

**DELEGATED**

**AGENDA NO 6**

**PLANNING COMMITTEE**

**8 July 2021**

**REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**21/1180/FUL**

**Egglescliffe School Urlay, Nook Road, Eaglescliffe**

**Erection of three storey classroom block, demolition of 6no classroom blocks and partial demolition and refurbishment of 1no classroom block. Relocation of existing all weather pitch, reconfiguration of existing playing fields, creation of new car parking spaces and associated external alterations.**

**Expiry Date**

#### Lead Local Flood Authority

Following consultation on the revised discharge rate, the Local Lead Flood Authority has confirmed that the applicant has provided sufficient information to satisfy the LLFA that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition. The recommended condition and informative are set out at the end of this update report.

#### Energy Statement

Further to the officers report an Energy Statement has been provided by the applicant which confirms the building is designed to minimise energy demand. The report concludes; Where energy is required, the systems are designed to be very efficient. As the results above demonstrate that the building will receive 18.60% of energy from renewable sources and is both energy and CO<sub>2</sub> efficient.

These figures exceed the Council's aspirations to provide 10% of the regulated energy by low or zero carbon technologies. We have demonstrated that without the need to provide low or zero carbon technologies the designed building will perform better than required under building regulations.

At the time of writing no formal response had been received from the Councils Principal Environmental Officer.

#### Residential Amenity

##### Noise

As set out within the officer report further clarification was sought in relation to the noise levels at night time. The Environmental Health Unit has reviewed the revised Noise Report (23rd June 2021) which assesses the potential noise impact of plant machinery at the nearest residential property for day and night time. Using the BS4142 criteria for Commercial and Industrial Noise it is considered that the plant equipment during the daytime will be low (inaudible with windows closed)

and will be inaudible at night. The EHU have confirmed that they therefore raise no objection. It is proposed that condition 08 is updated to take the aforementioned into consideration.

#### Asbestos

Given the age of the buildings to be demolished, further clarification was sought from the Environmental Health Unit over the potential for asbestos. The EHU has advised that condition 05 should be extended to include testing of excavated material for asbestos and additional condition is imposed requiring prior to the demolition phases an asbestos survey is undertaken and the appropriate safety measures are implemented.

#### Odour

Further to the EHU initial comments, they have also requested a condition in relation to odour abatement. It is however considered condition 10 as set out within the officer's report achieves the same function.

#### Impact of boundary treatment of playing pitch

One of the objectors has raised concerns over the loss of privacy and loss of light created by the proposed relocation of the all weather playing pitch with associated 5m high fencing. The proposed playing pitch would extend approximately 39m beyond the western boundary of the existing facility and would maintain the similar boundary treatment.

As set out within the report the use of the land is designated as playing fields so in terms of use a similar relationship could occur with regards to privacy. Whilst consideration is given to the change of levels, the siting would largely maintain the existing separation between the dwellings along Coatham Vale of approximately 21m. Where there is to be a new relationship, due to the relocation, this separation would be in excess of 30m. The proposed boundary treatment whilst 5m high, would be a lightweight structure which would not have a significant adverse impact on the light received to the rear amenity spaces and dwellings that are adjacent to the site or result in a form of development which would have such an overbearing presence as to sustain a reason for refusal.

### **DIRECTOR OF FINANCE, DEVELOPMENT AND BUSINESS SERVICES**

Contact Officer Helen Boston Telephone No 01642 526080

### **WARD AND WARD COUNCILLORS**

#### **WARD AND WARD COUNCILLORS**

|                        |                                    |
|------------------------|------------------------------------|
| <b>Ward</b>            | <b>Eaglescliffe</b>                |
| <b>Ward Councillor</b> | <b>Councillor Stefan Houghton</b>  |
| <b>Ward Councillor</b> | <b>Councillor Laura Tunney</b>     |
| <b>Ward Councillor</b> | <b>Councillor Jaqueline Bright</b> |

### **IMPLICATIONS**

#### **Financial Implications:**

**N/A**

#### **Environmental 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.**

**Community Safety Implications:**

**The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report**

**Background Papers**

**N/A**

**Emerging**

**Regeneration and Environment Local Plan – Publication February 2015.**

**Supplementary Planning Guidance Notes**

**N/A**

**Supplementary Planning Documents**

**SPD1 – Sustainable Design Guide**

**SPD2 – Open Space, Recreation and Landscaping**

**SPD3 – Parking Provision for Developments**

**SPD4 – Conservation and Historic Environment Folder**

## **Appendix One: Updated Conditions**

### Discharge of Surface Water

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system; (for each phase of the development).
- II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

### Informative: Discharge of Surface Water

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Philosophy dated 22/04/2021 the following mitigation measures detailed within the FRA

### Verification Report

No occupation of any part of the permitted development shall take place until a verification or validation report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met which shall include further site investigation following demolition of buildings, and testing of excavated material for asbestos. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To validate that the verification plan has been undertaken and demonstrates that the risks posed to human health and controlled waters have been identified and reduced to an acceptable level.

