

Planning Committee

A meeting of Planning Committee was held on Wednesday, 26th October, 2022.

Present: Cllr Mick Stoker(Chair), Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Maurice Perry (Sub Cllr Andrew Sherris), Cllr Tony Riordan, Cllr Marilyn Surtees, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Bill Woodhead MBE, Cllr Barry Woodhouse

Officers: Julie Butcher, Sarah Whaley (DoCS), Stephanie Landles (D o A&H), Joanne Roberts, Sarah Wood (D o CS,E&C), Elaine Atkinson, Simon Grundy (D o F,D&R),

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

Apologies: Cllr Steve Matthews, Cllr Andrew Sherris

P Evacuation Procedure

24/22

The Evacuation Procedure was noted.

P Declarations of Interest

25/22

There were no declarations of interest.

P Planning Protocol

26/22

The Planning Committee Procedure was noted.

**P Draft Minutes from the Planning Committee Meeting which was held 28th
27/22 September 2022**

Consideration was given to the minutes of the Planning Committee meetings which was held on 28th September 2022 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

P 21/2925/FUL

28/22

Erection of 215no. dwellinghouses with associated infrastructure. Mount Leven Farm, Leven Bank Road, Yarm, TS15 9JJ

In the interest of transparency Councillor Tony Riordan informed the Committee that he had been invited to visit the proposed site from a local resident who had made representation with concerns regarding the application. Councillor Riordan had visited the site as a Member of the Planning Committee and stated that he had no official interest in the application.

Consideration was given to planning application 21/2925/FUL.

Outline permission and a subsequent reserved matters application had previously been approved for the provision of a retirement village subject to conditions and a section 106 agreement. That permission had been implemented and it remained an extant consent. The retirement village scheme had 7 villages with 332 retirement dwellings (20% affordable), a 68 bed nursing home and associated community facilities, including a tennis court, bowling

green, community hall and convenience store. In association with the above, an application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge was also approved by Planning Committee on the 26th September 2018 (Application 16/3049/FUL).

The application was a housing commitment in the local plan as housing specific to meet the needs of the ageing population. The land was no longer within the green wedge following the approval of the retirement village.

This application sought planning permission for the erection of 215 dwellings across Village 1, 3, 4 and 5. The proposed application consisted of 180 houses and 35 bungalows which were all proposed as affordable dwellings. An additional 8 affordable properties would be provided elsewhere on site, equating to 20% affordable provision. The current proposals would, however, no longer be restricted to housing specifically for those over 55 as stipulated in the previous retirement village 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 in view of the extant consent for a 'retirement village' on the site, the principle of a form of development had already been established. The main considerations therefore related to the changes in this scheme which affect the product offer (i.e market housing) and change in the extent of built form.

For the reasons outlined within the Officers report, it was not considered that the changes proposed resulted in any significant conflict with the policies of the Local Plan and there were no technical reasons why the proposed scheme was unacceptable and would justify a refusal of the application, therefore the application was recommended for approval.

In addition to the Officers presentation and with the agreement of the Chair, two videos supplied by two members of the public, who attended the Planning Committee meeting, were presented to Members for consideration.

The videos highlighted concerns around visibility, (prior to, and after the installation of the roundabout), speed and how vehicles approached the roundabout on Leven Bank.

Objectors and Supporters attended the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- The proposed application was materially different to the original application, instead of a retirement village for an aging population the new proposal offered open market housing which would require the necessary infrastructure to connect to the wider community.

- The newly proposed development would have a negative impact on the highway network due to the change in occupancy of the proposed properties. This had gone from a unique self-contained retirement village for an aging population with a reduced need to leave the village, to a mix of occupants with a varying age range increasing the need to use the highway network.
- The roundabout on Leven Bank which had been installed following the revised application in 2013 had no pedestrian or cycle facilities as they were not felt necessary for a retirement village due to the proposed onsite facilities and minibus provision for residents. Due to the change from the original restriction that only the over 55's could occupy the site; it was felt that the lack of footpaths and cycleways now made the site unsustainable.
- Members were asked to consider how the roundabout would be used safely by cyclists and walkers, and how a prediction was made as to how future drivers and cyclists would use the roundabout? Until the roundabout could safely accommodate cyclists and pedestrians the application should not be determined
- Why had segregated cycling facilities, as set out in the latest national standard for Cycleways LTN 1/20 not been required for this application?
- Pedestrians only means of accessing Ingleby Barwick was via the roundabout and Leven Bank as there were no other pathways.
- The only footpath from the site with access to the wider community would be provided off Busby Way.
- Access to Busby Way should be installed prior to the occupation of any homes.
- The current bus service was limited in terms of destination and frequency; therefore it was felt an additional bus service should be provided, and be included in a S106 Agreement.
- Access to the bus stop on Leven Bank would be via grass verges and was considered unsafe for residents.
- During consideration of the revised application in 2013 for the retirement village, the Officers report highlighted that the proposed access was substandard, however following the approval of the application against Officer recommendation, a substandard roundabout was installed on Leven Bank. This roundabout could not safely service current traffic.
- Questions were raised as to why the Planning Authority did not require an S106 agreement to provide the necessary infrastructure.
- A member of the public informed the Committee that he had offered a part of his land to enable improvements to access arrangements.
- One objector whose property was in close proximity to the roundabout on Leven Bank explained she only had a limited time to exit her driveway due to visibility constraints. Prior to the installation of the roundabout the objector informed the Committee the visibility from the driveway was way beyond what it

was now.

- It was felt the roundabout was unsafe and an accident waiting to happen, there had already been a few near misses and 1 accident which required an ambulance to attend.

- In terms of transport infrastructure and Sustainable Design Principles; the application was neither TI1 or SD8 compliant, and therefore should be refused.

- Questions were raised relating to the disappearance of the Green Wedge between Yarm and Ingleby Barwick.

- Reference was made to a revised application for the retirement village which was considered at the Planning Committee meeting held on 10th July 2013, which Officers had recommended for refusal. It was highlighted that one of those reasons for refusal was the harm that would arise out of the urbanisation of the land, the coalescence of the settlements of Ingleby Barwick and Yarm and the open character of the site and green wedge. Although the application was approved against Officers recommendation, it was agreed that although the principal of development was accepted the Council should continue to consider the site as part of the green wedge and consider that the land remain designated as such, as the principal of impact was still relevant today.

- Objectors questioned why the current Highways Manager had no objection in terms of the impact on the highway network from future occupants.

- Exiting traffic movements were increasing and drivers were straight lining over the roundabout.

- Would the third access arm on the roundabout be wide enough to accommodate the new development?

- Concerns were raised around the elements of the site which would remain in the hands of a private management company, such as roads, recreation space and SUDS, which would be paid for by residents via a maintenance contract.

- It was asked that planting be secured by a S106 Agreement.

- The application before the Committee was a full application however lacked the necessary detail.

- There was negative visual impact on the neighbouring villages of Yarm and Ingleby Barwick.

- It appeared that the original proposal for the 60-bed care home had gone.

- The originally proposed amenities were not included in the new scheme, and there was only one small grocery shop on the Levendale estate, therefore residents would need to rely on driving or buses to access the wider community and its facilities, therefore the development was not sustainable.

- Concerns around nutrient neutrality were highlighted. It was felt that approximately 13 hectares did not meet nutrient neutrality requirements and

therefore the application should be refused.

- There were concerns around flood risk, particularly the proposed SUDS design which did not meet necessary criteria as detailed in the Ciria SUDS Manual.

- It was felt that the Applicant had not supplied the necessary management plan for drainage for the lifetime of the development, as well as an architect drawing and detailed plans which should have also been provided.

