

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 10th July, 2013.

**Present:** Cllr Robert Gibson (Chair); Cllr Mark Chatburn, Cllr Carol Clark (Vice Cllr Jim Beall) , Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Gillian Corr, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr David Rose, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker and Cllr David Wilburn.

**Officers:** C Straughan, G Archer, S Grundy, A Glossop, M Clifford, R McGuckin, P Shovlin, J Hutchcraft (DNS); J Butcher, P K Bell (LD).

**Also in attendance:** Applicants, agents and members of public.

**Apologies:** Cllr Jim Beall, Cllr Paul Kirton, Cllr Andrew Sherris and Cllr Steve Walmsley.

### **P       Declarations of Interest**

**29/13**

Councillor Chatburn advised the Committee that he was, or would appear to be pre-determined in respect of agenda item 4 - 13/0776/EIS - Mount Leven Farm, Leven Bank Road, Yarm - Revised outline planning consent with all matters reserved except for means of access, for development of a retirement village including related leisure and social facilities and infrastructure and that he would contribute to the debate but would not vote on the item.

### **P       Minutes**

**30/13**

The minutes of the meetings held on 29th May 2013 and 4th June 2013 were confirmed and signed by the Chair.

### **P       13/0776/EIS**

**31/13**

**Mount Leven Farm, Leven Bank Road, Yarm  
Revised outline planning consent with all matters reserved except for means of access, for development of a retirement village including related leisure and social facilities and infrastructure.**

Consideration was given to a report on planning application 13/0776/EIS - Mount Leven Farm, Leven Bank Road, Yarm - Revised outline planning consent with all matters reserved except for means of access, for development of a retirement village including related leisure and social facilities and infrastructure.

An outline planning application was submitted for a similar form of development, i.e. that of a retirement village and associated facilities (ref; 12/1546/OUT). This application was refused by the Planning Committee due to the impact of the development on the green wedge and its impact on highway safety. The applicant had lodged an appeal against this decision, which would be heard at a Public Inquiry, opening on the 23rd July 2013.

Outline planning consent was again sought for a retirement village that would consist of 350 retirement dwellings and a 100 bedroom care home. The application sought to establish only the principle of the development and the means of access into the site, all other matters were therefore reserved for a future submission. The proposal did however allow for a revised layout which included increased landscaping provision and a revised transport assessment,

both of which were aimed at addressing the previous reasons for refusal.

The application site formed part of the Mount Leven Farm site, which encompassed a group of former farm buildings and a series of agricultural fields. The existing group of buildings sit on the plateau close to the valley edge and was probably most visible from Leven Bank Road. The site itself was fairly level with only small fluctuation across the site as a whole, before sloping down (from south to north) as the land met with the River Tees or steeply rising to the east as it met the Leven Valley. To the west of the site lay a variety of residential properties which formed the edge of the more modern and suburban properties of Yarm. To the south of the site also lay a small group of residential properties.

Again it was recognised that there were some benefits to the proposed development in terms of boosting the supply of housing, addressing some needs of the Tees Valley's growing older population, the wider public benefits resulting primarily from increased public access along the Leven Valley and the economic benefits the scheme would bring to the area in terms of investment and job creation.

However, in weighting up the revised scheme against the planning policy constraints and benefits of the proposed development would offer, it was not considered these would be sufficient enough to outweigh these conflicts with the adopted development plan policies. Furthermore the Head of Technical Services remained of the opinion that satisfactory access arrangements could not be provided to ensure safe access and egress into the site.

The report detailed the consultation responses that had been received to the application.

With regard to publicity notification letters were sent to the surrounding residents and local press advertisements being made. Due to the vast number of comments received the names and addresses were attached to the report, whilst the various comments were set in summary within the report. A total of 270 objections and 92 support comments had been received.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of

the application were detailed within the report.

