Egglescliffe and Eaglescliffe Council

The above application was considered by Egglescliffe & Eaglescliffe Council at its meeting on Thursday 3rd April.

The parish council objects to the proposed design as it is out of keeping with the area and sees no reason to move away from the principles established with the previous planning permission.

English Heritage

Comments awaited

Historic Buildings Officer

The site lies within the Egglescliffe Conservation area although is somewhat removed from the historic core of Egglescliffe village. The character of the conservation area predominantly derives from the historic character of the village Green.

The application site has no prevailing architectural or historic character and varies from large dwellings in spacious plots, to neighbouring semi-detached dwellings, bungalows and apartments on the neighbouring former Parklands garage site.

The Rookery sits in a prominent position within the Egglescliffe Conservation area and is set in extensive and verdant grounds. Although significantly altered due to its unique unusual Art Deco style the building is considered to be a heritage asset through the NPPF.

The NPPF 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.

In addition Saved Policy EN24 of the Stockton-On-Tees Local Plan states that:

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

There is significant planning history associated with the site.

The local authority has previously accepted the loss of Rookery through previous approved planning applications for the wider site including the demolition of the Rookery and erection of two apartment blocks. I therefore consider that the principle of the loss of the building has been accepted.

The proposed scale and massing of the apartment blocks are in the same position and of a similar scale and massing to those previously approved. The previous planning approval architecturally looked to replicate the form and design of the Rookery. Although the current proposal looks at a more contemporary approach and subject to the use of appropriate materials and quality detailing in the finish I raise no objection to the proposal.

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 we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- o Soakaway
- o Watercourse, and finally
- o Sewer

If sewer is the only option the developer should contact Niki Mather (tel. 0191 419 6603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Environmental Health Unit

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

' Light Intrusion

' Demolition/ Construction Noise

Northern Gas Networks

No objections

Tees Archaeology

Thank you for the consultation on this planning application.

There have been a number of previous schemes submitted for the site. As a result the developer has already commissioned a historic building survey and archaeological desk based assessment. Although these are not submitted with the application I have them on file and I am considering them in this response.

The historic building survey prepared in November 2013 by Stephen J. Sherlock stands as an appropriate level of record of the Art Deco inspired building. No further building recording works are necessary for the current planning application.

The archaeological desk based assessment was prepared by Stephen J. Sherlock in October 2013. This indicates that the site was part of the original 1825 Yarm Branch of the Stockton & Darlington Railway which terminated at coal drops at the southern end of the site. It is possible that sections of the track bed and associated buildings survive in the garden to the rear of the The Rookery. These remains can be considered to be heritage assets as described in the National Planning Policy Frameworks (Annexe 2).

In this case it appears that the site has been leveled at some point in the past and there are unlikely to be any surviving remains that would require physical preservation. I would however recommend that archaeological monitoring takes place during any excavation work such as topsoil stripping and foundation trenching in order that an appropriate record is made prior to the destruction of any remains (NPPF para 141).

This can be achieved by means of a planning condition, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

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 would be happy to provide a brief for the archaeological monitoring along with a list of contractors who are able to undertake such work in the area.

Head of Technical Services

General Summary

Subject to the comments below requesting minor amendments to the layout the Head of Technical Services has no objections to this application.

Highways Comments

This site benefits from an extant permission 12/1194/RNW for 13 flats therefore the principle of development has been established. This proposal is for 14 flats and it is considered that 1 additional flat will not create a highway safety concern.

Whilst the local road network and nearby junction experience congestion at certain times of the day the traffic generated by 1 additional dwelling would not add significantly to the congestion. This development therefore would not have such a severe impact to warrant a highway objection. In terms of the National Planning Policy Framework and the capacity of the highway, the additional traffic that would be generated by the proposed development would not be sufficiently harmful to make the planning proposal unacceptable.

In accordance with SPD3: Parking Provision for Developments 2011, 14 flats should provide 21 in-curtilage car parking spaces (1.5 per flat) and 9 cycle storage spaces (1 per 2 flats plus 1 per 6 flats for visitors). The submitted plans show 21 car parking spaces (including the garage) however 2 should be of sufficient size to allow disabled use; all spaces should be a minimum of 2.4m x 4.8m; all spaces should have a minimum 6m reversing space. Only 1 cycle store is shown for both blocks, it would be preferable to provide 1 for each block.

The only bin store shown is approximately 60m from block B, this should be amended.

The applicant will need to enter into a Section 278 agreement for the amendments to the accesses and kerb line/footway widening on the access road from Yarm Road to South View.

The proposed pedestrian access to block A is located opposite a junction where it would not be safe to encourage pedestrians to cross. It is recommended that this be amended to lead pedestrians to use the footway to the east along South View.

