

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 31st May 2006

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

**06/0712/OUT
COPSEWOOD, THE AVENUE, EAGLESCLIFFE
OUTLINE APPLICATION FOR THE ERECTION OF 7 NO DETACHED
DWELLINGHOUSES AND ASSOCIATED MEANS OF ACCESS
EXPIRED 4 MAY 2006**

SUMMARY

The outline application proposes the erection of 7 dwellings in the grounds of Copsewood, a Victorian Villa to the south of The Avenue, Eaglescliffe. Matters relating to design, external appearance and layout are reserved for future consideration. A plan has been submitted for consideration showing detached dwellings with garages.

The development amongst others entails the demolition of outhouses, greenhouses and the removal of protected and unprotected trees.

Of note, the site contains a number of protected and unprotected trees including an orchard. The Avenue is an unadopted road with no formal footway serving residential properties and Teesside High School.

The application has been publicised and 51 letters of representation have been received, the overwhelming majority (although not exclusively) objecting to the proposed development, mainly in respect of highway safety, loss of a heritage feature, loss of flora and fauna, and impact on protected species, loss of trees, and residential amenity. Letters of support and commenting letters have also been received.

Eggescliffe and Preston on Tees Parish Councils, whilst commenting on the benefits of the scheme, still raise concerns. Councillor John Fletcher is similarly positive about the proposal whilst raising concerns.

Additional post-submission information has been submitted regarding access, protected species, Objection Response Statement and a Tree Removal schedule.

The main planning considerations in respect of the proposed development relate to planning policy implications, impact on the amenity of the residents of existing and proposed dwellings, impact on the streetscene and visual amenity, access and

highway safety considerations, impact on any archaeological and nature conservation interests and land contamination.

In light of the information supplied and responses from consultees, it is considered that the proposed development accords with Adopted Structure and Local Plan policies and that subject to controlling conditions as set out in the report, planning permission be granted.

RECOMMENDATION

Planning application 06/0712/OUT be approved, subject to conditions regarding, time limits, approved documents, approval of reserved matters – external appearance, design and landscaping, tree protection measures, tree planting, bat mitigation, finished levels, materials, means of enclosure, boundary treatments, removal of permitted development rights parts A to E, details of the footway, provision of visibility splays, details of internal access roads including 4.8m in width and 1.8 m wide footways, details of the easterly access to The Avenue in accordance plan to be submitted, archaeology - Darlington to Stockton Railway and Copsewood Villa, drainage, parking, storage for recycling storage/refuse in each property, working period, contaminated land, gate shall be inward opening only details of the mechanism, management scheme for the internal access road, and Badger Mitigation measures as set out in ‘Copsewood Badger Report’ dated 17/03/06.

BACKGROUND

The site of Copsewood has been subject to several previous applications. These include applications relating to works to trees covered by Tree Preservation Orders and two applications, which involved the demolition of Copsewood and redevelopment of the site for residential development, both of which were withdrawn.

04/2100/FUL

Erection of 14No. two storey & three storey town houses and 33No. three storey apartments, associated parking, landscaping and new access from Yarm Road (demolition of existing house). Withdrawn

04/3942/REV

Revised application for the erection of 13 no. houses and 30 no. apartments together with new means of access and associated landscaping and car parking and demolition of existing house. Withdrawn

PROPOSAL

The application site

1. The application site, which includes Copsewood, outbuildings and greenhouses, extends to 0.95 hectares (2.33 acres), and of note contains trees protected by Tree Preservation Order and the original route of the Darlington to Stockton Railway.

2. To the north and north east of the site is road The Avenue, beyond which are dwellings known as The Bungalow and Glenrea. To the east and southeast are Kirklands, Kirklands Lodge and the rear garden of Southlands. To the south and south west are 513 and 513A Yarm Road and to the west and north west is Yarm Road, beyond which are properties on the western side of Yarm Road and Station Road.

The proposal

3. Outline planning permission is sought for the erection of 7 no. detached dwellings plus garages within the private garden and orchard, to be found to the south and south east of Copsewood. The application also proposes the demolition of three outbuildings and two greenhouses to allow for the modification of the existing easterly access to provide a new vehicular and pedestrian access for the new dwellings, whilst retaining the existing northwesterly access for Copsewood alone.
4. The submitted documentation advises that as a result of this proposal, the house and the coaching house will be refurbished, although those works are beyond the scope of this application and control of any subsequent permission granted.
5. Although the submitted scheme indicates single dwellings with dormers, the application seeks permission only for the principle of development and consideration of matters relating to siting and means of access. Design, external appearance and landscaping are matters reserved for consideration at a later date.

SUPPLEMENTARY DOCUMENTS

6. In support of the proposals, subsequent to the main documentation and not including a sequence of amended layout plans, the applicant has submitted the following documents:
 - Copsewood Badger Survey dated 17/03/06
Details confidential, but no Badger Sett found.
 - Objection Response Statement dated 22/04/06
Sets out the applicant's responses (not repeated here) to the objections received comprising, traffic, TPO trees, wildlife, Bats, Badgers, Deer, Plants etc., railway, character of the Avenue, amenity, change in character of grounds, impact on the Conservation Area, over development, construction of footpath, demolition of Copsewood, design of houses, removal of trees on The Avenue, demand for this type of housing, access road width, invalid application. The statement concludes that the proposed development accords with national, regional policy and guidance, producing a sympathetic scheme echoing the finer points of Copsewood, thus respecting the character and appearance of the wider area; the scheme will have minimal effects on local residents, wildlife and the Conservation Area; the objections have been dealt with in the document, visualisations and expert reports; the number of objections is low for this area and reflects the sensitivity of the proposed development; at a time of mass flatted developments in the area,

this application offers sensitive enhancement and represents a suitable redevelopment proposal in a highly sustainable location.