The Planning Officer's report concluded that there were significant benefits to the proposed development in terms of the requirements of the NPPF in boosting the supply of housing, addressing some needs of the Tees Valley's older population, the wider public benefits resulting primarily from increased public access along the Leven Valley and the economic benefits the scheme would bring to the area in terms of investment and job creation.

Although it was acknowledged that the scheme under consideration allowed for a revised layout, it was not judged to address the previous concerns and that significant weight should still be attached to planning policy and the harm that would arise out of the urbanisation of the land, the coalescence of the settlements of Ingleby Barwick and Yarm and the open character of the site and green wedge. In weighing up these policy constraints against the economic benefits of the scheme, it was considered that despite the benefits that the proposed development would offer, these would not be sufficient enough to outweigh the conflicts with the adopted development plan policies, in particular the harm to the role and function of the green wedge.

Furthermore insufficient information had been provided to satisfactorily demonstrate that there would be no significant harm to highway safety as a result of the proposed access arrangements and this formed an additional reason for refusal. The proposed development was therefore recommended for refusal subject to the reasons outlined within the report.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- \* The application put the Council at risk financially as if the project goes badly the Council will have to look after the people that were living in the retirement village
- \* The site is not suitable for this development
- \* There are no local amenities
- \* Residents must use buses or cars to go anywhere
- \* Bus subsidies will soon stop for local buses
- \* This application is no different from the previous application
- \* The development should be on a brownfield site
- \* The green wedge should be a buffer not an invitation for developers
- \* Stockton Council should be consistent in rejecting applications in the green wedge
- \* Many residents are against this application
- \* The timing is not right for this development as the country is in recession
- \* Many of the letters of support have been written by people from outside the area
- \* Residents health will deteriorate more quickly in this sort of environment
- \* Previous applications for this area have been refused at appeal
- \* Yarm differs greatly from Ingleby Barwick therefore the strategic gap should remain
- \* The bridges that have been talked about are not possible
- \* The area could be left with a failed business plan
- \* A big area of the Tees Heritage Park (THP) will be lost
- \* The area that is left for the public will be no use to anyone

- \* THP receive a lot of lottery funding and this application may affect any further grants
- \* Yarm doesn't need any further elderly care
- \* Ingleby Barwick should never have been built so close to the Leven Valley ridge line.
- \* The Tall Trees site should be used for this development
- \* The Council has recently recognised the good work of the THP and it is also being recognised nationally
- \* Green wedges are the lungs of the country
- \* We must pull together to resist these sort of developments
- \* People goes to these sort of places to relax and unwind
- \* The development will cause road traffic accidents on Leven Bank
- \* Wildlife use the Leven Valley to connect to the open countryside
- \* Developers are land grabbing
- \* Two working farms have already been lost

Supporters were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- \* The development will bring jobs for the area
- \* These sort of operations work well in America
- \* The development could not be built on brownfield land as the potential residents would want to live in green areas
- \* Large sums of money will be invested in the development
- \* The public have not got access to the land at the moment
- \* The development is sympathetic to the area
- \* The current health system can't cope with all of the elderly and this sort of development will help
- \* The highways issues can be resolved
- \* The building of a roundabout on Leven Bank is a positive
- \* What about the number of people that haven't objected
- \* People can downsize and release equity
- \* The developer can deliver a top class development

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- \* Planning policy is the only relevance for this application
- \* Stockton Council have not got a 5 year housing supply in place
- \* Appeal after appeal is being granted because Councils have not got a 5 year housing supply in place
- \* The NPPF says significant weight should be attached to the 5 year housing supply
- \* The Council can condition the application at the moment but if the application goes to appeal that will be lost

Members were then given the opportunity ask questions and make comments and these could be summarised as follows:-

- \* Support for the application
- \* Heads of Terms need to be agreed
- \* Like the concept of the idea but wrong location

- \* What is the public access to the site at the moment?
- \* What will the density of the properties be?
- \* Will the highways be adopted?
- \* There will be no detrimental impact on the surrounding properties
- \* The roundabout will be beneficial to the road
- \* The applicant will enhance the area environmentally
- \* Questions over whether the Council's Core Strategy is up to date and robust, particularly with reference to the NPPF?
- \* The development will cause irreparable damage
- \* Can't support the application
- \* What level of public Open Space (POS) would be provided

The agent for the application responded that there was a public right of way on the site and that it would be a low density development.

