

Planning Committee

A meeting of Planning Committee was held on Wednesday, 27th October, 2021.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chair), Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Steve Matthews, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Marilyn Surtees, Cllr Mrs Sylvia Walmsley, Cllr Bill Woodhead MBE

Officers: Julie Butcher, (HR, L&C), Stephen Donaghy (DA&H), Helen Boston, Simon Grundy, Joanne Roberts (D o F,D&BS), Sarah Whaley (MD)

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

Apologies: Cllr Steve Walmsley

P Evacuation Procedure

24/21

The Evacuation Procedure was noted.

P Declarations of Interest

25/21

There were no declarations of interest.

P 20/0813/REM

26/21

Land South Of Yarm School Playing Fields East Of The Railway, Green Lane, Yarm

Reserved matters application for the appearance, landscaping, layout and scale for the erection of 100 dwelling houses and associated works.

Consideration was given to planning application 20/0813/REM Land South of Yarm School Playing Fields East of The Railway, Green Lane, Yarm. Reserved matters application for the appearance, landscaping, layout and scale for the erection of 100 dwelling houses and associated works.

Outline planning permission was approved for up to 100 dwellings on this site. The applicant was now seeking to approve the reserved matters for the appearance, landscaping, layout and scale of the 100 dwellings.

There were 14 objections to the application many of which related to the principle of development however given the recent approval for housing on this site the principle of development could not be revisited.

The details had been considered and subject to conditions the proposed scheme was acceptable, and the application was therefore recommended for approval.

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 application be Approved with Conditions for the reasons as detailed within the main report.

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

- Concerns were raised relating to the local highway network, particularly in terms of how traffic would merge safely onto the proposed development.
- The provision of an additional cycle path and pedestrian route to Conyers School was requested.
- A safe crossing area be provided at the Shell filling station from the Kirklevington Grange side for children walking to and from school as well as for pedestrians walking into Yarm.

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

- House types had been amended following discussions with Officers.
- The Committee were informed that in terms of concerns which had been raised relating to the underground drainage pipeline linked to the local prison, it was confirmed that following correspondence with the prison all issues had now been resolved. It was also highlighted that should any other underground infrastructure be found then these would be addressed as required.

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 traffic access to the development, Officers explained this had been fully considered at the outline planning stage.
- A pedestrian route had already been included in the application which ran from the corner of the development and which linked through the back of the houses to Green Lane which provided access to Yarm railway station, Conyers Secondary School and Yarm infrastructure.

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

- Questions were raised as to why a previous application for 300 homes within the same area was refused by the Council however this application had already gained outline planning approval.
- Members expressed disappointment that there were no plans to provide bungalows on the application.
- An improved pathway along the A67 was needed as the current pathway was considered dangerous for children to walk to and from school due to the speed

traffic travelled along that road and also the narrow width of the path. It was felt a cycle path was also required along the A67 although Members had been previously told when considering other applications that this was not feasible on Thirsk Road. A suggestion was made that a 40mph speed limit be introduced and a crossing be provided at the Shell filling station as well as one on Green Lane. Members also requested that the pedestrian route through the site be provided prior to the completion of the development to enable children to access Green Lane safely when walking to school rather than having to walk along the A67.

- A safe crossing on Green Lane would be a major factor and should be delivered prior to the 50th development being completed. Clarity was sought as to whether and when this would be delivered.

- It was requested that a cycle path be provided alongside the pedestrian route within the development.

- It was felt that some developers did not keep their end of the bargain in terms of delivering such things as landscaping when required and only did so when threatened with legal action. It was felt more stringent conditions should be included to ensure developers delivered what they should on time.

- During the early development of the recent Barratt Homes development on Green Lane, there had been nowhere for residents to get off the site on foot to get to school, there were just muddy grass verges which was not acceptable and therefore should not happen with the proposed development.

- Questions were raised as to why House type HT2 which had been identified as an 'affordable dwelling', and likely to transfer to a Registered Social Landlord (RSL), would only have 1 integral parking space, however if the house was privately owned or reverted to being privately owned would require 2 integral car parking spaces.