Subject to the minor layout amendments there are no highway objections.

Landscape & Visual Comments

There are no landscape and visual objections to the principle of the layout. The landscape principles laid out in the landscape concept plan drawing ref MBD1404/SLP are acceptable but details are requested as per the condition wording in the informative section at the end of this memo, notably referring to the boundary hedge that is planned along the northern edge of the site along South View.

Tree protection measures for the protected trees on the site should be shown on a plan prior to any work starting on site. In order to protect the root protection area of the Protected Oak Tree in the north east corner of the site grass should be provided under the tree rather than hard surface as indicated on the plan.

Environmental Policy

No information has been provided regarding how the application would comply with Core Strategy Policy 3 (CS3 – Sustainable Living and Climate Change) including for example details on the use of renewable energy supply. Code for Sustainable Homes Level 4 is required but this is not addressed. Details of the proposed means of achieving carbon reduction are required.

Flood Risk Management

The development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any runoff must not exceed pre-development rates. Any increase in surface water generated by the development or existing surface water/ground water issues on the site must be alleviated.

The Council supports the use of sustainable urban drainage systems. If the applicant proposes to dispose of surface water via the main sewer, this will need agreement from Northumbrian Water.

Informative;
LANDSCAPING – SOFTWORKS
TREE PROTECTION

Private Sector Housing - Mr Dave Dawson

The Private Sector Housing Division has no comments or objections to make on this application.

PUBLICITY

12. Neighbours were notified and wider publicity was given through a press advert and site notice, which has been displayed at the site and expires on the 20th May 2014. A total of 25 objections have been received to the application, these are set out below;

Objections:

- The contemporary design will add nothing to the area.
- The new building lacks character in a very prominent position and would dominate the skyline and surrounding area
- The existing dwelling is a significant and important property which should be listed

- The existing house is unique and should be retained.
- It is important that the building is equally as significant as the one it replaces.
- Increase traffic and congestion problems on South View
- Insufficient car parking/will exacerbate existing problems
- The properties at Headlam Terrace use South View for parking and will have to find alternative parking
- Over development of the site/property
- Impact on surface water run-off and sewerage system.
- Planning approval for 13 apartments granted on appeal – should stick to the original approval
- Should be a new planning application
- Suitable traffic management should be put in place (traffic lights and double yellow lines)
- Traffic survey should be carried out at peak times
- There is an existing footpath/Bus stop
- Harm pedestrian safety, particularly children
- Told going to be town houses
- Too many flats in Eaglescliffe and Yarm
- Pollution from lighting and vehicles
- Loss of Privacy
- Loss of security

Objectors:

Mr Jason Hadlow - 46 Spitalfields Yarm

Mrs Audrey Morrow - 17 The Crescent Eaglescliffe

Mr and Mrs Basford - 17 South View Eaglescliffe

Mr and Mrs Garland - 6 Railway Cottages Eaglescliffe

Mr Anthony Harding - 2 Headlam Terrace Eaglescliffe

C Lawrence - The Lodge 657 Yarm Road

Pat Midgley - 7 The Crescent Eaglescliffe

Mr Jeffrey Turley - 16 The Crescent Eaglescliffe

Keith and Margaret Herron - 640 Yarm Road Eaglescliffe

B Atkinson - 19 Dunbar Drive Eaglescliffe

Mrs Valerie Cockerell - 17 Turnberry Avenue Eaglescliffe

Mr Stephen Dobson - 11 The Crescent Eaglescliffe

Mrs Pauline Allen - 9 South View Eaglescliffe

Mr Raymond Best - 11 South View Eaglescliffe

Mr Ian Peerless - 1D South View Eaglescliffe

Ms Whaley - 2 The Paddock Eaglescliffe

Robert Waller - 'West End House' Church Road

Mr and Mrs Norris - 18 South View Eaglescliffe

J And C Basford - Sunnymount South View

Jean Alexander - 6 The Crescent Eaglescliffe

Mr Michael Johnston - 3 Headlam Terrace Eaglescliffe

Miss Joanne Ross - 14 The Crescent Eaglescliffe

John Dyer - 20 The Crescent Eaglescliffe

Mr David Allen - 9 South View Eaglescliffe

Mrs J Waller – address not provided

PLANNING POLICY

13. 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.
14. 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
15. 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 is 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

16. 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.
17. The following sections of the NPPF are considered to be relevant to the determination of this application;

- Section 1. Building a strong, competitive economy
- Section 4. Promoting sustainable transport
- 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

18. 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; and, traffic and highway safety.

