

Date: Wednesday 12 April 2023 at 1.30 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Stockton - on - Tees,
TS18 1TU

Cllr Mick Stoker (Chair)
Cllr Andrew Sherris (Vice-Chair)

Cllr Carol Clark

Cllr Lynn Hall

Cllr Paul Kirton

Cllr Tony Riordan

Cllr Steve Walmsley

Cllr Bill Woodhead MBE

Cllr Dan Fagan

Cllr Eileen Johnson

Cllr Steve Matthews JP

Cllr Marilyn Surtees

Cllr Sylvia Walmsley

Cllr Barry Woodhouse

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Planning Protocol** (Pages 9 - 10)
- 5 22/2300/FUL 12 Hartburn Village, Stockton-on-Tees, TS18 5EB Application for replacement of existing flat roof with pitched roof to include installation of external door of existing extension** (Pages 11 - 30)
- 6 23/0315/LA Harold Wilson Recreation Centre, Thornaby Road, Thornaby Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure.** (Pages 31 - 48)
- 7 23/0057/LA Playground South West Of 2 To 16 Mount Pleasant Walk Stillington Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights** (Pages 49 - 68)
- 8 1. Appeal - Clear Channel - 22 Prince Regent Street, Stockton-On-Tees, TS18 1DB 22/1342/ADV - DISMISSED** (Pages 69 - 72)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance

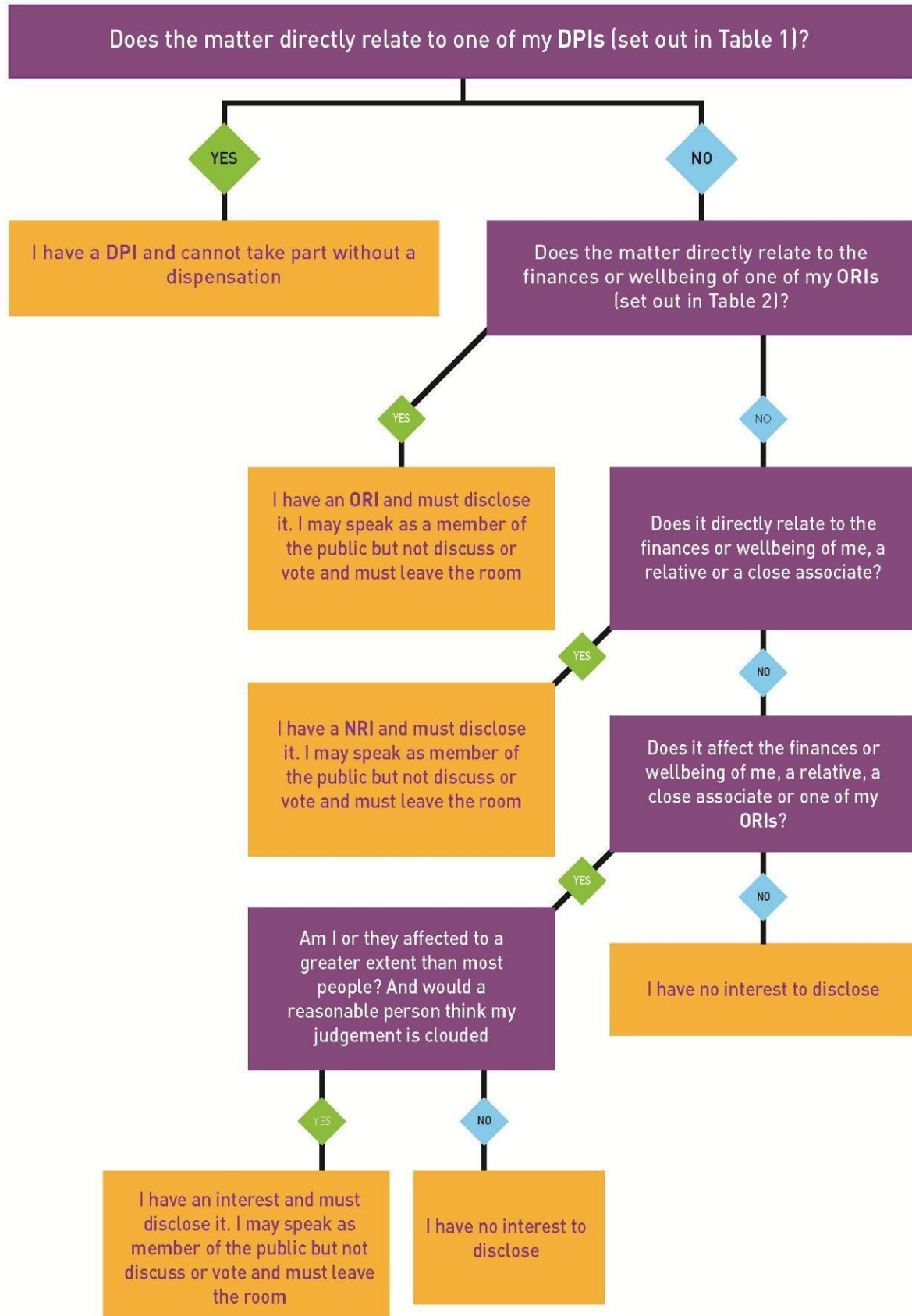


Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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Planning Committee Procedure

1. Officers present the report to Members
2. Members of the public, applicants and agents speak for/against the application, 3 minutes each
3. Officers respond to any queries/misinformation which may have been raised as a result of public speaking
4. Members discuss the application in general and seek clarification from Officers/agents if necessary
5. Officers respond to any points raised by Members and give a brief summary of the proposal in view of comments raised
6. If it looks as if the application may go contrary to officer recommendation, Members debate and propose the possible reasons for the decision and the lead planning and legal representatives and other officers will advise which reasons are acceptable or not. Members respond on whether they wish to vary the reasons accordingly
7. Following the discussion, Members will be asked to confirm and then agree the reasons upon which they will rely if they vote for refusal of the application
8. Members vote on the officer recommendation or any alternative motion successfully carried
9. If the decision taken is contrary to officer recommendation, the Planning Officer, and Legal Representative are given the appropriate amount of time to discuss whether the protocol for decisions contrary to officer recommendation should be invoked and that the committee and members of the public be informed of the outcome of that decision
10. The next application is then debated

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

12 April 2023

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

22/2300/FUL

12 Hartburn Village, Stockton-on-Tees, TS18 5EB

Application for replacement of existing flat roof with pitched roof to include installation of external door of existing extension.

Expiry Date: 17 March 2023

SUMMARY

As members will recall the application was deferred at the 15th March 2023 planning committee meeting, for additional consultation with the neighbour to be undertaken and it was agreed that a committee site visit would also take place. The neighbouring residents have made additional comments which are detailed in the report below.