Appendices set out (1) a table for Tree Removals; (2) a letter from the Director of Argus Ecological Services regarding the unprotected status of deer and fox and that plants on the site have limited ecological interest, and commenting that the loss of the gardens would not have a significant impact on local fauna populations; (3) Amended layout plan Drg 0578/01A and (4) letter from Browns Estate Agent which states that there would be an excellent demand for properties of this calibre in the area

- Access Statement dated April 2006 concludes that:
A Transport Assessment is not required.
The generated trips would not exceed 5% of the existing flows and not significant in volume.
The capacity of the signalised junction with the A135 Yarm Road is low and the generated trips can be accommodated.
The traffic would have little or no adverse effect on the traffic situation on The Avenue and Yarm Road.
A metalled at grade footway is proposed on the south side of The Avenue.
The branches of those trees in both directions from the proposed access points are of a sufficient height above ground so that they would not obstruct the line of sight of motorists, either those exiting the access or those on The Avenue.
Design Bulletin 32 and Stockton Borough Council's own design guidance indicates that with low approach speeds and low levels of traffic, visibility splay of 2.4m by 33m is appropriate, and this is clearly achieved for this development.
The majority of dwellings along this unadopted road do not have this level of visibility and no accidents have been reported. Therefore, there is no factual basis that the existing situation creates any sort of danger and introducing conditions that significantly alter driver's perceptions of the minor accesses along this road could lead to unsafe conditions.
Considered that there is no operational or safety concerns with this development accessing The Avenue as proposed adopting a 2.4m x 33m visibility splay with the existing trees and bushes remaining.
- Information relating to tree removal/planting with the new access dated 11th May 2006 a detailed plan showing the removal of the Lime (Protected T15) and Willow (Unprotected), the location of a Lime to be planted and lowering of tree stumps to the west of the new access.
- Visualisations received 26 April 2006
- Tree Removal Proposal received 16 May 2006 identifies the removal of four protected trees: Norway Maple (T29), Copper Beech (T36), Sycamore (T37) and Lime (T15); a further two unprotected trees: Cypress and Willow; and two groups of unprotected trees (26) comprising Apples (20), Pear (2) and Hornbeam (4).
- Bat Survey – Tree Assessment dated May 2006 states that there is no evidence of bats using any of the trees inspected. There are bats in the area and several surveys identified that bats come on to the site from the north to

feed. There is a Pipistrelle roost in a house (2 Ashville Avenue), which probably accounts for the bats feeding around Copsewood. It is not anticipated that there would be a negative impact arising from the felling of trees, however a cautious approach must take place. Soft felling is advised for the mature trees around the site entrance. If any bats are discovered then work must cease until a bat worker can be called in to assess the situation. The felling of mature trees must take place during March May and September/October to minimise disturbance to Bats.

- Bat Survey Report - Copsewood Outhouses dated May 2006 concluded that there was no evidence of bats using the outhouses, although Bats were noted foraging on site during surveys and were detected flying over the outhouses during the survey. Common Pipistrelle appear to have a flight corridor which passes over the outhouses to go between an offsite route to the north of the site and feeding areas located around the mature trees and orchard on the site. No impact on the flight corridor is anticipated as a result of the proposal, but there will be a loss of foraging habitat. Opportunities for the creation of foraging areas can be considered within landscaping and site design proposals.

CONSULTATIONS AND VIEWS RECEIVED

7. The planning application has been publicised by means of individual letters and 51 letters of representation have been received. Forty five (45) objecting to the proposal, one (3) commenting, two (2) in support and one (1) raising no objection to the scheme. The letters have been received from and on behalf of residents on Yarm Road, The Avenue, Clifton Avenue, Swinburne Road, Albert Road, Tees Bank Avenue, Quarry Road and Ashville Avenue. Letters have also been received from Nathaniel Lichfield and Partners, Teesside School, and Solicitors in Redcar and Stockton. Comments have also be received to the access statement and objection response statement, those comments have been summarised below.
8. The grounds for objection can be summarised in the following way:
 - The Avenue is a small private road with no footpath and has a very busy vehicle flow with school children and residents an the traffic to the school is to increase with the addition of nursery school age children, and The Avenue will find it difficult to absorb all the traffic to be generated
 - Increase in traffic at the junction of The Avenue and Yarm Road, which is dangerously congested
 - The development would add to the severe traffic congestion already exists on The Avenue with the volume of usage from Teesside High School
 - The addition of a footpath will restrict traffic flow further as the area is used as a 'pull in' – and this is an issue for emergency vehicles in the event of an emergency
 - Increase in traffic down or near The Avenue
 - Narrowness of The Avenue which compromises its ability to handle any increase in the volume of traffic, and which is already overloaded particularly at school pick-up times.
 - No proper footpath and an increase in use of The Avenue would raise safety issues for pedestrians

- The development would increase the risk to all users – particularly to school children. The problem cannot be solved, the development is not suitable.
- The new access is unacceptable, it is wide and there is no way of improving the sightlines. Sight will be restricted by brick walls on both sides and protected trees, and are unacceptable given the pedestrian movements along the road
- The access is inconsistent with those for the other side of the road
- The width of the new access road – The Avenue is too small and a road of this width (8 metres) would be totally out of keeping with the tree lined Avenue
- A full assessment of the road safety and legal issues unique to the site should be undertaken – particularly as the Council has no jurisdiction over the private road and third parties have rights which the Council and owners of Copsewood have no control
- The transport assessment is inaccurate and provides out of date information, using a traffic count from 2 years ago. Also queuing traffic is more than the 2 or 3 mentioned in the report
- The peak hour's traffic figures are wrong account should be taken of the fact that the school is used after hours
- The wide opening will change the aesthetics and character of The Avenue forever
- The gated access is unsafe and are not acceptable as they would cause traffic hold-ups
- The road cannot accommodate the gates
- There is no parking available for visitors on the Avenue and this will cause problems
- Drainage – water affects the surface of the road and it is dangerous
- The use of The Avenue is not possible
- The proposed access will have a detrimental effect on the character of the area
- Specifically to the location of a the house in the south of the garden (orchard)
- The type of housing is inappropriate, more social housing is required.
- Copsewood should stand in its own grounds and with some land around it Copsewood is in good condition, one of the finest, oldest houses in Eaglescliffe and the Victorian brick walls add character to the area.
- Copsewood is an important house and garden intrinsic to the character of Eaglescliffe and the Stockton to Darlington runs along the gardens and the settings are important – Has an Archaeological Survey been done?
- Impact on and damage to the Darlington to Stockton Railway
- Loss of building and part of Eaglescliffe's history
- Change in the character of Copsewood through the loss of the garden and orchard to housing
- Little is left of the grounds surrounding the original after the development – Copsewood should sit in its own grounds
- The development is an overdevelopment of the site and makes Copsewood less significant.
- The development is out of character with the surrounding area
- Loss, by demolition, of the original Victorian boundary wall, glasshouse and buildings which form part of the historical content and character of the area and The Avenue, which has remained as built in Victorian times
- The development would detract from the overall character of the south side of The Avenue

