

Planning Committee

A meeting of Planning Committee was held on Wednesday, 16th December, 2020.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chair), Cllr Jacky Bright, Cllr Carol Clark, Cllr Lynn Hall, Cllr Stefan Houghton (Sub Cllr Tony Hampton), Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Maurice Perry (Sub Cllr Andrew Sherris), Cllr Marilyn Surtees, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Bill Woodhead MBE

Officers: Julie Butcher, (HR, L&C), Stephen Donaghy, Stephanie Landles (DA&H), Elaine Atkinson, Simon Grundy, Martin Parker, Rachel Powell, Peter Shovlin, Sarah Wood (EG&DS), Peter Bell, Nigel Hart, Sarah Whaley (MD)

Also in attendance: Applicants, Agents, Members of the Public, Cllr Mick Moore, Cllr Ross Patterson, Cllr Andrew Sherris, Cllr Alan Watson, Cllr Sally Ann Watson,

Apologies: Cllr Tony Hampton, Cllr Andrew Sherris

P Declarations of Interest

21/20

Cllr Stefan Houghton advised the meeting that he did not have an interest to declare relating to item; 'Allens West Logistics Centre, Durham Lane, Eaglescliffe' but in the interests of transparency he advised that he had been in correspondence with local residents as ward councillor in relation to the item however, was not predetermined and therefore would participate in the discussion and vote on the item.

P Minutes from the Planning Committee meetings which were held 26th 22/20 August and 21st October 2020

Consideration was given to the minutes of the Planning Committee meetings which were held on the 26th August and 21st October 2021 for Approval.

Cllr Lynn Hall asked that the minutes from the Planning Committee dated 26th August 2020 be amended as the declaration declared was personal and not pecuniary.

Cllr Tony Riordan requested that an amendment be made to the minutes of the 26th August 2020 in relation to item; '2 Appeal - Mr Robinson - 2 High Newham Road', as he had requested that once costs for that appeal were known, Officers bring the information back to Planning Committee.

RESOLVED that the minutes be approved as a correct record subject to the amendments as detailed above.

P 20/0279/REM

23/20

**Allens West Logistics Centre, Durham Lane, Eaglescliffe
Reserved matters application for the access, appearance, landscaping,
layout and scale for residential development comprising 845 dwellings.**

Consideration was given to planning application 20/0279/REM Allens West Logistics Centre, Durham Lane, Eaglescliffe.

Outline planning consent was granted in 2013 for 845 dwellings on Allens West

Logistics Centre (11/2842/EIS). The principle of the development had therefore been established.

As part of the outline consent, the applicant entered into a Section 106 Agreement to provide a financial contribution for additional school places and highway improvements and other mitigation.

A number of conditions were also attached to the outline consent covering amongst others surface water management, ecology and contaminated land. These conditions would still be required to be fully met by the developer.

The proposal was considered to be in line with general planning policies as set out in the Development Plan and is recommended for approval with conditions.

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 nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and the layout was acceptable in terms of highway safety and was in accordance with policies in the Development Plan identified within the main report, and therefore the recommendation was to approve the application subject to the conditions set out in the report.

Objectors attended the meeting and given the opportunity to make representation their comments could be summarised as follows:

Considering the proposed development had 845 dwellings which was larger than many neighbouring villages, concerns were raised in terms of sustainability and the lack of community facilities such as retail outlets / community hall etc. Preston on Tees had a greater retail offer with less dwellings. The nearest retail facility could only be reached by crossing a busy road and rail line; therefore, residents would need to use the car to visit the local shop increasing car journeys.

Cycling was not deemed safe in the area due to the busy roads

There was no mention to promote zero carbon nor renewable energy which was considered more important now than it was in 2013 when the development gained outline planning approval.

The Applicants Agent attended the meeting and given the opportunity to make representation his comments could be summarised as follows:

The site had gained Outline Planning approval in 2013.

The site had been vacant for much time and had suffered from vandalism and Anti-Social Behaviour.

In terms of recreation there would be a MUGA, kick about area and improvements to local football pitches.

There would be a mix of high-quality designed houses.

The Applicant had worked closely with the Local Authority and stakeholders and prior to the application public consultation had taken place with residents.