The application site host dwelling is a detached Victorian period dwelling sited within Hartburn's Conservation Area (covered by Article 4 Directions) in Stockton-on-Tees.

The application seeks planning permission for the replacement of an existing flat roof to a rear extension with a mono-pitch roof with the installation of a doorway to the existing extension. Revised plans were sought to change a hipped roof design to a mono-pitch roof to alleviate boundary concerns from neighbouring residents.

The application comes before Members as the applicant is an employee of the council and three letters of representation were received: one letter of objection and two general representations. As a result of the objection, the application falls outside the scheme of delegation.

The main considerations are the impact of the proposed development on the character and appearance of the Hartburn Conservation Area and the amenity of neighbouring occupiers. The development would be situated within the rear yard of the site and would be screened from the wider Hartburn Conservation Area by the surrounding dwellings. The proposed roof structure and materials are considered to be sympathetic to that of the host dwelling and its surroundings and there is considered to be no impact on the Hartburn Conservation Area.

In terms of amenity, it is not considered that there would be a significant impact in terms of overshadowing, overbearing or overlooking impacts imposed onto neighbouring occupiers.

The application is recommended for approval subject to conditions as set out below.

RECOMMENDATION

That planning application 22/2300/FUL be approved subject to the following conditions and informative:

01 Time Period for Commencement

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 **Approved Plans**

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

Plan Reference Number	Date Received
2037-418-00-ZZ-DR-A-1100-S3-P02	4 November 2022
2037-418-00-ZZ-DR-A-1200-S3-P02 SBC0001	3 November 2022 28 November 2022
2037-418-00-ZZ-DR-A-2000-S3-P03	13 February 2023
2037-418-00-ZZ-DR-A-2100-S3-P03	13 February 2023

Reason: To define the consent.

03 **External Finishing Materials**

The external finishing materials shall be of a similar appearance to that of the existing building and shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and in order to conserve the character of the Hartburn Conservation Area in accordance with Local Plan Policy SD8 and HE2.

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.

BACKGROUND

1. The application site had planning permission granted and implemented for a single storey rear extension (Ref: S0594/74).

SITE AND SURROUNDINGS

2. The application site No.12 Hartburn Village is a detached Victorian period dwelling sited within Hartburn's Conservation Area (covered by Article 4 Directions) in Stockton-on-Tees.
3. The site can be accessed via a footpath which runs adjacent to and east of No.10 Hartburn Village, the host dwelling is sited to the north of Nos 8-10 Hartburn Village with All Saints Church sited to the southwest. To the east is No.6 Hartburn Village and to the north is land relating to No.26 Darlington Road, a commercial premise.
4. No 6 Hartburn Village (east) and a Flax Beating Stone within the All Saints Church are Grade II listed buildings/structures.

PROPOSAL

5. The application seeks planning permission for the replacement of an existing flat roof to a rear extension with a mono-pitch roof with the installation of a doorway to the existing extension.

6. The existing height of the flat roof is approximately 2.4 metres. The proposal would retain an eaves height of approximately 2.4 metres and would slope upwards to approximately 3.5 metres as an overall ridge height. To the roof slope there would be two rooflights introduced and grey concrete roof tiles.
7. Revised plans were sought to change a hipped roof design to a mono-pitch roof to prevent an overhang of the guttering on the boundary with neighbours.

CONSULTATIONS

8. The following consultation responses have been received as set out below (in summary):-
9. **Historic Buildings Officer** – No objections to the proposed development.
10. **Highways Transport & Design Manager** – No comments.

PUBLICITY

11. Publicity has been given to the planning application through a site notice and neighbour notification letters. The letters of objection and general representations are set out below:

Mrs Claire Pack, 8 Hartburn Village Stockton-on-Tees Objects

I would like to object to planning application 22/2300/FUL for the following reasons:

1. The existing flat roof extension forms the boundary wall of the small yard to the rear of my property. The proposed hipped lean-to roof would dominate the already small yard in an oppressive and overbearing manner. It would block light from my yard and kitchen window to the rear of my property. I would also have concerns that any guttering attached to the proposed roof would overhang onto my property.
2. The proposed two rooflights would provide a direct line of sight into the first floor rear bedroom of my property. This room is occupied by my teenage daughter. If approved, I would propose that the rooflights are removed entirely or alternatively they are a fixed, none opening design fitted with opaque or obscured glazing.
3. The proposed roof material of grey concrete rolled tiles is not in keeping with the surrounding Victorian properties or the extant conservation area. Roof tiles should be grey slate to match surrounding properties.
4. The OS Extract is incorrect. The red line boundary appears to show the land to the rear of the church is part of the freehold title to number 12. This is incorrect, the land demised to number 12 only extends to a small access path to the west of the property. The property is in effect landlocked, and it would be impossible to erect any scaffolding to facilitate the proposed work without encroaching on my small rear yard or block the only access to the rear of my property. In any event, consent to erect scaffolding or allow access to my rear yard, would not be provided.

For the above reasons I would respectfully suggest the application is refused.

Additional comments received 28th March 2023:

Following the submission of the new plans for planning application 22/2300/FUL, I would like to reaffirm my position and previous statements about proposal: Application for replacement of existing flat roof to include installation of external door of existing extension. 12 Hartburn Village, Stockton-on-Tees, TS18 5EB.

1. Loss of light and close proximity / scale and size of development

My property is a 2 bedroom terrace house adjoining to All Saints Church and 10 Hartburn Village. At the back of my property is a small backyard approximately 2 metres wide and 4.5 metres long. 12 Hartburn Village is directly adjacent to this rear yard - 2 metres from my property, the boundary wall is 2.4 metres approx in height. The proposed new plans show a dual pitched roof increasing the height of the boundary wall to 3.55 metres, which is a 48% increase in height.

My property has only 2 rooms on the ground floor, one of which opens onto to the rear yard and bases it's natural illumination entirely on the what is available under the current parameters. Due to the separation distance between the two properties it is without any doubt that the height of the proposed dual pitched roof would significantly overshadow and have an oppressive and overbearing impact upon my property.

The proposed plans will significantly infringe on the natural light to my property as detailed in The 2014 Law Commission report on the right to light.

2. Loss of privacy

With regard to the proposed roof lights to be installed, under Article 8 of the European Convention of Human Rights, I have the right to respect of a family and private life. The proposed roof lights in the plans could allow my Article 8 rights to be breached in that the occupant of 12 Hartburn Village would have a line of sight into the rear bedroom of my property (which is inhabited by my 13 year old daughter), thus loss of privacy.