- The development would not fit in with Victorian character of Copsewood, a valuable asset to local heritage
- Devaluation of the special qualities of Victorian Eaglescliffe for which it is valued and prized.
- No benefit to the community of Eaglescliffe
- Access would destroy a large part of the character of The Avenue
- The house is historically important and may well be included in the Conservation Area. The development is unacceptable whilst work on the Conservation Area is in progress
- There is already too much inappropriate development locally
- Loss of local character with the destruction of old properties to make way for flatted development
- Questions whether a full survey of the trees has been done.
- All TPO trees should be examined and requests that all trees on the Avenue and the gardens are examined by experts
- The gardens and grounds should be preserved
- Loss of the gardens which were planted in 1868
- Loss of gardens which supports foxes, badgers and deers
- Loss of a green lung
- Loss of significant trees
- The tree to be removed to allow construction of the access should be allowed to reach maturity and enhance The Avenue
- Unjustified loss of trees protected by Tree Preservation Order, which cannot be replaced
- Protected trees must be checked before removal.
- Unjustified loss of a wildlife habitat
- Wildlife has little refuge in the area and there is a need to preserve what there is.
- A Bat study should be undertaken
- A full environmental survey should be undertaken.
- Loss of Badger habitat as the site forms part of a Badger run and one family uses the properties – Claireville, Copsewood, Kirklands and Southland and onwards to the School. Badgers also seen in the gardens of the Paddock.
- Loss of natural screening
- Noise and disturbance arising from new dwellings and subsequent loss of quality of life for existing residents
- Increase in noise and light pollution
- There should be no access onto Yarm Road
- Inappropriate development, which would denature a unique environment architecturally and ecologically
- Loss of flora and fauna
- That the site could be used to connect with the Claireville Hotel via a road to the rear, which would surround 513A, Yarm Road.
- That the size of the buildings are not given, which would allow manipulation of the location of the garages within the site.
- There is no turning circle within the proposed development capable of taking large lorries, and they would have to reverse onto The Avenue
- The provision of a footpath is not possible as all residents have a right of way for the full length and width of The Avenue.

- The Avenue is not wide enough and there is great danger arising from sharing a raised footpath, a view also expressed by the Fire Brigade. A raised footpath would not allow for passing of vehicles. Ambulance Service shares concerns over the road safety.
- Footpath improvements would restrict traffic movement at peak times.
- Proposed access will add to the risk to all road users and in particular pedestrians.
- The required sight-lines cannot be achieved.
- Increase in car journeys is more than The Avenue can accommodate
- Number of houses should be reduced: four of five houses would be more appropriate.
- Adverse impact on infrastructure
- Impact on building of the two houses in Kirklands
- Consideration should be given of the (adverse) impact of the proposal on the privacy and amenity of neighbours
- The development would lead of a loss of light, overshadowing the rear garden and property at 515 Yarm Road
- The new properties overlook Kirklands severely impact the amenity of the dwelling.
- The buildings are three storey high and the visual impact will be overwhelming.
- The proposed dwellings appear to be in multiple occupancy
- Unacceptable relationship to the approved dwellings in Kirklands
- The buildings are not compatible with neighbouring properties in terms of design and materials
- No finished heights of the buildings shown on the drawing
- Problem with flooding in the area
- Foul water will be discharges into an existing private drain
- No bin stores are shown
- The Objection Response Statement is very inaccurate expresses surprise at the document and questions whether it is usual for this type of document to be submitted. Based on the findings of this statement the Council should make a full survey of the trees on site. The remaining bat survey should be made available before the decision is made. The existing gate may be in need of repair but this is not a suitable location for an entrance. An application of this size requires a more detailed statement so that proper consideration can be give. There is no solution to the footpath and decision regarding this are unsafe. A raised footpath would restrict traffic flow and a shared surface would be unsafe. Drainage is gives rise to hazards. The actual numbers of objections is irrelevant. Other comments are in respect of the purpose and distribution of the objection response statement, its accuracy, freedom of speech, trees separation distances, the relevance of Persimmons design strategy, width of the access road, the difference between the terms footpath and footway width of the access way and turning radii, a scientific analysis of the need for the housing would have been preferred.
- The access statement is misleading and makes a bad situation sound good, it suggests that vehicle and pedestrian flows are light, which is ludicrous. The Avenue is used throughout the day and the peak times are 7.30am to 9.00am beginning again at 3.00pm and then the school is used after those hours. Queuing cars are more than the 2 or 3 reported and there can be a queue of

traffic back to the school. Another 4 vehicles can only be a tragedy waiting to happen. The position of the access, lack of pedestrian facilities across the Avenue, width of proposed footways and access way, visibility splays, traffic generated by executive homes and obstruction to visibility

Not included in the list above, Nathaniel Litchfield and Partners, acting on behalf of Mr and Mrs Waller of The Southlands, The Avenue have objected to the proposed development. Several issues have been raised and are considered as follows.

Validity of application

Nathaniel Litchfield and Partners consider insufficient information has been submitted in order to allow the adequate consideration of the proposed development, in particular, access and design statements. Details submitted include a layout plan indicating the siting of properties, access details and highway layout, tree survey and report and an ecological survey and mitigation strategy. In view of the location and nature of the proposal it is considered these details are sufficient to allow the outline application to be validated. Following scrutiny of the submission from statutory consultees, it was considered that some of the submitted information was lacking, and additional details have been submitted as a result. The requirements for a design and access statement came into force after the application was submitted.

Impact on residential amenity

Nathaniel Litchfield and Partners are concerned that opportunities exist within the layout for direct overlooking between the opposing front elevations of plots 2, 5 and 6, the garage serving plot 1 to be too close to the front elevation of the dwelling and the relationship between this proposed scheme and the approved scheme for 2 residential properties (03/1716/P) within the rear garden of the adjoining property

The front elevation of Plot 5 is set behind that of plot 6 whilst is orientated at approximately 90 degrees to that of plot 2. A slight amendment to the siting of Plot 2 has resulted in the elevations achieving a 21m separation distance whilst the orientation of plots 2 and 6 also differs. It is therefore considered that privacy should not be adversely affected with respect to the relationship between the front elevations of these properties.

The garage serving plot 1 is located 5.9m away from the front elevation of the dwelling, which is considered to be minimal and will undoubtedly affect the outlook of the property. However, in view of the garage only spanning approximately half of the properties frontage, there being an enclosed rear garden and elevation which will provide an outlook and the garage forming part of that dwelling and its associated curtilage, it is considered the relationship between the front of the dwelling and the garage is acceptable.