The developers were ready to start demolition in spring.

Objections had been noted from residents some of which had already been addressed at the outline stage of the application.

The scheme would have significant benefits in terms of the provision of affordable housing, Section 106 agreements and employment.

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

Where concerns had been raised relating to the lack of detail regarding energy efficiency, Officers confirmed that the Environmental Office accepted that the proposal complied with ENV1 using the Fabric First approach achieving 10% less carbon.

In terms of a lack of facilities, the applicant had not put these forwards as there was not a mandatory requirement to do so. The site was within the limits to development and would contribute to the number of houses the Council had to deliver in terms of the NPPF. There were a local bus route and train services and existing facilities at Durham Lane shops which were located approximately 800 metres from the proposed site access. It was therefore concluded that this was a prime example of sustainable housing.

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

Members expressed similar concerns raised by objectors relating to the large number of proposed dwellings and the lack of infrastructure. Concerns were also raised relating to contamination on the site and to the additional car journeys that would impact on an already congested road network. In terms of traffic there didn't appear any reference within the report to address these concerns, only a note that the highways design team were satisfied.

Concerns were raised in relation to the additional emergency access point.

A request was made that a detailed traffic management plan be provided prior to a decision being made on the application.

Questions were raised as to whether the road network on the new site would be wide enough to accommodate a bus route?

Concerns were raised in relation to the density of the proposed scheme.

Clarification was sought on the percentage of affordable housing to be delivered as there appeared to be contradictory information within the Officers report.

In terms of the Section 106 agreement a request was made that a breakdown of the Section 106 contribution be provided and what the deed of variation was. It was also requested that the value of the S106 per property be shared with Members. Members also asked whether there were contributions towards local GP surgeries

Members questioned whether the applicant had submitted a viability report and what benefits the developer and the Local Authority would get out of the development.

Attention was drawn to comments made by the Friends of Stockton and Darlington Railway particularly those relating to access paths and cycleways.

The original plans stated there would be two junction access points to the site, however it appeared that one of the junctions had been eliminated. Nearby housing estates with less housing had 2 access points, therefore why did this housing development only now have one and when was the second junction eliminated from the plan.

The position of the current Pylons raised concerns as it appeared that three of them were extremely close to some of the proposed dwellings.

Members sought clarity as to the location of the MUGA and playing fields.

There were playing fields used by local schools close to the Allens West site and parents were using a part of the proposed site for car parking. Members asked if the developer could preserve parking facilities by eliminating three of the proposed dwellings.

In terms of landscaping, Members sought clarity in terms of how many trees and vegetation would be removed and replaced and how much greenery would be preserved?

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

Where concerns had been raised relating to land contamination, conditions had been included detailing that building would not commence until the Environment Agency and Stockton Borough Council had been provided with the necessary reports and were satisfied that conditions had been met. Officers explained that a whole host of investigations had been undertaken to identify the type and levels of contamination, details of which had been submitted to the Environment Agency and the Local Authority. Following Environment Agency advice, building was safe to commence.

Affordable housing would be provided at 15% of the development totalling 126 houses.

The site was sustainable and was within the limits to development with local shops approximately 800 metres from the proposed site. There was good connectivity in terms of bus and rail services close by. The site was in line with government guidelines. The developer was ready to commence in spring 2021, and the development was an important part of economic recovery.

In terms of the impact of the development on the local highway, this was considered at the outline planning stage and considered acceptable as it had extant approval within the developments of Yarm, Eaglescliffe and West Stockton. All those applications had been considered and approved by the Planning Committee and there were no issues in terms impact.

The S106 agreement contributions were provided to the meeting.

The main purpose of the Deed of Variation was to update definitions and increase to today's costings from the original 2013 approval, such as affordable housing and the uplift in costings. The deed detailed carparking improvement, requirements for a cycle crossing at Allens West, education contribution which would be indexed linked to 2013, footpath and cycleway improvement, local transport improvement contribution, originally to provide a bus route, would now go towards bus infrastructure, and also an additional sustainable transport improvement at the train station. Contributions would be made to highways works proposed at the Elton Interchange and Tesco roundabout. A Toucan crossing and public right of way to enhance access to the proposed MUGA and kick about. The highways contribution had increased within the deed of variation. There were also additional contributions made towards other infrastructure.

