

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 14th April, 2021.

**Present:** Cllr Norma Stephenson O.B.E (Chair), Cllr Mick Stoker (Vice-Chair), Cllr Jacky Bright, Cllr Carol Clark, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Andrew Sherris, Cllr Marilyn Surtees, Cllr Mrs Sylvia Walmsley, Cllr Sally Ann Watson (Substitute for Cllr Tony Riordan) and Cllr Bill Woodhead MBE, Cllr Mick Moore (substitute for Cllr Steve Walmsley).

**Officers:** Julie Butcher, (HR, L&C), Stephanie Landles (A&H), Helen Boston, Garry Cummings, Simon Grundy, Martin Parker, Rachel Powell (D&BS), Peter Bell, John Devine, Sarah Whaley (MD).

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

**Apologies:** Cllr Tony Riordan, Cllr Steve Walmsley.

### 1 **Declarations of Interest**

For transparency purposes Councillor Sally Ann Watson declared that with regard to agenda item 5 - Eldon House, High Lane, Maltby - Application to fell 1no. Ash Tree subject to tree preservation order 80 (00.8.5.98) although not a member of Maltby Parish Council, she had attended Maltby Parish Council where this item had been discussed. Councillor Sally Ann Watson felt that she was not predetermined regarding the item and she would be involved in any discussion on the item and would vote on the item.

### 2 **Minutes form the Planning Committee meeting which was held on 10th February 2021**

Consideration was given to the minutes of the meeting held on 10 February 2021.

Moved by Councillor Lynn Hall, seconded by Councillor Jackie Bright that the minutes be corrected as follows:-

To add that a member of the committee stated that the application was partly in, or affected, Hartburn therefore the ward councillors should have been consulted

To add the number of representations received for and against the application.

To add that the committee had been advised that if the item was deferred a consequence may be that the HIF Funding may be lost as Homes England anticipated the planning permission to be issued by the end of the next week and may not extend it, but that this should not affect the way members voted

To add the reasons proposed in the motion to defer the item, namely that traffic issues relating to the layout of Yarm Back Lane, the width of the road and the accesses to the site be referred back to Highways to reconsider and the speed limit be referred back to the police to reconsider.

A vote took place and the corrections were not agreed.

Following further discussion, it was felt that each correction should be taken

individually and not as a single decision. The chair revoked the previous decision

Moved by Councillor Lynn Hall, seconded by Councillor Jackie Bright that the minutes be corrected as follows:-

To add that a member of the committee stated that the application was partly in, or affected, Hartburn therefore the ward councillors should have been consulted

A vote took place and the correction was agreed.

Moved by Councillor Lynn Hall, seconded by Councillor Jackie Bright that the minutes be corrected as follows:-

To add the number of representations received for and against the application. A vote took place and the correction was agreed.

Moved by Councillor Lynn Hall, seconded by Councillor Jackie Bright that the minutes be corrected as follows:-

To add that the committee had been advised that if the item was deferred a consequence may be that the HIF Funding may be lost as Homes England anticipated the planning permission to be issued by the end of the next week and may not extend it, but that this should not affect the way members voted

A vote took place and the correction was agreed.

Moved by Councillor Lynn Hall, seconded by Councillor Jackie Bright that the minutes be corrected as follows:-

To add the reasons proposed in the motion to defer the item, namely that traffic issues relating to the layout of Yarm Back Lane, the width of the road and the accesses to the site be referred back to Highways to reconsider and the speed limit be referred back to the police to reconsider.

A vote took place and the correction was agreed.

**3**

**18/2894/FUL**

**Land At Norton Bottoms**

**Retrospective application for the erection of soil aggregates recycling and washing plant facility and associated material storage.**

Consideration was given to a report that detailed retrospective planning application 18/2894/FUL, Land At Norton Bottoms, Retrospective application for the erection of soil aggregates recycling and washing plant facility and associated material storage.

There had been nine objections to the proposed scheme which had been fully considered. The application was in general compliance with national and local policy and there were no significant issues that would render the application to be unacceptable. The application was recommended for approval with conditions.

Planning permission was approved in 1990 for the development of the reed beds which were used to treat effluent (90/0324/P). Planning permission was approved in 2004 for the reclamation of derelict land previously covered by gypsum and general fill, by means of spreading waste soil up to two metres deep (Application 02/1221/P). A later application for the continuation works to complete restoration was approved in 2014 (13/2816/FUL). It should be noted that the works had been completed to a height greater than agreed however it would not be expedient to take action in this instance.

A retrospective application for change of use of land to include installation of 1.4 ha hardstanding for the storage of compost material generated from MBT was approved on the 23rd August 2011 (Application 11/0722/FUL). This permission had expired.

An application for the extension to the restoration activity, underway on Phase 1 to include Phase 2 of the same site was approved on the 7th October 2011 (Application 11/1208/FUL). This application was never implemented and had expired.

An application for the creation of an open windrow composting facility including concrete pad, leachate tank, associated pipework and pumps and storage bunkers created from moveable precast concrete was approved on the 24th March 2016 (Application 15/3036/FUL).

An outline application was received for a for mixed use development comprising 246no dwellings and solar farm. (Application 16/0431/OUT) This application was withdrawn on the 28th February 2017.

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

Neighbours were notified by letter, site notice and press advert. The comments that had been received were summarised within the report and full details were available on the SBC website.

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

The Officers report concluded that the application had been considered and there were no sustainable planning reasons to refuse the development and it is recommended that the application be approved with conditions.

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

- Provided a summary of the application.
- All policy considerations had been considered and the recycling process would continue.
- 10 full time jobs had been created.
- There would environmental benefits to Borough.
- Screening fits in well with the siting and the development is half a mile away from any residential properties.
- Dust control and stockpile hights will be controlled.
- There will be no increase in traffic.

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

- Why is this a retrospective application?
- If there are conditions to protect local residents regarding noise and dust mitigation the application should be approved.
- When was the facility installed?
- Does the authority do spot checks and is there a register?
- There will be a traffic increase.

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

- The application had been in since 2018 but information was required regarding the flood risk.
- The site is being monitored and the Environment Agency do carry out spot checks.
- The plant may run up until 9.00pm but no deliveries of waste were permitted after 9.00pm they are not the permanent hours.
- There were no issues regarding residential amenity.

A vote took place and planning application 18/2894/FUL was approved.

RESOLVED that That planning application 18/2894/FUL be approved subject to the following conditions and informatives:-

#### 01 Approved Plans

The development hereby approved shall be in accordance with the following approved

plan(s);

Plan Reference Number Date on Plan

SBC0001 19 December 2018

17964 F 19 December 2018

18015 C 27 February 2019

001 A 24 June 2019

#### 02 Operating Techniques and Dust Control

The site shall be operated in full accordance with the Management Measures in Section 5 of the EA Permit/Operational Technique report (Operational Techniques - SBL/MP/01). In addition, material stockpiles in all areas on site

should not exceed 3 metres. This includes working areas, storage areas and remedial areas.

#### 03 Hours of operation

The plant shall not operate outside the hours of 0700 – 2100 Monday to Friday and 0700 – 1400 on Saturdays. The plant shall not operate on Sundays or Bank Holidays.

#### 04 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.

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#### **20/2479/X**

#### **Eldon House, High Lane, Maltby**

#### **Application to fell 1no. Ash Tree subject to tree preservation order 80 (00.8.5.98)**

Consideration was given to a report that detailed planning application 20/2479/X Eldon House, High Lane, Maltby - Application to fell 1no. Ash Tree subject to tree preservation order 80 (00.8.5.98).

The Ash Tree was located within the front garden area of Eldon House which fronts on to the main highway running through the village of Maltby. The surrounding area was of a residential nature.

The application sought to fell the Ash Tree on grounds of structural damage to the driveway, footpath, drainage system and gas pipe. A Defect Analysis Report accompanies the application.

The application came before Members as it fell outside of the scheme of delegation, as six letters of support had been received from five of the notified residents alongside the Parish Council contrary to the Officers recommendation.

In the opinion of the Principal Tree and Woodland Officer there was no material change in circumstance since the last application in 2018 which was refused. Advice was given previously and recently reiterated that the tree would benefit from some pruning works.

It was noted that the Defect Analysis Report provided a visual assessment and description of some of the damage to the driveway and nearby boundary wall and made comments with regards the potential for drain damage and interference with the nearby gas pipe. It also stated the visible cracking to the dwelling was not as a result of the tree but was likely a result of thermal shrinkage cracking within the render. The report concluded there was potential for further damage if the tree was not maintained and this reflected the

professional opinion of the Principal Tree and Woodland Officer regarding property maintenance.

Overall, the tree was a prominent healthy tree forming part of the overall character of the village and remains worthy of protection via a Tree Preservation Order. Given that there was no justification for the removal of the tree, it was considered its removal would result in a significant and negative visual impact upon the character of the surrounding area. The existing arrangement of the site would not be able to accommodate the re-planting of a replacement tree.

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

Neighbours had been notified and seven letters of support had been received and the associated comments were summarised within the report.

The Planning Officers report concluded that it was considered that there had been no material change since the last application in 2018 which was refused. In the opinion of the Tree and Woodland Officer, little or no property maintenance had taken place which included a number of issues that can be addressed without having to remove the tree. The previous recommendations regarding pruning the tree had not be considered.

Nevertheless, the tree was a prominent healthy tree and had significant visual impact, it remained worthy of protection via a TPO and its removal would have a negative effect on the general visual amenity of the area. The application was therefore recommended for refusal.

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

- The applicant had lived in house for 16 years and the tree had grown considerably.
- The tree is located between two houses and has damaged the drives. There are gas pipes there that the roots are going on around. The drains also have root damage.
- The applicant had planted 4 trees at back of house to replace benefits of this tree.

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

- In the opinion of principal woodland and tree officer, tree is considered to be in good health, pruning and localised maintenance is needed.
- The drive can be changed to flexi pave or gravel.
- Roots cannot penetrate good drains and repair work to pipes should be considered.

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

- There is a lot respect for tree officer however there had to be a degree of

- common sense with this application.
- If this tree was on highway land the tree would be taken away.
- 2 trees in Yarm where property damaged had occurred were recently removed.
- The tree is on the main road through Maltby and there had been 6 comments in favour of felling the tree.
- There were no objections from local villagers. There had been mention of pruning and crowning topping tree and this could make it bushier.
- The applicant has already planted 4 trees in the back garden to replace this tree.
- Although this tree is large, these trees can grow much bigger and the more you prune the more they grow. The Committee should allow this tree to be felled. Pipes in villages such as Maltby will have old pipes not new plastic pipes.
- The tree officer should attend these meetings when TPO's are being discussed.

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

- Regular maintenance of tree would help manage the situation, the advice in the report spells out some of pruning works could happen close to house.
- By changing the surface material of the driveway would help alleviate the situation as water would be able to get through.

A vote took place and planning application 20/2479/X was approved.

RESOLVED that That planning application 20/24/79/X be approved.

- 5**
- 1. Appeal - Shera Ismail - The Mile House, Durham Road, Stockton-on-Tees  
20/1815/RET - DISMISSED**
  - 2. Appeal - Mr Ian Richardson - Aranvale, Sandy Lane West, Billingham  
20/1982/FUL - DISMISSED**

The appeals were noted.