

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 3rd August, 2022.

**Present:** Cllr Mick Stoker (Chair); Cllr Pauline Beall (Substitute for Cllr Cllr Marilyn Surtees), Cllr Carol Clark, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley and Cllr Bill Woodhead MBE.

**Officers:** Simon Grundy, Elaine Atkinson, Joanne Roberts (CS,E&C), Julie Butcher, Peter Bell (CS), Stephanie Landles (A&H).

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

**Apologies:** Cllr Dan Fagan, Cllr Steve Matthews and Cllr Marilyn Surtees.

**P Evacuation Procedure**

**15/22**

The evacuation procedure was noted.

**P Declarations of Interest**

**16/22**

There were no interests declared.

**P Draft minutes from the Planning Committee meeting which was held 8th June 2022**

**17/22**

Consideration was given to the minutes of the meeting held on 8 June 2022.

RESOLVED that the minutes of the meeting held on 8 June 2022 be approved and signed by the Chair as a correct record.

**P 22/0477/VARY**

**18/22**

**Yarm School, The Friarage, The Spital Section 73 application to vary condition no2 (approved plans), no4 (landscaping), no6 (ecological mitigation), no7 (Construction Management Plan), no12 (method statement), no13 (archaeological work), no18 (ground conditions) and no25 (contamination) of planning approval 17/2942/FUL - The erection of a footbridge (for school use only) across the River Tees and the formation of grass playing pitches with associated access**

Consideration was given to a report on planning application 22/0477/VARY - 73 application to vary condition no2 (approved plans), no4 (landscaping), no6 (ecological mitigation), no7 (Construction Management Plan), no12 (method statement), no13 (archaeological work), no18 (ground conditions) and no25 (contamination) of planning approval 17/2942/FUL - The erection of a footbridge (for school use only) across the River Tees and the formation of grass playing pitches with associated access

The site was located to the north of the River Tees in Yarm on land within a loop

of the River. The site extended to 14.3 hectares in area and was bound to the north by the village of Egglecliffe and by scrub and grazing land; to the south by the River Tees; to the east by arable farmland and beyond that the River Tees; and to the west by the River Tees and beyond that Yarm School and Yarm High Street.

Planning permission for the erection of a footbridge (for school use only) across the River Tees and the formation of grass playing pitches with associated access was refused by Planning Committee on the 27 February 2018 and the appeal was subsequently allowed (Application Ref; 17/2942/FUL and appeal ref. APP/H0738/W/18/3202662). Work had commenced on site and therefore the permission was extant.

Planning permission was sought to vary the approved plans for the pedestrian footbridge across the River Tees and various changes to the wording of the conditions.

A number of objections had been received in relation to the principle of development and matters which could not be revisited.

The playing pitches had been implemented and were not changing as part of the application. The details that were to be amended was the design of the bridge and the location which was moving 6 metres further South and these were the only issues that could be considered as part of the application. The proposed revisions had been fully assessed and were considered acceptable.

The scheme had been implemented and a number of conditions discharged. Therefore a number of conditions were proposed to be amended to reflect the current situation. These conditions were marked with an asterisk for ease on the report.

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

Neighbours had been notified and 14 letters of objection had been received and the main objections were summarised within the report.

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

The Planning Officers report concluded that the proposed revisions had been considered against national and local planning guidance and the development as proposed was considered to be in line with general planning policies set out in the local plan and was recommended for approval with conditions.

Members were given the opportunity to ask questions/make comment on the report and these could be summarised as follows:-

- The Planning Inspector has allowed this development that falls within Tees Heritage Park. Tees Heritage Park is lauded as a national exemplar yet there have now been many incursions into the Park. We have many policies that talk about preservation, protection, natural environment but they account for nothing. This application is particularly galling is that the decision was made

locally but the Planning Inspector has overturned the decision, this is not local democracy.

- Recommendation 20 is imperative as we have to make sure that pupils must be dropped off / picked up from the existing school site and this must be linked directly to recommendation 19.
- Regarding the construction management plan will the steel be delivered to the school site?
- Pleased that the bridge will now be steel and not wooden and also pleased that the footings are not in the river as that would be disruptive and that the footings are now on the banks of the river.
- Still against using the Heritage Park for school playing fields. The land is not in the ownership of the school.

Officers were then given the opportunity to respond to comments/issues raised and these responses could be summarised as follows:-

- Conditions 19 and 20 will get picked up as part of the school travel plan.
- The Chair of the Planning Committee confirmed that the steel would be floated up the River Tees.

A vote then took place and the application was approved.

RESOLVED that planning application 22/0477/VARY be approved subject to the following conditions and informatives:-

1 Time period for commencement

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

\*2 Approved Plans

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

Plan Reference Number	Date Received
CL/YSP 01C	22 February 2022
CL/YSP 02A	22 February 2022
CL/YSP 04	22 February 2022
D225.D.103A	22 February 2022
D225.L.100D	22 February 2022
D225.L.102C	22 February 2022
D225.L.200F	22 February 2022
D225.L.203D	22 February 2022
D225.L.300B	22 February 2022
D225.P.101C	22 February 2022
D225.P.201F	22 February 2022
D225.P.202D	22 February 2022
DL/YSP 03	22 February 2022
KA2176-001	22 February 2022
KA2176-002	22 February 2022

KA2176-003 22 February 2022  
KA2176-004 22 February 2022  
KA2176-005 22 February 2022  
KA2176-006 22 February 2022  
KA2176-007 22 February 2022  
KA2176-A 22 February 2022  
SD-10.08 22 February 2022  
S-20-039-002 P1 16 May 2022

### 3 Finishing Materials

Prior to any above ground construction works in each phase (as shown on the approved phasing Plan ref. SD-10.08), details of all external finishing materials including surfacing of footpaths and access tracks shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### \*04 Detailed scheme for landscaping and tree

Notwithstanding the submitted information a detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development is commenced on the footbridge Phase (as shown on the approved Phasing Plan ref. SD-10.08). The scheme shall specify types and species, layout contouring and surfacing of all open space areas including details of local plant provenance to improve ecological values and the creation of wildlife corridors. The scheme of landscaping shall also include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection to be used in the course of development (Section 7, BS 5837:2012 or equivalent British Standard if replaced). The scheme shall also show the treatment proposed to all ground surfaces.

The approved measures to protect trees and hedgerows shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

The approved landscaping and planting in the footbridge phase (as shown on the approved Phasing Plan ref. SD-10.08) shall be carried out in the first planting and seeding season following the first use of the development and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

The playing pitches phase (as shown on the approved Phasing Plan ref. SD-10.08) shall be carried out in accordance with the measures outlined within the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, prepared by Elliott Consultancy (ref: ARB/AE/1686). The approved landscaping and planting in the playing pitches phase (as shown on the approved Phasing Plan ref. SD-10.08) shall be carried out in the first planting and seeding season following the first use of the development and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species.

Prior to commencement of any site works, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

#### 05 Construction Hours

Construction works and all associated groundworks, activity and deliveries shall take place only between the hours of 0800 and 1800 on Mondays to Fridays and only between the hours of 0900 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

#### \*06 Ecological mitigation

No development in the footbridge phase (as shown on the approved Phasing Plan ref. SD-10.08) shall commence before a scheme for ecological mitigation based upon the advice and recommendations set out in the Ecological Impact Appraisal, E3 Ecology Ltd Report October 2021, including a timetable for implementation is submitted to and approved by the Local Planning Authority. The approved scheme in the footbridge phase shall be implemented in full and be maintained thereafter.

The playing pitches phase (as shown on the approved Phasing Plan ref. SD-10.08) shall be carried out in full accordance with the submitted Ecological Mitigation Timetable, prepared by E3 Ecology Ltd, dated September 2021.

#### \*07 Construction Management Plan

No development in the footbridge phase (as shown on the approved Phasing Plan ref. SD-10.08) 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:

- the site construction access
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials including any restrictions on delivery times;
- any works/contractors' compound(s) (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and a scheme for the removal of the works/contractors' compound(s) and the restoration of the land on which it is situated.
- the erection and maintenance of security hoarding including any decorative displays and facilities for public viewing,
- measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- measures to control and monitor the emission of dust and dirt during construction;
- a Site Waste Management Plan;

- details of the routing of associated HGVs including any measures necessary to minimise the impact on other road users;
- measures to protect existing footpaths and verges; and a means of communication with local residents.

For the avoidance of doubt there shall not be any temporary buildings or services located within the functional floodplain (Flood Zone 3b). The approved Construction Management Plan for the footbridge phase shall be adhered to throughout the construction period.

The development of the playing pitches phase (as shown on the approved Phasing Plan ref: SD-10.08) shall be carried out in full accordance with the approved Pre-Construction Phase Health and Safety Plan, prepared by CLS Sports, issued October 2021 (revision 5) .

#### \* 08 Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (ref Yarm School Footbridge Flood Risk Assessment Final Report December 2021, JBA Consulting) and the following mitigation measures it details:

- The bridge soffit level shall be set no lower than 9.0 metres above Ordnance Datum (AOD) as highlighted within sections 4.1 and 5 of the FRA

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### 09 Safe Routes

Prior to the first use of the bridge and/or sports pitches, a scheme for the provision of safe route(s) into and out of the site to an appropriate safe haven shall be submitted and be approved by the

Local Planning Authority. The development shall only be used in accordance with the provisions of the approved scheme.

#### 10 Flood Defence Access

Prior to the first use of the bridge and/or sports pitches a scheme for flood defence access shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following:

- Details showing that the existing flood defence on the River Tees will be protected;
- The area surrounding the flood defence embankment will be open and access will be available to the Environment Agency at all times to allow for future maintenance;
- Access to the flood defences will be able to accommodate large and heavy machinery to ensure all types of works are achievable on the flood defence by the Environment Agency's maintenance teams.

The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

#### 11 Piling Works

There shall be no piling activities in the hours of darkness. Reason : To

safeguard the natural environment

**\*12 Invasive Weeds Management Methodology**

The development shall be carried out in full accordance with the approved Invasive Weeds Management Methodology, prepared by TGP Landscape Architects, dated May 2020.

**\*13 Programme of archaeological work**

No development in the footbridge phase (as shown on the approved Phasing Plan ref. SD-10.08) shall take place, until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- i. The programme and methodology of site investigation and recording;
- ii. The programme for post investigation assessment;
- iii. Provision to be made for analysis of the site investigation and recording;
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v. Provision to be made for archive deposition of the analysis and records of the site investigation;
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The footbridge (as shown on the approved Phasing Plan ref. SD-10.08) shall not be used before the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The playing pitches phase (as shown on the approved Phasing Plan ref. SD-10.08) shall be carried out in accordance with the approved Written Scheme of Investigation, prepared by Northern

Archaeological Associates, dated April 2021. The playing pitches (as shown on the approved Phasing Plan ref. SD-10.08) shall not be used before the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archived position has been secured.

**14 Detailed Design of the Bridge**

Notwithstanding the details shown in the approved plans, precise details of the design and design criteria for the bridge shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme.

**15 Hours of Use**

The bridge and playing pitches shall not be used after 1900 hours on any day.

Reason: In the interest of residential amenity

#### 16 Maintenance and management plan for the bridge

A scheme for the maintenance and management of the use of the bridge, to include the hours of use, shall be submitted to and be approved in writing by the Local Planning Authority prior to the erection of the bridge. The bridge shall be used only in accordance with the approved scheme.

#### 17 Management Scheme – Playing fields

Prior to the first use of the playing fields a management scheme to include access to the playing fields and the maintenance access gate at Egglecliffe, management responsibilities, including car parking management, hours of operation and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development.

#### \*18 Ground Conditions

Work shall be undertaken in accordance with the scheme submitted and approved under application 21/1145/DCH. The playing pitches shall be constructed in accordance with the approved scheme.

#### 19 Community use scheme

No playing pitches shall be brought into use until a community use scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to the proposed playing pitches (and associated facilities) and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

#### 20 Yarm School Travel Plan

Prior to the first use of the bridge and/or sports pitches, the existing Yarm School Travel Plan (STP) shall be updated to include information that would be sent in advance to any visiting teams about parking arrangements; Information for parents that outlines that pupils must be dropped off / picked up from within the existing School site; and details of signage and stewarding to control traffic and parking for major events. The updated STP shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development and shall be adhered to thereafter.

#### 21 Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure, field shelters or other ancillary buildings shall be erected or placed on the site.



## 22 External Lighting

No external lighting shall be installed on the site and no floodlights or other methods of illuminating the site shall be erected without the prior written consent of the Local Planning Authority.

## 23 Scour protection

The development of the footbridge in Phase 02 (as shown on the approved Phasing Plan ref. SD- SD-10.08) hereby permitted shall not be commenced until such time as a scheme to ensure that the river banks will be protected from scour has been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

## 24 Life Buoys / Tow Lines

Full details of the number, location and type of life buoy's/tow lines to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the bridge. The life buoy's/tow lines as approved shall be installed prior to first use of the bridge and subsequently maintained.

## \*25 Contamination

No development in the footbridge phase (as shown on the approved Phasing Plan ref. SD-10.08) shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If,

during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the local planning authority.

The works to the playing pitches shall be carried out in accordance with the recommendations set out in the Desk Study and Generic Quantitative Risk

Assessment, prepared by EnviroConsult, dated July 2020. If, during the course of development of the playing pitches, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the local planning authority.

#### 26 Playing Pitch use

The playing pitches shall not be brought into use until the bridge is completed and operational. Reason: To control access to the playing pitches via the bridge.