

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 4th May, 2016.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Eileen Johnson(Sub Cllr Michael Clark), Cllr Nigel Cooke, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Mick Stoker, Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn

**Officers:** Greg Archer, Elaine Atkinson, Richard Bagnall, Simon Grundy, Jade Harbottle, Barry Jackson, Joanne Roberts(EG&D), Julie Butcher(HR,L&C), Sarah Whaley(A,D&ES)

**Also in attendance:** Applicants, Agents, Members of the Public.

**Apologies:** Cllr Michael Clark, Cllr Gillian Corr.

**P**        **Evacuation Procedure**

**8/16**

The Evacuation Procedure was noted.

**P**        **Recording of Council Meetings**

**9/16**

The Chair informed Members of the Committee and Members of the Public that the Planning Committee meeting was to be recorded as part of the Council's commitment to legislation permitting the public recording of public meetings, and in the interests of ensuring the Council conducted its business in an open and transparent manner. These recordings would be made available to the public via the Council's website. Members of the public present who preferred not to be filmed/recorded/photographed, were asked to make it known so that so far as reasonably possible, the appropriate arrangements could be made to ensure that they were not filmed, recorded or photographed.

**P**        **Declarations of Interest**

**10/16**

There were no declarations of interest.

**P**        **Minutes from the meeting which was held on the 9th March 2016.**

**11/16**

Consideration was given to the minutes from the Planning Committee meeting which was held on the 9th March 2016 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chairman.

**P**        **15/2977/REM**

**12/16**

**Land South Of Green Lane, Yarm,  
Reserved matters application (appearance, landscaping, layout and scale)  
for planning approval 12/1990/EIS for 148 houses with associated  
landscaping.**

Consideration was given to a report on a Reserved matters planning application 15/2977/REM Land South Of Green Lane, Yarm.

At the 30 March 2016 Planning Committee Members resolved that the

application be deferred to enable the developer to be made aware of Members concerns and respond.

Members concerns were based primarily on the affordable housing element of the proposal in terms of the location, concentration and design including number of dwellings and concerns of overlooking issues, the SUDS impact on the natural environment and the allotments to be shown on the plans.

A copy of the original Planning Committee report was attached at Appendix 1 and the applicant had submitted additional information including CGI's of the affordable housing, house type drawings for the affordable housing, annotated drawing of the SUDs area, a revised landscape drawing and a planning layout showing the allotments.

The Officer's recommendation remained as previously set out in the report presented to Members at the Planning Committee on 30th March 2016 that the application be granted consent subject to the conditions as set out in the original committee report.

Members would be aware that outline planning consent was granted in 2013 for up to 370 dwellings, additional railway station parking, access, infrastructure, open space and landscaping on land south of Green lane, Yarm (12/1990/EIS). All matters were reserved except for access as part of the original approval.

This was a reserved matters application for residential development comprising 148 dwellings. The principle of the development had been established by the Outline planning permission and the application was purely concerned with the Reserved Matters details required to be submitted for approval.

The site formed the western parcel of a larger site which benefited from a previously approved reserved matters application for 341 dwellings. David Wilson Homes and Bellway Homes had split the site into development parcels and this Reserved Matters application was in respect of the western parcel to be developed by David Wilson Homes and the number of proposed dwellings did not exceed the parameters as stipulated by the outline permission.

In respect of the proposed affordable housing, the design featured a variety of materials and incorporated feature elements around the windows and the design had been carefully considered, to be representative of the local character, with vertical emphasis on the windows using materials of predominantly red and buff brick and red and grey roof tiles. The proposed layout had been designed to ensure that adequate distances were met and the internal arrangements together with the positioning of window openings had been designed to minimise any overlooking and it was considered that the proposal related well to existing development in the vicinity.

The dwelling themselves were 'tenure' blind and the house types formed part of the house builder's portfolio. The 'Ashford', 'Acomb' and Morpeth' were sold as private houses and were not considered to be substandard.

