

Planning Committee

A meeting of Planning Committee was held on Wednesday, 26th September, 2018.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker (Vice-Chairman), Cllr Helen Atkinson, Cllr Derrick Brown, Cllr Carol Clark, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Tony Hampton, Cllr David Harrington, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Marilyn Surtees, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn

Officers: Elaine Atkinson, Bob Cowell, Simon Grundy, Joanne Roberts, Peter Shovlin (EG&DS), Julie Butcher (HR,L&C) Sarah Whaley (DCE)

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

Apologies: None

**P
40/18** **Evacuation Procedure and Planning Protocol**

The Chair welcomed everyone to the meeting and the evacuation procedure was noted. It was also noted that the Governance Officer would be making an audio recording of the meeting to assist in the drafting of minutes of the meeting.

**P
41/18** **Declarations of Interest**

There were no declarations of interest.

**P
42/18** **Minutes from the Planning Committee meetings which were held on the 4th and 25th July 2018.**

Members agreed the minutes of the Planning Committee Meeting which was held on the 4th July 2018.

Members agreed the minutes from the meeting held on 25th July 2018 subject to the following amendment at minute no. P 27/18.

'The Chairman of the Planning Committee reassured residents that all Members of the Planning Committee were trained'.

RESOLVED that the minutes from the Planning Committee meetings which were held on the 4th and 25th July 2018 be approved and signed as a correct record subject to the amendment as detailed above.

**P
43/18** **16/3049/FUL
Mount Leven Farm, Leven Bank Road, Yarm
Application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge**

Consideration was given to planning application 16/3049/FUL Mount Leven Farm, Leven Bank Road, Yarm, for the setting out of public access in an area to be designated as a country park.

Planning permission was sought under the proposed application for how the 'country park' would be set and laid out. This included and allowed for a series

of footpaths (both Disability Discrimination Act (DDA) compliant and non DDA compliant); additional planting; gates; sign posts; information boards; and a new footbridge across the River Leven to Ingleby Barwick.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that in view of the considerations detailed within the main report it was noted that the S.106 agreement of the Retirement Village secured the requirement to provide a 'country park' along the bank of the River Leven. Nevertheless the provision of the 'country park' was considered to be broadly consistent with the policies set out with the NPPF and development plan and would also support the wider aims and aspirations of the Tees Heritage Park.

The application was accompanied by an ecology report which set out the potential for several direct and indirect impacts that may occur to the habitats within the application site, particularly through increased footfall. However, the provision of footpaths were likely to encourage the majority of users to remain on these designated routes and avoid excessive trampling 'off-track' and the overall impacts were not considered to be significant particularly as the associated grassland was considered to be of low ecological value. Lighting during hours of darkness was also discouraged within the report as there may be potential impacts on nocturnal foraging species.

A significant number of objections were raised in relation to the potential for the proposal to support and create opportunities for crime and anti-social behaviour. Whilst these were noted, there was no firm evidence to suggest that this would occur. Careful consideration had been given to the layout and design of the Country Park and footbridge and the potential for lighting within the park had also been considered and on balance it was accepted that the absence of lighting would be likely to discourage a significant majority of people from using the site outside of daylight hours and that the presence of lighting within the area was unlikely to create any significant overall benefit when considered within the context of area as a whole, for example its visual impacts, potential disturbance and impact on wildlife.

The proposal was in itself considered to be visually acceptable and would not have any given its recreational use, predominately for walking through it was not judged that there were any significant or harmful impacts on the amenity of the surrounding occupiers. Equally there were no harmful impacts on features of archaeological interest or the setting of Round Hill Scheduled Ancient Monument.

The development was therefore considered to be acceptable in planning terms and was recommended for approval subject to those conditions set out within the main report.

A member of the public had brought additional photographic evidence of the application site which was circulated to the Committee for consideration following approval from the Chairman.