The Head of Technical Services advised Members that the design of the proposed roundabout access was not acceptable, introduced unacceptable road safety risks in its proposed form and didn't meet SBC's Highway Standards, concluding that it was not fit for purpose.

The Urban Design Manager reported that the level of on-site POS would meet the Council's SPD standard and that the off-site POS would likely be laid out by the applicant and maintained at the applicant's expense with unencumbered public access.

The Planning Officer reported that it was his view and opinion that the Core Strategy was up to date and robust. The NPPF was recognised in the report and it was his view that recommendations were sound and the application should be refused.

A vote then took place and the application was approved.

Members also agreed that the necessary conditions should be delegated to the Head of Planning Services.

RESOLVED that:-

1. Planning application 13/0776/EIS be approved.
2. The agreement of the necessary conditions be delegated to the Head of Planning Services.
3. The Heads of Terms for the Section 106 Agreement be agreed.

**P 13/0883/FUL**  
**32/13 Recreation Ground, Durham Road, Stockton-on-Tees**  
**Change of use of land from open space to cemetery for extension to existing cemetery with the creation of new vehicular access.**

Consideration was given to a report on planning application 13/0883/FUL - Recreation Ground, Durham Road, Stockton-on-Tees -Change of use of land from open space to cemetery for extension to existing cemetery with the

creation of new vehicular access.

Planning permission was sought for the change of use of an area of open space to provide an extension to the existing Durham Road cemetery and a new “one way” vehicular entrance would be provided.

Twenty letters of objection had been received from neighbouring properties, with the main concerns relating to the loss of open space, impact on the school and nursery and the highway safety.

The proposed scheme accorded with National Policy, however it was contrary to the Adopted Core Strategy policy CS6 (community facilities) and saved local plan policy REC1 which sought to retain and enhance open space, recreation and sports facilities unless an alternative provision of equivalent community benefit was made available, or the land was not required to satisfy known local needs.

The Council had undertaken an assessment of the remaining life expectancy of the cemeteries in the Borough and had identified that the Durham Road cemetery had less than two years left before the cemetery was full. The proposed extension to the cemetery would provide approximately 27 years of burial space for Stockton.

It was considered that the significant need for this site as a cemetery and the availability of significant alternative open space areas nearby as a material planning consideration outweighed local planning policy and indicated the application should not be determined in accordance with the Development Plan in this instance.

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours were notified and the comments that had been received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

A vote took place and the application was approved.

RESOLVED that planning application 13/0883/FUL be approved subject to the following conditions and informatives:-

#### 1. Approved Plans

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

Plan Reference Number	Date on Plan
UDN1121-001	12 April 2013
UDN2073-002	12 April 2013
UDN1121_003	12 April 2013
UDN1121-004	12 April 2013

#### 2. Controlled Waters

All burials in the cemetery shall be:-

- a minimum of 50m from potable groundwater supply source;
- a minimum of 30m from a water course or spring;
- a minimum of 10m distance from field drains;
- a minimum of 1m of clay (or other subsoil) cover should be located below the base of the burial;
- no burial into standing water; and
- no land drainage in the areas used for burials including surface water drains.

#### 3. Means of Enclosure

A screen wall / fence shall be provided to the north and western boundaries of the Children's Day Nursery, in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is operational.

#### 4. Landscaping

No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following commencement of the development and the land shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

#### 5. Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans no development shall commence until a scheme for the

protection of trees BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.5 and NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007 has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

## INFORMATIVES

The Local Planning Authority have implemented the requirements of the National Planning Policy Framework

Informative from the Environment Agency  
Groundwater - Advice to applicant

We would like to refer the applicant / enquirer to our groundwater policies in Groundwater Protection: Principles and Practice (consultation draft 2011 - final version due July 2012), available from our website. This sets out our position for a wide range of activities and developments including Cemetery developments and Drainage

Informative from Natural England

The application may provide opportunities to incorporate features into the design, which are beneficial to wildlife, and the applicant should consider the incorporation of roosting opportunities for bats or the installation of bird nest boxes to enhance the biodiversity of the site.