The registered provider of the affordable housing was satisfied with the quality, size and location, and in terms of operation preferred to manage a row or cluster of houses, rather than houses pepper potted throughout the site.

In terms of the size of the affordable houses, the NPPF did not seek to impose a minimum space standard on residential development and the applicant insisted that all of their house types were carefully designed to reflect market demand and take account of present trends and popularity of open plan living/dining arrangements.

With regards to the location of the affordable housing these were located at the entrance of the development, on the main road into the development, on the opposite side of the road to the private houses. It was noted that the location of the affordable housing was in line with the previous reserved matters consent (15/0194/REM) which was considered acceptable and approved at the 22 April 2015 Planning Committee.

The scheme provided for 20% affordable housing which was in excess of the 15% deemed minimum requirement and the Strategic Housing Manager was supportive of the proposal.

Recent Government announcements (including the Housing and Planning Bill and the consultation on proposed changes to national planning policy) had painted a clear picture of Government's future direction of travel in relation to affordable housing - a move away from rented accommodation to helping people access homeownership. Measures included the national delivery of 200,000 starter homes, 135,000 new shared ownership homes and proposed revisions to the Affordable Housing definition to remove 'in perpetuity' restrictions and the introduction of new 'affordable' products.

The NPPF attached significant weight to the benefits of economic and housing growth with the aim of development management to increase the level of development approved. The proposal was considered to be in line with general planning policies as set out in the Development Plan.

Landscaping had been used where possible, with a tree lined boulevard to provide a green character to the development. Landscaping on a small part of the site had been restricted due to the position of the rising main but the applicant had sought to offset the loss of street trees by providing smaller trees, where possible, within the gardens of the affordable houses.

The Highways, Transport and Environment Manager had made further comments as follows;

This application was for Reserved Matters approval with regards to access, appearance, landscaping, layout and scale. The principle of the development, including the highway impact and necessary mitigation, had been agreed as part of the outline planning consent (12/1990/EIS).

This memorandum took account of the following drawings, some of which had been revised, following comments from Highways, Transport & Environment:

- Drawing 1525.01 Rev L - Planning Layout
- Drawing 741\_BDW\_01 Rev D - Landscape Strategy - 1 of 2
- Drawing 741\_BDW\_02 Rev B- Landscape Strategy - 2 of 2
- Drawing 1525.06 Rev B - Boundary treatments

- Drawing 1525.03 Rev D - Materials Layout

Having reviewed the latest plans Highways, Transport & Environment considered that:

1) The proposals submitted in terms of landscaping were acceptable and it was noted that the applicant had provided a tree lined boulevard along one side of the main access road, housing squares, landscaped areas and hard surfacing creating features within the estate. However it was unfortunate that the inclusion of a rising main at a late stage in the estate landscape development, near the affordable housing area, had deleted most of the street trees creating a less than desirable layout. The applicant had endeavoured to offset the loss of street trees by providing smaller trees, where possible, within the gardens of the affordable houses.

The proposals submitted in relation to access, appearance, layout and scale were acceptable.

Therefore subject to specific details, being secured by the appropriate condition as included in the outline approval (12/1990/EIS), Highways, Transport & Environment had no objection to the proposals.

Members also raised some concerns about the impact of the SUDs pond on the natural environment. In terms of the impact on the natural environment the creation of the SUDs would only have a positive impact. The creation of species rich grass seeding, woodland edge/scrub planting and native woodland would naturally create new habitats for wildlife and enhance the natural environment. Ecology and drainage was fully considered and addressed as part of the original outline planning permission. Drainage details were to be provided to discharge the relevant planning condition and did not form part of the Reserved matters requiring approval.

With regards to the position of the allotments, these had been added to the layout for context and a condition covering their provision and management would be required to be fully met by the developer.

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

- Objections were raised in relation to layout and scale concerning traffic and pupils safety coming to and from Conyers School.

- The increase in traffic which currently crawled through Yarm would consequently further air pollution associated with the 148 houses and probably 300 cars.

- The traffic lights across the railway bridge would certainly cause issues for traffic and there was no pedestrian crossing for school children that crossed the road from the proposed development to Conyers School.

- The addition of traffic was likely to go through Kirklevington to avoid the congestion at the traffic lights and avoid the likely congestion at the roundabout near to the Shell Service Station which was already at capacity.

The Planning Manager from Barratt David Wilson Homes North East was in attendance at the meeting and given the opportunity to make representation. Her comments could be summarised as follows:

- The developer was committed to providing well designed places and creating communities where people wanted to live was one of Barratts key visions. With that in mind the developer had worked with their experienced consultant team to prepare the scheme for 148 houses which took into account the constraints of the site and maximise opportunities. The scheme would create a sustainable community providing a mix and balance of good quality housing for everyone. The proposal operated a mix of housing from starter 2 bed homes to 5 bed executive houses. This would ensure that everyone had the opportunity to buy a house in the area from first time buyers through to families.
- The affordable housing was being provided at the entrance road of the site. The entrance of the site had been designed to provide a strong entrance statement.
- The scheme provided for 20% affordable housing. The affordable housing was made up of the Barratt house types which were the Morpeth, Ashford and Acomb. The Morpeth was one of Barratts best selling house types.
- There was already a registered provider on board who had purchased the affordable houses, they were to be offered as rented homes. The provider was satisfied with the quality, size and location of the houses. The registered provider was anxious for these much needed houses to come forward at the earliest opportunity.
- The affordable houses had been located in a row facing the private housing, and they were in the same location as the previously submitted reserved matters application. The houses had been well integrated into the site and would benefit from an outlook onto open grass and allotments to the west. The houses had not been pepper potted throughout the site as there was extensive experience throughout that showed registered social landlords preferred houses to be located together in a block or row which was for ease of management and maintenance.
- The design of the houses themselves had been carefully considered to be representative of the local character.
- A variety of materials were to be used with vertical emphasis on the windows, some artificial chimneys would be provided on houses across the site.
- The affordable houses were tenure blind.
- In terms of the size of the affordable housing the NPPF did not seek to impose minimum space standard for residential development. The affordable homes were of a range of sizes and were carefully designed to reflect market demand and take account of present trends and popularity of open plan living.
- Landscaping had been carefully considered across the site to ensure it linked in with existing built form in the surrounding areas and the proposed open

spaces to the east, west and south. The landscape architect had ensured that there was appropriate planting within key spaces and the street scape. Unfortunately the presence of a proposed rising main had prevented the planting of large trees at the end of the entrance to the site. The presence of the proposed rising main had been requested by Northumbrian Water and had to be incorporated in the layout.

- It was requested that the well designed proposal be supported as there were houses for everyone in attractive surroundings enhanced by allotments, open space and SUDS to the south which would bring many benefits to the local community.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- In response to the comments which had been raised by the objector relating to traffic congestion issues, Officers explained that Members were already aware that this was being looked at as part of the Outline Application which was agreed in 2012. Mitigation and what was required was discussed at that time along with further discussion at the last committee meeting which was held on the 30th March 2016.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- The additional information and comments were welcomed.

- The information was much better in its quality and content and perhaps a guiding light as to what should be seen going forward in terms of the quality of detail in these types of applications.

- There were still concerns about the layout of the site and the size of the properties. It was felt that the properties were still too small in the location especially in relation to mental health issues which was discussed at the meeting held on the 30th March 2016. It was however appreciated that there was no local or national guidance in relation to small properties.

- From the extra details which had been presented there was an additional concern raised in relation to slide 7 and the plan detailed on page 71 of 132 of the main report. The plan showed the space in between the affordable housing and the rest of the site and a dotted line. The dotted line was on the previously submitted plans however there was no legend against it. The slide on the screen presented to the Committee during the meeting did have a legend against it which was a standoff point, 60 metres from the pylons which Members found concerning. Nationally there were 25,000 homes within 60 metres of pylons. There had been research carried out by Oxford University which was linked to the 2005 Department of Health funded Draper report which recommended that homes should not be built within 60 metres of the centre line from pylons. The recommendation was not adopted by Government at that time despite significant evidence being given against leukaemia, brain tumours and motor neuron disease. The Oxford University research had indicated that children who were born and lived within 200 metres of the centre line of a pylon had a 70% increase of risk of leukaemia, compared to children who lived up to

600 metres away. All of the affordable housing was in the 60 metre range some being within 20 to 30 metres of the centre line of the pylon. All of the remainder of the housing was outside of the 60 metre range. Although there were homes within the Borough within the 60 metre range, we should be planning for the future not the past.

- Clarity was sought as to who would own the affordable housing. Would it be private buyers, joint ownership or registered social landlords.

- Members still had concerns in relation to the rising main and its impact on the landscape. Members asked if the landscaping could be reinstated by reducing the number of housing on the development.

- In relation to the allotments, the report referred to the allotment management plan. It was felt that the management of the facility could have real implications for the nearby properties. Who would have on-going responsibility for the management of the allotments? Would it be Stockton Borough Council, or was it to be somebody else?

- Members sought clarity as to whether some of the terraced houses were back to back as detailed within the plans, and if so, was this ok, as it was felt that this type of housing was very old fashioned.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- Where concerns had been raised relating to the close proximity of the pylons, Officers explained that the National Grid which had a protection team were consulted and they looked at matters such as the close proximity of pylons and were satisfied with the proposed arrangements and had no objections.

- Issues had been raised in relation to the position of the affordable housing at the entrance of the proposed site. Officers emphasised that the fact the affordable housing was located at the entrance of the site highlighted the fact that the houses were not substandard as these were the first houses to be seen on entering. The houses were considered to be of good quality and they married well with the private dwellings on the site.

- Officers informed Members that the allotments were subject to a condition regarding the management which was to be agreed by the authority. If there was any funding or maintenance monies available which was agreeable, theoretically the Council could take them on or it could be the Parish Council, this was still to be agreed and the condition would have to be met by the applicant.

- In terms of the types of affordable housing, officers informed the Committee that the affordable housing was not for private sale, that they fit with Stockton Borough Councils definition of affordable homes and they were in perpetuity and would be rented via a registered provider which was in accordance with Stockton Borough Councils policy.

- Officers confirmed that there were some houses which were back to back on the proposed site however they were fully compliant with building regulations

and offered a mix of different types of housing for differing requirements.

A vote then took place and the application was approved.

RESOLVED that planning application 15/2977/REM  
Land South Of Green Lane, Yarm, Reserved matters be approved and remain unchanged as detailed within the main report with conditions.

**P**  
**13/16**

**16/0149/RET**

**Springfield Stud, Wynyard Road, Thorpe Thewles**

**Retrospective application for single storey extension to form dog breeding kennels and runs (9 in total), conversion of existing stables to provide ancillary managers accommodation, single storey extension to the rear of the existing store/barn to form 5 private stables, erection of an isolation unit and installation of a hardstanding area.**

**Proposed extension to side to provide breeding kennels (additional 8 kennels and runs) and alterations to widen the existing access and provide car parking.**

Consideration was given to a report on planning application 16/0149/RET  
Springfield Stud, Wynyard Road, Thorpe Thewles.

The application site was located to the north of Stockton and lay outside of the defined village limits of Thorpe Thewles. The site was accessed from Wynyard Road close to the junction with the A177 bypass. The land was set at higher ground level in relation to the adjacent highway.

Retrospective planning permission was sought for a single storey extension to form dog breeding kennels and runs (9 in total), conversion of existing stables to provide ancillary managers accommodation, single storey extension to the rear of the existing store/barn to form 5 private stables, erection of an isolation unit and installation of a hardstanding area. In addition full planning permission was sought for an extension to provide breeding kennels (additional 8 kennels and runs) and alterations to widen the existing access and provide car parking.

8 letters of objection from neighbours and 1 letter from Grindon Parish Council had been received in relation to the application.  
2 letters of support had also been received.

The principle of the development of animal breeding kennels and associated activities in this location was considered to be acceptable, given that the associated activity and noise in close proximity to established residential areas would not be compatible. Furthermore in view of the advice given by the Veterinarian employed by the Council for animal registration and licensing matters and licensing requirements, the proposal was considered to justify the need for temporary residential accommodation on the site whilst the business was established.

Controls were proposed to link the residential use to the proposed kennel business, both for a temporary time limit and also to ensure the two elements remained as one planning unit, which would require the cessation of the residential use and revert the building back to stables should the business



cease to operate. The new stables on site were also to be conditioned to remain as a private use.

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

Neighbours were notified and the comments received were detailed within the main 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 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 15 Jan 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 [planning 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 Officers report concluded that given the above considerations the principle of the development of an animal breeding business in this location was acceptable and accorded with planning policies.

The temporary Managers Accommodation was also considered to be acceptable, subject to it being for a temporary period whilst the business was established and linked solely to the boarding kennel business. It was also considered that there would be limited harm to the visual amenity of the locality, residential amenity or highway safety.

Consequently the proposed development was considered to accord with the relevant planning policies and was recommended for approval subject to the planning conditions set out within the main report.

A representative from Grindon Parish Council was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- The representative explained that he did not live in Thorpe Thewles and his original opinion of the application was neutral, however when the location and the history of the proposed site was fully appreciated, his opinion rapidly changed to being opposed to the application, which was largely based on the special rural environment in which it was situated and the likely detrimental impact if planning permission were to be granted.
- There was insufficient time to quote the details within the documents submitted which opposed the application however the following was a summary:

- 73% of those residents who responded to the application objected to it.
- 3 letters of support had been received however 1 was from the applicant's wife and 1 from the applicant's business partner.
- Noise created by dogs barking would not only encroach on nearby resident's quality of life but also possibly induce stress to cats housed in the nearby cattery.
- The creation of a manager's accommodation would flout planning policies which discouraged the building of residential properties in the countryside.
- There was widespread concern which related to the extra traffic created by siting the business in an unsustainable rural location.
- The establishment of a business at the proposed location had already been committed in the form of dog boarding kennels, dog grooming and dog day care which had already encroached on the special rural environment.
- The current application would seriously breach some key national and local planning policies. There had been a rejection notice of a previous similar application which highlighted serious contradiction of established planning policies, for example it was stated in the rejection notice that it was essential as required by adopted policy CS1 and saved policy EN13 and PPS7 to strictly control development in the countryside.
- The countryside to which the current application applied was rather special as it contained a nature reserve, 'Wynyard Woodland Park' and the historic grade 1 listed Wynyard Park.
- There was also grave concern in relation to increased light pollution which would impair the activity at the observatory.
- It would be rather perverse if planning was granted by one side of Stockton Borough Council, whilst another part of the council was busy enhancing and promoting the adjacent Wynyard Woodland Park Nature Reserve.
- Having to access the nature reserve by passing a nearby large roadside complex housing a considerable number of noisy barking dogs with associated traffic from clients would certainly not encourage visitors to the park.

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

- The Applicant felt that this was a unique rural business development for the Borough of Stockton on Tees. The site was Kennel Club registered which meant the applicant would be governed by the high standards that were set by the Kennel Club.
- It was stated that the Applicant wanted to specialise in the breeding of German Shepherds because of how passionate they were about the breed.
- The aim was to breed high quality German Shepherds using careful dog

selection and lining and was an opportunity to have potential champion dogs to show and excellent puppies to sell.

- The Applicants had recently imported, from Germany a top of breed stud dog to ensure that high quality was maintained. This was the only dog of its kind in the UK.
- The vision was to build an excellent reputation and to attract the attention of dog enthusiasts both in the UK and abroad.
- The facilities for the dogs and their puppies were 5 star with large rooms and comfortable fully insulated with heating, ventilation and lighting. There was also to be an external run for the dogs to exercise.
- There were many fields for the dogs to run free and stretch their legs twice a day.
- A welfare policy was in place to ensure the dogs and puppies were kept safe and well 24/7. This followed guidance in the Animal Welfare Act 2006 Section 9.
- The dogs would also be subject to a comprehensive health screening programme including annual vaccinations and regular flea and worming treatments.
- The site would also offer job opportunities for local people. A full time employee was required as soon as possible and there was to be a young apprentice scheme. By year four of the business it was hoped that there was to be 2 young people employed full time from the area.
- The Applicant clarified that one of the supporting comments received, supporting the application was not from a business partner as stated by the representative of Grindon Parish Council.
- The Applicant had every confidence that the business would be successful and continue to thrive over time and be an excellent example for a rural business in the Stockton on Tees Borough.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- A similar application had been put forward to the planning Committee not so long ago at Whinny Hill which had been refused. The Member could not see what the differences were between that one and the current proposal.
- Members acknowledged the comments which had been made by Grindon Parish Council in that it was a special area. One of the comments made was about the light pollution and the effect on the observatory. Officers had confirmed there would be no light pollution and Members requested that Grindon Parish Council take on board comments made by Officers in relation to their concerns.
- It was understood that there was already dogs on site and therefore the applicant was not bringing anything new to the area but enhancing an already

existing business. There was some significant value to the rural economy to breeding animals particularly of this standard.

- Members were reassured that if the business was not there in three years then the accommodation would have to be returned to its current condition as a stable.

A vote then took place and the application was approved.

RESOLVED that planning application 16/0149/RET be approved subject to the following conditions and informatives;

#### Approved Plans

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

Plan Reference Number	Date on Plan
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SBC0001a	23 March 2016
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7A	23 March 2016
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1	15 February 2016
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2	15 February 2016
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3	4 February 2016
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4	4 February 2016
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5	4 February 2016
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6	19 January 2016
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#### Restriction of use

02 The kennels hereby approved shall only be used for breeding of dogs and shall be operated in accordance with the information received on the 23 Mar 2016.

#### Restriction of residential use

03 The occupation of the dwelling shall be limited to a person(s) solely or mainly working within the hereby approved commercial breeding kennels.

#### Temporary residential use

03 The occupation of the Managers Accommodation is granted for a temporary period of 3 years from the date hereof, or if the commercial breeding kennel ceases to operate (whichever is the sooner) at which time the use shall cease and the building be reinstated to its former condition as a stable block, unless the renewal of consent is sought and approved.

#### Restriction – Number of commercial kennels;

04 Notwithstanding the information supplied as part of this application, the hereby approved breeding kennels shall be limited to a maximum of 28 adult dogs and 40 puppies at any one time (including any dogs personally owned by the applicant).

#### Restriction on Stables

05 The stables hereby permitted shall be used solely for the private stabling of horses and shall not be used for any commercial purpose at any time.

#### Materials

06 The materials to be used for the built development hereby permitted shall be

as detailed on the approved plans. No other materials shall be used except with the prior written approval of the local planning authority.

Maintenance of visibility splays;

07 No structures or planting exceeding 0.6 metres in height shall be placed within the visibility splays.

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

### Informative 1: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

### Informative 2: Widening of the access

The applicant should contact Care for Your Area (01642 391959) regarding widening the access.

### Informative 3: Application for future consents

Should a further application be submitted for the renewal of consent or permanent residential use; the application should be accompanied with full detailed accounts; receipts and supporting evidence such as records of litters and numbers of dogs on site.

**P  
14/16**

**16/0820/FUL**

**Land Between 34-36 Mount Leven Road, Yarm, Stockton-on-Tees  
Erection of dwelling with attached double garage.**

Consideration was given to a report on planning application 16/0820/FUL Land Between 34-36 Mount Leven Road, Yarm, Stockton-On-Tees Erection of dwelling with attached double garage

The application site lies within a residential estate in Yarm and sits at the northern end of a former pylon route, the removal of which has provided a pleasant corridor of open space which runs from Leven Bank Road (A1044) in the south to Mount Leven Road in the north. The majority of the open space corridor falls within the Council's land ownership, with the only exception being the application site which is privately owned and fenced off preventing public access.

This application seeks permission for the erection of two storey dwelling with attached double garage. The proposed dwelling in part utilises the existing levels on the site as well as 'cutting' into the landscape to minimise its visual impact. It will be served by an access track along the eastern boundary. 1.2m high railings will also prevent incursion into the access and residential property particularly from children using/playing on the open space.

A total of ten objections and five letters of support have been received in response to the proposed development.

The site is considered to be in a sustainable location and in the absence of

being able to specifically identify the site as Urban Open Space through the Strategic Diagram and with the Regeneration and Environment Local Plan carrying only limited weight at this time, the proposal can only be assessed on whether it maintain, protect and enhance the quality of the urban environment, including the openness and amenity value of the site. Given the lack of public access to the site the amenity value of the site rests with the visual break it provides between existing development and views it offers out towards the River Tees to the north. This proposal would sit below the level of the view, ensuring that views to the landscape beyond are retained and the degree of openness currently experienced would also be maintained. Alongside the benefit of allowing public use of the land through the delivery of open space the proposed development is considered to be in broad accordance with the development plan and in particular Core Strategy CS10(3).

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

Neighbours were notified and the comments received were detailed within the main 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 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 15 Jan 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 [planning 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 Officers report concluded that the site lay within the defined limits to development and was considered to be a sustainable location. Whilst noting the position of the two previous appeals, there had been a significant shift in both the national and local planning policy landscape since this time. In the absence of being able to identify the site as Urban Open Space through the Strategic Diagram and the Regeneration and Environment Local Plan carrying only limited weight, the proposal could only be assessed on whether it maintained, protected and enhanced the quality of the urban environment, including the openness and amenity value of the site.

Given the lack of public access to the site the amenity value of the site was borne out of the fact that the site provided a visual break between developments and offered views out towards the River Tees to the north. It was considered that this proposal would be below the level of the view, ensuring that views to the landscape beyond were retained and the degree of openness currently experienced would also be maintained. Alongside the benefit of allowing public use of the land through the delivery of open space the proposed development

was considered to be in broad accordance with the development plan and particularly Core Strategy policy CS10(3).

The proposed development was considered to be acceptable in all other regards and consequently the application was recommended for approval subject to those conditions within the report.

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

- This was the fourth application on the proposed site which had come about since the objector had lived in the area.
- There had been a number of objections raised however none had been in relation to wildlife. The Objector explained that she had a pond in her garden which was home to greater crested newts, toads, frogs and water voles. The garden had a hide for hedgehogs, 5 bird boxes and a bat box, there had also been sightings of deer, foxes and wild rabbits. Tees Wildlife had been contacted who had responded stating that almost certainly the species which had been identified by the objector would use the proposed land as a migratory path which raised concerns in relation to the short term effect on the wildlife during the development and the long term effects going forward.
- The site was designated open space and there were very few pockets of open space in Stockton Borough. The objector was passionate to keep the land open space.
- Some residents had objected due to the unkempt nature of the land and it was believed that if the proposal was approved that the land would remain open space and would be kept and maintained by the new owner of the proposed property. Were the prospective owners aware that the land may remain open and be used as horse grazing land?
- It was also believed that the approval of this application would open the floodgates and further applications would come forward reducing the open space.
- Concerns were raised in relation to the ground level at which the house would be built.
- There had been Tree Preservation Orders put in place within the surrounding area due to the significantly sloping area due to concerns of subsidence.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- In relation to the comments raised regarding open space, the site lay within the defined limits to development and was considered to be a sustainable location. Core Strategy Policy CS10(3) sought to maintain, protect and enhance the quality of the urban environment, including the openness and amenity value of Urban Open Space and play space. However, this designation was not explicitly defined under the Strategic diagram of the Core Strategy and consequently the Borough had no identifiable Urban Open Space at this time, with the actual

detailing falling to the emerging Regeneration and Environment Local Plan (RELP), albeit it could at this stage be afforded very little weight in determining planning applications. For completeness, under Policy ENV1 and the RELP proposals map the whole site was allocated for Urban Open Space (where previously it had been approximately half the site under the 1997 adopted Local Plan). The policy proposed very similar terms to EN15 in that where urban open space was lost (in whole or part) it would be necessary to ensure that it was replaced by equivalent or better provision in terms of quantity and quality.

- In terms of the house being within a hole it was partly using the gradient of the site and also cutting into the site to deliver a house whilst minimizing the visual impact therefore much of the house would sit below the land level which was not uncommon. Houses had been designed and built successfully in Stockton Borough and across the country using this method. The structural aspects of the build would be a matter for building control and the developer. The developers agent had been made aware of the implications of piling foundations.

- In terms of Tree Preservation Orders(TPO's), TPO's were usually made to protect the trees for visual benefits rather than to do with land stabilisation. The Landscape Architect was satisfied the proposal worked and had recommended a TPO being imposed as a condition which was recommended within the Officers report.

- Where concerns had been raised relating to wildlife, none of the species identified by the objector were protected species under planning terms, however whilst reference was made to great crested newts, the evidence before the Council was that there weren't any protected newts on the site.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- The land appeared to be a tatty piece of scrap land in the middle of some housing and the low profile development would not have a visual impact on the local area.

- Where issues were raised in relation to wildlife, every house anywhere restricted wildlife.

- The proposal should tidy up the area and therefore Members were in support of the application.

- Members highlighted that one of the presentation slides showed a lot of water at the site and concerns were raised in relation to drainage as there was no mention of drainage mitigation within the report, especially since the development was to be built within a hole.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- There were no significant issues raised in relation to land drainage. Drainage concerns would be dealt with by building control and there would be methods to control surface water in and around the house. The slide which was showing quite a lot of water on the site had been taken just after a period of heavy rain



fall.

A vote then took place and the application was approved.

RESOLVED that planning application 16/0820/FUL be approved subject to the following conditions and informatives;

Approved plans;

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

Plan Reference Number	Date on Plan
1591/P/LP O	24 March 2016
1591/P/01 O	24 March 2016
1591/P/02 O	24 March 2016
1591/P/03 O	24 March 2016
1591/P/04 O	24 March 2016
1591/P/05 O	24 March 2016
1591/P/06 O	24 March 2016

Materials:

02 Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

Soft landscaping details;

03 Notwithstanding the submitted information, a detailed planting scheme shall be submitted approved in writing by the Local Planning Authority prior to the completion of the hereby approved retail store. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance;

04 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Hard landscape details;

05 Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor

artefacts and structures (e.g. incidental buildings and street furniture).

Open Space Scheme;

06 Notwithstanding any submitted information, no development shall commence until full details of the layout, landscaping and the management and maintenance arrangements (including the allowance for maintaining public access in perpetuity) for the open space has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved open space scheme and the open space shall remain open to the public at all times.

Tree Protection measures;

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

Means of enclosure;

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

Site and floor levels;

09 Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Lighting;

10 Details of the external appearance of any lighting of the hereby approved dwelling, residential curtilage and driveway, along with details of its colour and luminance levels shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation of the hereby approved dwelling.

11 Construction activity;

No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

Removal of PD Rights - All Householder

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 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2015 (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.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Dropped Kerb;

The applicant should contact Care for Your Area (01642 391959) regarding the construction of the dropped vehicle crossing.