3. Visual impact

The property 12 Hartburn Village is in Hartburn Village conservation area, very close to 2 Grade II listed buildings and adjacent to 2 Victorian properties. In liaison with the historic buildings department in 2021 regarding roof renovations on my own property, I received guidance that modern replacement materials are not always appropriate to maintain the character and appearance of the conservation area, and subsequently sourced grey slate in keeping with the original design of the property on this advice.

The grey concrete roof tiles that the plans are proposing to use are not in keeping with the surrounding Victorian properties or the Hartburn Village Conservation area. They are not used on any properties in this vicinity.

In light of the above I request that the application is refused due to the detrimental effects the proposed development would have on my family and my property.

Keith Reeks, 14 Hartburn Village Stockton-on-Tees

General Representations

With reference to planning application 22/2300/FUL The location plan included in application shows an area outlined in red extending between nos. 10 and 6 Hartburn Village and to the rear(north) of the Church.

Could you please clarify the ownership of the area directly behind (north) of the Church, as I am not aware this area belongs to no.12 as the plan suggests.

Could I also point out that at the narrowest point between nos.10 and 6 a locked gate has been fitted. I understand that there is a pedestrian right of way along this path giving access to the rear of the Church which is their only rear fire exit to the road in the case of an emergency. A locked gate not only hinders exit but also hinders access by fire services in the event of an emergency. I see no objection to the proposed development as such but feel that the above points require clarification.

Jane Neal And David Lawson, 4 Oaktree Grove Stockton-on-Tees

General Representations

We are writing as the churchwardens of St Peter's Church, Stockton on Tees which has ownership and responsibility for All Saints Church, Hartburn Village, which is adjacent to 12 Hartburn Village. We do not wish to object to the planning application for Miss Owen's work, however, we wish to make three general comments:

1. As a neighbouring property, we should have been included in the original letter circulation as a courtesy, as our land is connected to 12 Hartburn Village land.
2. The document submitted by the architect titled "Location Plan" is incorrect. The red delineated area shows the extent of the land of 12 Hartburn Village, but this is wrong. We attach a copy of the Land Registry document showing that in fact the architect has incorrectly included the rear yard owned by All Saints Church. This must be amended please.
3. We have had an historical right of way to the side of 12 Hartburn Village for over one hundred years, which appears to have been removed by the Council at some point without our knowledge or consent. We have an informal arrangement with Miss Owens to use the path to the side of her property in the event of evacuation from the church building in the event of a fire. We trust that this emergency exit access will not be impeded by the building work.

PLANNING POLICY

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
13. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

14. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
15. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 130. Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 195 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets conservation.

Paragraph 197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Local Planning Policy

16. The following planning policies and supplementary planning documents are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

7. Proposals for all domestic extensions will be supported where they are in keeping with the property and the street scene in terms of style, proportion and materials, and avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

- 1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- 3. Conserve and enhance the historic environment through a variety of methods including:

- d. Supporting proposals which positively respond to and enhance heritage assets.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
6. The following are designated heritage assets:
 - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eggescliffe with Preston; Eggescliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
 - d. Listed Buildings

SPD Householder Guiding Principles

2.3 Privacy and Overshadowing

Extensions should not lead to the overshadowing of the neighbouring properties' main habitable room windows or private garden areas to an unreasonable degree. For a single storey rear extension, 3 metres from the original rear elevation should generally be appropriate, however this is dependent on various factors, including the scale, orientation and form of the extension as well as the house type and impact on neighbouring properties.

60 Degree Standard

The 60-degree standard follows the same principle as the 45 degree standard but relates to single storey extensions and involves a widening of the angle of the line to 60 degrees. This allows for single storey extensions generally having less bulk and causing less overshadowing than two-storey extensions.

Extensions will not be accepted where they lead to a notable loss of privacy for neighbouring residents. An impact on privacy can often be avoided or minimised through siting windows away from neighbouring properties and ensuring a sufficient separation distance is maintained.

3.3 Rear Extensions

Rear extensions, which includes conservatories, are generally not as visible as front and side extensions, however the design of an extension at the back of a property is still very important. A key objective for the design of a rear extension is to avoid an unacceptable overbearing or oppressive impact upon neighbours or significant overshadowing of a neighbouring property. This can often be achieved by setting the extension in from the nearest common boundary and through reducing the bulk of the extension by, for example, providing a hipped roof.

Windows in the side of the extension nearest to the boundary of a neighbouring property should generally be avoided. Obscurely glazed windows with restricted opening may sometimes be acceptable but it should be noted that, if your neighbour subsequently wishes to develop near their boundary, the outlook that you may have created by placing a window on a common boundary will not be protected.

MATERIAL PLANNING CONSIDERATIONS

16. The main planning considerations of this application are the impacts on the character and appearance of the Hartburn Conservation Area and amenity of neighbouring occupiers.

Impacts on Heritage Assets

17. Hartburn Conservation Area is the principal heritage asset affected by the development proposals. In addition, to the east is 6 Hartburn Village and to the south west a Flax Beating Stone within All Saints Church, which are both Grade II listed. Sections 16, 66 and 72 of the Planning Listed Buildings and Conservation Areas Act requires the LPA to give special consideration to the desirability of preserving or enhancing the character or appearance of that area.
18. Development decisions should accord with the requirements of Section 12 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance.
19. Policy HE2 states that development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance.
20. Due to the location of the proposed development, the scale and form, it is not considered that the proposal would adversely impact on the setting of the two listed buildings/structures or the character and appearance of the Hartburn Conservation Area.

Character

21. The NPPF and the adopted Local Plan encourage high standards of design with Local Plan Policies SD3 and SD8 setting out that new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportion, and materials to the main dwelling.
22. The application proposes to replace a flat roof from an existing rear extension to a pitched roof with concrete roof tiles. The installation of a pitched roof is considered to be a roof structure which

reflects a design found on the host dwelling and dwellings within the immediate surrounding area. It is therefore not considered that this part of the proposal would impact the character of the area.

23. It is noted that the proposed materials are questioned by the objector who considered the use of slate would be more appropriate. Whilst appreciated that examples of grey slate tiles can be found within the immediate area, it is also considered that the siting of the property is an important factor within the overall consideration of impact on the conservation area.
24. In this instance the host dwelling is well hidden from the street scene and more prominent views of the conservation area, being sited to the rear of Nos 8-10 Hartburn Village. The extension to the property already exists with a flat roof which contributes little to the overall appearance of the conservation area. The overall appearance of the proposed extension and the use of the materials are considered appropriate and would help to conserve the character of the conservation area.
25. Nevertheless, a condition has been recommended so that the external finishing materials used on the proposed development would be of a similar appearance to that of the existing building, in the interests of visual amenity and conserving the character of the Hartburn Conservation Area.