Principle of development;

19. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and the need to achieve sustainable development. It defines sustainable development as having three dimensions - economic, social and environmental. It also goes on to set out a number of core planning principles one of which is the need to identify and meet housing needs as well as to respond positively to wider opportunities for economic growth. In terms of housing, paragraph 47 details the importance in boosting significantly the supply of housing, with paragraph 49 stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. In addition it sets out that the greater the degree of consistency Local Plan policies have with the NPPF the greater the weight that may be given. It is noted that the proposal seeks to provide 14no. apartments which given the Borough's lack of a five year housing land supply (currently at 4.08 years, with a 20% buffer) means that the development must be considered in line with the NPPF and the presumption in favour of sustainable development. In such cases, paragraph 14 of the NPPF sets out that the application should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

20. In addition section 12 of the NPPF deals with conserving and enhancing the historic environment. Paragraph 131 of the NPPF sets out that when determining planning applications consideration should be given to the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses; the positive contribution that conservation of heritage assets can make to communities; and, the desirability of new development making a positive contribution to local character and distinctiveness. In terms of paragraph 134, it is recognised that there are no direct public benefits in the redevelopment of the site. However, it has been previously established that there are significant structural issues with the property with both the Building Control manager and a Structural Engineer concluding there was risk of both compressive and lateral failures with the building being built off poor foundations. Whilst it is acknowledged that the loss of the building would be a loss to the character of the conservation area, any extension and conversion of the property would require a substantial rebuild as the general build and workmanship throughout the building is considered to be poor, therefore there is no objection in principle to the demolition proposals, subject to a suitable condition to ensure appropriate redevelopment of the site

21. In terms of sustainable development and the overall sustainability of the site, it is noted that the site lies within the limits to development and is within the urban conurbation. It lies within close proximity to employment, public transport and other service provision and is approximately 400 metres from Yarm High Street. Accordingly the site is considered to be suitable for a higher density development and meets the criteria outlined in the Council's Supplementary Planning Guidance for high density/flatted developments (SPG 4).
22. Whilst it is noted that some objectors have raised the issue of there being an over-supply of flats/apartments in the Yarm and Eaglescliffe area, this would be a matter for the developer and would not provide justification for refusal of the planning application. Given the Council's position with regards to a lack of a 5 year housing land supply the provision of additional housing is a significant material planning consideration which must be weighed against all other material planning considerations.
23. An objector has also commented that the developer should implement the current approval and apply for a new planning permission. This is a new application and should planning approval be given would constitute as an entirely new and separate planning permission. As with all planning applications they are to be judged on their own merits and against the relevant policies of the development plan.
24. In view of the above considerations, the principle of a high density development, which involves the demolition of the Rookery is therefore considered to be subject to the material planning considerations set out below;

Impact on the character of the area;

25. As set out under section 72 of the Listed Buildings and Conservation Area Act 1990, special attention needs to be given when determining applications within a conservation area as to the desirability of preserving or enhancing the character or appearance of a conservation area. In considering such an approach, it is noted that the immediate surroundings has a mixture of architectures styles and as a consequence has no strongly defined character. The immediate area contains a mixture of terraced, semi-detached and detached properties as well a two large apartment blocks to the immediate south of the site. The scale of these building also varies from single storey to three storeys.
26. Many of the objections received considers that the contemporary design will add little to the area and that the existing property is both of significant character and worthy of retention. Whilst it is noted that this design differs from the previous approach of an 'art deco' style to reflect the existing dwelling that approved scheme would still have resulted in the demolition of the existing dwelling and its replacement with a new building and it is noted that the Historic Buildings Officer considers that the principle of the loss of the building has already been accepted.
27. The scale and massing of this proposal reflects that previously agreed and would also be of a similar footprint. Whilst the design approach may be more contemporary the building's design is considered to be appropriate within the immediate locality and would ensure that the development on the site retains an element of a 'local landmark' although the control of materials is recommended to ensure a high quality form of development.
28. Given the above and despite the concerns raised by local residents, it is considered that the proposed building is of an appropriate design and scale and would need the required test of preserving the character and appearance of the conservation area, i.e. having a neutral

impact as a minimum. 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 or Section 72 of the Listed Buildings and Conservation Area Act 1990.

Landscaping features;

29. The Councils Landscape Architect has no objections to the principle of the layout and the landscape principles laid out in the landscape concept drawing. However, details are requested for the planting details, i.e. species mix, density of planting etc.... It is also recommended that tree protection measures for the protected trees on the site should be shown on a plan prior to any work starting on site. Both these matters can be controlled via planning conditions.