The approved scheme for 2 residential properties within the rear garden of the adjoining property shows them as being laid out with their main elevations, which incorporate a three storey element, facing south, towards plot 3 of this application. The common boundary ranges between 16m and 28m away from the boundary between plots whilst the proposed plot 3 lies a further 3m from the boundary therefore totalling 31m between property elevations. Furthermore, the proposed plot 3 is orientated at approximately 45 degrees to the elevations of the approved scheme for the adjoining site. Taking into account the distances between elevations and the orientation of properties, it is considered that adequate privacy and amenity

for all properties can be achieved. This aside, there is a change in levels within this southern section of the site and in order to adequately control development it is recommended that a levels condition is attached.

Impact on the Eaglescliffe with Preston Conservation Area

The Conservation Area is found beyond Yarm Road to the west of the site and Nathaniel Litchfield and Partners have serious concerns that the proposed development would have a harmful impact on the Conservation Area whilst consider insufficient information has been submitted to allow assessment of this impact. Particular concern is raised in respect to views into the site during autumn and winter months when trees are not in leaf and that the development proposals would change the character of the outlook from the Conservation Area, which is currently onto lower density detached properties in a leafy environment.

In determining applications, the Local Planning Authority is required to consider any potential impacts on the setting of a conservation area. The site, when viewed from the conservation area is one of a heavily treed garden bordering the highway with glimpses of a large dwelling of relatively unique design and appearance. The proposed development is set behind the tree corridor, which runs along the western boundary of the site and further south than the existing dwelling. In view of the level of tree cover and distances involved, it is considered that there will be adequate screening of the properties from the conservation area in order to prevent them having a significant impact on its setting. Furthermore, the views of the existing property will remain, with only relatively minor changes around the access point to the site. As such, it is considered the proposed development should not significantly adversely affect the character or appearance of the adjacent conservation area.

Highways, Visibility and Footpath.

The Head of Integrated Transport and Environmental Policy has assessed the development and raises no objection in principle subject to controlling conditions, and concludes that a 2.4 by 33 metre is adequate.

Ecology.

Nathaniel Litchfield and Partners consider a full ecological assessment is necessary for a development of this nature. In consultation with English Nature, the agent has undertaken several ecological surveys, the findings and mitigation of which have been accepted by English Nature subject to appropriate planning conditions being imposed. In view of this it is considered the issue of Ecology need not be considered further.

Archaeology.

Nathaniel Litchfield and Partners indicate the need for sufficient information to be submitted with respect to the archaeological significance of the site. The comments made by Tees Archaeology indicate that the former Darlington to Stockton Railway line lies amongst the trees to the western edge of the site. This section of the site is not indicated for development and Tees Archaeology have therefore not objected to the proposed development subject to conditions regarding the following:

In view of the importance of the Railway Line it is considered appropriate to ensure the above requirements through condition.

Trees

Nathaniel Litchfield and Partners consider the tree cover in the area to be significant in both number, landscape value and as a wildlife habitat and that it would be difficult to construct the dwellings in such close proximity to trees without it having a detrimental impact on the health of the trees, suggesting that it would be likely that further tree removal would take place. Nathaniel Litchfield and Partners suggest that it is imperative that the impact of the development on the trees is considered in full. Having received response from the Councils Landscape Officer the tree survey and suggested works have been accepted, considering that whilst trees are to be removed the integrity, of the copse and the avenue, trees are maintained by the layout and the trees afforded TPO status are generally retained by the proposals.

Concern is expressed that trees are to be felled and if those that are to be protected are to be felled then the protection given them is meaningless, the volume of traffic which the development will bring to this already congested road system, a condition of the success of the application is that careful consideration is given to the question of motorists and pedestrian safety.

Support has been expressed for the scheme for the following reasons:
The development is a good combination of new buildings and preservation and restoration of Copsewood, the refurbishment of Copsewood.

Comments include:

Welcome the reduction in the number of proposed dwellings, restriction should be placed on the working period to reduce the impact of construction works the owners of the Claireville confirms that there are no plans to link Copsewood with the Claireville via a road to the rear of the properties, and that there is no evidence of wildlife in the Hotel. Wildlife would be discouraged as this is a catering establishment, and the comings and goings at the Hotel, lack of adequate highways response in the past.

Consultee Responses

Historic Buildings Officer

9. The loss of the associated outbuildings at Copsewood are regrettable however the owner could demolish these without any planning consent required. It would however, be preferable if these could be retained within any new development as they help to put the main dwelling in context. English Heritage have recently looked at the building and determined that it is not listable. In the absence of listing we have no control over the demolition of such buildings therefore this cannot form a major consideration of the application.

Environmental Health Unit

10. Raises no objection to the proposed development but recommends conditions in respect of contaminated land and working period.

Egglescliffe Parish Council

11. Comment that whilst pleased to see that Copsewood is to be retained, still expresses concern in respect of the increase in traffic on the private, unadopted road and poorly lit road with no footpath provision for pedestrians. The Parish Council further comments that a pedestrian link to Yarm Road would be beneficial.

Preston on Tees Parish Council

12. My members are pleased to note that the documentation includes the promise that the main building will not be demolished although there is concern that one of the plans makes mention of buildings to be demolished without any clarity in our copy of which of these buildings these are.
13. Apart from another concern about the loss of trees bearing preservation orders, Members are much more pleased with this plan than they have been with previous plans for the site. They feel that a plan such as this is much more in keeping with the character of the area than the previously seemingly inevitable loss of buildings of character to create endless blocks of flats. Further to recent notification of additional information regarding the above application we would like to reiterate our pleasure that there is no intention to demolish the main existing house. Our positive reaction is on the condition that the main house is retained and maintained as an entity in its current state.

English Nature

14. Has no objection to the proposal in relation to species especially protected by law, subject to a condition which restricts development to that in accordance with the mitigation detailed within the protected species report (Copsewood Outhouses – Bat Survey Report, Prepared for Copsewood Developments May 2006, Argus Ecological Services, adherence to timing and spatial restrictions, undertaking confirming surveys; adherence to precautionary working methods (in particular Section H2, Method Statement). Subject to these conditions the proposal will not be detrimental to the maintenance of the population of bats at a favourable conservation status in their natural range. Attention is also drawn the necessity to comply with other laws.