Amenity

26. In respect of the neighbouring occupiers, planning policies SD3 and SD8 seek to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings, while guidance within the Householder Alterations and extensions SPD provides further clarity over the impacts extensions can have on neighbouring occupiers.
27. The only neighbouring occupiers that could be considered as affected by the proposals are No.8 Hartburn Village. The proposal would replace an existing flat-roof extension with an overall height of approximately 2.4 metres, with a mono-pitch roof with an approximate eaves height of 2.4 metres and overall height of 3.5 metres. There would be no increase in the footprint of the existing extension, however it is noted that the existing extension wraps round to the side of the dwelling directly adjacent to the boundary with No.8 Hartburn Village with the outside wall of the extension at the site and the rear elevation of No.8 separated by approximately 1.8 metres.
28. It is acknowledged that the relationship between the host dwelling and No.8 Hartburn Village is constrained and any development has the potential to impact on the neighbouring occupiers. It is noted that the occupier of that property has objected to the proposals including the revisions and the consideration of the associated impacts on the property are set out below;
29. Revised plans were sought as the initial proposals had guttering which encroached on the neighbour's boundary. The revised scheme proposes a differing roof style avoiding any encroachment of guttering, whilst there are no further extensions outwards of the envelope of the dwelling there are changes to the current roof. Although the proposed eaves height would remain the same as the existing height of the flat roof on the extension, the maximum height of the pitched roof would result in an increase of approximately 1.1 metres.
30. A window to the rear elevation of No.8 Hartburn Village at ground floor serves a kitchen space and is single aspect, however it is a north facing window and the degree of overshadowing as a result of the roof alteration is considered to be limited. In view of this and considering the proposed eaves height is as existing and the remaining bulk of the additional height increase would be limited to a small gable, it is on balance not considered to have a dominating or overbearing impact.
31. Given the northern-facing orientation of the rear elevation of No.8 and the existing separation distances between the host dwelling and No.8, it is not considered that the single aspect, non-habitable space would be adversely affected by any overshadowing or overbearing impacts to such an extent it would justify a refusal of the application.

32. Concerns have been raised with regards to the two rooflights to be installed. However, the rooflights would be orientated to the west into the yard space to the rear of All Saints Church and are situated well above eye level limiting any views to neighbouring occupiers properties. Whilst noting the neighbours concerns, it is not considered that the privacy or general amenity of the neighbouring occupiers would be significantly impacted by the rooflights.

Residual Matters

33. Comments were raised with regards to incorrect information supplied due to boundary disputes. This has since been rectified by the applicant and accurate information has been supplied prior to the determination of the application, with all neighbours reconulted on the boundary changes. No further comments were received upon further consultation.
34. Concerns were raised with regards to access onto private land in order to facilitate the development. This is considered to be a civil issue and cannot be considered as part of this application.
35. Comments were made with regards to the access of a right of way adjacent to the host dwelling. For clarification, there is no formally recognised public right of way adjacent to the host dwelling. Any covenant is again a civil issue and is not a material planning consideration relevant to the determination of this application.

CONCLUSION

36. The proposed extension by virtue of its scale, proportions and design, is not considered to cause a detrimental impact to the character and appearance of the Hartburn Conservation Area or adjacent listed buildings/structures. Furthermore, in respect of residential amenity, the proposed extension does not cause a significant loss of amenity or privacy to neighbouring properties.
37. In view of the above, it is therefore recommended that the application be approved subject to those conditions set out within the report.

Director of Finance, Development and Business Services
Contact Officer Joe Port. Telephone No. 01642 524362

WARD AND WARD COUNCILLORS

WARD	Hartburn
Ward Councillor	Councillor Lynn Hall
Ward Councillor	Councillor Niall Innes

IMPLICATIONS

Financial Implications: N/A

Environmental Implications: N/A

Background Papers:

The Town and Country Planning Act 1990
National Planning Policy Framework
Stockton on Tees Local Plan Adopted 2019
Householder Extensions and Alterations Supplementary Planning Document

H.M. LAND REGISTRY		TITLE NUMBER	
		CE136383	
ORDNANCE SURVEY PLAN REFERENCE @	SHEET	NATIONAL GRID	SECTION
		NZ 4217	E
Scale: 1/1250	ADMINISTRATIVE AREA STOCKTON-ON-TEES	© Crown copyright 1972	



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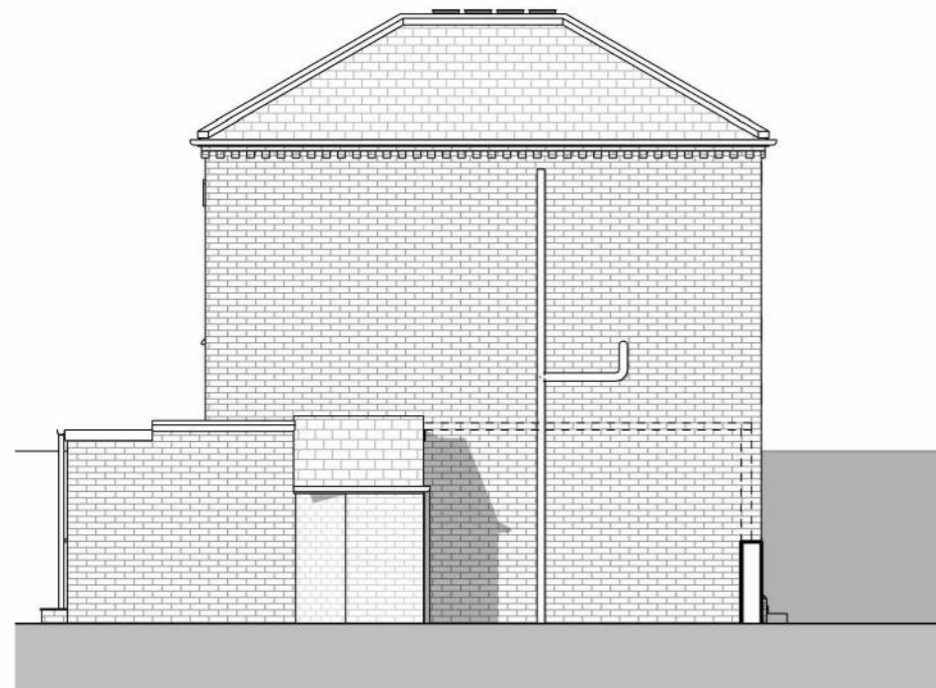
Rev	Date	Revision Notes	Drw By	Chk By
P01	30/10/2022	FIRST ISSUE	CJ	JD
P02	03/11/2022	ADD RIDGE TILE ANNOTATION	CJ	JD