Informative from Cleveland Police

Any shrubbery / hedges that are to be planted should be of a species that will not readily grow above 1metre in height. Any newly planted trees or existing trees should not have a tree canopy that is less than 2metres from the ground and should be maintained in the future to this level. Ensure footpaths have a minimum of 1 m clearance either side on the verges from shrubbery and trees. An open and bright place not only reduces the number of potential hiding places of potential offenders, but also reduces the fear of crime.

**P  
33/13**

**13/1138/REV  
674 Yarm Road, Eaglescliffe, Stockton-on-Tees  
Revised application for erection of dwellinghouse (demolition of existing dwelling)**

Consideration was given to a report on planning application 13/1138/REV - 674 Yarm Road, Eaglescliffe, Stockton-on-Tees - Revised application for erection of dwellinghouse (demolition of existing dwelling).

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



traffic and the highway during construction and also when the development was complete.

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

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours had been notified and the comments that had been received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15 January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The Planning Officer's report concluded that the proposed development of the existing residential plot within the defined limits of development was considered to be in accordance with the principles of planning policy. It was considered that the impact on privacy and amenity for surrounding residents would not be significantly detrimental and would generally comply with saved Local Plan Policy HO3. Adequate access and parking was provided and it was considered that the proposed development would not unduly affect highway safety and adequate account had been made of the protected trees and other vegetation on the site and as such it was considered that in view of all the matters detailed within this report, it was recommended that the application be approved with conditions.

An objector was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- \* The property is not suitable for individual replacement
- \* Parking is a problem
- \* There are damp areas between the properties
- \* There could be problems to number 676 with the foundations
- \* The existing property just needs new windows / refurbishment and the gardens attended to

Members were then given the opportunity to ask questions and make comment on the application. One Member reported that:-

- \* He had received several letters of support for the application
- \* Cleveland Gardens is not adopted and he would be disappointed if the resurfacing was damaged by construction vehicles

A vote then took place and the application was approved.

RESOLVED that planning application 13/1138/REV be approved subject to the following conditions and informative:-

#### 1. Approved Plans

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

Plan Reference Number	Date on Plan
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AM/101A	14 May 2013
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001	13 May 2013
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002	13 May 2013
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003	13 May 2013
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004	13 May 2013
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AM/102 A	14 May 2013
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AM/103	13 May 2013
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AM/104 A	14 May 2013
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#### 2. Materials

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

#### 3. Means of Enclosure

All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

#### 4. Permeable materials

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

#### 5. Code Level 4

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

#### 6. Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement /

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

#### 7. Permitted Development Rights

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

#### 8. Construction Noise

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

#### 9. Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

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

**P  
34/13**

**13/1277/REV**

**135 And 137 Mansfield Avenue, Thornaby, Stockton-on-Tees**

**Revised application for erection of two storey extension between no.135 and no.137 to create terrace, two storey extension to rear of no. 137 and single storey extension to rear of No.135, erection of bay window to first floor level front of no.135 and creation of hardstanding for 5 No spaces.**

Consideration was given to a report on planning application 13/1277/REV - 135 And 137 Mansfield Avenue, Thornaby, Stockton-on-Tees - Revised application for erection of two storey extension between no.135 and no.137 to create terrace, two storey extension to rear of no. 137 and single storey extension to rear of No.135, erection of bay window to first floor level front of no.135 and creation of hardstanding for 5 No spaces.

There was a detailed history at the site consisting of various refusals, most recently for an infill extension which incorporated a hipped style roof design with a valley gutter in order for the proposal to provide some separation between the

properties (planning reference 12/1676/REV). This was considered at appeal and the appeal was dismissed (appeal reference APP/H0738/D/2185418). Whilst the design of the proposal was considered to be "complicated and unusual" and therefore found to be incongruous within the street scene the inspector did not find fault with the principle of linking the two properties, especially given the arrangement of short terraced blocks on the opposite side of Mansfield Avenue.

Approval was sought to provide a two storey infill between 135 and 137 Mansfield Avenue with a pitched roof to match the existing roof lines of the property, effectively creating a terraced block of four dwellings, with extensions to the rear of the properties. The proposed alterations would provide additional living accommodation at ground floor with bedrooms and en-suites at first floor level. In total there would be seven bedrooms serving 135/137 Mansfield Avenue. Five car parking spaces were provided on hard standing to the front of the site with 1.5 metre high brick pillars enclosing part of the front boundary.

Seven letters of objection had been received from the occupiers of surrounding neighbouring properties largely on the grounds that the proposal would be detrimental to the amenity of neighbouring properties, character of the surrounding area, there was insufficient car parking and it would set an undesirable precedent. Other concerns were raised which were not material planning considerations. The Head of Technical Services had commented on the application and in light of a previous appeal decision had no objections to the proposed development.

The application had been considered with regard to the impact upon neighbouring properties, character of the surrounding area and highway safety. Taking into account the findings of the previous appeal at the site the proposals were considered to be acceptable. Therefore the proposal was considered to accord with policies CS3 of the adopted Core Strategy and HO12 of the Local Plan and satisfies the principles of the NPPF. As such the application was recommended for approval subject to conditions.

The consultees that had been notified and the comments that had been received were detailed within the report.

With regard to publicity neighbours had been notified and the comments that had been received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application,

b) any local finance considerations, so far as material to the application and c) any other material considerations

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officer's report concluded that the proposed extensions were considered to be acceptable in terms of impact upon amenity of neighbouring properties, highway safety and in light of the planning inspector's conclusions at the previous appeal the linkage of the two properties was considered to be acceptable and the design was considered to be in keeping with the other blocks of terraces within the surrounding area. As such the proposed development accorded with policy CS3 of the adopted Core Strategy and HO12 of the Local Plan.

It was recommended that the application be approved with conditions.

An objector was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:-

- \* Loss of privacy
- \* Overshadowing back garden
- \* Blocking views
- \* The development would be too large

The applicant and agent were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- \* There are other terraced houses in the area
- \* The applicant has a large family unit
- \* A year has been spent working with Planning Officers to achieve a satisfactory result

Members were then given the opportunity to ask questions and make comment on the application and these could be summarised as follows:-

- \* Is there any rear access to the property?
- \* Will the wheelie bin be at the front of the property?
- \* Can we agree hours of construction?

The agent responded that:-

- \* The wheelie bin would be at the back of the house and carried through the house on collection day
- \* There would be no rear access to the garden

The Planning Officer responded that hours of construction could be agreed with the applicant and conditioned.

A vote then took place and the application was approved.

RESOLVED that planning application 13/1277/REV be approved subject to the

following conditions and informatives:-

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

Plan Reference Number	Date on Plan
SBC0001	29 May 2013
SBC0003	29 May 2013
001	29 May 2013
003	29 May 2013
00269 REV B	29 May 2013
0046 REV A	29 May 2013

2. The external finishing materials shall match with those of the existing building.

3. Prior to the development hereby approved being brought into use, car parking shall be provided in accordance with plan SBC003 dated 29 March 2013. The surface of which shall be constructed from permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The approved car parking shall be retained for the life of the development, unless otherwise agreed in writing by the Local planning Authority.

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

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

Informative: The applicant should contact Direct Services regarding the widening of the dropped vehicle crossing in order to accommodate the additional car parking space.