- The Local Flood Authority had stated the development would not increase flood risk, however had not provided any visible evidence to back this up. The River Leven flooded annually on a stretch of land directly below the proposed development and an appropriate design should have been submitted.

- In terms of recreational space, it was felt that there was sufficient space to meet recreational needs however the proposed kick about appeared small.

- If the proposed development did not meet offsite sports provision, then it would not comply to policy ENV6.

- Although public open spaces had been included in the proposed application, confirmation was sought that they conformed to Stockton on Tees Borough Councils Planning Policies and whether conditions were enforceable.

- Separation distances had been missed in the Officers report.

- Clarity was sought in terms of the country park open space and how this now stood in terms of connectivity between the 3 villages and how this would be achieved.

- The application failed to meet layout relating to public open space and therefore should be refused.

- Reference was made to a retirement village at Middleton St George (Middleton Hall) which had far more facilities than the proposed development.

- The proposed development was the least obtrusive within the local area compared to other newly developed sites.

- The roundabout on Leven Bank was by far the more effective and safe method of access and exit to the proposed development. Many of the other recently developed sites in Yarm had T Junction access, which meant residents had to cross major access roads

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

- The Applicant along with Officers had worked hard for 9 months on the proposed development.

- In terms of Green Wedge, the area of land allocated for the development on the Local Plan was not Green Wedge.

- In terms of occupancy, a condition had been replaced which stated that only 1 occupant had to be over 55 years of age which made the development more viable.
- 215 units would be adaptable and accessible, 10% would be wheelchair adaptable which included most of the 35 bungalows.
- The scheme delivered on housing for the aging population.
- The site formed part of the 5-year housing land supply, therefore if the application was not granted then this would not happen.
- The site was capable of delivering on nutrient neutrality
- No objections had been received from any regulatory / responsible authorities. All objections received were from residents.
- The principal of development had already been granted
- There was still potential for the care facility to be delivered at a later stage as the current application was for only 4 of the villages.

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

- The green wedge allocation was removed in 2019 which left an allocated site with green wedge around it.
- The proposed landscape was acceptable with mitigation.
- In terms of privately managed roads / Suds etc, the Council would prefer to adopt although could not insist on this, however it would be covered by a private management company.
- Regarding concerns raised relating to the aging population policy H4 referred to this, accessible and adaptable homes would meet the needs of the future occupants as they got older.
- There were 2 footpaths proposed, 1 though Busby Way, with the consent of the Land being covered by a Grampian condition which would be installed prior to commencement of the development.
- The link to the bus stop on Leven Bank was achievable without the need for access through private and.
- There were S106 contributions to the NHS for access to GP practice on Worsall, Road Yarm.
- Contributions to schools would be made at necessary trigger points in terms of capacity.
- Regards nutrient neutrality, the country park had previously included grazing, however this had now been taken off the land which reduced nitrogen and had

been fully assessed by Natural England.

- In terms of Flooding, the lead local authority had no concerns re flood risk on or off site. The Council just had to prove SUDS would perform and they did.

- The roundabout on Leven Bank had been approved previously with access needing to be agreed. In order to achieve the required access 3 departures were needed with mitigation such as high friction surfaces, speed limits etc, therefore the roundabout was considered safe.

- Footway and Cycleway links would be provided through Busby Way. There were 15 strategic routes, no.13 was from Ingleby Barwick to Yarm, and there was likely to be third party land restriction on that. Busby way provided one direct route to schools and shops.

- Regards links into the site from Busby Way, this was a link into a cul-de-sac therefore the corridor to the site needed to be wide enough to accommodate pedestrians and cyclists but residential roads did not need a segregated cycle way.

- The visibility issues highlighted by one resident from her property to the roundabout, had actually improved, speed restrictions had been introduced to ease concerns and residents on Leven Bank could also use the roundabout to U-turn at the roundabout and turn left into their properties.

- Traffic movements had increased by 36 movements overall which was not considered severe, therefore the roundabout operated within capacity.

- Alternative sustainable links were provided via Busby Way.

- As the consented development provided for an aging population the roundabout had to demonstrate to be safe in highways terms. Safety audits were carried out during construction.

- Current bus stops were within walking distance for a good proportion of the proposed site and there had been improvements made to the site to enable a bus to turn.

- The current bus operator Arriva offered a bus service from Kingsmead in Eaglescliffe to Middlesbrough. Arriva had confirmed only 1 extra loop would be provided for that service which would be at the Allens West development due to the fact that site had over 800 homes and work had commenced on that site.

- The visual impact assessment had been prepared by the Applicant. This had been reviewed by Officers and the representation had presented no issues.

- Officers had asked the Applicant for additional landscape mitigation which had been agreed. The visual impact posed no concerns when compared to the original application.

- The plan indicated that in general a play facilities condition could be achieved as well as a S106 relating to the Country Park delivering recreational facilities.

- The required separation distances had been achieved.

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

- Environmental issues were highlighted in terms of increased traffic, loss of natural country parks and 90% of wetlands etc.
- Leven Bank was a dangerous road.
- Millions had been spent improving roads due to the number of developments in the Borough as well additional developments in Middlesbrough requiring the need for Low Lane to be widened.
- There had been claims that delivery against Local Plans was slowing and in some cases over delivery, therefore this should be looked at as an opportunity to review the Local Plan.
- There was missing information from the application, and as this was a full application should be refused due to being incomplete.
- What were the characteristics / reasons for this development that allowed it to be built on green land?
- Clarity was sought as to whether a capacity assessment re highways had been undertaken at the Shell garage between Kirklevington and Yarm.
- A member of the Planning Committee who had visited the roundabout on Leven Bank, felt that in his opinion the roundabout invited motorists to behave incorrectly. Drivers did not slow down on approaching the roundabout and straight-lined across the roundabout. If drivers crossed lanes on a roundabout during a practical driving test it would be classed as a major fault.
- Concerns were raised relating to accident statistics contained within the Officers report which did not show any evidence that the roundabout was operating unsafely. The videos which had been supplied by local residents disproved otherwise.
- Clarity was sought as to what the definition of an aging population was.
- Confirmation was sought regarding the purchase of the third-party land which was required to allow for access on Busby Way.
- The newly proposed application was completely different to the original, particularly as it was offering marketed homes which could have 3 to 4 cars per home.
- There were concerns in terms of the highway maintenance, recreation sites SUDS etc being maintained by a management company. What guarantees could be given that a private company would not go bust, possibly leaving the Local Authority to pick up the pieces?
- Some Members felt aggrieved that the committee had originally been

presented with a wonderful retirement village however this new application made some feel they had been misled.

- Discussion was had around energy efficiency provision, such as heat pumps etc.
- It was felt by some Members that this newly proposed scheme was more beneficial to the Borough than the original. There was much need for 2 bed properties as well as bungalows.
- Questions were raised relating to the age stipulation that at least one member in each dwelling had to be over 55. Should that resident move or die, would the rest of the occupants have to leave? It was felt that eventually the dwellings would be occupied by young families.
- There appeared to be no reasons why the development should be refused.
- Clarification was sought as to whether there was a condition to prevent the conversion of garages.
- The 35 conditions included within the Officers report were welcomed, however the step change to the original application should be considered.
- Questions were raised relating to S106 trigger points for the release of funds to local primary and secondary schools. The quality of education must be maintained in terms of securing finance from S106 agreements as schools in Yarm, Kirklevington and Eaglescliffe were currently at breaking point.
- In addition, members raised concerns with regards to the formula for education contributions, and the lack of response from Director of Children's Services.
- It was felt that there was a lack of information and unanswered questions relating to Northumbria Water assets such as foul water outlets which required determining prior to approval of the scheme.
- Members raised questions relating to coalescence.

