

Planning Committee

A meeting of Planning Committee was held on Wednesday, 16th February, 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 Marilyn Surtees, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Maurice Perry (Sub Cllr Bill Woodhead MBE)

Officers: Julie Butcher, (HR, L&C), Stephanie Landles (DA&H), Elaine Atkinson, Simon Grundy, Joanne Roberts (D o F,D&BS), Sarah Whaley (MD)

Also in attendance: Applicants Agents Members of the Public

Apologies: Cllr Bill Woodhead MBE

P **Evacuation Procedure**
52/21

The Evacuation Procedure.

P **Declarations of Interest**
53/21

The were no declarations of interest.

P **Draft Planning minutes from the meetings which were held on 24th**
54/21 **November and 22nd December 2021**

Consideration was given to the minutes of the Planning Committee meetings which were held on 24th November and 22nd December 2022 for approval and signature.

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

P **21/2560/FUL**
55/21 **Co Operative Food Store , High Street, Norton**
Demolition of the existing building and erection of new food store (Use
Class E) with associated car parking
and landscaping.

Consideration was given to planning application 21/2560/FUL, Co Operative Food Store, High Street, Norton. Demolition of existing building and erection of new food store (Use Class E) with associated parking and landscaping.

Planning permission was sought for the demolition of the existing food store at the rear of the High Street in Norton which was orientated in a west to east direction, and the provision of a new store with a North-South orientation adjacent to Billingham Road.

The replacement store would be of a modern design but would incorporate areas of render and red brick to reflect the character and appearance of the surroundings and wider conservation area including those existing buildings on Billingham Road. The existing access from the High Street would be retained and the service access from Billingham Road would also be available for use by customers.

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 specified within the main report.

The Principal Planning Officer informed Members that since the original report further letters of support had been received and 1 letter of objection. It was also noted that an amendment had been made to condition 2 'Approved Plans' where plans had been removed regarding lighting.

The Officers original recommendation remained unchanged.

Ward Councillor for Norton North, Cllr Steve Nelson attended the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- Cllr Nelson informed the Committee that he was also speaking on behalf of Ward Councillor for Norton North Cllr Lisa Evans.
- The majority of residents had shown support for the application however there had still been legitimate concerns which appeared to have been addressed.
- Cllr Steve Nelson gave his assurance that Ward Councillors would endeavour to make sure the conditions outlined within the report were adhered to should Members be minded to approve the application.
- The regeneration of the proposed site would complement a new highways proposal at the southern end of the village, and the service access road from Billingham Road would also provide access to the medical centre.
- There was a 90-minute parking scheme proposed for the supermarket car park which would also allow patrons to use the car park for accessing other shops / businesses not just the proposed Lidl. Lidl had also confirmed they would not implement an electronic parking scheme.

Ward Councillor for Norton South, Cllr Bob Cook attended the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- Although the proposed application site was in Norton North, the proposal had the biggest impact on those residents' opposite on Billingham Road which was situated in Norton South.
- The main objection wasn't the supermarket itself but the positioning and orientation of the build. Residents on Billingham Road had been looking out at

an open aspect for over 25 years, now they would be looking at a brick wall.

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

- It was stated that a number of residents had originally supported the application however were now objecting to the ridiculous anticlockwise access which posed a danger for pedestrians approaching the new site from Tesco.
- Although the proposed parking arrangements appeared to be positive, there was still a lack of permanent parking. It was highlighted that there was a chunk of scrap land used for recycling behind the proposed site which would be suitable for a permanent car park. A request was made that the Council look into acquiring it.

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

- The Applicant's Agent confirmed the informal agreement in terms of patrons using the Lidl car park to visit other shops / businesses within Norton, however this would be monitored to ensure it wasn't abused.
- There was an ongoing commitment from Lidl in terms of multimillion pound investment in the area supporting economic growth.
- There had been no objections from Regulatory Authorities.
- The site was a long-established site with a shop.
- The scheme was policy compliant.
- The building had been carefully designed and was environmentally friendly with solar panels.
- As well as letters of objection many letters of support had also been submitted.

