

Planning Committee

A meeting of Planning Committee was held on Wednesday, 8th June, 2022.

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 Bob Cook (Sub Cllr Marilyn Surtees), Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Bill Woodhead MBE

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

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

Apologies: Cllr Marilyn Surtees

P **Evacuation Procedure**

1/22

The Evacuation Procedure was noted.

P **Declarations of Interest**

2/22

There were no declarations of interest.

P **Draft Planning Committee minutes from the meetings which were held on**
3/22 **16th of February and 16th March**
2022

Consideration was given to the Planning minutes of the meetings held on 16th February and 16th March 2022 for approval and signature.

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

P **22/0275/VARY**

4/22

Land Off Roundhill Avenue, Ingleby Barwick, Stockton-on-Tees
Section 73 application to vary condition no1 (approved plans) of planning
approval 20/2591/VARY

Consideration was given to planning application 22/0275/VARY, Land Off Roundhill Avenue, Ingleby Barwick, Stockton on Tees. Section 73 application to vary condition no1 (approved plans) of planning approval 20/2591/VARY.

The application site was located to the west of Ingleby Barwick. White House Farm and Bala Close lay to the immediate north and were separated from the site by the existing bridleway. To the east lay the rear gardens of the properties forming Marchlyn Crescent and Harlech Court. To the south east lay Blair Avenue and groups of trees, while on the southern boundary of the site lay the residential properties of Nolton Close and Newgale Close.

Outline planning permission and reserved matters had been approved for the scheme and work had commenced on site. The application was approved subject to a Section 106 which included the transfer of Land for open space purposes to Stockton Borough Council which would form part of Tees Heritage

Park with a contribution for its maintenance. Work was ongoing to arrange for the early transfer of the land after appropriate clearance works had been undertaken in relation to the hogweed.

The site had permission for 65 detached dwellings and since the original permission the scheme had changed housebuilder and the eastern portion of the houses had already obtained approval for the new house types.

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 reason(s) as detailed within the Officers report.

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

- Members sought assurance that the hedgerow at various boundary locations at the proposed site would not be destroyed. Members highlighted that other sites across the Borough had seen hedgerows completely pulled out and decimated and requested that conditions in this instance were water tight.

- Clarity was sought as to who would own and maintain the hedge going forward?

- Members also queried the benefits hedgerows provided in terms of acoustics whilst sites were being developed.

- Members highlighted issues relating to drainage. Members referenced issues which had arisen at recently developed sites in Yarm where it had been reported that SUDS ponds at the Tall Trees site were a mess and resembled waste land. This had prompted residents to withhold maintenance payments to the developer due to the poor state of the land.

- Concerns were also raised relating to the possibility of flooding due to recent flooding at Worsall Road.

- Questions were raised regarding surface water drainage conditions if they addressed issues relating to nitrate neutrality.

- When the proposed site was originally considered at Planning Committee it had been agreed that there was to be a financial contribution to build affordable houses off site, however this application to vary the layout detailed a parcel of land to be donated to the Council. Clarity was sought in terms of whether the land was to be in lieu of the contribution to affordable houses, or would the Council benefit from both contributions.

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

- In terms of hedgerows Officers explained that updated plans had been submitted showing the retention of the hedgerow to the west alongside the open space which was to be transferred to the Council. The hedgerow to the north and east along on the PROW was to be retained and cut back in the proposed garden areas. The hedgerow to the south was to be cut to the boundary to allow for the proposed public right of way, some of the work had been undertaken with the agreement of the Council Landscape Officer. A condition was recommended to ensure that a member of Stockton Borough Council was present when work was undertaken in this area to agree the extent of the works required which would be kept to a minimum and retain as much hedgerow as possible. In terms of ownership and maintenance of the hedge, Officers felt this would form part of the landscape management plan however would have to confirm this.

- In terms of acoustic benefits from hedgerows, Officers explained that due to hedgerows being deciduous and not being able to provide acoustic benefits all year round, any benefit gained could not be considered.

- With regards to concerns raised relating to drainage, there were conditions agreed at the outline planning stage, final details were still to be confirmed.

- The affordable housing contribution was still part of the original approved application, the only thing that had changed was the builder and house types.

- Officers explained advice surrounding nitrate neutrality was still to be finalised and Local Authorities were still awaiting guidelines, until more information was available, conditions in terms of drainage would not be released and applications were being paused until Officers could determine if there would be any kind of impact. The Council had a legal duty to ensure the SPA was not affected therefore Counsel opinion was being sought as well as guidance from Natural England.

A vote then took place and the application was approved.

RESOLVED that planning application 22/0275/VARY be approved subject to the following conditions and informatives;

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

Plan Reference Number	Date Received
5198/SL/V3/01D	17 May 2022
AV22/BIL/0-001C	1 February 2022
AV22/BIL/0-002B	1 February 2022
AV22/CAD/0-001B	1 February 2022
AV22/CAD/0-002B	1 February 2022
AV22/COO/0-001C	1 February 2022
AV22/COO/0-002B	1 February 2022
AV22/DAR/0-001C	1 February 2022
AV22/DAR/0-002B	1 February 2022
AV22/HOR/0-001C	1 February 2022

AV22/HOR/0-002B 1 February 2022
AV22/OAK/0-001B 1 February 2022
AV22/OAK/0-002B 1 February 2022
AV22/THO/0-001C 1 February 2022
AV22/THO/0-002C 1 February 2022
AV22/WEN/0-001B 1 February 2022
AV22/WEN/0-002B 1 February 2022
AV22/LEY/0-001B 16 May 2022
AV22/LEY/0-002B 16 May 2022

02 Landscaping to the southern boundary

Notwithstanding the submitted plans, prior to works commencing on the existing hedge to the southern boundary, the developer shall contact Stockton Borough Council to arrange a site visit to determine the extent of trimming works to facilitate the footpath. Works shall be undertaken in accordance with the schedule as agreed on site.

03 Surface of the bridleway

Prior to works commencing on the public right of way, full details of the bridleway surfacing shall be submitted and agreed in writing to the local planning authority. Works shall be undertaken in accordance with the approved details.

04 Ecological Checking Survey

Prior to the commencement of any site works in this phase, a checking survey for the presence of protected species and suitable habitat shall be undertaken and appropriate mitigation measures, if different from the original survey, shall be submitted to and approved in writing by the local planning authority. Site works shall be carried out in complete accordance with the updated survey unless otherwise agreed in writing by the local planning authority.

05 Hedgehogs Fencing;

Notwithstanding the submitted, holes shall be installed in boundary walls and fences at ground level to allow for the free movement of hedgehogs and be retained thereafter for the lifetime of the development.

06. Permitted Development Rights means of enclosure

Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order), unless shown on the approved plan (BDV.38.02 A) no gates, fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling which the curtilage of the dwelling fronts or abuts.

07. Undeveloped Land

Should the housing development to the south of the pumping station be completed and a permission not be obtained for the land identified for future development, a scheme for the use of this land as open space shall be submitted and approved in writing by the local planning authority. Work shall be undertaken in accordance with the approved details.

INFORMATIVES Informative: Working Practices The Local Planning Authority

has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Northumbrian Water A number of public sewers and sewerage rising mains cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Informative: Contaminated Land All materials re-used or imported to site should follow the CL:AIRE 'Code of Practice' (CoP) and Aggregate quality protocols to include an approved Material Management Plan (MMP). No material other than those classified as 'inert' should be brought onto site and are subject to these protocols. Any materials re-used on site must also be subject to WAC testing. This is to ensure all materials imported follow the correct material management protocols, are suitable for re-use and do not cause contaminative risk to site users.

**P
5/22**

21/1772/RET

Nanas Field Nannas Field, Aislably Road, Aislaby Near Yarm Stockton On Tees TS16 0JJ

Retrospective application for access track road and change of use of land from agriculture to leisure and educational use.

Due to unforeseen circumstances the Applicant was unable to attend the Planning Committee meeting and had requested that Members considered deferring the item to a future meeting of the Planning Committee to enable her to make representation.

A motion was proposed and seconded that the item be deferred to a future meeting of the Planning Committee.

A vote took place and the motion was carried.

RESOLVED that item 21/1772/RET Nannas Field, Aislaby Road, Aislaby, Yarm, Stockton on Tees TS16 0JJ be deferred to a future meeting of the Planning Committee for the reasons as detailed above.

**P
6/22**

22/0541/RET

Retrospective application for the erection of ancillary building to rear garden.

8 Fox Covert Close, Wynyard, Billingham

Consideration was given to planning application 22/0541/RET Retrospective

application for the erection of ancillary building to rear garden. 8 Fox Covert Close, Wynyard, Billingham.

This was a retrospective application for the erection of an ancillary outbuilding to the rear garden. The outbuilding measured approximately 7.36m x 6.36m with a height of approximately 2.56m (measured from the highest point of the garden adjacent to the building). At the southern elevation, the height was approximately 2.66m due to the slope of the garden. The outbuilding included a raised decking area to the front which included a hot tub. Internally there was a gym, play area, bar and seating area.

The application was required to be determined by the Committee in accordance with the scheme of delegation as the occupier of the application site was related to a member of staff within the planning department.

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 Officers report concluded that the application sought retrospective planning permission for the erection of an outbuilding in the rear garden of 8 Fox Covert Close, Wynyard. The outbuilding was a modern design providing additional ancillary living space for the occupiers of the host dwelling. On balance, the style, proportion and materials were not considered to introduce an incongruous feature into this modern development. Taking into account the remaining amenity space, it was also not considered as overdevelopment of the site.

In respect of the impact on the amenity of neighbouring properties, the development caused some loss of privacy to neighbouring properties to the south, however this was not considered to be so significant, to warrant refusal of the application in this instance. It was also considered to not cause a significant loss of amenity in terms of overbearing or overshadowing impact of neighbouring properties.

The outbuilding by virtue of its scale, proportions and design, was not considered to cause a detrimental impact to the character and appearance area. Furthermore, in respect of residential amenity, the outbuilding did not cause a significant loss of amenity or privacy to neighbouring properties.

In view of the above, it was therefore recommended that the application be approved subject to those conditions set out within the report.

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

- It was felt that the Applicant had shown a total disregard to the planning process, impact on neighbours and the covenant by already having constructed the building prior to applying for planning consent.

- One objector explained to the Committee that they had lost all privacy within their home which included the kitchen, living room, garden etc. The structure was imposing and should be removed.

- The building took up 50% of the applicant's garden, and water dripped from the buildings leaking guttering into the objector's garden. In addition, people could be seen at chest height from the objector's garden when stood on the raised decking of the building.

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

- The Applicant explained that he was new to the planning process hence the retrospective application.

- The Applicant gave a potted history as to why he had built the structure explaining that he wanted to provide additional living space that provided the family with all year-round use. The gym helped with mental health and well being and the hot tub provided hydrotherapy. The Applicant highlighted that there was not a bar in the building, just a mini fridge.

- Members were informed that the applicant took care with the layout of the building and with the materials he used. The land in the garden was raised and the raised deck that had been installed provided privacy.

- Although it had been highlighted by objectors that there was an issue with drainage onto their property, the applicant refuted this.

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

- It was highlighted to the Committee that they needed to consider if action was required, and it was important to note that the removal of the structure was not possible. The building would be permitted if the height was reduced by 6cms. The worst-case scenario was the applicant would be asked to reduce the roof. In terms of the decking, due to this not exceeding 30cms in height, no action could be taken as it was within permitted development. Where concerns had been raised regards overlooking, it was accepted that there was an increase in overlooking from the decking due to the garden being slightly raised however it was common that modern development sites had a degree of being overlooked.

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

- A suggestion was made to increase the height of the fence to mitigate against overlooking.

- It was felt this was a backyard development.

- Members asked that had planning permission been applied for prior to the build, what changes would have been made as the current building appeared to contravene site lines, therefore would the height and closeness of the building

have been changed?

- It was felt there was a loss of privacy for neighbouring properties.
- Members asked if anything could be done about noise, particularly from guests socialising etc?
- Questions were raised as to the location of the chimney.

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

- In terms of permitted development as an outbuilding it did meet the criteria as you can build an outbuilding which occupies 50% of the boundary. Officers did accept the building was 6cms above the permitted 2.5 metre height. The site was a sloping site therefore the maximum height was taken from the applicant's house not the neighbouring residents height due to sloping land. The building was primary accommodation as the applicant had explained and therefore required planning permission, however if the height had been reduced and internals changed, and the building was then considered to be incidental then planning permission would not be required. If the application had been submitted prior to the build officers would probably not have changed a lot. The decked area also did not meet maximum height therefore was considered permitted development.
- Regards the suggested increase to the height of the fence, Members could propose this should they be minded; however, this could be detrimental to other neighbours. The Applicant would also have to be consulted to determine if he was happy to do this followed by consultation with neighbours, however officers did not believe an increase in the height of the fence was necessary
- Officers did not feel that there was a significant loss of privacy and amenity as modern estates do have an element of overlooking and therefore wouldn't have warranted refusal.
- Regarding questions raised relating to site lines, officers explained the distance from the boundary was 36cms therefore no overhang. There was no standard re boundary distance, just height. If the Building was further away it could have been higher.
- Officers had considered the impact of noise, however residents patios / gardens could be noisy and therefore officers had looked at noise from that aspect. There was, in planning terms an accepted level of noise activity and it was not considered to be significantly different to an outside BBQ / decked area or any other garden activity. Members also heard that consideration had been given to the noise coming from the hot tun heater, however, as the hot tub was enclosed there would be no additional noise issue as it was within a structure.
- In terms of the chimney as long as it complied with necessary criteria then planning permission was not required.

A vote took place and the application was approved.

RESOLVED that planning application 22/0541/RET be approved subject to the following conditions and informatives:

Approved plans

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

Plan Reference Number Date Received

SBC0001 28 February 2022

2021/09/01A 28 February 2022

2021/09/02D 21 April 2022

2021/09/03C 28 February 2022

2021/09/04B 28 February 2022

Use of the building

02. Notwithstanding any description contained within the application, the hereby approved development shall be solely used for purposes connected to the enjoyment of the occupants of the residential dwelling at 8 Fox Covert Close, Wynyard, Billingham, TS22 5TT and for no other purpose and shall remain part of a single planning unit.

INFORMATIVES 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; Smoke Control Although the property is not within a smoke control area we would informally request that the occupant complies with the following information in order to minimise the likelihood of complaints regarding smoke emissions:

- Burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>
- Install a DEFRA approved appliance; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.