Head of Integrated Transport and Environmental Policy

15. The proposal is for 7 detached dwellings served from an existing point of access. In accordance with the Council's Design Guide and Specification (Residential & Industrial Estates Development) Current Edition, an access serving in excess of 5 dwellings must be designed and constructed to the standard of an adoptable highway, and to that end I would comment as follows:

The Council requests that where a new highway is constructed serving in excess of 5 dwelling houses that the developer enters into a section 38 agreement for the adoption of the highway. However, this cannot be achieved as for a highway to be adopted it must be connected to an existing highway, which the Avenue is not. In order to ensure that the highway is maintained in a safe and acceptable condition the applicant should provide details of the intended management arrangements.

The minimum width of the access road should be 4.8m with 1.8m wide footways to each side.

The point of access should have sightlines of 2.4m x 33m, which should be unobstructed. I note however that there are some tree and foliage in the visibility splay. The mature trees with no low level foliage growth are acceptable as individual obstructions within the envelope, however smaller low height wider spread foliage would need to be removed in order to make the access visibility acceptable in the interests of highway safety. Therefore a planning condition is

required for either the removal of the stumps/bushes or some treatment/regular maintenance to prevent any growth in excess of 600mm from ground level.

The south side of the Avenue has an established footpath, which is a safe route to the school. The access for the proposed development utilises the existing point of access, which would need to be upgraded to make it acceptable. Therefore the upgraded access should cater for the existing usage of the footpath and ensure it remains a safe point for all users including those who are vulnerable, visually impaired or disabled.

I note that this is an outline application to establish the principle of development and therefore the issue of parking would be considered at detailed application stage in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) Current Edition.

Also the Head of Integrated Transport and Environmental Policy confirms that the access visibility report discusses the standards within the Design Manual for Roads and Bridges. This is not the correct specification for assessing residential planning applications as the standards refer to trunk road and are clearly not relevant to this planning application. Furthermore the document also discusses the possibility of the Avenue being equivalent to a category 4 or possibly a category 5 road. The Avenue clearly does not meet the definition of a category 5 road and will not be considered as such.

The Head of Integrated Transport and Environmental Policy states that subject to points raised in the paragraphs above being agreed to my satisfaction and conditioned accordingly, no objection is raised to the proposal.

Landscape Officer

16. General Layout

The layout plan drg. No 06678/01A is acceptable in Landscape and Visual terms. Whilst trees are to be removed the integrity, of the copse and the avenue, trees are maintained by the layout and the trees afforded TPO status are generally retained by the proposals.

It is my understanding from a meeting held with the Agent 29 April 2006 that the access road is to remain private with a maintenance charge on the dwellings. This has afforded the applicant to offer "no dig" construction under the canopy of trees so that the roots are not damaged during excavation works, something that is very difficult to achieve with adopted roads.

Should the application be granted consent I recommend the following shall be dealt with as reserved matters and or conditions.

Siting:

Final location of dwellings, roads and all underground services shall be agreed prior to start on site

Tree Works:

The following Method Statements are required for approval. These shall be prepared in accordance with British Standards and relevant Codes of Practice in particular BS 5837:2005 Trees in Relation to Construction and NJUG recommendations for service installation the minimum standard acceptable for digging of trenches and attached "no dig" notes:

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1. Tree surgery proposals;
2. Excavation proposals. Whilst buildings have been located so that existing trees where possible are retained a method statement is required that addresses the construction of foundations (taking account of tree proximity and tree species) and pavements/roads so that roots are not severed;
3. Tree retention proposals including protection measures. These should include protective fencing details, locations for setting out fences that accurately reflect the canopy of the trees and all required working distance so that the trees are not damaged by demolition and construction including erection of scaffolding and compounds;
4. Management proposals for the retained trees and proposed replacement trees.

Photomontages:

Photomontages will be required to reflect the final layout and proposed tree losses. These shall be prepared to an agreed methodology and from selected viewpoints.

Schedule of surfacing materials:

Final surfacing of the roads, pavements etc will have the potential to either remove water from the root zone or increase water flow to the roots of retained trees. These could have an adverse impact on the trees retentive life and therefore their design must be approved.

Replanting Proposals:

A planting plan including a schedule of tree and shrub types will be required. This schedule should include species, stock size, stock type and planting densities. A planting and maintenance specification will also be required for approval. A minimum of 2 years maintenance shall be demonstrated.

Northumbrian Water

17. Makes general comments in respect of water supply an foul and surface water

Northern Gas Networks

18. Has no objection to the proposal

Councillor John Fletcher

19. I am pleased that the current application preserves the main house and the coaching house, which form important parts of the Victorian built environment of

this part of Eaglescliffe, even though they are outside the conservation area and are not Listed Buildings.

I am also pleased that no building is proposed on the track bed of the original Stockton to Darlington Railway of 1825, in view of its significance in the world history of railways.

While I regret the erosion of green areas, I think that (subject to the points made below) current national planning policy obliges SBC to permit development of this sort.

The application involves seven extra dwellings having access to the public highway via The Avenue, which is a privately owned unadopted road with no proper footways. Whether or not the properties on the opposite side of the road are redeveloped as apartments for older people, also increasing the number of households dependent on the Avenue for access, will depend for the present on the outcome of the appeal. Access via The Avenue is preferable to an extra vehicular access to Yarm Road from the Copsewood site. What is the engineer's view of adding another 7 dwellings to an unadopted road without bringing it up to standard?

No doubt the Council's Arboricultural Officer will advise on the state of the trees planned for removal on grounds of their condition.

Neither the retention nor demolition of the brick wall on the north and west sides of the application site is explicitly stated. It forms part of the setting and character of the existing house and the streetscene and should be retained, apart from any minor amendments to the access. Paragraph 2.4 of the Planning Statement incorrectly refers to this being the north and east boundaries.

Another minor error – in the fifth bullet point in the site description on page 1 of the survey of trees The Drive should read The Avenue.

Contests the presumption that because there are no pedestrian facilities across The Avenue at the traffic lights that traffic flow both pedestrian and vehicular is light. When the junction was first signal controlled only one pedestrian facility was installed on the north arm of Yarm Road, to replace the zebra crossing. The second facility was installed across the south arm of Yarm Road explicitly because of pupils of Teesside High School, crossing to and from the north east corner of the junction, had also to cross the mouth of The Avenue (because the informal footpath to school was on the south side) at times when there was a lot of vehicular traffic across their path. I think that it was not feasible to install a pedestrian facility across the mouth of The Avenue, because it was a private unadopted road. Although the computer model shows queuing of only 3 vehicles at the stop line on The Avenue in the morning peak, I have observed much longer queues than this at that time, with not everyone getting through the lights on the first cycle.