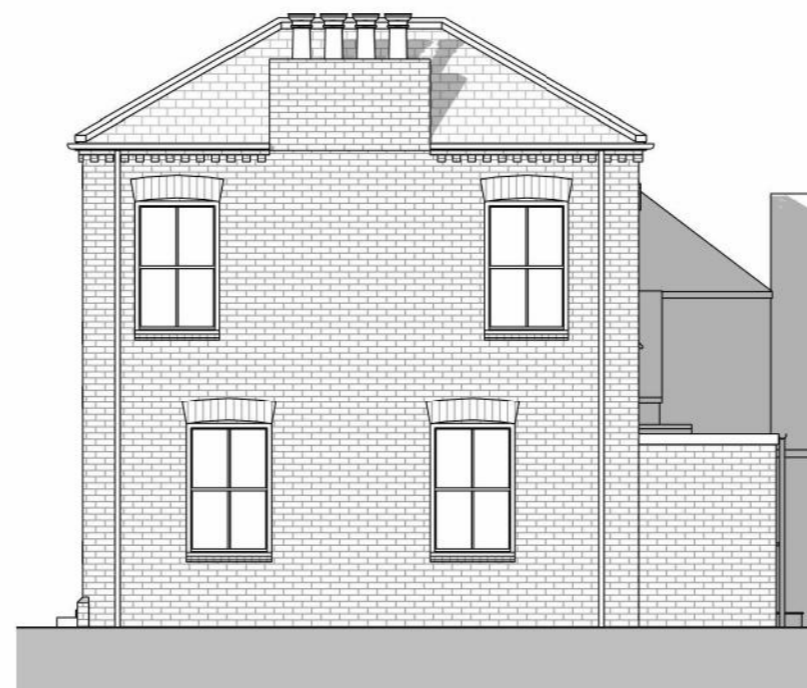
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East Elevation
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South Elevation
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North Elevation
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4:18 architecture

Drawing Status: **PLANNING**

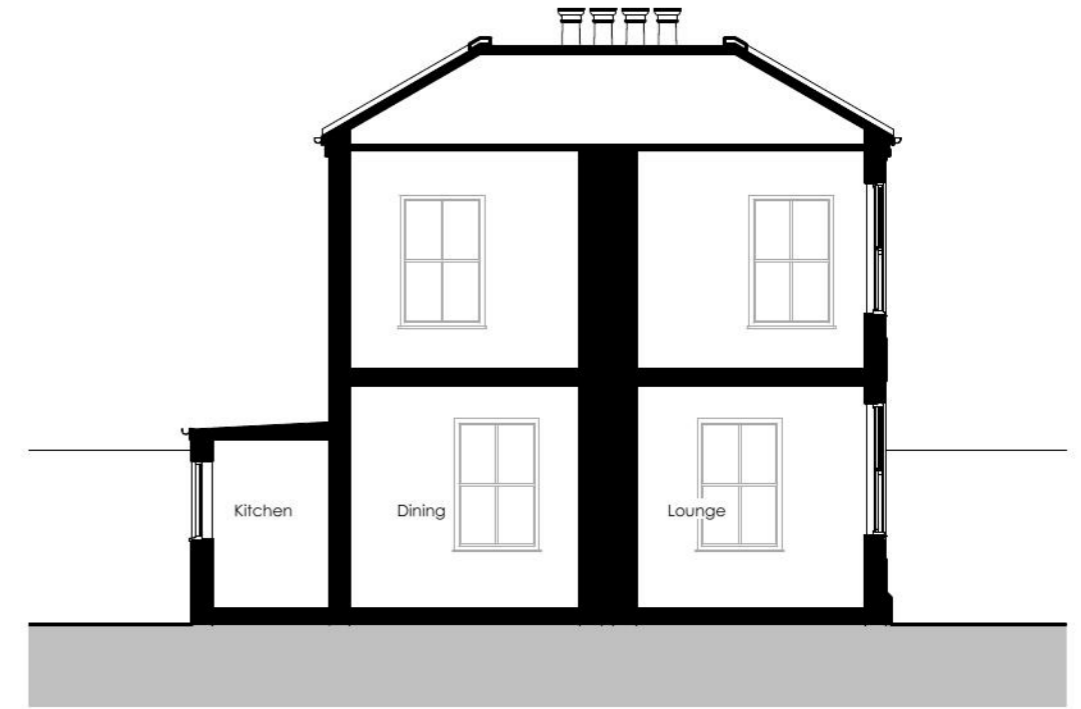
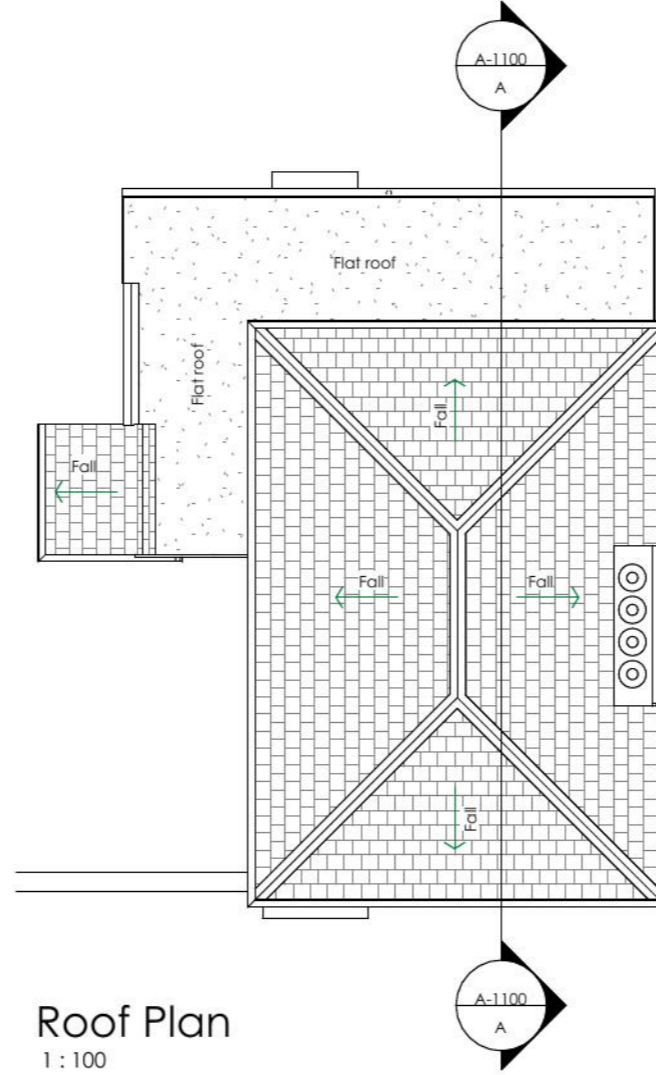
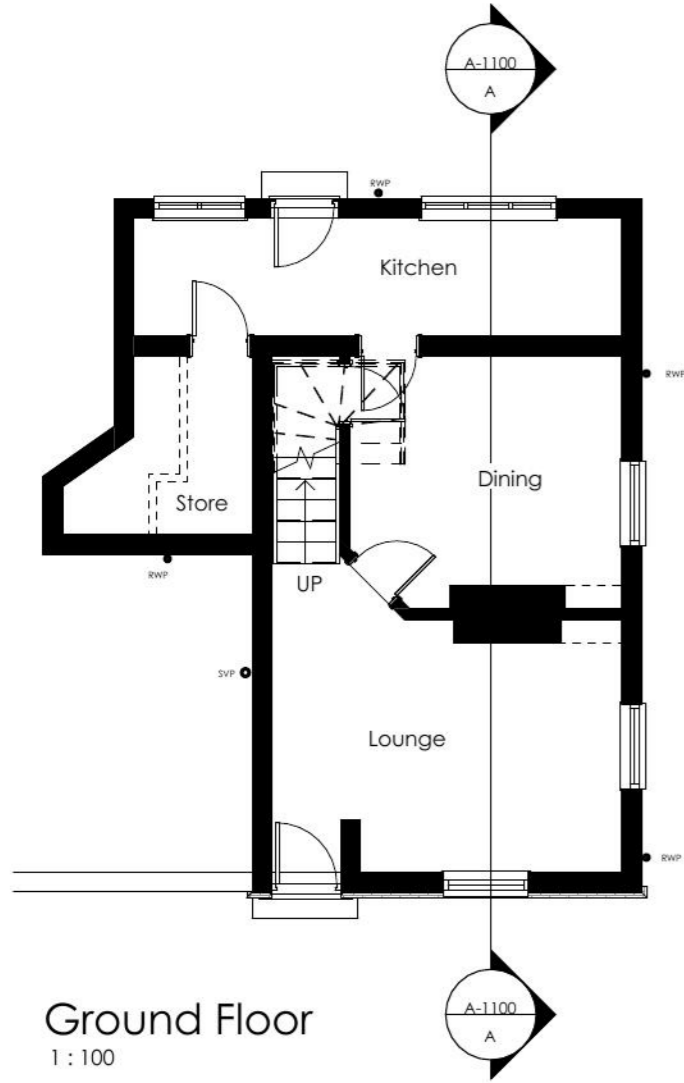
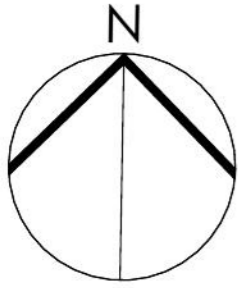
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Drawing Title: Elevations - Existing