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

- The development was within the permitted limits to development. The development also complied with policy H1 and H4. The Committee were being asked to consider the changes to the application, which primarily was marketed houses.
- In terms of reviewing the Local Plan, there was a process in place which could be looked at regards reviewing the Local Plan which would be in 2024.
- Officers confirmed that a capacity assessment had taken place at the Shell garage between Kirklevington and Yarm, using the AIMSUM traffic model. The worst-case scenario presented itself at the Spital / Leven Road Junction.
- The roundabout operated safely, and the fact vehicles could overrun the

roundabout was accepted as the roundabout was designed for larger vehicles. Once the 3rd arm of the roundabout became operational this would slow traffic, although speeds had been monitored by police which were reported as no enforcement action taken had been against any motorist for speeding.

- Regarding the access via Busby Way, a Grampian Condition was in place with the landowner who would send his application in prior to commencement of the development and the footpath and cycleway link would have to be in place before the first house was occupied.

- Regarding what defined an aging population, there was a S106 which stated any one person in a property qualified as over 55, therefore there could still be a mix of age groups as long as one occupant qualified.

- The homes were accessible and adaptable as well as a number of homes being wheelchair accessible, therefore meeting the needs of an aging population.

- Where reference had been made to the retirement village in Middleton St George it was highlighted that the land for that development had been put aside for an aging population who did not necessarily need to use a car, and which had infrastructure and facilities in place.

- The Head of Legal explained to the Committee that the Council could not insist that the authority adopted roads, recreation sites or SUDS, however, could insist on a management plan. There were also no grounds to refuse the application if certain aspects of the development were to be privately maintained. Residents could however employ another management company should the original not work out.

- The proposed cycle paths were acceptable

- There was still a scheme to be agreed in terms of energy efficiency.

- Officers confirmed that a formula was used to determine education contributions. At the time of the trigger, schools would receive contributions dependent on the number of children requiring school places.

- In terms of the concerns raised relating to Northumbrian Water, the response they had submitted was usual and should assets need diverting then the applicant would have to bear that cost.

- Officers acknowledged the newly proposed application was a step change however the development complied to policy H4 as the development had access to facilities in the wider community.

- Regarding the questions raised relating to coalescence, the development was always going to be part of Yarm.

A motion was proposed and seconded that the item be deferred to enable a site visit to take place.

A vote took place, and the motion was defeated.

A vote took place, and the application was refused.

As the refusal was against Officer recommendations and the reasons for refusal given, by the Committee, were not, in the opinion of Planning and Legal Officers, sufficiently reasonable for that refusal, the Planning Protocol was invoked.

RESOLVED that the planning committee be minded to refuse application 21/2925/FUL, Erection of 215no. dwellinghouses with associated infrastructure. Mount Leven Farm, Leven Bank Road, Yarm, TS15 9JJ for the following reasons, subject to the outcomes of the planning protocol process.

- 1.the development did not meet the needs of the ageing population and the proposal is therefore contrary to policy
- 2.the roundabout was unsafe and unsuitable to serve the development
- 3.the proposal would have an adverse impact on the character and appearance of the area
- 4.the proposal would have an adverse impact on the green space.

P **22/1809/VARY**
29/22 **Land To Rear and Side Of 10 West Street, Yarm**
Section 73 application to vary conditions no2 (Approved Plans) and no6 (Boundary Wall) of planning approval 20/2800/LAF - Construction of 59 no. space public car park with associated external works to include landscaping and boundary treatments. Works to include part demolition of existing buildings including steel framed canopy building and access ramp.

Consideration was given to planning application 22/1809/VARY.

Planning permission was sought under Section 73 to vary 2no conditions from the original permission 20/2800/LAF relating to the construction of 59no. space public car park with associated external works.