Councillor Maureen Rigg

20. I have a number of observations on the Access Statement provided by Jacobs Babbie
:

Page 2-1 “This indicated that traffic flow, both pedestrian and vehicle, is light and can be accommodated safely.” On the contrary, the second, southern-most, controlled crossing of Yarm Road at this junction was installed for the benefit of the pupils of Teesside High School who walk along The Avenue in large numbers at the beginning and end of school as well as in considerable numbers at lunch time. By crossing at that point they avoid the need to cross The Avenue near its junction with Yarm Road.

Page 3-1 “One of the existing bushes and trees in the immediate vicinity of the access will be removed to accommodate the new carriageway.” There is no indication of whether this is a tree with a TPO.

Page 4-1 The provision of a metalled footway continuing to be a shared surface at the same grade as the road is described as not risking pedestrian safety. At present the informal footway looks like a footway and is used sparingly by vehicles needing to pass. I am concerned that if a shared surface at the same grade is installed it will look much more like the road and will encourage vehicles to use what should be a footway. I would like to see this clarified.

Page 6-2` “Queuing on The Avenue is shown to be 3 vehicles in the AM peak and 2 vehicles in the PM at the stop line of the junction.” I do not pretend to be an expert on the software used but I have personal experience of queues extending the full length of Avenue at the PM peak, needing more than one cycle of the lights to exit the junction and blocking access to the present entrance into Copsewood. If the “rear” access had been in use it would also have been blocked.

Something which is not mentioned at all in the study is the fact that Teesside High School often has evening and weekend events for which the participants are transported entirely by private car i.e. the school buses which relieve some of the congestion at 9 and 4 are not involved. Although these events are not for the whole school they do generate large numbers of car trips on The Avenue and queues are often worse than at the school peak times.

This is not an objection to the development as such, on which I reserve my judgement until it comes to committee, but comments on the accessibility which need to be addressed before the report is written

PLANNING POLICY CONSIDERATIONS

21. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act requires that an application for planning permission shall be determined in accordance with Plan, unless material considerations indicate otherwise.
22. In this case, the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the adopted Stockton on Tees Local Plan (STLP)
23. In respect of housing, the TVSP reflects current national and regional guidance. The strategy adopted in the TVSP is one of sustainable growth with the majority of new development taking place on previously developed land within urban areas or along public transport corridors on the edge of the main built up areas. The Structure Plan also supports the need for increased residential densities and the provision of affordable housing as appropriate.
24. STLP Policy GP1 requires all proposals for development to be assessed not only against Structure Plan policy, but also against a number of criteria which include

- concerns about the external appearance of the development, effect on the amenities of neighbouring occupiers, access and parking arrangements, need for a high standard of landscaping and its relationship with the surrounding area.
25. STLP Policy HO3 states that within the limits of development, residential development may be permitted provided that the land is not specifically allocated for another use, not underneath electricity lines, does not result in the loss of a site which is used for recreational purposes, is sympathetic to the character of the locality, takes account of important features within the site, does not result in an unacceptable loss of amenity to adjacent land, and satisfactory arrangements can be made for access and parking.
 26. STLP Policy HO11 states that new residential development should be designed and laid out to provide a high quality of built environment in keeping with its surroundings, incorporate open space, provide a satisfactory degree of privacy and amenity, for new dwellings and existing occupiers of neighbouring properties, pay regard to existing features and ground levels, provide adequate access, parking and servicing, and incorporate features to assist in crime prevention.
 27. STLP Policy EN6 seeks to safeguard protected plant and animal species and their habitats by ensuring that if consent for a proposal deemed harmful to the species is given, they will consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the protection of the species.
 28. STLP Policy EN30 states that development, which affects sites of archaeological interest will not be permitted unless an investigation of the site has been undertaken and an assessment has been made of the development upon the remains and where appropriate provision has been made for preservation in situ.
 29. STLP Policy EN34 states that development of sites which are contaminated may be permitted provided that the nature and extent of contamination of the site has been established and measures are included to reduce the hazard posed by contaminants to an acceptable level at which it can be maintained and would not add to the sites contamination. Furthermore; no significant adverse effect on the environment should result from any disturbance of contaminants or their movement into surrounding ground during and after development.
 30. Planning Policy Guidance Note 3 'Housing' (PPG 3) advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of greenfield land developed. PPG 3 states that Local Planning Authorities should therefore avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net, encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net) and seek greater intensity of development at places with good transport accessibility such as city, town and district and local centres or around major nodes along good quality public transport corridors.
 31. Alongside the above, PPG3 states that new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate

neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help determine the character and identity of a development, recognising that new building technologies are capable of delivering acceptable built forms and may be more efficient. Local Planning Authorities should adopt policies which create places and spaces with the needs of the people in mind which are attractive, have their own distinctive identity but respect and enhance local character, promote designs and layouts which are safe and take account of public health, crime prevention and community safety considerations, focus on the quality of the places and living environments being created and give priority to the needs of pedestrians rather than the movement and parking of vehicles, avoid inflexible planning standards and reduce road widths, traffic speeds and promote safer environments for pedestrians and promote energy efficiency of new housing where possible.

32. Planning Policy Guidance Note 13 'Transport' seeks to promote more sustainable transport choices, accessibility to jobs, shopping leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car.

33. MATERIAL PLANNING CONSIDERATIONS

34. The main considerations in respect of the proposed development relate to planning policy implications, impact on the amenity of the residents of existing and proposed dwellings, impact on the streetscene and visual amenity, access and highway safety considerations, impact on any archaeological and nature conservation interests and land contamination.

Planning Policy Implications

35. Copsewood is located within the urban area of Eaglescliffe and is within the limits of development, adjacent to, but without the Eaglescliffe with Preston Conservation Area. Policy HO3 of the Local Plan indicates that residential development within the limits of development is acceptable subject to other environmental considerations.
36. The application site is within the expansive private garden of the dwelling. To date, case law has determined that the gardens of dwellings can be considered as brownfield land and therefore the proposed development accords with the Government's aim of the re-use of brownfield land.
37. The site is located within a residential area, characterised by predominantly large detached properties with large gardens. The proposed layout shows a density of development lower than that promoted in PPG 3, (7.4 dwellings per hectare/3 per acre) given the site's sustainable location, within walking distance of local services on Station Road, Eaglescliffe Station, and on a main bus route (Yarm Road) a higher density could be justified. However, the layout is designed to complement the character of the locality by proposing detached dwellings in large gardens.
38. PPG3 also advocates the use of good design where the proposal takes account of the character of the locality in which it is proposed. However, design and external appearance are reserved for future consideration.