Date: 30/10/2022	Scale: 1 : 100	Drawn By: CJ	Checked By: JD
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Drawing No: 2037-418-00-ZZ-DR-A-1200	Suitability: S3	Rev: P02
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Section A-A
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Rev	Date	Revision Notes	Drw By	Chk By
P01	30/10/2022	FIRST ISSUE	CJ	JD
P02	02/11/2022	ADD RIDGE TILE ANNOTATION	CJ	JD

4:18 architecture

Drawing Status: **PLANNING**

Job Title: 12 Hartburn Village

Drawing Title: Plans and Section - Existing

Date: 30/10/2022	Scale: 1 : 100	Drawn By: CJ	Checked By: JD
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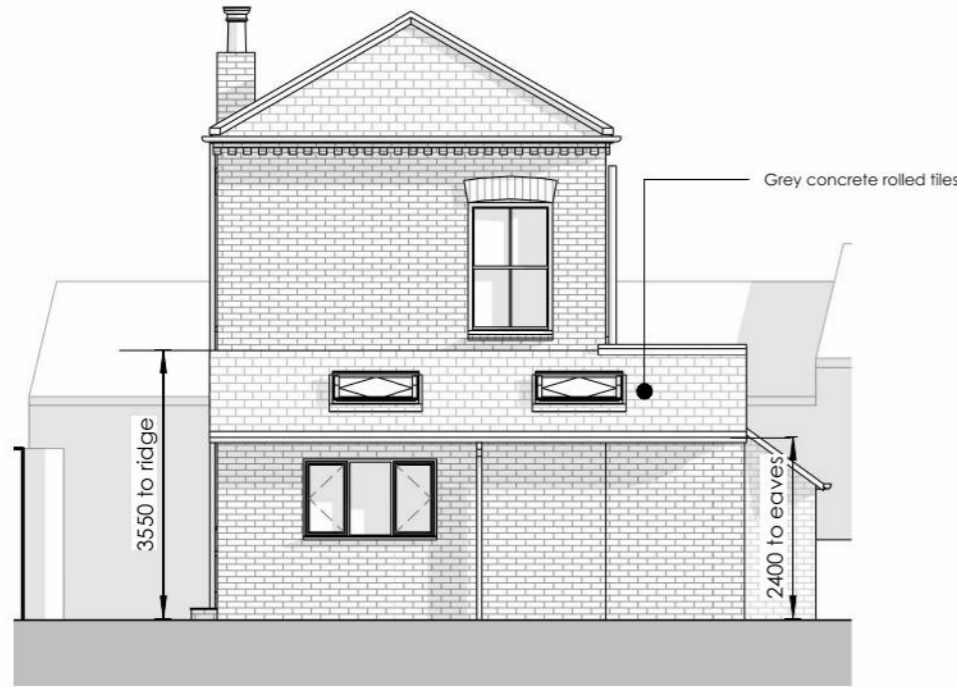
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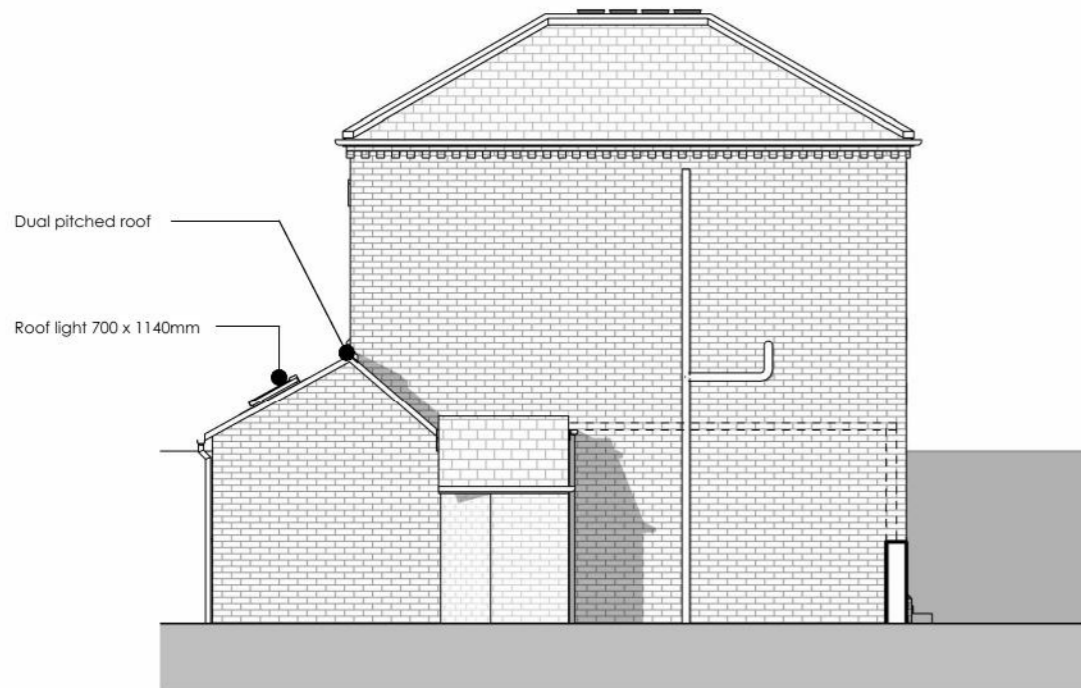
Rev	Date	Revision Notes	Drw By	Chk By
P01	30/10/2022	FIRST ISSUE	CJ	JD
P02	31/10/2022	REMOVE KITCHEN WINDOW CHANGE ROOF LIGHTS	CJ	JD
P03	06/02/23	AMEND ROOF DESIGN OF PROPOSED EXTENSION	CJ	JD