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

- Local Planning Policy stated that the application site was located in a special landscape designated area which was to protect the landscape value of the Leven Valley, and although the potential benefits of the provision of an access point to access the country park was fully acknowledged, there were concerns in relation to the loss of the Leven Valley landscape character due to a programme of urbanisation.
- There was no post work visual illustrations, therefore no one could tell what it would look like in the future.
- It was felt that the replacement of some of the natural vegetation with a planting scheme was more suited to the creation of an urban park and not appropriate to the application site. The proposals, if implemented, would create disparity in the visual amenity and naturalness of the wildlife corridor.
- The public right of way and where it would exit at the bottom of Leven Bank onto a busy highway with no roadside footpath was considered dangerous especially as the intention was to have greater use of the public right of way.
- Concerns were raised in relation to the bridge and the land which was still in private ownership.
- There was giant hogweed in and around the site.
- It was highlighted that Anti-Social Behaviour was a problem in the area, which included poaching, theft and deliberate grass fires.
- There were reservations in relation to the amount of interference in delivering the park and the impact on wildlife.
- Questions were raised in relation to whether Committee Members and or Officers had visited the permissive footpath on the Ingleby Barwick side and seen the site from that view point. The steepness of that side of the valley was considered a challenge for sheep never mind people. Disabled access would be challenging which was evident from the plans which were showing gaps in the joining up of the DDA paths.
- How would equipment get to the point of bridge construction which would involve the need to negotiate Roundhill Monument.
- In relation to a kick about area which was presumed to be for ball games, this was not considered a suitable location for this type of facility.
- It was suggested that one footpath running alongside the river would be better suited than the number of paths proposed within the application.

The Planning Consultant for the proposed application was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows;

- The application was made in accordance with a S106 agreement.
- Every aspect of the application had been considered by all statutory consultees and all concerns and objections had been addressed since 2016.
- The development would not be an urbanisation but would complement the flagship retirement village and provide an excellent community resource.
- Although the proposed bridge was not to everyone's liking it was part of the S106 agreement.

Officers were given the opportunity to respond to comments/issues raised by Members of the Public. Their responses could be summarised as follows:

- In terms of issues relating to planting, the plans within the main report clearly highlighted the existing vegetation which would remain and the additional supplementary planting which was proposed would enhance the naturalistic feel. There would not be vast removal of landscaping within the area and neither was there any intention to create an urban park. It was explained to the Committee that there had been much discussion with Officers from the Councils Countryside and Green Spaces Team. The park was to continue to be in keeping with the existing state of the Leven Valley.
- In terms of the many footpaths, this was to try to allow for disability access. There was also a retirement village adjacent to the site and therefore it was felt that it was important that those residents residing within that development had the ability to access and get around the proposed site.
- Officers referred to condition 4 of the main report, 'Public Right of Way' and addressed concerns raised relating to the safety risks associated with Leven Bank.
- Officers confirmed that they had visited the site and walked along the permissive path on the Ingleby Barwick side and had visited the Mount Leven site a number of times. The proposed site had been visited recently to allow for photographs to be taken to give an accurate representation of what was there.
- In terms of the clearance height and the bridge, this had been looked at and considered by the Environment Agency and the applicant had provided some revised details to address the original concerns regarding the height of the bridge and any impact it may have on flooding, and was now considered an acceptable scheme.

Members were given the opportunity to make comments / ask questions. These could be summarised as follows:

- It was felt that as a new facility for public and residents this was a positive proposal which had received support from the Ramblers Association. No

comments had been received from Cleveland Police in relation to residents' concerns regarding the site being used as a rat run.

- It was felt that the current natural habitat of the site met the purpose of Green Wedge.
- Questions were raised as to how some parts of the Country Park including access could be made DDA compliant. Due to its steep sides the proposed site was not considered user friendly.
- There were problems at Leven Bank as there were no footpaths and pedestrians would be encouraged to cross this area which raised major concerns.
- Although reassurances had been given in relation to the barge and dredging of the River Tees, any structure across the river could impact on the future proofing of the site for future user groups.
- Questions were raised as to the final bridge design and if this would be an officer delegated decision.
- In terms of parking users of the park would be varied which could include dog walkers arriving by car with nowhere to park and therefore access to the country park was not suitable.
- Comparisons were made to that of Flatts Lane Country Park and Guisborough forest which both had adequate parking facilities available.
- In relation to concerns raised regarding Anti-Social Behaviour, it was felt that the response from Cleveland Police was a little surprising and questioned whether this had been filtered down to the local station.
- Assurances were sought that existing landscaping would not change significantly.
- Questions were asked regarding the car parking availability at Mount Leven Retirement Village in terms of, if the roads were to be privately owned then could the car parking spaces be taken away?

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

- In terms of the bridge design, condition 5 contained within the main report detailed all aspects of construction and 3rd party land, and would not come back to the Planning Committee for consideration. This would be left to officers to discharge the conditions should Members be minded to approve the proposal. Condition 6 contained within the main report dealt with the Management and Maintenance Plan for the footbridge.
- Where access to the facility had been highlighted as a concern, it was a pedestrian facility and therefore there was no vehicle access into the site.
- Officer explained the access through the new retirement village site using the

public right of way would be accessed through Spell Close and bend back around into Leven Bank Road by the housing development.

- There was a series of footpaths which provided access to the country park and in terms of the paths that were to be DDA compliant there was a condition which ensured that those indicated would be. The DDA routes were on the lower levels of the park and snaked back up to where the banks were quite steep which was highlighted within the report.

- Where comments were made in relation to the lack of comments received from Cleveland Police, Officers confirmed that the Police had been consulted however whether this was filtered down to the local station was not known. The usual Procedures were followed during the consultation period and the Police offered no objections.

- The Urban Landscape Manager explained to the Committee that the term Country Park, was a little misleading in some respects as the proposed site was an informal green open space that formed part of the wider infrastructure strategy. The site was not considered a destination site and therefore could not be compared to Flatts Lane Country Park or Guisborough Forest. The proposed site was a walk along the river which would interconnect with a series of parcels of land.

- Car parking had been provided at the Betty's Close Roundhill development in Ingleby Barwick. There was also to be 58 car parking spaces at the Mount Leven Retirement Village which would form part of the retirement village's concept. People would be encouraged to walk to the park and access was safe.

- The route of the Mount Leven Retirement Village was intended to be privately owned in terms of private roads but publicly accessible to get to the park.

- There had been concerns regarding DDA compliance, however after much work with the developer it was demonstrated how it could be achieved, although not for all footpaths.

The Agent was invited to respond to the question raised in relation to the car parking at Mount Leven Retirement Village and the private ownership of the roads on that estate. His comments were as follows:

- It was confirmed that public access would be provided as agreed within the S106 agreement. The public rights of way would be continued along the site. Parking issues were never raised as the proposed site was not considered a destination point.

- The Chief Solicitor for Planning explained to Members that the S106 did have an obligation on the owner of the Mount Leven Retirement Village and the owner of the Country Park to ensure public access at all times and this was a legal obligation and could not be withdrawn without the Councils consent.

- In terms of the landscaping the park was to maintain its naturalist feel and there was a maintenance and management plan which was to be submitted and agreed with the applicant to ensure it was carried out in a sensitive and appropriate manner.

A vote then took place and the application was approved.

RESOLVED that planning application 16/3049/FUL be approved subject to the following conditions and informatives;

Time period for commencement;

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Approved Plans;

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

Plan Reference Number	Date on Plan
1641/001	1 December 2016
1505.51 Rev D	28 March 2018
1505.52 Rev D	28 March 2018
1420.SKBR1C	21 August 2018

DDA compliance of footpaths;

03 Prior to the first public use of the country park, the applicant/developer shall demonstrate through provision of a post construction topographic survey that all Disability Discrimination Act (DDA) compliant routes (as shown on drawings 1505.51 Rev D and 1505.52 Rev D) have been constructed appropriately and comply with the current DDA legislation in terms of line, level and detailed construction. The survey information shall be submitted to and be approved in writing by the Local Planning Authority prior to the country parks first use by the public.

Public Right of Way;

04 Within 6 months of the country park and/or bridge being opened for public use, the applicant/developer shall secure the long-term future of the footpath connection between the A1044 and the proposed footbridge by include the route on the Definitive List of Public Rights of Way.

Pedestrian Footbridge across the River Leven;

05 Notwithstanding the submitted details, prior to the construction of the footbridge or within 6 months of the first use of the country park, whichever is the sooner, full details of the proposed footbridge shall be submitted to and be approved in writing by the Local Planning Authority. This shall include;

- Detailed construction drawings for the footbridge including; foundation details; ramps and other connections to the footpath network (including gradients of max 1:20); clear height above the mean water level;
- Timescales for the delivery, construction and implementation of the footbridge;
- Details of any 3rd party land required to facilitate the construction of the footbridge including copies of relevant legal agreements which demonstrate that the necessary rights have been secured to facilitate the delivery of the footbridge; and

- Details of any 3rd party land required to facilitate the associated connection from the bridge to the adopted highway network within Ingleby Barwick including copies of relevant legal agreements which demonstrate that the necessary rights have been secured to facilitate the delivery of the necessary linkages;

The footbridge shall be constructed in full accordance with the agreed details and timetable for implementation unless the Local Planning Authority give written consent to any variation.

Management and Maintenance Plan for Footbridge;

06 Notwithstanding the submitted information, full details of maintenance and management of the footbridge shall be submitted to and be approved in writing by the Local Planning Authority. The management plan shall include details of how the footbridge will be maintained in perpetuity (including any relevant legal agreements associated with 3rd party land that may be required to gain access for maintenance). This shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the footbridge.

Landscape management and maintenance;

07 No development shall commence until a landscape and public open space management plan has been submitted to and approved by the Local Planning Authority. As well as setting out a timetable for its implementation, the landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The development shall be carried out only in accordance with the approved management and maintenance plan.

Ecology and mitigation;

08 The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the submitted Preliminary Ecological Appraisal; Naturally Wild; November 2016. All work shall be undertaken only in strict accordance with those agreed details.

Invasive species;

08 The hereby approved development shall be carried out in full accordance with the outlined control methods of the submitted 'method statement for the removal of invasive plant species' (Leeming Associates; May 2018).

Development in accordance with Flood Risk Assessment;

09 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) FRA H76324/FRA/001 by NJP Group and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Minimum soffit level of the bridge to be no lower than 8.73mAOD in accordance with Bridge Elevation drawing 1420/SKBR18

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: 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: Environment Agency permit requirements

This bridge will require a permit from the Environment Agency under the Environmental Permitting Regulations 2016. Any works within 8 metres from the top of the riverbank on the River Leven will require further permits.

Please contact NE EPR Permit NE_EPR_Permit@environment-agency.gov.uk for further details and advice.

**P
44/18**

16/3146/OUT

Knowles Farm, Grove Bank, Kirklevington

Outline planning application for erection of 10 no. detached dwellings with associated means of access (demolition of existing farmhouse and outbuildings).

Consideration was given to planning application 16/3146/OUT Knowles Far, Grove Bank, Kirklevington.

Outline planning permission was sought for the erection of 10 dwellings with all matters reserved other than the access which was taken from Knowles Close. The existing farmhouse, agricultural buildings and commercial steel fabrication on the site would be demolished and cease any commercial activity. The agricultural operations would cease and the land be used for the grazing of horses.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the development was an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan. However the guidance in the National Planning Policy Framework makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications were to be considered in the context of the

presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of visual impact and highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

It was considered that in the planning balance, although this proposal was out-with the limits for development, there were no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing.

For the reasons stated above and detailed within the main report it was recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

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

- It was suggested that the proposed application was out of character with the surrounding area and that the proposed houses were felt to form an intrusive view set amongst neighbouring bungalows. It was suggested that the application be deferred and plans be resubmitted with bungalows to be in keeping with the local area.
- Pedestrian safety was highlighted as an issue in terms of footpaths within Kirklevington Village. There was no alternative footpath between the proposed site and the village, therefore primary school children walking to school must use Forest Lane. On exiting from Gove Bank onto the south side of Forest Lane there was a short section of footpath which served the first 5 houses. From 83 to 65 Forest Lane there was no footpath a distance of 180 metres, meaning the road must be crossed where there was a continuous footpath albeit only 600mm wide in many places. At the school entrance the road had to be crossed again.
- The highways statements which had been produced by the applicants traffic consultant, included speed surveys taken on a Saturday in April at midday and at 2.00pm. The figures were not representative of peak a.m. and peak p.m. speeds which would usually be experienced on weekdays. A significant number of vehicles approached the railway bridge to the west of Grove Bank heading in an easterly direction at significantly higher speeds. The road was used as a rat run with speeding vehicles and just recently there had been a road traffic accident which required a number of emergency vehicles.
- It was requested that a condition be added should the Committee be minded to approve the application in order to provide a traffic calming measure in the form of a priority flow zone. It was suggested that the flow zone be sited east to both the exits to Ash Grove and Grove Bank and before the pavement south side of where Forest Lane ended. A safer crossing point would then be

provided.

- With the volume of traffic increasing then the probability of accidents would also increase.

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

- It had taken approximately 3 years to design something that would fit in with the surrounding area in terms of character, layout and highways.
- The site was to consist of dormer bungalows which would follow the flow of existing bungalows, although the application was only at Outline Planning stage with all matters reserved other than access.
- There was to be two affordable homes included in the proposal.
- The Agent considered the proposed application to be much more in keeping with the character of the area when compared to the Banks site for 90 homes which looked compact and had been granted in appeal.
- The site currently had a steel fabrication business operating within the site where daily traffic such as large lorries and customer vehicles would come and go. Should the proposed application be approved then this would remove the commercial entity and therefore reduce the impact of associated traffic within the village.
- The agent had discussed traffic calming measures with the Highways Officers and it had been agreed that the applicant was happy to introduce the appropriate conditions subject to the Councils legal department agreeing to it.
- In terms of amenity, separation distance would be subject to reserved matters.
- All issues in relation to archaeology, flooding and drainage had been addressed.

Officers were given the opportunity to respond to comments/issues raised by members of the public. Their responses could be summarised as follows:

- Where concerns had been raised relating to the character of the development. It was explained that this was an outline application and the plan which was provided within the main report would not form an approved layout and neither had the style of the houses been agreed, these would be dealt with at the reserved matters stage.
- In terms of the existing situation with the footpaths, highways and sustainability of the site, these had been fully considered as part of the accumulative model which had formed part of the Banks appeal, therefore the impact of the 10 proposed dwellings and the removal of the commercial element wouldn't have a significant impact.
- Regarding the traffic calming measures offered by the agent on behalf of the

applicant, this had been brought to officers' attention just prior to the Planning Committee meeting. Officers discussed with the agent that this was not considered a major piece of work, however it was highlighted that neither officers nor the Planning Inspector had requested this mitigation. Should the traffic calming mitigation be requested by members then this would be accepted in principle and subject to ensuring it was safe in highways safety terms particularly in terms of forward visibility. The position of the railway bridge may deem it not acceptable however this would be investigated further.

- Officers explained that they were not aware of a recent accident on Forest Lane.

Members were given the opportunity to make comments / ask questions. These could be summarised as follows:

- Assurances were sought as to the maximum number of dwellings which would be allowed on the proposed development and whether this could be changed at reserved matters.

- Could a condition be applied to ensure the dwellings were bungalows as Kirklevington was short of much needed bungalows?

- Although the traffic calming measures were needed as discussed, this would not address the issues associated with the footpaths and the fact children would still be required to cross roads walking to and from school. It was felt that if bungalows were to be provided then this would go some way to reducing the number of children having to use the footpaths.

- It was suggested that information relating to traffic calming measures specific to the railway bridge on Forest Lane were included under the Heads of Terms, section 'Offsite Highways Works'

- There were concerns raised in relation to the loss of the commercial businesses on the proposed site as this would mean a lack of employment opportunity within Kirklevington, leaving the local pub and garage as the only businesses to offer employment. Reference was made to the Heads of Terms 'Local Labour Agreement' which stated 'that reasonable endeavours to ensure that 10% of the jobs on the development are made available to residents within the Target Areas' this however would only be short lived and for as long as the developments took to complete.

- Officers were asked if they were aware of the rat run within the village and the fact this would be exacerbated with the addition of already agreed and proposed developments.

Officers were given the opportunity to respond to comments/issues raised by members. Their responses could be summarised as follows:

- Officers had been made aware of a potential rat run within the village from Ward Councillors. The link in relation to the potential rat run was Low Worsall Road, however that was not relevant in relation to the proposed application, however officers were prepared to investigate further.

- In terms of the mitigation requested relating to traffic calming measures, officers confirmed that this could be included in a S106 agreement which would follow any investigations that were required regards safety and the location of it. The S106 agreement would include any highway improvements necessary.

- With regards to family bungalows, unless there was specific reasons as to why the development needed to be restricted to bungalows it was not felt that this could be conditioned, however could be looked at further at reserved matters, purely to see if the character of the homes fit in with the local area.

- Where concerns had been raised regarding the loss of commercial enterprise, the applicant had stated that he would give 12 months' notice to the steel fabrication business that was on the proposed site. The site however was owned by the applicant and was not obliged to keep that employment site open, therefore would not be a reason to refuse the application.

A vote then took place and the application was approved.

RECOMMENDATION

That planning application 16/3146/OUT be approved subject to the following conditions and informatives and subject to, the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms as below and also investigate the possibility of introducing a suitable traffic calming scheme and secure through S106 agreement;

01 Approved Plans

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

Plan Reference Number	Date on Plan
1623/007	13 December 2016

02 Reserved Matters - Details

Approval of the details of the Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

03 Period for Commencement

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

04 Reserved Matters - Time Period for submission

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

05 Commercial Operations and Livery

Prior to the occupation of the first dwelling;

- the buildings as indicated to be demolished shall be demolished

- the operation of commercial business, currently known as 'Mayhew Steel limited' shall cease
- the livery shall be relocated to the building as indicated and shall not exceed the stabling of 10 horses at any one time.

06 Discharge of Surface Water

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

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during construction Phase;
- IV. Details of adoption responsibilities;
- V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement.

The development hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

07 Discharge of Surface Water

The development permitted by this planning permission shall be implemented in line with the information contained within the submitted document entitled "Flood Risk Assessment" dated 18th September 2016 reference H76226/FRA001 rev B, prepared by jnpgroup and the following mitigation measures detailed within the flood risk assessment.

- Surface water discharges to the sewer at manhole 4602 at a maximum restricted rate of 5 l/sec.
- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm plus an allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

08 Discharge of Surface Water (Northumbrian Water)

The drainage system to be adopted by Northumbrian Water Limited in relation to the proposed development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated 18th September 2016. The drainage scheme shall ensure that foul flows discharge to the sewer at manhole 4713, and ensure that surface water discharges to the sewer at manhole 4602 at a maximum restricted rate of 5 l/sec.

09 Ecology and mitigation

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the submitted survey (Ref TP-16-01) dated 19 May 2016, undertaken by Naturally Wild. Work shall be undertaken only in strict accordance with the agreed details.

10 Construction Management Plan

No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the routing of associated HGVs;
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

11 Site Construction Access

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

12 Retention of existing trees shrubs hedge

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans (whichever is applicable) a plan shall be submitted identifying the trees and hedges to be retained on the site. All those indicated for retention shall be retained and maintained for a minimum period of 25 years from practical completion of the development. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans Any tree, shrub or hedge or any tree/shrub or hedge planted

as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority

13 Landscaping Plans

As part of the reserved matters application full details of a soft landscape scheme shall be submitted. This should include 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 in the first planting season following:

(i) Commencement of the development;

(ii) or agreed phases;

(iii) 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.

14 Maintenance Softworks

As part of the reserved matters application a soft landscape management shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape management plan shall include maintenance access routes to demonstrate operations can be undertaken from publically accessible land, long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan prior to the occupation of the development or approved phases. 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.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

15 Noise disturbance from adjacent rail traffic:

Prior to the commencement of the first dwelling a noise mitigation strategy based upon the principles contained within the "Noise Survey and Façade Acoustic Design Strategy" by Apex Acoustics dated May 2016 shall be submitted to and approved in writing by the Local Planning Authority for each phase or individual dwelling, as appropriate. The noise mitigation strategy may include specific mitigation measures including but not necessarily restricted to acoustic glazing or acoustic barriers. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures retained throughout the lifetime of the development.

16 Levels

Notwithstanding details shown on the plans hereby approved, prior to any works

commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

17. 10% Renewables or fabric first

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

18. Contaminated Land

Work shall be undertaken in accordance with the recommendations as detailed in the submitted Phase 1 Environmental Desk Study dated June 2016 (ref: 16060) and full details of the additional works required shall be submitted and approved in writing by the local planning authority. Following the implementation of the recommendations of this report, a verification report shall be submitted to the local planning authority.

19. 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. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

20. Construction working Hours

No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

21 Commencement of Work

Work shall not commence on the site until work has commenced on the adjacent site approved under application 16/3035/OUT.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: Working practice

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 seeking revised indicative details and revised information and by the identification and imposition of appropriate planning conditions.

Informative: Reserved Matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details "access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made; "layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development; "appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; "scale" means the height, width and length of each building proposed within the development in relation to its surroundings; "landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Informative: Biodiversity Scheme

As part of any reserved matters scheme, a biodiversity mitigation enhancement scheme shall be submitted and approved. This may include the provision of swallow cups to compensate for the loss of potential nesting sites within the stables and barns due to be demolished

Informative; Shade Parameter plan

A shade parameter plan shall form part of any reserved matters application and should be used to inform the final layout to ensure the amenity of the properties and gardens of existing and proposed homes would not be adversely affected by shading from any existing or proposed planting

HEADS OF TERMS

Affordable Housing

The provision of a minimum of 15% affordable housing to be provided on site.

Education

Contribution for both primary & secondary school pupils based on the council's standard formula.

Offsite Highway Works

The Owner shall enter into a Highways Agreement prior to the Commencement of Development to contribute to the delivery of the Crathorne Interchange Works/Green lane roundabout.

Open Space

Contribution to open space/play facilities in the village

Local Labour Agreement: To use reasonable endeavours to ensure that 10% of the jobs on the development are made available to residents within the Target Areas

**P
45/18**

18/1273/FUL

28 Mark Avenue, Norton, Stockton-on-Tees

Erection of a two storey side extension and two storey front extension

Consideration was given to planning application 18/1273/FUL 28 Mark Avenue, Norton, Stockton-on-Tees.

The application sought full planning permission for the erection of a two storey side extension and two storey front.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the proposed extension was considered to be an appropriate form of development in terms of character, form, scale and siting in relation to the host dwelling and within the context of the wider street scene. Subject to the imposition of a condition for an additional parking space, there were no highway objections and the application was recommended for approval.

It was highlighted that there was a typographical error within the report at paragraph 14 of the Material Planning Considerations 'Character and Appearance' where it was stated that 'would detrimentally' and should have stated 'would not detrimentally'.

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

- Concerns were raised in relation to overshadowing, two photographs were provided by the objector and circulated to Members to help the Committee understand the issues better.

- Reference was made to the House Owner Extension Guide, in particular the

60/45 degree angle of sight and whether this would apply to the proposed application.

- The overall size and style of the development was not considered acceptable when viewed from rear and side elevations.
- The development would visually dominate the outlook from all properties and be detrimental to neighbouring homes and quality of life.
- The proposal was out of character when compared to surrounding properties.
- Parking in the area was mainly on public footpaths making them difficult for pedestrians to access.

Officers were given the opportunity to respond to comments/issues raised by members of the public. Their responses could be summarised as follows:

- It was highlighted that the proposed plan detailed an extension to the side, the front and to the existing rear elevation. The extension was set in from the rear elevation. The applicant was proposing a similar extension to the neighbouring property which was one of the objector's home. The proposed application would have a hip roof as oppose to the neighbouring property which was a flat roof.
- Officers had visited the site and the impact on the vistas from neighbouring properties could be seen on the plan. The case officer had looked at all impacts and concerns and in terms of planning policy and guidance officers were satisfied the proposal would not have a detrimental impact on neighbours when the separation distances, boundary treatments and orientation of neighbouring properties were taken into account.
- Regarding the parking situation on Mark Avenue this had been addressed by a condition to provide an additional parking space at the proposed site, as detailed within the report.
- In terms of 'right to light, this was not a material planning consideration. Loss of light was looked at in terms of 60/45 degree rule however as the extension did not go out beyond the rear it was unlikely that this would contravene that guidance. Officers were satisfied that there was little impact on resident's amenity.

Members were given the opportunity to make comments / ask questions. These could be summarised as follows:

- Concerns were raised in relation to the terracing effect regarding the proposed application and whether this would set a precedent within the vicinity.
- It was felt that the proposal was overdeveloped and out of character with the area.
- There was a lot of existing double extensions on Mark Avenue, therefore how could the current application be refused?
- The number of bedrooms were being doubled from 2 to 4 therefore it appeared

that the house was extending by 50%.

- Questions were raised as to whether existing extensions had sought planning permission, especially those with flat roofs.

Officers were given the opportunity to respond to comments/issues raised by members. Their responses could be summarised as follows:

- Without knowing the full history of every extension it would be difficult to know if every extension did have planning approval. There would have been a point in time when a flat roofing system was acceptable on those kinds of extensions.

- Regarding the terracing policy, developments would normally be asked to be set back particularly at first floor to reduce terracing, however in this instance it was proposed to come forward, due to the position of the garage. A gap between properties was still to be retained and therefore would not create terracing.

- It was felt that there was enough amenity space left for the residents of the development and therefore not considered overdevelopment.

- There had been a number of different styles of extensions approved on Mark Avenue and therefore officers felt it would be difficult to refuse the proposed application on what had already been allowed.

A vote then took place and the application was approved.

RESOLVED that the planning application 18/1273/FUL be approved subject to the following conditions and informative detailed below;

Time period for commencement;

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

Plan Reference Number Date on Plan

SBC0001 1 June 2018

MA 00228 B 3 August 2018

Additional parking space;

02 Notwithstanding the submitted plans the development hereby permitted shall provide an additional car parking space (2.4m wide x 4.8m long) to the front of the dwelling. The parking space shall be in place prior to the occupation of the extension and shall be retained for the life of the development thereafter.

Materials – Render finish;

03 Notwithstanding any description, samples of the exact colour and finish of the render hereby permitted, should be submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the approved details.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: 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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

**P
46/18**

**1. Appeal - P And M Properties - Land West Of Fleet Bridge Road,
Chesham Grove, Norton
18/0216/OUT - DISMISSED**

**2. Appeal - Mr Steve Taylor - Land To The Rear 433 Thornaby Road,
Thornaby, Stockton-On-Tees, TS17 0AB
17/1208/FUL - DISMISSED**

The Appeals were noted.