39. In light of the above, it is considered that generally the principle of residential development in the garden of Copsewood is in that respect would accord with national and local policies and is therefore in principle acceptable. The individual environmental impacts of the proposed development and their policy implications are considered below.

Residential Amenity

40. The proposed siting of the new dwellings allows separation distances between elevations containing habitable room windows and gables, in line with Council's normal recommendations. It is considered that the relationship of the proposed dwellings is acceptable.
41. Comment has been made in respect of the distances between garages and dwellings. This is pertinent to the proposed layout in Plot 2, where the distance is between 5.5 and 7 metres from the front elevation of the dwelling. There are no standard separation distances between dwellings and garages on the same site, however, the garage spans only part of the frontage and a fuller outlook is proposed to the rear. In this instance, it is considered that this relationship would not have an adverse impact on the amenity of the occupants of Plot 2.
42. The proposed dwellings and garages would be set within individual plots providing amenity space. The garden lengths and amenity space range in area and location relative to the main dwelling, however the all are considered to be adequately provided for, allowing sufficient space around each plot for privacy and maintaining sufficient distances between dwellings.
43. Two dwellings have been approved in the rear garden of Kirklands. Plots 2 and 4 and 7 sit adjacent to the common boundary. The siting of the dwellings maintains adequate separation distances. A habitable room window is proposed in the western elevation of Plot 1 in the Kirklands, which would face the common boundary. A distance of at least 12 metres is maintained between the gables or corner of the plots at Copsewood, and given the relative position of the dwellings it is considered that the relationship is acceptable. Plots 6 and 7 are located to the south of the approved dwellings at Kirklands. The approved scheme for 2 residential properties within the rear garden of the adjoining property shows them as being laid out with their main elevations which incorporate a three storey element, facing south, towards plot 3 of this application. The common boundary ranges between 16m and 28m away from the boundary between plots whilst the proposed plot 3 lies a further 3m from the boundary therefore totalling 31m between property elevations. Furthermore, the proposed plot 3 is orientated at approximately 45 degrees to the elevations of the approved scheme for the adjoining site. Taking into account the distances between elevations and the orientation of properties, it is considered that adequate privacy and amenity for all properties can be achieved.
44. The dwellings at Plots 6 and 7 would face the mid and end rear garden of 513 Yarm Road, and present a gable to the rear elevation of 513 A Yarm Road at a distance of 25 metres. Plot 5 is located approximately 20 metres from the gable of 513A Yarm Road. It is considered that sufficient separation distance exists between the dwellings to maintain privacy and avoid overbearance.

45. Plot 1 lies between 11 metres and 15 metres to the south of, and presents a gable to the rear elevation of the Copsewood. The existing access and a large garden is retained for private use. The carriageway of the new access road would be 15 metres from the east elevation of Copsewood. It is considered that the proposed siting and means of access would not have an adverse impact on the amenity of the residents of the existing house.
46. In light of the above assessment, it is considered that the relationship between the proposed dwellings, those existing and previously approved would maintain privacy and would not be the cause of mutual overshadowing and overbearance. The proposed development therefore accords with Adopted Stockton on Tees Local Plan policies GP1, HO3 and HO11 and is acceptable.

Streetscene and visual impact – Impact on the Eaglescliffe with Preston Conservation Area

47. The proposed development will have an impact on the current views of the site from the Avenue and Yarm Road, including from those properties, which surround the site (see above). In terms of the streetscene, the loss of the outbuildings, the loss of trees and vegetation from The Avenue works to the access and the new dwellings themselves will have an impact on the streetscene and local visual amenity more generally. Representations have been received which objecting to the impact of the proposed development in this respect and making comment that the loss of foliage in the autumn and winter months would compound the adverse impact of the proposal on the quality and character of the streetscene and local visual amenities.
48. However, the new dwellings are to be located to the east of Copsewood, distant from the boundary to Yarm Road and tucked into the site away from the boundary of the site to The Avenue.
49. It is acknowledged that the loss of the outbuildings and changes to the access, including a loss of trees and vegetation will have an impact on the character of the streetscene to be found along The Avenue. However, it is not considered that those changes in themselves would have an unacceptable adverse detrimental impact on the character of the streetscene sufficient to warrant refusal of this application on those grounds. The new gate and access works and existing walls would help retain screening of the site from views from The Avenue:
50. The nearest building to The Avenue is the garage to Plot 2, 45 metres from the existing wall. The dwellings in Plots 1 and 2 are 49 metres and 56 metres respectively, although Plot 1 is largely hidden from those views by Copsewood.
51. The nearest buildings to Yarm Road are those in Plot 3, the dwelling and garage at 21.5 and 21 metres respectively. Plots 1 and 5 located slightly further west and into the site. Whilst it should be acknowledged that the development cannot be completely hidden from view, taking account of the boundary treatments, the distances involved, and the varying degrees of screening afforded by intervening vegetation, it is not considered that the siting of the proposed buildings and

would have a significant adverse impact on the streetscene, sufficient to warrant refusal of the proposed development.

52. The boundary of the Eaglescliffe with Preston Conservation Area is to be found to the west of the site on Yarm Road. In light of the above assessment, it is not considered that the proposed development would not harm the character and appearance of the conservation area.
53. Overall, in view of the above assessment, it is considered that the proposed development takes account of the character of the area and would not have an adverse impact on the character of the streetscene or local visual amenities, accords with Adopted Stockton on Tees Local Plan policies GP1, HO3, HO11 and EN24 and is acceptable in these respects.

Nature Conservation

54. Objections have been raised relating to the loss of protected animal and plant species and their habitats through the built development in the garden and the loss of trees and vegetation. Letters confirm sightings of bats, deer, badgers and foxes. In terms of the protected species: Bats and badgers, the applicant has supplied three reports.
55. The bat studies confirm bat activity on the site. The applicant has provided an assessment of local Bat activity, which originates outside the site, and the impact thereon by removal of trees and Outhouses.
56. Both reports of survey conclude that there will be little impact on local bat populations or their habitats. It is recognised however, that although foraging areas may be lost, the flight path of a local Pipistrelle population and roosts would be unaffected.
57. It can be revealed that the Badger report finds that no evidence of Badger setts have been found on the site but sets out mitigation measures in respect of fencing and working period and stating that fruit trees should be included in any planting scheme.
58. Although objections make reference to plants, the applicant submits that the gardens include an interesting set of plants including green hellebore; bluebell and snowdrop have limited ecological interest. Although foxes and deer have been found on site, these are not protected and the impact upon the species are not subject to assessment and consideration. No other protected species has been found on the application site.
59. English Nature has been consulted and now raises no objection to the proposal in these respects, provided that any permission is subject to a condition, which stipulates that the development is carried out in accordance with the Outhouses report and precautionary working methods.
60. It is considered therefore that subject to the imposition of the recommended condition, that the proposal accords with STLP Policy EN6 and is therefore acceptable in this respect.

Loss of Trees

61. The site has a large number of trees, a substantial number of which are protected by Tree Preservation Order. The proposed layout indicates that the development would be located away from the main belt of trees along the western and southwestern boundary of the site. However, the development would necessitate the removal of four protected trees: a Norway Maple, Copper Beech, Sycamore and a Lime; a further three unprotected trees: Walnut, Cypress and Willow and two groups of unprotected trees: (26) comprising Apples (20), Pear (2) and Hornbeam (4). The Norway Maple, Copper Beech and Sycamore will be taken from the centre south of the site, the Willow and Lime from the site access, and the groups from the orchard.
62. Objections have been received to the loss of trees and particularly of protected trees including the unprotected orchard. The applicant has submitted a tree survey and tree removal listing. The Council's Landscape Officer raises no objection to the development and comments that whilst trees are to be removed, the integrity of the Copse and The Avenue trees are maintained by the layout, and trees afforded TPO status are generally retained by the proposals.
63. An objector to the proposal suggests that trees are translocated to an alternative location rather than removed. The Council's Landscape Officer comments that trees of this maturity take years of root preparation from being juvenile trees before being moved. It is preferable to request a new large tree under such circumstances.
64. It is considered that the scale of the loss of trees can be accepted and the character of this site, largely defined by the tree and vegetation cover, will not be unduly compromised and its importance in the streetscene diminished to such an extent to warrant refusal of the application.
65. In light of the above it is considered that the proposal accords with Adopted Stockton on Tees Local Plan policies GP1, HO3 and HO11 and is acceptable in this respect.

Access and Highway Safety

66. The access to the site would be via an enlargement of the existing easterly access to Copsewood, necessitating the removal of outbuildings and greenhouses. The access would be gated. A new internal road to access the new plots is proposed.
67. The overwhelming majority of the objections to the proposal relate to the use of The Avenue for vehicular and pedestrian access, and the impact of the increased volume of traffic on both road safety for both drivers and pedestrians. Letters stress that The Avenue is unable to cope with the extra traffic particularly in view of the considerable volume of traffic arising from existing residential properties and the school, its narrowness and poor drainage. Reference is also made to the gated access and improvement of the footway and its impact on an area of verge, which is used as a pull in to allow vehicles to pass. The Avenue is considered by objectors as unique, because the occupants of properties have a right of access over its full width and length. Given this, it is the general view of

objectors that access arrangements are not acceptable and indeed dangerous, whilst given the unique legal position are not possible to implement.

68. The Head of Integrated Transport and Environmental Policy (HITEP) maintains that the existing signal controlled junction on Yarm Road/The Avenue will remain as the traffic control system if this development is approved and subject to the conditions regarding access widths, sightlines and visibility splays raises no objection to the scheme.

Archaeology

69. A section of the line of the Darlington to Stockton Railway (DSR) runs along the western boundary of the site. The development is located in the south and east of the site distant from any remains.
70. The adverse impact of the proposal on the DSR has been raised many times by objectors to the scheme. However, Tees Archaeology has been consulted and confirms that the current proposal, with access from The Avenue will have no direct physical impact on the DSR. It is advised however that as comparable parts of the route of the railway elsewhere in the northeast are protected as Scheduled Monuments, a condition be imposed to any permission granted for appropriate measures to be taken to prevent damage to the monument. An adequate controlling condition can attached to any permission granted.
71. Objection has been raised in respect of the loss of the outbuildings (a description which includes greenhouses) at Copsewood, its impact on local visual amenity particularly along The Avenue and the loss of heritage and history with the disappearance of these buildings. In considering this element of the proposal it should be noted that Copsewood is not a listed building and therefore neither are the outbuildings, which are to be found in its curtilage, neither is the property within a Conservation Area.
72. Tees Archaeology has commented that although Copsewood Villa is to be retained, outbuildings are to be demolished and a condition requiring a full programme of building and survey take place to provide a permanent public record these structures. The Council's Historic Buildings Officer comments that it would preferable to see retention of the outbuildings as they help to put the main dwelling in context, but comments that the owner could demolish these without any planning consent required. Furthermore, English Heritage have recently determined that Copsewood is unlistable.
73. Whilst the loss of old buildings from the established fabric of the environment is regrettable, given that it is considered that their loss would not have an unacceptable adverse impact on the visual amenity of The Avenue, the lack formal protection, the lack of objection from consultees, and that a permanent record of the outbuildings can be made and is enforceable by condition, the proposal would therefore accord with STLP Policy EN 30 and is acceptable in this respect.

Contaminated Land

74. Although contaminated land has not been identified on or nearby the site, the Environmental Health Unit, in accordance with the advice given in Planning Policy Statement 23 Planning and Pollution Control, seeks to ensure that users of the site and adjacent land are not affected by contamination and recommends a condition be imposed to require investigation and where appropriate remediation. A condition can be imposed to this effect, and the proposal would therefore accord with the intent of STLP Policy EN34, and is acceptable in this respect.

Other Matters

Objection Response Statement

75. I have taken note of the applicant's response to objections raised. However, I do not intend to respond to the findings, but have addressed, as is the usual practice, those objections and comments raised, in the body of this report.

CONCLUSION

76. In light of the above it is considered that the principle of residential development and individual environmental impacts arising from details of the means of access and siting accord with relevant Structure Plan and Local Plan policy, and is therefore acceptable.

RECOMMENDATION

77. That subject to controlling conditions set out above, that planning permission is granted.

Director of Development and Neighbourhood Services

Contact Officer: Andrew Glossop– Telephone 01642 527796

Financial Implications

None

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Adopted Tees Valley Structure Plan (2004)
Adopted Stockton-on-Tees Local Plan (1997)
Planning Policy Guidance Note 3 'Housing'
Planning Policy Guidance Note 13 'Transport'
Planning Policy Statement No 23 'Planning and Pollution Control'

Ward and Ward Councillors

Ward

Eaglescliffe

Ward Councillor Councillor Michael Francis Cherrett

Ward Councillor Councillor John Alan Fletcher

Ward Councillor Councillor Maureen Rigg