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

- Officers acknowledged the main area of concern was the impact on the residents of Billingham Road, however the boundary concerned would be planted up. The back of the building would be landscaped and screened, and additional landscaping had been asked for, therefore this would not be reason for refusal.
- Regarding suggestions that the council purchase the land at the back of the proposed development, Officers informed the Committee that this land was privately owned therefore was not a council issue.
- In terms of issues raised relating to highways, the Transport Strategy and Road Safety Manager explained that although the existing access was considered unconventional it had existed for such a long time therefore there was no requirement for Officers to object to that which was already well established. There was also improved access to the medical centre, with all

traffic movements from the Billingham Road access eliminating the need for 'U' turns.

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

RESOLVED that planning application 21/2560/FUL be approved subject to the following conditions and informatives;

01 Time Limit

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

02 Approved Plans

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

Plan Reference Number	Date Received
005 Access Arrangement	4 February 2022
08237-ZZ-XX-DR-A-910309 S3 P2 R-2529-1D	24 January 2022 24 January 2022
08237-SPACE-ZZ-00-DR-A-010001-S3-P7	20 December 2021
08237-SPACE-ZZ-RF-DR-A-010001-S3-P7	20 December 2021
08237-SPACE-ZZ-XX-DR-A-020001-S3-P6	20 December 2021
08237-SPACE-ZZ-XX-DR-A-910009-S3-P2	20 December 2021
ZZ-XX-DR-A-900001 S3 P1	1 October 2021
ZZ-XX-DR-A-900002 S2 P1	1 October 2021

03 Materials

Construction of the external walls shall not commence until details of the brick and colour of render to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

04 Means of Enclosure

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, (whichever is applicable) prior to the installation, details of any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

05 Soft Landscape Management and Maintenance

Construction shall not commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority. The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publically accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by

the Local Planning Authority. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

06 Protection of Trees –Adherence to Recommendations

The arboricultural information submitted in support of the application shall be adhered to in full, and shall be subject to tree protection monitoring and site supervision undertaken by a suitably qualified tree specialist.

07 Disposal of foul and surface water

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

08 Travel Plan

Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- i. the appointment of a travel co-ordinator and contact details
- ii. a partnership approach to influence travel behaviour
- iii. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- iv. Modal split targets and measures to achieve these targets, which must be SMART: Specific Measurable, Achievable, Realistic and Timebound;
- v. Details of when the Travel Plan is to be monitored and reviewed including timescales for when travel surveys are to be carried out.
- vi. Details of the Welcome Pack provided to staff.
- vii. provision of up-to-date details of public transport services
- viii. continual appraisal of travel patterns and measures provided through the travel plan
- ix. improved safety for vulnerable road users
- x. a reduction in all vehicle trips and mileage
- xi. a programme for the implementation of such measures and any proposed physical works

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

09 Construction and Demolition Management Plan;

No demolition shall commence until a Construction and Demolition Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall provide details of:

- (i) the site construction access(es);
- (ii) the parking of vehicles of site operatives and visitors;

- (iii) Storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- (v) measures to control and monitor the impact of noise, vibration, dust and dirt during demolition;
- (vi) Wheel washing facilities and measures to control and monitor the omission of dust and dirt during construction
- (vii) A Site Waste Management Plan
- (viii) details of any associated movement of material within or off the site;
- (ix) details of any surfacing treatments (including temporary measures post-demolition
- (x) measures to protect existing footpaths and verges).

10 Cycle Parking

The cycle parking spaces to be provided shall be in accordance with the design advice contained within Supplementary Planning Document 3: Parking Provision for Developments. The cycle parking facilities shall include :

- secure cycle parking provision for visitors
- secure and weatherproof cycle parking provision for staff
- secure motor cycle parking for staff and visitors.

The cycle parking facilities approved shall be provided prior to the building being occupied and be retained thereafter.

11 Car parking Lighting Columns

Prior to installation, full details of the proposed lighting columns shall be submitted and approved in writing by the local planning authority. Work shall be undertaken in accordance the approved details.

12 Electric vehicle charging bays

Notwithstanding the submitted details, the car park hereby approved shall be provided with two electrical charging points for the charging of electrical motor vehicles, accessible for users of patrons of the car park.

13 Service Management Plan

The site shall be operated in accordance with the Service Management Plan dated January 2022 by Cora IHT Ltd

14 Noise Mitigation

The external plant shall be operated in accordance with the Noise Impact Assessment (No. 9138/LN) dated the 23 November 2021 and prior to operation of the units a 2m high close boarded fence with no gaps with a mass of 10kg/m² be installed as detailed within the report and be maintained for the life time of the development..