In terms of how much an S106 contribution was per site, all sites were unique and differed and therefore so did the S106 contribution, therefore comparisons should not be made using a figure per dwelling.

Officers confirmed that there was no S106 NHS contribution as when consulted at the outline planning stage the NHS did not request a contribution.

Two junctions to the site were only ever indicative at the Outline stage and never demonstrated that they would be necessary. At the Reserved Matters stage, it was considered that only one junction was required to serve the site and would work well in all scenarios. There was also a cycle way link at the northern part of site which would also provide an additional emergency services route if needed. Emergency services would be able to access the proposed development via several loops, clockwise and anticlockwise and the assessment demonstrated that the roundabout would work in terms of capacity. The reason for providing the emergency link was that the opportunity presented itself and was something which would future proof the site.

Officer explained that local road network was wide enough to accommodate bus routes and therefore was future proofed.

Where Members had highlighted concerns around pathways and cycle paths, Officers explained that the applicant had extended the safeguarded alignment for the Walking and Cycle Route as far as the overhead power line and that the Friends of Stockton and Darlington Railway were satisfied and welcomed the

proposal.

The Applicant had not submitted a viability report as it was not necessary.

The location and separation distances of the Pylons were acceptable as confirmed with the National Grid.

The MUGA and playing fields were located at the northern end of the site.

In terms of Landscaping, there would be a significant loss of trees however the Local Authority Landscape Architect would look to ensure the correct species and quantity of trees were replaced.

The density of the proposed dwellings was within the acceptable range.

In terms of parking facilities for the playing fields situated near to the development, there was no requirement for the developer to provide this.

Where Members had requested a Traffic Management Plan prior to the commencement of the development, officers confirmed that this had been considered at the outline stage.

A vote then took place and the application was approved.

RESOLVED that: application 20/0279/REM be approved subject to the following conditions and informatives and the completion of a deed of variation to the S106 agreement attached to the outline permission;