- Clarity was sought regarding the direction of the drainage of the underground drainage pipe and whether this was east or west of the site from the prison, or both, as there appeared to be reference to both within the Officers report.

- Members highlighted the concerns which had been raised by Network Rail particularly the construction of the large SUDS pond which was near to the railway. Members sought clarity as to who would enforce the construction of the SUDS to ensure Network Rails concerns in terms of rail disruption were not realised.

- The South of the Borough had seen nearly 40% of the total number of homes required by 2032 approved already, and it was felt that it was time the community got something back in terms of improved infrastructure to the highway network. A motion was proposed that such improvements were given at the start of a development and not at the end.

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

- Officers explained to the Committee that where Members had requested

tighter controls over S106 agreements to ensure developers delivered their obligations on time and prior to threats of legal action, was not always easy to do. Officers would analyse and calculate the delivery of such things as landscaping against the impact on infrastructure to make sure that whatever needed to be delivered could be done so safely. Officers were however aware of current issues on other recent Yarm developments and were looking to resolving this. Landscaping could also be held up due to the time of year and the planting seasons.

- In terms of the provision of only 1 car parking space being provided for housing association homes, there was a Supplementary Planning Document (SPD) which the Council had adopted which stated only 1 car parking space needed to be provided for social housing, however, should the house be sold and revert to private accommodation then there was enough space to alter at a later date to provide 2 car parking spaces.

- The Committee were informed that where clarity was sought in terms of the underground drainage pipe from the prison, the drainage recorded at the prison showed surface water to the east of the A67 as being discharged to soakaways and drainage would be unaffected by the development. If any further unrecorded drains or underground infrastructure should be found during development of the site, then this would be resolved with the appropriate authorities. There was a surface water pipe built around 1940's / 50 which had an outfall to woodland. During a site visit by the developer an abandoned head wall was found which had not been maintained for 10 to 15 years, essentially the SUDs pond had been moved. This was surface water only not foul. This surface water would run from prison to the west on to the SUDs of the development.

- The proposed scheme was considered acceptable as there were only 100 homes, not 300 homes as a per a previous application, which would not have been accommodated by the local highway network and infrastructure in terms of safety.

- Officers explained that infrastructure was looked at the outline planning stage, and there had been no requests for additional pedestrian links nor a pedestrian refuge at the Shell filling station roundabout at that time.

- It was highlighted that the access to the development site was likely to be brought forward in terms of delivery.

- The current proposed cycle links through the development were acceptable as detailed within the application.

- Members were informed that S106 triggers which were agreed at outline stage could not be agreed at the reserved matters stage and could only be discussed with the developer outside of this and a requirement for a deed of variation.

A vote then took place, and the Application was approved.

RESOLVED that planning application 20/0813/REM 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 Received
1304-MIL-100C	12 April 2021
1304-MIL-101C	12 April 2021
1304-MIL-102C	12 April 2021
1304-MIL-104C	12 April 2021
1304-MIL-105C	12 April 2021
1304-MIL-106C	12 April 2021
1304-MIL-108B	12 April 2021
NT14881 001D	12 April 2021
1304-MIL-417T801VALT	26 February 2021
1304 - MIL 001	29 April 2020
1304 - MIL 002	29 April 2020
HT2/PD	29 April 2020
302C801V	29 April 2020
304N801V	29 April 2020
305T801V	29 April 2020
307M801V	29 April 2020
410T801V	29 April 2020
411N801V	29 April 2020
415C801V	29 April 2020
417T801V	29 April 2020
419C801V	29 April 2020
500N801V	29 April 2020
501N801V	29 April 2020
BD-01	29 April 2020
SBC0001	29 April 2020
SBC0002	29 April 2020

02 Soft landscaping

Notwithstanding the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree 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.

03 Tree within and adjacent to the adopted highway

Notwithstanding the submitted plans, no development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements

for the planting of Street Trees and protection of the adopted highway from tree root damage. Root barriers will be required where trees are planted within 2m of the adopted highway.

04 Hard landscaping

Notwithstanding the submitted plans, no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

05 Scheme for Illumination

Notwithstanding the submitted plans, prior to the commencement of development full details of the method of external LED illumination:

- (i) Siting;
 - (ii) Angle of alignment;
 - (iii) Light colour; and
 - (iv) Luminance of buildings facades and external areas of the site, including parking courts,
 - (v) Relationship to existing and proposed trees,
- shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

06 Checking survey

Prior to the commencement of works on site a checking survey shall be undertaken in accordance with the recommendations in the submitted ecology report dated 25th February 2021 (Project Number 2760).

07 Car Parking Condition for house type HT2/PD

Notwithstanding the submitted plans, two incurtilage car parking space shall be provided for house Type HT2/PD in accordance with SPD3: Car parking for new Developments

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
27/21**

21/0650/FUL

123 High Street, Yarm, TS15 9BB

Application for change of use of part of ground floor from Residential (C3) to Retail (E) to include alterations to

existing dwelling and outbuildings to create ancillary residential accommodation. Conversion of rear outbuilding to residential annexe to include first floor elevated terrace.

The Chairman of the Planning Committee agreed to hear the officers report, public representations and member debate in relation to items 21/0650/FUL and 21/0651/LBC, as one, as both items related to the same development.

The Planning Officer outlined planning application 21/0650/FUL 123 High Street Yarm, TS15 9BB, which sought planning consent for the change of use of part of ground floor from Residential (C3) to Retail (E) to include alterations to existing dwelling and outbuildings to create ancillary residential accommodation. Conversion of rear outbuilding to residential annexe to include first floor elevated terrace, along with planning application 21/0651/LBC, 123 High Street, Yarm, TS15 9BB which sought listed building consent for internal and external alterations to the listed building.

The main planning considerations for application 21/0650/FUL were the compliance of the proposal with national and local planning policy, the impacts upon the character and appearance of the area, impacts on neighbouring properties, impact on conservation area, highway safety, flood risk, ecology, archaeology and other material planning considerations.

The main considerations for application 21/0651/LBC were the compliance of the proposal with Listed Building Act and the NPPF and whether the proposed works would have an impact on the significance of the heritage assets and its setting, as well as the setting of adjacent heritage assets.

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 application 21/0650/FUL be Approved with Conditions for the reasons as specified within the main report.

The Planning Officers report concluded that it was considered the proposed works for application 21/0651/LBC were acceptable and would not adversely impact on any historic fabric. The proposals were considered to conserve the character, appearance and significance of the building and would not adversely impact on it as a building of special historic interest. The proposals were therefore considered to comply with the listed buildings act and the guidance of the NPPF. It was therefore recommended that the application be approved with conditions for the reasons as specified within the main report.

- Members were presented with an update which since the original report, detailed a revised plan which related to the garden. All reference to works to the

existing boundary treatment had been removed and no longer formed part of the consideration of the application. Consequently, the approved plan condition had been updated as detailed within the update report.

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

- The building did require refurbishment as it had been derelict for several years and could be used for many things however the proposed balcony impacted on the privacy of neighbouring properties, noise and light pollution. One resident had already had to remove their own glass balcony which had been constructed using opaque glass due to overlooking neighbouring properties.

- There were objections to the proposed car park, in terms of who would use it, and that it would increase disturbance, light and noise pollution. Resident's living on the high street were already granted parking permits and there was also Long Stay car parks due to be delivered in Yarm therefore no need for one at the proposed property.

- The commercial premises were to be used to make home brew, however there were objections in terms of odour. In addition, it was also felt the proposed toilet on the plan would be used by customers attending brewery events increasing noise and disturbance.

- Objectors felt that the proposed microbrewery seemed rather large to be a microbrewery.

- There was a lack of detail regarding what events would be held at the brewery, whether large or small, daily, weekly or monthly, any of which would impact on residents on low Church Wynd.

- Questions were raised as to whether the external residential building would be used as a commercial Bed & Breakfast.

- The external building was listed however it was felt that due to its current state it should be demolished and rebuilt, whilst still fitting in with the current surroundings.

- It appeared that there was an application for a gate to be put on a wall which would require permission from Network Rail.

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

- Where objectors had referred to members of the public using the toilet during brewery events, Officers explained that a condition had been included which meant that all ancillary space and entirety of outbuildings would not be used for commercial activity.

- It was explained that the site already had vehicle access and the applicant was seeking to drive into and back out of that space which they did not need to apply for planning permission, therefore concerns raised in terms of car parking could not be considered.

- Officers accepted that the brewery was large however it was making use of an existing outbuilding as well as sustaining a heritage building, it would also benefit from repairs and upgrading.

- The Applicant had confirmed there was no intention to hold events as detailed within condition 3 of the Officers recommendation.

- In terms of the balcony, the projection was originally proposed at approximately at 7.5 metres but had since reduced to 2.4 metres and would have a brick wall to the northern side with a separation distance of approximately 35 metres, to the rear elevation of those properties on Low Church Wynd with a full reclaimed brick screen. Officers confirmed that this had been conditioned to remain.

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

- It was felt that there were several unanswered questions within the report and due to this Yarm Town Council were unable to give their opinion on the application.

- The balcony was a definite issue for neighbouring properties and what was the difference between the balcony on a neighbouring property which had to be taken down compared to the proposed balcony, which was recommended for approval.

- Clarity was sought as to whether there were to be gates on the rear wall.

- Questions were raised as to where the commercial bins for the application would be stored as there was already issues with commercial bins being left out on the high street in Yarm and not stored where they should be.

- Members questioned condition 3 within the officer's recommendation relating to the residential building and whether this would be subject to loopholes, for example, could the residential building be used as a Bed and Breakfast facility, and could the applicant to make sales from the residential property?

- Clarity was sought as to how the car park would be accessed and if it was to be used for residential use only. In addition, it was felt that the passageway opening for vehicles was too narrow as it was not intended for modern day vehicles.

- Concerns were raised relating to whether all Local Authority regulations had been satisfied in terms of odours coming from the brewery.

- Due to the residential property being a listed building it was felt that only materials that were in keeping with the character of the building should be used, in particular where the balcony was concerned, should this be approved, UPVC materials should not be used.

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

- In terms of who would have access to the car park, Officers highlighted that due to the revised plan as detailed within the update report, all proposed boundary treatments had been removed therefore there would be no vehicle or pedestrian access except from the existing access off the High Street.

- There was a condition which stipulated that commercial waste facility must be provided.

- The Balcony had been revised to approximately 2.4 metres and had screening.

- Comments made relating to the neighbouring property which had had an application for a balcony refused which had to be taken down, was a different type of application and each application was considered on its own merits.

A motion was proposed and seconded that the application be deferred to a future meeting of the Planning Committee due to a lack of information.

A vote took place, and the motion was carried.

A motion was proposed and seconded that a site visit be arranged prior to the item being reconsidered at the next Planning Committee meeting.

A vote took place, and the motion was carried.

RESOLVED that planning application 21/0650/FUL, 123 High Street, Yarm, TS15 9BB be deferred to a future meeting of the Planning Committee and a site visit to take place to gather further information.

**P
28/21** **21/0651/LBC**
123 High Street, Yarm, TS15 9BB
Listed building consent to facilitate change of use of ground floor from residential to retail to include associated internal and external alterations.

See Minute above in respect of 21/0650/FUL 123 High Street, Yarm, TS15 9BB

RESOLVED that planning application 21/0651/LBC, 123 High Street, Yarm, TS15 9BB be deferred to a future meeting of the Planning Committee and a site visit to take place to gather further information.

**P
29/21** **1. Appeal - TC Developments (Commercial) Ltd - Former Egglecliffe Library**
Butterfield Drive, Egglecliffe
20/2792/FUL - DISMISSED
2. Appeal - Mr M Hewitson - Westgate Farm, A67 From Uray Nook Road To Airport, Egglecliffe
21/0384/FUL - ALLOWED
3. Appeal - Safraz Hussain - 56 Roseberry View, Thornaby

21/0186/RET - DISMISSED

4. Appeal - Mrs Christina Basford - 90 Greenfield Drive, Eaglescliffe

20/2261/FUL - ALLOWED WITH CONDITIONS

5. Appeal - Mr Chris Milner - 18 Beech Grove, Maltby

20/1850/FUL - ALLOWED WITH CONDITIONS

The Appeals were noted.