### Asbestos

Prior to each demolition phase, an asbestos survey shall be undertaken and the appropriate safety measures be implemented. In accordance with the contaminated land Remediation Strategy, the material must remain wet (moisture content of >15%) during transportation and construction workers should employ appropriate PPE in accordance with HSE guidelines.

Reason: To ensure any contaminative features encountered during the development are investigated and remediated to an acceptable standard

### Noise Assessment

The development hereby approved, shall be built in full accordance with the Recommendations and Mitigations of the Noise Assessment and Plant Assessment received by the Local Planning Authority 26 April 2021 and 23 June 2021 respectively and shall be maintained thereafter for the lifetime of the development.

Reason: In the interest of protecting the residential amenity of neighbouring properties and in compliance with the NPPF and Policy SD8 of the Local Plan 2019

Energy Statement

The development hereby approved, shall be built in full accordance with Energy Statement received by the Local Planning Authority 2 July 2021 and shall be maintained thereafter for the lifetime of the development.

Reason: In the interest of compliance with Policy ENV1 of the Local Plan 2019

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## Appeal Decision

Site visit made on 24 February 2015

by **C J Checkley BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 March 2015

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### Appeal Ref: APP/H0738/W/14/3000570

### Aslak, Aislaby, Eaglescliffe, Stockton-on-Tees, Cleveland, TS16 0QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Jordan against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 14/2285/FUL, dated 22 August 2014, was refused by notice dated 16 October 2014.
  - The development proposed is *installation of new driveway to serve existing property*.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposed new access and driveway on the appearance and character of the rural surroundings.

### Reasons

3. The small settlement of Aislaby stands either side of Aislaby Road on the lower northern slopes of the Tees Valley. An informal private road leads southwards at a tangent off Aislaby Road, changing gradient and direction along its route, and serves as the access to 3 detached dwellings set in mature gardens on the edge of the settlement adjoining open countryside. The appeal property, Aslak, forms the last dwelling at the end of the private road and stands within a large rectangular garden.
4. Beyond the houses, the appellant owns two fields outside the limits to development at Aislaby that rise northwards up the valley slope to Aislaby Road. The lengthy new driveway is proposed across this open land.
5. The extensive undulating valley slopes below Aislaby Road, including the dwellings and their gardens and open land over which the new driveway would be constructed, all form part of the Tees Valley Special Landscape Area (SLA) defined under saved Policy EN7 of the Stockton-on-Tees Local Plan (LP), which states that development which harms the landscape value of the SLA will not be permitted. This part of the SLA is characterised by attractive undulating landscape with fields bounded by hedgerows with trees and woodland, in which

the more sensitive man-made elements have an informal nature that respects the character of the rural area and its topography.

6. The section of Aislaby Road where the new access would be located outside the development limits still retains much of the character of a country lane running through open countryside between hedgerows, despite the short drives serving Orchard House and The Gables having introduced suburban domestic features. The existing farm gate providing a low-key and unobtrusive agricultural access through the hedgerow into the field is in keeping with the rural landscape. It would, however, be replaced by a wide tarmac entrance with kerbed radii with the hedgerow set further back to provide visibility, and with the wooden gate also set back between 2 brick pillars. The driveway itself would be a 4m wide tarmac carriageway with drainage channels, cutting straight across the two open fields some 145m down the slope to the rear garden of Aslak.
7. In combination, the new access and tarmac drive would form a prominent further domestic intrusion into the surrounding countryside, adversely affecting the character of the country lane and eroding the attractive rural landscape. Although the proposed new hedgerow and trees would in time soften its obtrusive effects, the suburbanising effect of the development upon the character of the landscape would remain apparent, also giving the resulting parcels an appearance akin to plots awaiting development. The fact that the Landscape Officer raised no objections does not alter my findings.
8. I conclude that the new driveway would cause material harm to the appearance and character of the rural surroundings that are designated as a SLA in recognition of their special qualities. The effect would be contrary to the provisions of saved LP Policies EN7 and EN13 (which remain consistent with the National Planning Policy Framework), Stockton-on-Tees Core Strategy Policies CS3(8) and CS10(3.i) and the NPPF, which seek to protect the landscape quality of the SLA, resist development outside defined limits, make a positive contribution to the area, protect the openness and amenity of strategic gaps, and recognise the intrinsic character and beauty of the countryside.
9. The reason given for the application is the creation of a safer access to Aslak. The new access would be outside the 30 mph zone but would achieve acceptable visibility for the recorded speeds. The existing shared private road has a tangential junction with Aislaby Road, so that vehicles exiting westwards have reduced visibility and initially need to encroach onto the opposing side of the road. Against that, traffic levels and speeds within this 30 mph zone appear low and there is no evidence of personal injury accidents at the junction.
10. In net terms vehicles ceasing to use the existing shared road and instead solely using the proposed new access to reach Aslak could experience a minor increase in highway safety. However, there is no mechanism before me to ensure that the existing road serving Aslak would not continue to be used by some residents, visitors or deliveries. The other houses would in any case need to continue using it. Therefore, I find the highway safety benefits would be limited and not sufficient to outweigh the clear-cut objections. Therefore, this appeal must fail.

*C J Checkley*

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