**P**            **13/1397/LAF**  
**35/13**       **Barley Fields Primary School, Lamb Lane, Ingleby Barwick**  
**Proposed Multi Use Games Area (MUGA) and associated 3m high fencing**

Consideration was given to a report on planning application 13/1397/LAF - Barley Fields Primary School, Lamb Lane, Ingleby Barwick - Proposed Multi Use Games Area (MUGA) and associated 3m high fencing.

The application sought planning permission for the erection and installation of a Multi-Use Games Area (MUGA) on a part of the school field towards the front of the school building. The scheme consisted of an approximately 50m x 30m surface with the steel and mesh enclosure to the MUGA itself measuring approximately 3 metres in height.

Under the Council's Scheme of Delegation, the application was put forward for determination by the Planning Committee as the scheme did not constitute minor development.

The application site related to Barley Fields Primary School in Ingleby Barwick. The proposal would be sited to the south of the main school building on the existing school field adjacent to an existing playing pitch. In connection with the proposal some hedging would need to be removed however a condition was recommended to ensure replacement planting was provided. No objections had been received from neighbouring residents or consultees.

The proposed development was considered to be of an appropriate scale, design and layout for its setting and achieves satisfactory spacing from surrounding properties and was not considered result in any unacceptable impacts on residential amenity. The proposed scheme was also considered to be acceptable in terms of highway safety and the proposal satisfies the principles of the NPPF, and Core Strategy Policies CS3.

The consultees that had been notified and the comments that had been received were detailed within the report.

With regard to publicity neighbours had been notified and the comments that had been received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

Members felt that an out of hours scheme should be submitted by the management of the MUGA.

A vote then took place and the application was approved.

RESOLVED that planning application 13/1397/LAF be approved subject to the following conditions and informatives:-

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

Plan Reference Number	Date on Plan
ARC1280/90-03	12 June 2013
STM-BFPS-B-02 REV C	11 June 2013

STM-BFPS-B-04 REV C 11 June 2013  
STM-BFPS-B-05 REV C 11 June 2013  
STM-BFPS-B-06 REV C 11 June 2013  
STM-BFPS-B-07 REV C 11 June 2013  
ARC1280/90-02 11 June 2013  
ARC1280/90-01 11 June 2013

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

3. Notwithstanding the proposals detailed in the Design and Access Statement and submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

4. 4. Prior to the development hereby approved being brought into use, a scheme detailing the management arrangements of the Multi Use Games Area outside of school hours for use by the community shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the agreed details upon commencement of the use of the development, unless alternative management arrangements are otherwise first agreed with the Local Planning Authority.

## INFORMATIVES

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

## RETAINED TREES PROHIBITED WORKS

The following works are not allowed under any circumstances:

No work shall commence until the approved Tree Protection Barriers are erected.

No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.

No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree or within the Root Protection Zone.

No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.

No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.

No unauthorised trenches shall be dug within the Root Protection Zone.



No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

#### RETAINED HEDGES PROHIBITED WORKS

The following works are not allowed under any circumstances:-

No work shall commence until the approved Hedge Protection Barriers are erected such as Herras fencing;

No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by the hedge;

No fires shall be lit or allowed to burn within 5 metres of the hedge;

No materials shall be stored or machinery or vehicles parked within the 2 metres of the hedge;

No mixing of cement or use of other materials or substances shall take place within the 5 metres of the hedge;

No unauthorised trenches shall be dug within the 2 metres of the hedge;

No alterations or variations to the approved works or hedge protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

#### **P Local Plan Steering Group - Minutes**

**36/13**

RESOLVED that the minutes of the Local Plan Steering Group held on 8th January 2013 be noted.

**P  
37/13**

**1. Appeal - Mr Paul Baker - Land at High Farm Redmarshall 12/2070/FUL and Enforcement Ref 09/0016/EWKS - BOTH APPEALS ALLOWED  
AN AWARD FOR COSTS WAS ALSO GRANTED LIMITED TO THE COSTS INCURED IN DEALING SPECIFICALLY WITH THE APPENDICIES TO THE ENFORCEMENT NOTICE**

RESOLVED that the appeals be noted.