Setting of Listed building;

30. 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;

31. 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 Sunnymount and the recently approved bungalows (17 and 18 South View) 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.
32. The second apartment block would be situated approximately 2 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.
33. 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.
34. 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.

35. Planning conditions can be imposed in respect of lighting and the need for any shielding to prevent light pollution to the neighbouring residents. Consequently it is not considered that any such impacts would be sufficient enough to justify a refusal of the planning application. With respect to any disturbance from vehicles entering and leaving the site it is not considered that the increase of the additional unit would cause any additional impacts above what has already gained planning approval to be sufficient enough to justify a refusal of the planning application.

Features of archaeological interest;

36. Tees Archaeology has commented that through a series of earlier planning applications a historic building survey and archaeological desk based assessment for the site has already been carried out. The historic building survey is considered to remain as an appropriate level of record of the Art Deco inspired building and no further work is required in this regard.
37. The archaeological desk based assessment indicates that the site was part of the original 1825 Yarm Branch of the Stockton & Darlington Railway which terminated at the southern end of the site. Whilst it is considered that there may be some potential for sections of the track bed and associated buildings to be within the rear garden of the Rookery, it is noted that the land appears to have been levelled in the past and it is considered unlikely that there would be any surviving remains that would require physical preservation. However it is recommended that that archaeological monitoring takes place during any excavation work such in order that records can be made of any notable findings. A planning condition is recommended accordingly and it is not considered that the proposed development will have any undue effect on features of archaeological interest and the scheme accords with both the NPPF and Saved policy EN30 as a result.

Impact on Traffic and Highway safety;

38. It is noted that the majority of the objections received raise concerns over the impact on general traffic congestion with Yarm and Eaglescliffe and existing traffic and on-street parking problems along South View. Whilst these concerns are noted, the Head of Technical Services has noted the extant consent for 13 apartments and has considered the impact of the development and in particular the additional unit. Although the existing congestion problems are noted but it is not considered that the additional apartment would add significantly to the existing congestion problems and therefore justify a refusal of the application. As with the original and extant planning approval, the applicant will still be required to enter into a Section 278 agreement for the realignment of the kerb line on the southern approach to South View (from Yarm Road), the provision of a pedestrian access/crossing point along South View and a revised kerb line and western entrance to the site. The requirement for such works can be secured through the imposition of a Grampian style planning condition. The proposed scheme is therefore not considered to have any significant impacts on the highway network.
39. In accordance with the Council's adopted Supplementary Planning Document on Provision for Developments (SPD3) a total of 21 parking spaces (1.5 space per flat) and 9 cycle storage spaces should be provided. An amended plan is being prepared to address the

concerns of the Head of Technical Services with regards to wider spaces for disabled persons and position of the bin store/cycle store.

40. Therefore despite the concerns of the neighbouring residents in respect of traffic management, surveys and pedestrian safety it is considered that in the absence of any objection from the Head of Technical Services, that there are insufficient grounds on which to justify a refusal of the application of highway safety grounds.

Planning Obligations;

41. 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.
42. In the intervening time, the Councils Open Space, Landscaping and Sports Supplementary Planning Document has been adopted, this requires new development to contribution 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 would be required for the development. However, consideration must also be given to the tests set out within the Community Infrastructure levy (CIL) Regulations 2010.
43. Having considered the nature of the proposed development (all 2 bedroom apartments), the provision of open space in the area, the lack of a clearly identified impact, the Planning Inspectors previous decision and the fact that the application seeks only one additional unit 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.

Residual issues/matters;

44. Whilst comments are have been made with regards to the Impact of the development on surface water run-off and the sewerage system Northumbrian Water have no objections to the proposed development subject to the imposition of a planning condition to control such details. Whilst the drainage details are normally a matter for building regulations in this instance it is deemed necessary to ensure satisfactory drainage details are first agreed and therefore a planning condition is recommended.
45. Whilst comments in respect of the proposed development causing a lack of security to the neighbouring resident are noted, there is no evidence to suggest that would occur. Such matters would be the responsibility of each property owner and fall outside of planning control. However in terms of minimising crime and disorder it is noted that the application site has only one open boundary to the front of the site and the site will benefit from a degree of natural surveillance from those surrounding properties during construction and the proposed apartments should the development go ahead.

CONCLUSION

46. In conclusion it is considered that the proposed development would boost the supply of housing and thereby fulfil the social and economic roles of sustainable development as set out in the National Planning Policy Framework. Whilst the proposal would result in the loss of the historic fabric of the building, the replacement structure is considered to be appropriate in its scale massing and design and would not have a detrimental impact on the character of the conservation area or the setting of the adjacent listed building.
47. 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.
48. 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 & 12/1194/RNW