15 Air Quality

The site-specific mitigation measures as detailed in Section 7 of the Air Quality Assessment by SLR (Ref: 410.06660.00031 Version No: v1.0 August 2021) shall be implemented during construction phase

16 Ecology

Work shall be undertaken in complete accordance with the recommendations, mitigation and enhancement proposals as detailed in Section 4 and 5 of the Ecological Impact Assessment Report dated 25th October 2021 by Enzygo Ltd.

17 Energy Statement

The development hereby approved, shall be built out in full accordance with the recommendations of the Energy Usage & Sustainability Statement (Project Ref 21-3851) dated 28th October 2021.

18 Contaminated Land Risk Assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A site investigation scheme, based on the submitted phase 1 study (Report No. A3756/20, Oct 2020) should be undertaken to assess the risks to all receptors that may be affected, including those off site.
- Based on the results of the site investigation and detailed risk assessment , an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. This must be conducted in accordance with DEFRA and with the Environment Agencies "Land Contamination Risk Management" Guidance (2020).

19 Waste Collection

There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

20 Construction Working Hours

External works in connection with the construction of the development shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays, only between 0900 hours and 1300 hours on Saturdays and there should be no audible intrusive works at any time on Sundays, Bank Holidays or Public Holidays. Deliveries should be undertaken between 0800 hours and 1800 hours Monday to Saturday where reasonably possible.

21 Hours of Operation

The hereby approved retail store shall not be open for business outside the hours 07:00- 23:00 Monday to Saturday and 10:00 to 18:00 on Sundays and Bank Holidays.

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: NWL How to Satisfy the drainage Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

P **21/2474/COU**
56/21 **117 High Street, Norton, TS20 1AA**
Application for change of use of part of the rear garden area to provide outdoor seating area to include 1.8m high fence to rear in association with 117 High Street

Consideration was given to planning application 21/2474/COU, 117 High Street, Norton, TS20 1AA. Application for change of use of part of the rear garden area to provide outdoor seating area to include 1.8m high fence to rear in association with 117 High Street.

The application sought planning consent for the change of use of the existing rear garden area to provide an external seating area in association with the café/restaurant use at 117 High Street, Norton. No physical development was proposed to the property, although an approximately 1.8-metre-high close boarded fence had been erected, demarcating the rear boundary of the seating area from the remaining rear garden area and wood chippings had been laid to ground.

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 given the nature of the proposed development, associated with the existing café/restaurant, where the external area would only operate during 'day-time' hours, it was considered that the proposals would not lead to any significant levels of noise and disturbance, which would result in an unacceptable relationship for the occupiers of the surrounding neighbouring dwellings.

Subject to the recommended conditions, the proposed development was acceptable in planning terms and would comply with paragraph 130 and 180 of

the National Planning Policy Framework and local planning policies SD8 and EG2 and consequently the recommendation for approval.

Members were presented with an update which since the original report, detailed that there had been further dialogue with the applicant who had agreed to reduce the maximum number of seats/covers down from 40 to 24 following concerns raised by residents.

In addition, an amendment was made to condition 6 (acoustic lobby) as the applicant could not structurally alter the premises to develop an acoustic lobby, it was therefore recommended that the door(s) to the external area should therefore be fitted with self-closing devices to prevent the ingress of smoke and egress of noise.

An amendment was also made to condition 3 to ensure that staff only used the area between 9am and 5pm.

Full details of those conditions were detailed within the update report.

The Chair agreed that photographic information provided by a local resident at the meeting could be distributed to Committee Members for consideration.

Ward Councillor for Norton North, Cllr Steve Nelson attended the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- Ward Councillors had met with residents on several occasions as well as carrying out site visits. Concerns that had been raised around increased lighting, traffic, additional parking issues, loss of amenity, privacy and the impact of increased noise levels were all legitimate concerns.
- The original application detailed 40 covers however this had now been reduced to 24 covers, maybe the applicant recognised loss of amenity to neighbouring properties!
- 24 covers could be made up of 6 tables of 4 customers which could be placed anywhere including in close proximity to neighbouring properties. It was felt that the newly erected wooden fence would not mitigate against noise and privacy issues.
- There were already on-street car parking issues associated with High Street business and this would only be exacerbated should this application be approved.
- A request was made by the Ward Councillor that the Committee arrange a site visit to assess the situation comprehensively. If a site visit was not agreed, then the application should be refused.

The Applicant attended the meeting and was given the opportunity to make representation, his comments could be summarised as follows:

- The current Applicant and his business partner had taken over 117 High Street Norton in June 2021. The Premises had operated for 13 years as Café Maison prior to that. Due to the COVID-19 pandemic the current owners felt they

needed to maximise their outdoor space in line with advice relating to preventative measures to stop COVID-19 spreading whilst offering a much-needed safe environment within the café garden particularly for the elderly and vulnerable. There was no other venue like the proposed venue on the high street providing this.

- There were limited spaces for covers outside on the pavement, however this still exposed customers to the general public passing by.
- The area outside of the premise was large as it used to be part of a farm. The Applicant informed the Committee they would maintain 2/3rds as green space which would limit the impact on neighbours.
- The Applicant was aware of residents' objections and where possible had mitigated against them, however he stated that as well as the business needs, customers also needed the application to be approved.

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

- The application had caused some residents to be anxious and suffer health and wellbeing issues, particularly those whose gardens were adjacent to the café. Wasn't the Human Rights Act supposed to protect the Health and Wellbeing of residents?
- It was not felt that the fence would mitigate against residents' concerns in terms of noise, food smells and privacy.
- One resident explained that she already experienced loud noises, leakages, the droning sound of the coffee machine, blender and the clanking of pots and pans which caused a disturbance particularly whilst she was working from home. The additional noise of customers in the garden would exacerbate those issues.
- A couple of neighbours stated that her children's bedrooms would be visible to outside visitors to the Café Garden and one resident in particular highlighted that her bathroom looked outside onto tables within the courtyard.
- It was a possibility that items from the Café Garden could be thrown over the wall and children may also witness inappropriate behaviour. There were also concerns in terms of who would be watching children from the Café Garden?
- Residents were concerned that visitors to the Café Garden would not be considerate to neighbours in neighbouring properties.
- How would it be possible for residents in nearby properties to ever sit out and enjoy their gardens again?
- The operating times were confusing.
- Parking was already an issue within the vicinity including the High Street and Mill Street, should this application be approved, it would just worsen.

- The 1.8 metre fence did not provide adequate screening to some properties as the land on the Café side was much lower than some of the neighbouring resident's land. The fence would not mitigate against noise.
- The Café had lost a lot of regular local customers because of the application
- Concerns were raised regarding the potential of fire risk to neighbouring properties particularly the lack of a ground floor plan indicating a fire route out of the building. There should also be 2 outward opening doors, currently there was only 1.
- Drains from the Café which ran through a neighbouring residents land had been blocked in the past. With the increase of customers and toilet use there was the potential that these would be blocked again. It was felt that there needed to be a minimum of 3 toilets for the number of customers expected at the Café.
- Questions were raised in terms of controlling the amount of grease coming off cooked food, was there adequate grease traps and ventilation?
- During the initial discussions only 4 benches were to be put in the Café Garden this had been changed significantly since then.
- The external area to be used for customers was more than double that of the inside.
- Section 40 of the material planning considerations within the Officers report was highlighted where it stated that the garden at the application site was 'not significantly different from other outside sitting areas/pavement cafes elsewhere within Norton'. By the Applicants own admission this was incorrect as he had stated there was not another outside area like the one at the application site.
- It was highlighted that contrary to the Officers report detailing that Tree Preservation Orders (TPO) were not required for the 6 trees which had been removed from the site, they did in fact have TPO's attached to them, and therefore should not have been removed.
- In terms of the proposed acoustic lobby to be erected in the garden, the garden should not be considered a commercial area as it was surrounded by residential properties.
- If the application was approved the garden would become a permanent outdoor eating area, unlike temporary outdoor eating licences which the Council had the power to remove should they need to.

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 21/2474/COU, 117 High Street, Norton, TS20 1AA be deferred to a future meeting of the Planning Committee to enable a site visit to take place.

**P
57/21**

21/2110/FUL

Land Adjacent To Beck Close, Wynyard, TS22 5UP

Application for the erection of 1no dwelling house with detached double garage and associated works

Consideration was given to planning application 21/2110/FUL, Land Adjacent to Beck Close, Wynyard, TS22 5UP, application for the erection of 1no dwelling house with detached double garage and associated works.

The application site related to a development plot located at Beck Close, within Wynyard Village and sought full planning permission for the erection of a two and a half storey dwelling.

The site benefitted from an outline planning consent for the erection of one large dwelling at the site, although the current proposal would facilitate the sub-division of the original plot to provide a second dwelling and associated plot. A separate planning application was also currently under consideration for the other dwelling, which would be located to the north of this proposal (ref; 21/2051/REM).

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 site was a plot of land located within Wynyard Village which had the benefit of an outline planning consent and reserved matters consent for residential development. The proposed sub-division of the plot was comparative to the surrounding neighbouring development plots and the proposed dwelling at two and a half storeys (a room in the roof space) was also entirely in keeping with the scale of the neighbouring properties.

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

- The site had originally been approved as a single dwelling site, however there was now an application for 2 large properties which were 2.5 storeys. The Planning Offices report detailed comparisons to a development nearby, however the development was not close to the proposed scheme as it stretched beyond the green belt, therefore the comparison was felt to be excessive.
- Every resident that was consulted lived immediately behind the proposed site and every one of those had opposed the application.
- A Tree Preservation Order (TPO) had recently been agreed after a lot of woodland had been taken due to storm Arwen, however it was felt that some

trees on the southern boundary should not be removed as this would destabilise trees on the east side and new planting would struggle. The new property would still be visible if saplings and not mature trees were planted.

- Clarity was sought as to what enforcement the Council would have in place should contractors / sub-contractors work outside of agreed construction hours.
- An objector raised questions relating to the proposed 1.8 metre fence as he was previously refused permission to erect a 1.8 metre fence at his property due to impact on local amenity and therefore did not understand how this would be allowed at the proposed application site.
- It was requested that should the application be approved with a 1.8 metre fence, then this should be erected from outset to allow screening from the build for residents.
- The height and size of the property including windows were oversized compared to neighbouring properties. It was felt that at 3900 square feet this was not in-keeping with surrounding properties.
- The proposed property was to be 3 storeys and was sloping down towards one objector's property causing their house to be overlooked, overshadowed with loss of light resulting in loss of amenity.
- It was felt that the proposal contravened policy SD8 sustainable design principles of the Local Plan.
- There should be protection for trees and wildlife.
- Residents explained they were told that the original application was a reserved matters application for 1 property, however now there was to be 2 properties on the site, one of which was being considered at Planning Committee at a later date, however it was felt the Committee should review the 2 properties in tandem.
- The Parish Council had opposed the application.

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

- The application was fully supported by Officers of the Council.
- The site had existing approval and the applicant sought to subdivide the plot to give 1 more house. The application offered sufficient separation distance with generous private gardens.
- The proposal was completely in-keeping with neighbouring properties
- The property was 2.5 storeys high, and there were numerous properties that complied at the same roof height within Wynyard.
- There was a detailed planning scheme in terms of trees and trees towards the east would be retained.

- The southern boundary trees that were damaged during storm Arwen would be removed and replaced with 14 better quality trees which would also provide better screening.
- Protection of trees and woodland would be managed on site.
- The Applicant was happy to accept an ecological survey prior to the build.
- All material planning considerations had been met.

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

- The Applicant had worked with a number of consultants to come up with a scheme in-keeping with the neighbouring area.
- The proposed annex had been removed from the dwelling on this application and the Applicant was happy to erect the 1.8 metre fence to provide screening prior to the build.

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

- In terms of character it was considered that the proposed dwelling was in-keeping with houses in Wynyard. The 2.5 Storey building was no different to other properties in the area, although it was more modern, Officers had no objections in terms of the appearance.
- Regarding concerns raised relating to trees and woodland, Officers had sought a woodland protection scheme and had negotiated a better-quality land scheme with planting, better quality trees for screening which the Landscape and Woodland Officer found acceptable. TPO's were to be modified and incorporated in the new scheme
- Where concerns had been raised relating to impact on amenity, the separation distances were well in excess of the minimum requirement.
- The proposed development was to be judged in its own right and did not need to be considered in tandem with a future application for an additional property on the site.
- Officers confirmed that should the contractors / sub-contractors work outside of the agreed construction hours then enforcement could be applied. Officers also confirmed half day operation on a Saturday was standard for this type of build.
- The Annex was not part of this proposal.

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

- This site was originally for one dwelling, however now there was a second to

come to a future Planning Committee and both were substantially different in terms of appearance and size to current dwellings then both applications should be looked at together.

- Where residents had referred to the Parish Council opposing the application, there was no evidence of this within the Committee papers.

- Brief discussion was had around the loss of back lands and the devastating effect this was having on wildlife, such as bees etc, some nearing extinction. It was also highlighted that there was no such thing as a dead tree and this type of terminology was not helpful, as these hosted many living species.

- A request was made that hedges be put in to provide wildlife habitat.

- Clarity was sought as to where the original house would have been and also where the second dwelling was proposed.

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

- Officers explained that they didn't appear to have received comments from the Parish Council.

- Members were advised that the current application showed that there was sufficient space to accommodate the proposed dwelling and the decision before Members was to determine if the site was able to accommodate both dwellings, which it could do satisfactorily and therefore each dwelling could be considered separately.

- Officers understood Members comments regarding the terminology used relating to trees and wildlife and would pass those comments onto the woodlands expert.

- It was highlighted to Members where the original dwelling was to be and where the second property was proposed.

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

RESOLVED that planning application 21/2110/FUL be approved subject to the following conditions and informatives;

01 Commencement of Development

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

02 Approved Plans

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

Plan Reference Number	Date Received
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C-2035-01 REV B	28 January 2022
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P-00.01A	19 August 2021
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P-10.01	19 August 2021
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P-20.01A	19 August 2021
P-20.02	19 August 2021
P-30.01	19 August 2021
P-30.02A	19 August 2021
P-30.03	19 August 2021

03 External Materials

Notwithstanding the submitted details in the application, above ground construction shall not commence until precise details of the materials to be used in the external walls and roofs of the hereby approved dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed materials

04 Tree Protection

Notwithstanding the proposed details in the submitted plans, no development shall commence until an updated Tree Protection Plan is submitted approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations

2. BRITISH STANDARD 3998:2010 Tree Work - Recommendations

3. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

Any such scheme agreed in writing by the Local Planning Authority 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.

05 Tree Planting Scheme

The tree planting scheme C-2035-01 REV B hereby approved shall be completed no later than the first planting season following practical completion of the hereby approved dwelling.

All tree planting shall be carried out in strict accordance with the approved specification and best practice. Prior to occupation of the dwelling, a landscaping maintenance schedule for a minimum of five years shall be submitted to and be approved in by the Local Planning Authority. All landscaping shall be maintained in accordance with those agreed details thereafter.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

06 Woodland Management Plan

Prior to occupation of the development hereby approved, a Woodland

Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include existing and new areas of woodland planting on the site, and be in accordance with current best practice. The Plan shall include, long term design objectives, outline maintenance and management schedules, new/replacement planting, any special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties. The Woodland management and maintenance details shall be detailed for the initial 5 year period from date of completion of the scheme, followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out in strict accordance with the approved details thereafter.

07 Site Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site a scheme detailing existing and proposed ground levels, including those in adjacent land, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

08 Boundary treatments

Notwithstanding the submitted information, prior to the above ground construction full details of all boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in full prior to the occupation of the hereby approved dwelling and shall thereafter be maintained in accordance with the agreed details.

09 Walkover Ecological Survey

A maximum of three months before development is commenced, a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted to and be approved

in writing by the Local Planning Authority. Should any species be found, full details of any required mitigation measures shall be submitted to and be approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented wholly in accordance with the approved details prior to the commencement work on site.

10 Bird Breeding Season

No tree or shrub removals shall take place on the site, within the bird breeding season (1st March - 31st August, inclusive), unless a suitably qualified ecologist has confirmed there are no breeding birds within any such vegetation immediately prior to removal. Confirmation of any such removals and ecological assessments shall be submitted to the Local Planning Authority prior to removal or within 1 month following any such vegetation removals.

11 Surface Water Drainage

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

12 Construction Hours

No construction/demolition works, or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

13 Open Access

Open access ducting to facilitate fibre and internet connectivity shall be provided from the homes to the public highway.

14 Restriction – Minimum height of roof lights

Notwithstanding the development hereby approved, the base height of all the associated roof light windows to be installed within the outward facing roof slopes (northern and southern slopes) shall be no lower than 2.0 metres above the finished first floor level when measured internally.

15 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site

affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

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.

Informative - Not in a Smoke Control Zone

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.