Under Section 73 of the planning act, the application sought to vary two conditions relating to condition no2 for the approved plans and no6 for the boundary wall from the original application reference 20/2800/LAF. The main changes to the scheme related to;

- relocation of a pedestrian access to the site's southern boundary wall on Low Church Wynd;
- kerb lines amended to the West Street site entrance to allow for improved visibility when exiting the site;
- eastern boundary wall relocated further east;

- additional structural work to the northern boundary wall and variation in finishing materials.

The main planning considerations of the application were the impacts on the character of the area and impact on the amenity of neighbouring properties.

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 recommended for Approval with Conditions for the reasons as detailed within the main report.

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

- It was felt that the proposed relocation of pedestrian access to the sites boundary wall on Low Church Wynd would change the nature of the Wynd in Yarm. The new access was also too close to a resident's property on West Mews and should have been left where it was.

- There was a lighting column which was too close to a residents' bedroom window.

- It was important that the finishing materials used were the same as what was already there.

- It was requested that the car park ticket machine be moved as it was located too close to a resident's property on West Mews

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

- Officers explained there had always been pedestrian access to Low Church Wynd, the proposal was to just move the access. The access would be built the same as the original.

- The northern boundary wall required remedial work; however, this did not have planning consent which was the reason for the proposed variation. Officers clarified that that the bricks to be used to undertake the work would be as close as possible to the original bricks.

- Officers agreed that they could seek Applicant approval as to the location of the ticket machine. If it was to be moved, then the carpark may need to be trenched as the surfacing had already been laid and the ducting detail would need to be checked.

A vote took place, and the application was approved with an amendment to

move the carpark ticket machine.

RESOLVED that planning application 22/1809/VARY be approved subject to the following conditions and informative and also including additional condition to agree ticket machine location:

1.Approved Plans

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

Plan Reference Number	Date Received
TS10386-03-003F	15 August 2022
221185-SK1 REV 7 (1)	13 September 2022
221185-SK1 REV 7 (2)	13 September 2022
221185-SK1 REV 7 (3)	13 September 2022
221185-SK1 REV 7 (4)	13 September 2022
221185-SK1 REV 7 (5)	13 September 2022
221185-SK1 REV 7 (6)	13 September 2022
221185-SK1 REV 7 (7)	13 September 2022
221185-SK1 REV 7 (8)	13 September 2022
221185-SK1 REV 7 (9)	13 September 2022

2.Variation to condition 2 and 6 only

This approval relates solely to this application for the variation of condition 02 (Approved Plans) and condition 06 (Boundary Wall) and does not in any way discharge the conditions contained in planning approval 20/2800/LAF dated the 2nd June 2021 which conditions apply to this consent.

3.External Finishing Materials

The external finishing materials used within the northern boundary wall at the site as shown on approved plan 221185-SK1 REV 7 (2) shall be similar in appearance and size to that of the existing facing brickwork along the northern boundary wall of the site and shall be retained for the lifetime of the development unless expressly authorised in writing by the Local planning Authority.

4.Additional Screening

Prior to the site being brought into use, a section of trellising or fencing shall be erected in the north west corner adjacent to 8 West Street. Full details of the location and appearance of the trellising or fencing shall be submitted to and be agreeing in writing with the Local Planning Authority. Thereafter, the agreed treatment shall be installed in accordance with the agreed details and shall be maintained and retained for the lifetime of the development, unless otherwise expressly authorised in writing by the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Informative: Northern Gas Networks

There may be apparatus in the area that may be at risk during construction works and NGN require the promoter of these works to contact NGN directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

Informative: Asbestos

All works requiring the removal of asbestos shall be carried out in full accordance with HSE Approved Code of Practise.

**P
30/22**

**1. Appeal - Mr A Pickett - 117 High Street, Norton, TS20 1AA
21/2474/COU - ALLOWED WITH CONDITIONS**

**2. Appeal - J Corner - The Barns, Blakeston Lane, Stockton-On-Tees, TS21
3LE
21/2574/CPL - DISMISSED**

The Appeals were noted.