West Elevation
1 : 100



East Elevation
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South Elevation
1 : 100



North Elevation
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4:18 architecture

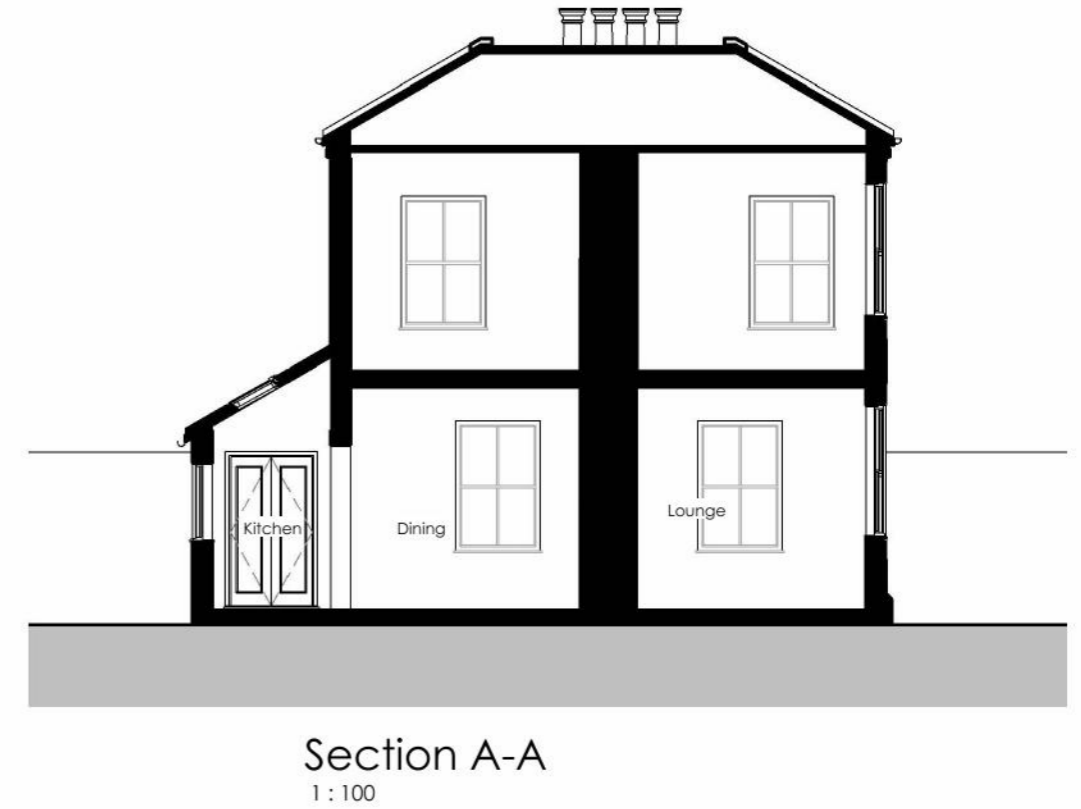
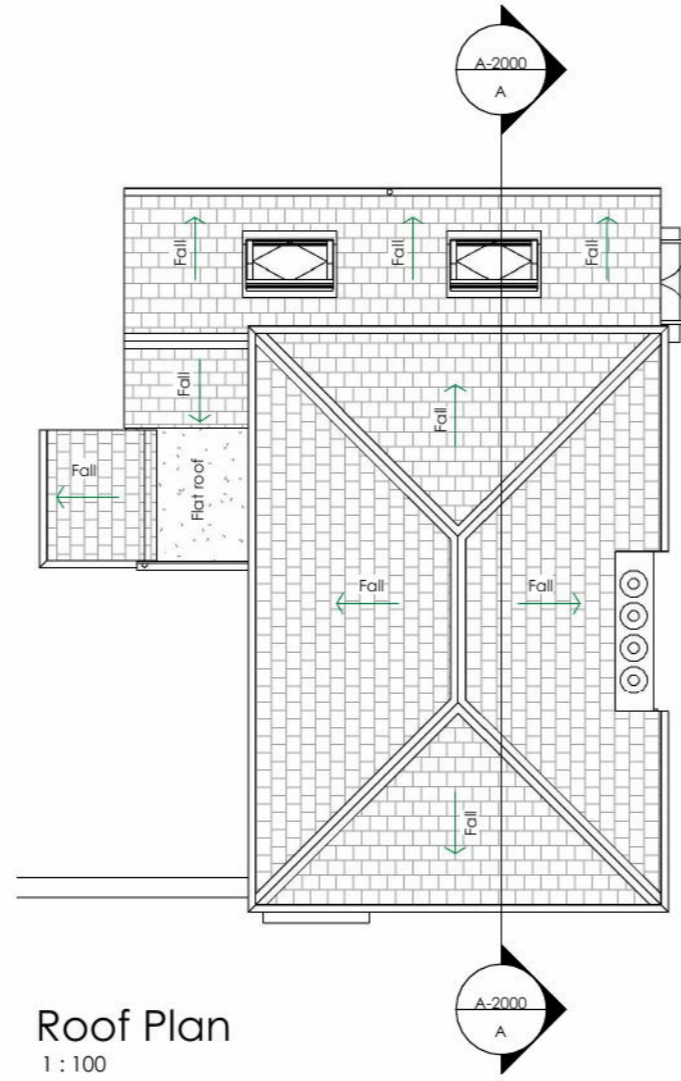
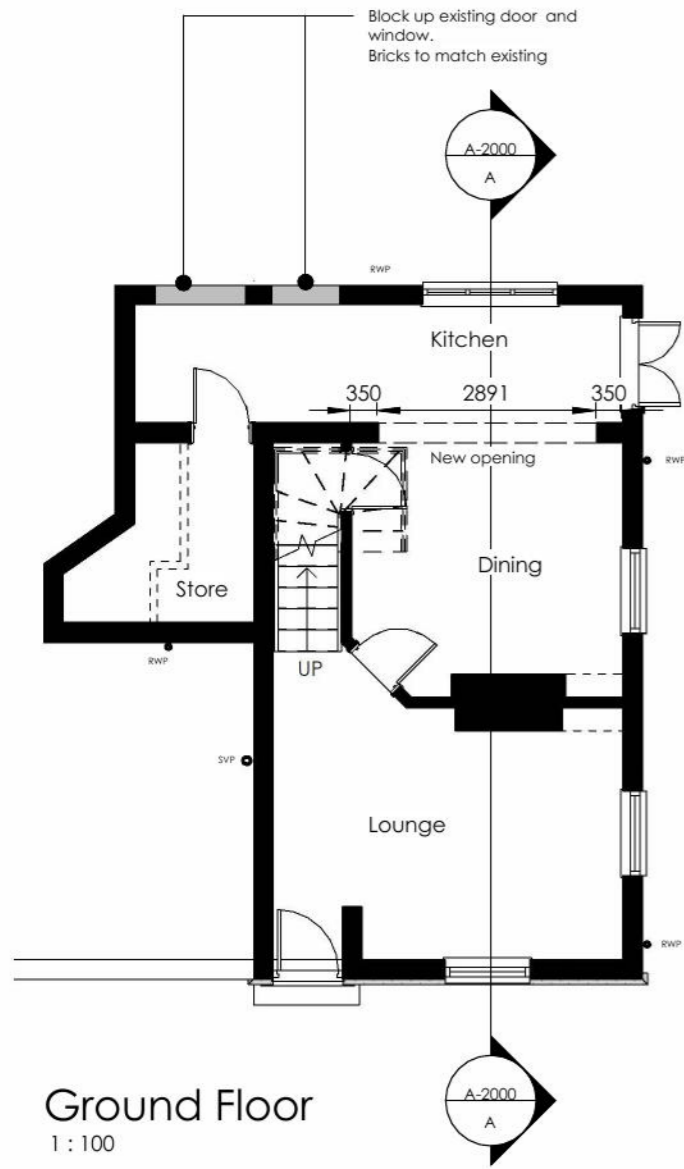
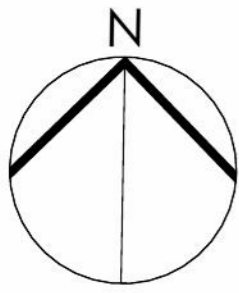
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Job Title: 12 Hartburn Village

Drawing Title: Elevations - Proposed

Date: 30/10/2022	Scale: 1 : 100	Drawn By: CJ	Checked By: JD
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P03	06/02/23	AMEND ROOF DESIGN OF PROPOSED EXTENSION	CJ	JD

4:18 architecture

Drawing Status: **PLANNING**

Job Title: 12 Hartburn Village

Drawing Title: Plans and Section - Proposed

Date: 30/10/2022	Scale: 1 : 100	Drawn By: CJ	Checked By: JD
Drawing No: 2037-418-00-ZZ-DR-A-2000		Suitability: S3	Rev: P03

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE
12 April 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/0315/LA

**Harold Wilson Recreation Centre, Thornaby Road, Thornaby
Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure.**

Expiry Date: 14 April 2023

SUMMARY

Planning permission is sought for the creation of a multi-use games area with associated enclosure.

Under the Council's Scheme of Delegation, the application is put forward for determination by the Planning Committee as the scheme does not constitute "minor development".

No objections have been received from neighbouring residents or statutory consultees subject to a number of conditions.

The proposed development is considered to be of an appropriate scale, design and layout for its setting, achieves satisfactory spacing from surrounding properties and is not considered that it will result in any unacceptable impacts on residential amenity. The proposed scheme is considered to satisfy national and local plan policies and as such is recommended for approval.

RECOMMENDATION

That planning application 23/0315/LA be approved subject to the following conditions and informatives;

Time Limit

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

Plan Reference Number	Date Received
A10577-HW-002	17 February 2023
A10577-HW-001	17 February 2023
A10577-HW-003	17 February 2023

Reason: To define the consent.

03 Construction activity

No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00a.m on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason: To avoid excessive noise and disturbance to the occupiers of nearby premises.

04 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.

Reason; To ensure that any unexpected contamination is dealt with appropriately

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.

BACKGROUND

1. The Council has received Section 106 funding from the housing development at Cayton Drive (Planning Ref; 15/1466/OUT). The S106 states that *'such sum to be used towards extension works to the Thornaby Allotments and/or MUGA at Harold Wilson Playing Fields, including an extension to the play area and/or an extension to the changing facilities at the Harold Wilson Playing Fields to increase capacity or any other open space, recreation or landscaping scheme that serves the needs of the Development'*.
2. Therefore, in consultation with ward councillors, an appropriate portion of the s106 capital is allocated to the development of the MUGA at Harold Wilson centre.

SITE AND SURROUNDINGS

3. The Harold Wilson Centre is located in the South West of Thornaby adjacent to the A1045 and Bader Avenue.
4. The proposed location for the MUGA, is on an existing area of Tarmac surfacing, to the south of the site which is currently used for informal sports.

PROPOSAL

5. Planning permission is sought for the provision of a MUGA (Multi Use Games Area) which will be built on an existing Tarmac surface, measuring approximately 28 metres x 20 metres.
6. The MUGA enclosure is manufactured out of steel and mesh and will be completed with the following
 - Two goal ends stepping down from a height of 3m at the middle to 1.2m at the corners
 - Two 1.2m high mesh fencing running along both sides to the goals

- Two centre chicanes, allowing easy ingress and egress
- White Ground graphics for Football and Basketball

7. The Design and Access Statement accompanying the application states that the position of the MUGA is compliant with the Fields in Trust recommendation that such a facility should be located a minimum of 35 metres away from residences.

CONSULTATIONS

8. Consultees were notified and the following comments were received.

9. Highways Transport & Design Manager

The Highways Transport and Design Manager raises no objections to the proposals.

Landscape & Visual Comments

The Highways Transport and Design Manager raises no landscape and visual objections to the

proposed modification to create a multi use games area on the site

10. Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

- