

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 9th APRIL 2008

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

08/0336/OUT

**Land to the rear Of Copsewood, The Avenue, Eaglescliffe
Outline application for the erection of 5 no. detached residential units**

Expiry Date 10 April 2008

SUMMARY

Outline planning approval is sought for the erection of 5 no residential units (houses or bungalows). The application seeks approval for the means of access associated with the site with matters of Layout, Scale, External Appearance and Landscaping being reserved.

A total of 8 letters of comment have been received in respect to the consultation exercise undertaken. Responses include 2 letters of comment, 1 letter of support and 5 letters of objection. Letters of support and comment generally indicate the scheme to be an improvement from a previous approval for 7 units on the site and adjoining land whilst objections relate mainly to the potential loss of protected trees, the nature of the access off The Avenue and highway safety issues and the impact on residential amenity.

The proposal relates to a brownfield site within a residential area within the 'Limits of Development' as defined within the adopted Stockton on Tees Local Plan. The site is within close proximity to the defined Neighbourhood Centre of Station Road and public transport provision associated with the adjacent Yarm Road. As such, the proposal generally accords with Local Plan Policy H03 and there is a presumption in favour of residential development.

Outline planning permission has previously been granted for the erection of 7 units on a slightly extended site which remains to be current.

The proposed access is considered satisfactory to the Head of Technical Services.

The site is considered to be of an adequate size for the provision of 5 dwellings without unduly affecting the spacious character of the area, the privacy and amenity associated with adjoining properties or the numerous protected trees within the site.

Comments are awaited from Natural England with regards to impacts on Ecology and will be updated accordingly, although, in view of there already been approval on the site and a previous ecological survey having been accepted, it is considered that this should not raise any significant issues.

RECOMMENDATION

Planning application 08/0336/OUT be Approved with Conditions subject to

01 The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number Date on Plan
NE20416-003 12 February 2008
OTHERS TO BE
CONFIRMED

Reason: To define the consent.

02. Approval of the details of the Layout, Scale, External Appearance and Landscaping shall be in accordance with the details of a scheme to be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters

03. Plans and particulars of the reserved matters referred to in condition 2 above, relating to the Layout, Scale, External Appearance and Landscaping, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters

04. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

05 No development or other operations hereby approved shall commence on site until a scheme for the protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: In order to adequately protect the landscape features of the site.

06. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.

Reason: To achieve a satisfactory form of development.

07. No development shall take place within the application area until the applicant, their agents or successors in title, have submitted to and had approved in writing by the Local Planning Authority a method statement detailing the steps that will be taken to minimise the impact of the development on archaeological remains of the route of the Stockton and Darlington Railway. The method statement shall make provision for the development to be monitored in the field by an officer of Tees Archaeology or their appointed representative and for standards to be enforced as necessary.

Reason: To mitigate against the loss of any archaeological features of the site.

- 08. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT. Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.**

Reason: The site is of Archaeological Interest.

- 09. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels, finished floor levels for dwellinghouses and road levels. Thereafter the development shall be completed in accordance with the approved details.**

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future residents.

- 10. Prior to works commencing on site a scheme for a temporary car park to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the commencement of earthworks and shall be made available throughout the construction of the development unless agreed otherwise in writing with the Local Planning authority.**

Reason: In the interests of highway safety

- 11. No development work shall take place outside the hours of 8.00a.m. - 6.00p.m. weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.**

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

- 12. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

Informative

The proposed development is considered to be suitable for its location whilst achieves adequate access. It is considered that the development could be undertaken without undue impact on protected trees within the site, protected species, surrounding residential amenity and the character of the area in general. It is considered that the details accord with the provisions of Policies GP1, H03 and H011 of the Stockton on Tees Local Plan.

BACKGROUND

The site of Copsewood has been subject to several previous applications including works to trees covered by Tree Preservation Orders and three applications for development.

Two of the former applications 04/2100/FUL and 04/3942/REV sought permissions which resulted in the demolition of the existing house (Copsewood) and the erection of 47no residential units and 43 no residential units respectively. Both applications were withdrawn.

Application 06/0712/OUT for the erection of 7no. detached dwelling houses was granted outline approval on the 24th July 2006. The application gained approval for access and siting of buildings with design and external appearance of buildings and landscaping being conditioned as reserved matters. See appendix reference 1 for approved site layout.

PROPOSAL

Outline planning permission is sought for the erection of 5 no. detached residential properties. The application initially sought approval for the access and layout associated with the development. However, following concerns being raised with respect to the proposed layout and its impact on Protected Trees within the site, the matter of Layout is now intended to be dealt with as a reserved matter. This application therefore seeks only approval for the Access matters associated with the proposed development of 5 no. residential properties, being classified as houses or bungalows on the application with a height of 10m.

CONSULTATIONS

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

Councillor J Fletcher

In view of the existing planning permission for 7 dwellings I do not think I can say anything useful about a proposal for 5 instead. No doubt the relevant experts within the Authority will consider trees, wildlife and vehicular access. I presume that any felling of trees covered by a TPO is lawful development only if either approval 06/0712/OUT is implemented in its entirety or the felling is authorised as part of the approval of the current application.

Environmental Health Unit

Environmental Health have no comments in regards to this planning application.

Urban Design Landscape

Based on the revised layout which includes for the removal of the housing layout for consideration we have no objections to the site access.

Urban Design Engineers

The proposal is for the construction of 5 detached dwellings on land that comprises private grounds of Copsewood, a large detached property located off The Avenue in Eaglescliffe.

The site has been the subject of a number of previous applications, most notably in 2006 when an outline planning application (06/0712/OUT) for 7 detached dwellings was approved. This application maintains the same site layout as the previous outline application but removes two properties from the overall development. As such, the impact of the development on the highway will be reduced. It is noted that an existing access is to be used to facilitate this development as such I have no objection to this application as the principle of development for 7 dwellings has already been established and this application has less impact than that already approved.

I note that this is an outline application to establish the principle of development and therefore the issue of car parking will need to be considered as a reserved matter in accordance with the 'Supplementary Planning Document 3: Parking Provision for New Developments, November 2006'. Layout considerations are also required at that time including arrangements for refuse collection.

NEDL

Standard connection comments

Northern Gas Networks

No objections

Northumbrian Water Limited

Northumbrian Water has no objections to the development.

Egglecliffe and Eaglescliffe Council

Having looked at the plans for this latest Copsewood application it is not clear whether this application for 5 dwellings is in addition to the previous application for 7 dwellings (along with the conversion of outbuildings).

If this is in addition then my Council is concerned that this could be an over development of the site. Concern has also been expressed about the loss of trees and wildlife habitats.

No comments have been received from the following consultees:

Tees Archaeology

Natural England

PUBLICITY

Neighbours were notified and 2 letters of comment, 1 letter of support, 5 letters of objection were received from the following addresses:

The Vicarage, Quarry Road, Eaglescliffe

Kirklands, The Avenue, Eaglescliffe

511, 513a, 515 Yarm Road, Eaglescliffe

22, 25 Albert Road, Eaglescliffe

14 Swinburne Road

Comments made are summarised as follows:

The proposed development will result in the loss of 11 TPO'd trees. Should these trees, which have been around for longer than many of the Eaglescliffe residents, be felled for profit? Smaller houses or a couple of semis would respect these trees.

Concerns over the access, the additional traffic at a busy junction which is used by school children, particularly in view of existing traffic from the high school and the future traffic of the recently constructed apartments on The Avenue.

Concern that no visibility lines are shown from the access and some vehicles may have to reverse to achieve entry and / or exit.

There is a problem of achieving the visibility splay of 2.4m x 33m as defined in the previous planning approval 06/0712/OUT due to low lying foliage within the visibility splay which is not in the applicant's ownership. Reference is made to earlier submissions relating to application 06/0712/OUT in which the applicant's agent for this current applicant argued that a Grampian condition was not appropriate to require foliage outside of the applicants control to be removed without some form of legal agreement first being in place.

Concern that the development would set a precedent for other similar forms of development within The Avenue. Traffic could then become a nightmare.

It is hoped that if approved these properties would be restricted to prevent them from having businesses run from them and a restriction from building a granny annexe or change of use into apartments.

Eaglescliffe used to be a nice little hamlet but now it's gone. There are already too many new build properties in Eaglescliffe which do not fit with the character of the surrounding area.

There is already disruptive building work being carried out.

The two properties on the east side of the plot are in too close proximity to Kirklands which would result in an unacceptable loss of privacy and amenity, in particular from overlooking windows and noise from the driveway and garages.

Concern that the proposed dwelling in the south west corner of the site will require the removal of several mature trees which would otherwise screen the development from the existing adjacent property and therefore increase the impact upon this existing property.

The loss of mature trees will result in a loss to the locality, including to wildlife.

Reduction of the plot of the Victorian mansion of Copsewood devalues its historic character.

5 detached houses is the least worst option

It would be preferable for as many of the mature trees as possible to remain undisturbed.

It would be preferred if the term 'detached houses' were used as against residential units.

The proposal is sensitive to both its location and surrounding architecture and would improve significantly upon the previously approved development.

PLANNING POLICY

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

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 Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

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

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;

- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Policy HO11

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

SITE AND SURROUNDINGS

The dwelling known as Copsewood does not form part of this application, being outside of the ownership of the applicant. The application site extends to 0.54 Hectares and contains trees protected by Tree Preservation Order and the Original route of the Darlington to Stockton Railway.

To the north and north east of the site lies The Avenue, which is sided by residential properties to the north and south, with a recently constructed residential home being immediately to the north. To the south of the site lies the curtilages of properties on Yarm Road whilst to the east, lies the adjoining property of Kirklands and its associated curtilage.

MATERIAL PLANNING CONSIDERATIONS

The site falls within the 'Limits of Development' as defined within the adopted Stockton on Tees Local Plan. Furthermore, the site is located on brownfield land, within a residential area, within close proximity to the defined Neighbourhood Centre of Station Road and public transport provision associated with the adjacent Yarm Road. As such, there is a presumption in favour of residential development at the site which is considered to be in a sustainable location. In addition, there is an existing approval for the erection of 7 dwellings at the site which is also a material planning consideration.

In view of these matters, and the proposal only seeking approval for the access associated with the development of 5 residential units, the main consideration with regard to this development relates to the access, its ability to serve the site and its likely impact on highway safety. These and other material planning considerations are considered as follows;

Highway related matters

The proposed access was previously approved under application 06/0712/OUT to serve 7 properties at the site. This previous approval was subject to the following condition;

Notwithstanding details hereby approved, no development shall be commenced on site until a plan showing a visibility splay of 2.4 x 33m has been submitted to and approved in writing by the Local Planning Authority and the approved visibility splays have been achieved. The visibility splays will be free from objects or structures within it above 600mm in height to the written satisfaction of the Local Planning Authority.

Reason: In order to gain adequate access into the site in the interests of highway safety.

The Head of Technical Services has considered the access associated with the revised proposal for 5 no. residential units on the site. It is advised that in view of their being a former approval for 7 units on the site, the proposal for 5 would be acceptable.

Impacts on trees and residential amenity

In view of the proposal seeking approval only for the access to the site, it is not possible to consider in detail, impacts relating to trees or residential amenity which have formed objections to the proposal. However, the previous approval for 7 no. residential units indicated 5 of them as falling within the boundary which forms the extents of this application site. In view of this existing approval, the general layout of the site which has protected trees around its periphery and the overall size of the site (overall proposed density of 10 dwellings per hectare) it is considered that the site is of a sufficient size to adequately accommodate a development of this nature.

The existing adjoining properties of Copsewood, Kirklands, Kirklands Lodge and 513a Yarm Road are all considered to be adequate distances from the application site and the likely areas of development to prevent any significant undue impact resulting. Planning approval was granted under application reference 03/1716/P for the erection of 2 no. dwellings within the rear garden of Kirklands. These properties are set in from their boundary with the application site by several metres and subject to appropriate consideration of layout, property scale and design of elevations at a reserved matters stage, it is considered that these two approved but not yet built properties would not be adversely affected by the proposed development.

Character of the area

Although the national guideline for residential density is 30 dwellings per hectare, any development is required to relate to its surroundings and in view of the character of the surrounding area being of low density residential properties with expansive curtilages, it is considered that the proposed density is appropriate for its surroundings.

The development will generally be set back within the site, allowing the existing mature tree belts and the historic property of Copsewood and its associated Coach House to retain their prominence and dominance within the street scene, thereby assisting in minimising detrimental impact on the character of the area. In addition, the previous approval for development on this site has already established the impact on the character of the area as being acceptable. Details of the reserved matters will be likely to play a significant role in the overall suitability of the development within the site in respect to building designs and material specifications.

Protected species

An ecological survey has been submitted as part of the application which details potential risks to protected species and methods of mitigation. English Nature has been consulted on this information although no response has been made to date. In view of a previous approval being granted for 7 properties on the site and this application seeking approval only for the principle of the development and its access, it is considered that the overall impact on protected species is likely to be lesser than the previous approval which was accepted and mitigated against through condition. English Nature's response will be updated to Committee.

CONCLUSION

The proposed development is considered to be suitable for its location whilst achieves adequate access. It is considered that the development could be undertaken without undue impact on protected trees within the site, protected species, surrounding residential amenity and the character of the area in general. It is considered that the details accord with the provisions of Policies GP1, H03 and H011 of the Stockton on Tees Local Plan.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796

Human Rights Implications

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

Financial Implications

None

Environmental Implications

As Report

Background Papers

As referred to in Background above

WARD AND WARD COUNCILLORS

Ward	Eaglescliffe
Ward Councillor	Councillor A L Lewis
Ward Councillor	Councillor J. A. Fletcher
Ward Councillor	Councillor Mrs M. Rigg