01 The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number

TD30/7/PL1 A & TD30/7/PL2

TNA20/7/PL1 D & TNA20/7/PL2 C

TNA30/7/PL1 C & TNA30/7/PL2 A

TND40/7/PL1 C & TND40/7/PL2 A

TNB32/7/PL1 C & TNB32/7/PL2 A

TT36/7/PL1 C & TT36/7/PL2 B

TA34/7/PL1 B & TA34/7/PL2 B

TNT31/7/PL1 F & TNT31/7/PL2 C

TND42/7/PL1 B & TND42/7/PL2 A

TNA44/7/PL1 B & TNA44/7/PL2

TA44/7/PL1 C & TA44/7/PL2 B

This document was classified as: OFFICIAL

TND43/7/PL1 C & TND43/7/PL2

SG:30:T.-

HG:SG.-

GH:G:DGS.-

AW:TSG.-

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AW:LP

ALWE-PHS-XX-00-DR-A-90-010 P31

ALWE-PHS-XX-ZZ-DR-A-20-001 P8 Elevations – HT01

ALWE-PHS-XX-ZZ-DR-A-20-002 P10 Elevations – HT02

ALWE-PHS-XX-ZZ-DR-A-20-004 P9 Elevations – HT04
ALWE-PHS-XX-ZZ-DR-A-20-005 P8 Elevations – HT05
ALWE-PHS-XX-ZZ-DR-A-20-006 P9 Elevations – HT06
ALWE-PHS-XX-ZZ-DR-A-20-007 P9 Elevations – HT07
ALWE-PHS-XX-ZZ-DR-A-20-008 P10 Elevations – HT08
ALWE-PHS-XX-ZZ-DR-A-20-009 P9 Elevations – HT09
ALWE-PHS-XX-ZZ-DR-A-20-010 P10 Elevations – HT10
ALWE-PHS-XX-ZZ-DR-A-20-011 P10 Elevations – HT11
ALWE-PHS-XX-ZZ-DR-A-20-012 P5 Elevations – GR01
ALWE-PHS-XX-ZZ-DR-A-22-001 P12 Floor & Roof Plans – HT01
ALWE-PHS-XX-ZZ-DR-A-22-002 P14 Floor & Roof Plans – HT02
ALWE-PHS-XX-ZZ-DR-A-22-004 P14 Floor & Roof Plans – HT04
ALWE-PHS-XX-ZZ-DR-A-22-005 P14 Floor & Roof Plans – HT05
ALWE-PHS-XX-ZZ-DR-A-22-006 P13 Floor & Roof Plans – HT06
ALWE-PHS-XX-ZZ-DR-A-22-007 P14 Floor & Roof Plans – HT07
ALWE-PHS-XX-ZZ-DR-A-22-008 P15 Floor & Roof Plans – HT08
ALWE-PHS-XX-ZZ-DR-A-22-009 P13 Floor & Roof Plans – HT09
ALWE-PHS-XX-ZZ-DR-A-22-010 P14 Floor & Roof Plans – HT10
ALWE-PHS-XX-ZZ-DR-A-22-011 P11 Floor & Roof Plans – HT11
ALWE-PHS-XX-ZZ-DR-A-22-012 P5 Floor & Roof Plans – GR01
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02 The substations/pumping stations shall only be constructed in accordance with precise details of their appearance shown in layout and elevation on scaled plans that have been submitted to and approved in writing by the Local Planning Authority.

03 All ecological mitigation measures within the submitted ecological reports shall be implemented throughout the development in full accordance with the advice and recommendations contained within the documents.

04 The development permitted by this planning permission shall be carried out in accordance with the mitigation measures within FES Noise Survey: A001132, Issue 9 and the precise boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

05 The allotments shall be provided in accordance with an agreed phasing plan and prior to the use of the allotments an Allotment Management Plan, shall be submitted to and be approved by the Local Planning Authority. The Allotment Management Plan shall set out the usage parameters for allotment holders; boundary treatments / means of enclosure to delineate the individual plots; provision and supply of water to the site; access track into the site including width and surface. The Allotment Management Plan shall be implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

06 Prior to commencement of works adjacent to the railway, a method statement for any excavations and earthworks to be carried out within ten metres of the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority and the works shall only be carried out

in accordance with the approved details. Reason: In the interests of protecting the railway operational needs and integrity of the railway assets.

07 Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (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 unless otherwise agreed in writing by the Local Planning Authority.

08 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front elevation and the highway unless otherwise agreed in writing by the Local Planning Authority.

09 Open access ducting to facilitate fibre and internet connectivity shall be provided from the homes to the public highway.

10 Notwithstanding the submitted information, prior to the erection of any fencing details of the specification for holes in boundary walls and fences at ground level to allow for the movement of hedgehogs shall be submitted to and be approved in writing by the Local Planning Authority. The agreed works shall be implemented in accordance with the agreed details and be retained thereafter for the lifetime of the development.

11 No above ground construction of the dwellings shall be commenced until the Local Planning Authority has approved in writing the details of a soil management plan. The plan shall indicate how soils will be stripped, stored and relocated during the works, to ensure sufficient quality and depths for private and public spaces, and allow successful tree planting in accordance with the agreed soft landscape proposals.

12 Prior to the planting of trees precise details of arrangements for the protection of the adopted highway, from tree root damage where trees are planted within 2m shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Heads of Terms to Deed of Variation

Overall update to include indexation of costs, contributions towards improved parking facilities in relation to Allens West Railway Station and other minor updates or such other terms which may be agreed by the Director of Finance, Development and Business Services.

INFORMATIVES

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 and revised information to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Environment Agency

Note on controlled waters (and regimes we regulate) – Advice to LPA/Applicant
In relation to potential land contamination at the site, please note that we only consider issues in relation to controlled waters and the relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting. For all other matters, please refer to your Environmental Health team.

National Quality Mark Scheme for Land Contamination Management – Advice to Applicant
This development site may be contaminated which may pose a risk of pollution to controlled waters. So far, the applicant has submitted preliminary information in the outline application with further investigation remaining to be carried out.

We would like to raise awareness of the National Quality Mark Scheme for Land Contamination Management (NQMS). The NQMS is a system designed by the industry led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines. The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems. The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies. The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations. Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.

We would recommend that the outstanding assessment are carried in line with the NQMS.

Informative : NWL

We can inform you that a public sewer crosses over the Eastern Boundary of the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

Informative : Network Rail
Network Rail have identified a number of matters in their response which will need to be considered before commencement of work and information for residents on prohibited works and railway safety should be

included in a welcome pack.

Informative : National Grid

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

**P
24/20**

19/0345/OUT

Handley Cross, Leven Bank Road, Yarm, TS15 9JL

Outline application with some matters reserved for the erection of upto 7 dwellings with associated means of access

Consideration was given to planning application 19/0345/OUT Handley Cross, Leven Bank Road, Yarm, TS15 9JL.

Outline planning permission with some matters reserved was sought for the erection of up to 7 dwelling houses. It should be noted that a new Agent and Highways consultant had submitted additional and revised information; however, the application had been considered with all relevant information taken into account.

The application site was outside the limits to development and therefore contrary to the adopted local plan and there were no exceptional circumstances to override this policy.

It was considered that the development would introduce additional built form into the open countryside, eroding its rural character without justification. The development was locationally unsustainable due to the lack of safe footpath links or alternative forms of transport and a safe highways access could not be achieved without a significant adverse landscape and visual impact. In addition, due to the number of trees on site it was considered that the future occupiers of the dwellings would be subject to significant shading.

Objections had been received, along with several letters of support.

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 where development would normally be resisted unless material considerations indicated otherwise having regard to the development plan.

Although there were limited matters that weighed in favour of the development, there would, however, be significant negative impacts arising from the proposal.

For the reasons as detailed within the main report, the scheme conflicted with the development plan when considered as a whole. There were no material considerations, either individually or in combination, that outweighed the identified harm and associated development plan conflicted. It was recommended that the application be refused.

An Objector attended the meeting and given the opportunity to make representation, his comments could be summarised as follows:

The Objector supported the Officers recommendation to refuse the application, particularly due to traffic issues / accidents on Leven Bank. The objector fully supported the comments submitted by Highways.

The Objector highlighted that he and the Applicant had shared access to their properties however the objector had invested £28k creating a new access point to his own home on the grounds of highway safety.

It was highlighted that as part of planning approval the Applicant was to improve broadband provision in the local vicinity, however the Objector informed the Committee satisfactory broadband was already available.

Councillor Ross Patterson attended the meeting and given the opportunity to make representation, his comments could be summarised as follows:

If the proposed development was not granted, then there would be a missed opportunity to make Leven Bank safe for pedestrians and road users as well as future proofing the Bank.

There were frequent accidents recorded on Leven Bank and should this scheme be approved it would help fund additional footpaths and LED lighting making it safer for car users / pedestrians / cyclists and children commuting to and from Conyers Secondary / Sixth Form. With additional houses in Yarm, Ingleby Barwick and West Middlesbrough there would be increased car journeys using Leven Bank as a diversion from the A19, exacerbating the already busy road. There was also a great need to create access points from the A19 Crathorne interchange to Thornaby to help mitigate the issue.

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

In terms of the reasons for refusal due to the development being outside the limits to development, the site was not in the open countryside or isolated. The Site was close to Handley Cross and other large properties. The site was only separated from the conurbation by a line drawn on Leven Bank, which made no sense.

It was felt that departure from SD3 was warranted due to the material benefits that the self-build opportunities would bring.

The Agent disagreed that the site was in an unsustainable location. The site was close to local shops and there was also access to local bus stops. Car journeys would be short and there would be a limited number of cars on the proposed

site.

In terms of the reason for refusal relating to tree shading, it was felt that those who embarked on the proposed self builds would be happy with the surrounding trees. The layout of the site would be indicative and only poor-quality trees would be removed as it was unlawful to remove protected trees. No policies would be contravened.

The Applicants Transport Consultant attended the meeting. His comments could be summarised as follows:

In terms of reasons for refusal 4, the only issues in terms of access was the visibility both left, right and forward. Drawing 4 within the application agreed with Highways in terms of the optimum location for sight lines which could be achieved by re-grading the embankment allowing for better visibility.

Site access met highways requirements, and the existing arrangements for pedestrians and buses were enough to support the additional 7 homes. The applicant had proposed lighting be installed on pathways to create a safer environment for pedestrians, and if footways were narrowed at certain points a continuous path could be achieved. There were currently no safety issues regarding access to the local bus stop.

The Applicants Architect attended the meeting. His comments could be summarised as follows:

The Landscape and visual impact assessment had been prepared in accordance with professional guidelines and would not result in detrimental harm to the area. The character and appearance would not be changed.

The wider landscape and appearance would not be impacted and there would be no impact on path and road users as the development would not be seen.

Only poor-quality trees and vegetation would be removed from the proposed access. Screening would be provided, and more new trees would be planted than were taken away.

The Applicants attended the meeting. Their comments could be summarised as follows:

The proposed site was ideally located to attract investors and provide employment for local people.

Due to the area suffering a broadband blind spot, the Applicants informed the Committee that improved fibre optic broadband would be installed.

Improved footpaths and bat friendly lighting would be installed at the entrance of the site and down Leven Bank.

The dwellings would be well-spaced out, landscaped and would not be visible from the roadside.

The Applicants felt they had to overcome far more obstacles than neighbouring

developments when submitting their application.

Outstanding issues were still to be addressed in terms of third party land ownership and why Officers had not undertaken a survey to prove ownership of the land in question.

It was felt that there was unreliable information in the officer's report and the proposed footpaths were not being considered correctly.

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

The proposed development was contrary to SD3 and outside the limits to development, this was fully explained within the officer's report.

In terms of landscape and visual impact, it was felt that the development would change the rural character of the area. The South side of the area was very different from the North in terms of character.

Officers explained that even if a footpath could be accepted, there would still be parts of the footpath which would not be continuous forcing pedestrians to walk on the highway.

Although officers did not disagree that access to the proposed site could be achieved, it would have a visual impact on the character of the area and require adverse landscaping works to the embankment.

Future residents would suffer from significant shading from protected trees on the proposed site.

Officers explained that the land ownership wasn't a planning matter unless it made the provision of a footpath impossible. There was some adopted highway land between the carriageway and Hedgeside but beyond that was owned by the owner of Hedgeside. Where the highway was adopted the Local Authority owned the top 2 spits, anything beyond the adopted highway was in third party ownership, and in this case, there was not enough width of adopted highway to provide a wide enough path.

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

It was felt there was a lack of safety and security on Leven Bank path however Members believed there was maintenance scheduled later in the year.

Questions were raised in terms of the provision of pinch points on the proposed footpaths enabling the provision of a continuous path.

Clarity was sought as to who the third-party landowner was.

The proposed access onto the proposed site looked tight however could be resolved with modification to the corners of the access to improve visibility.

Members agreed with previous comments that Leven Bank was a busy road

and was often used by road users who were avoiding the A19 either from Thornaby or the Crathorne interchange and that a new access point to the A19 between Crathorne and Thornaby would be desirable to ease traffic.

The Pathways on Leven Bank were not currently considered safe, however if a continuous footpath could be created, then there was a possibility that the school bus service from Ingleby Barwick to Conyers School could be removed. Some Members however expressed that even if Leven Bank was well lit and had pathways both side of the road, not many parents would allow children to use that route to walk to and from Conyers.

Clarity was sought as to what took precedent in terms of SD3 2C, 'provide opportunities for small and medium self-builds' or SD3 4 'no new dwellings in the countryside'

Members asked how much light would be given from the proposed lighting for the footpaths and what the benefit would be?

The application should be refused if outside of the local plan.

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

Where clarity had been sought in terms of SD3 2C and SD 4, Officers would look to see if there were sufficient plots within the limits to development and then consider with a balanced view the harm versus the gains.

There hadn't been a full survey undertaken in terms of what type of lights were required, however ecology survey stated that if lighting was introduced then rare bat breeds would be lost. Also, footfall did not meet policy criteria for lighting.

A vote then took place and the application was refused.

RESOLVED that planning application 19/0345/OUT be Refused for the following reasons;

1. In the opinion of the Local Planning Authority, the proposal is considered to be contrary to Policy SD3 of the Stockton on Tees Local Plan which states that dwellings outside the limits to development will only be supported where they are compliant with the identified criteria as detailed in SD3 (4) which aims to restrict isolated new dwellings within the countryside without justification. There are no special circumstances relating to the proposal to override the policies of the Local Plan and Government policy within the National Planning Policy Framework.

2. In the opinion of the Local Planning Authority, the proposed dwellings outside of the limits to development, would introduce additional unjustified built form into the open countryside, representing an undesirable incursion and eroding its rural character and setting an undesirable precedent for similar unjustified developments and the creation of the access would result in the loss of established trees and vegetation which would have a detrimental impact on the character and appearance of the area contrary to the National Planning Policy Framework, and local planning policies SD5 and SD8, which aims to protect

and enhance the intrinsic character and beauty of the countryside.

3. In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development as the necessary footway and cycleway connections are unachievable, which would require occupants to regularly travel via the private car for employment, retail and recreational purposes and as such would be contrary to the guidance contained within the National Planning Policy Framework and local plan policies SD8 and TI1.

4. In the opinion of the local planning authority a safe site access cannot be achieved for the proposed development without a having significant adverse impact on the character and appearance of the area and therefore the proposed development would have a detrimental impact on highway safety and the free flow traffic contrary to the provisions of the National Planning Policy Framework and local plan policies SD8 and TI1.

5. In the opinion of the local planning authority the development of the site for upto 7 dwellings would provide an unacceptable level of amenity for future occupiers of the site due to the significant shading that would occur from the protected trees; which would then in turn lead to pressure from future occupiers to fell/carry out works to the trees thereby having a detrimental impact on the character and appearance of the area contrary to the provisions of the National Planning Policy Framework and local plan policy SD8 and ENV5.

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**1. Appeal - Mr A Ilies - 30 Norton Road, Stockton-on-Tees, TS18 2BS
19/1261/FUL - DISMISSED**

**2. Appeal - Mr Nigel Williams - 24 Hardy Grove, Billingham
20/0095/FUL - ALLOWED WITH CONDITIONS**

**3. Appeal - Mr Sean Brockbank - 1 Auckland Way, Stockton-On-Tees
17/2004/FUL - DISMISSED**

**4. Appeal - Mr Colin Meek - 14 Sunningdale Drive, Eaglescliffe,
Stockton-on-Tees
20/0450/FUL - ALLOWED WITH CONDITIONS**

**5. Appeal - Cleveland Housing Trust Limited - Sopwith House, Sopwith
Close, Preston Farm Industrial Estate
19/1953/FUL - DISMISSED**

**6. Appeal - Cleveland Housing Trust Limited - Sopwith House, Sopwith
Close, Preston Farm Industrial Estate
19/2652/REV - DISMISSED**

**7. Appeal - Mr & Mrs Mowbray - Coatham Lane Cottage, Coatham Stob,
Elton
19/2324/CPE - DISMISSED**

**8. Appeal - MBNL (EE Ltd And Hutchinson 3G UK LTD) - Oxbridge Lane
Corner Of Phoenix Gardens
Stockton-on-Tees
20/0657/TEL - DISMISSED**

**9. Appeal - Cliff Court (Redcar) Developments Ltd - The Mile House,
Durham Road, Stockton-On-Tees
19/2620/REV - DISMISSED**

**10. Appeal - Mr Stuart Dick - Staypleton House, Parsons Walk, Norton
20/0219/REV and 20/0220/LBC - DISMISSED
COSTS DECISION - DISMISSED**

The Appeals were noted.

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Any Other Business

Members requested that more clarity be provided by Officers in terms of Outline and Reserved Matters planning applications.

Quite often the time lapse from outline to reserved matters applications could take years making it difficult for members when making decisions on reserved matters applications. It was also acknowledged that during long periods of time during the planning process it was not uncommon for changes to occur to the Planning Committee Membership.

It was suggested that Officers highlight with more clarity what had been agreed at the outline planning stage when considering reserved matters, and that updates be brought back to Planning Committee for those applications which had long time lapses between each stage of the planning process.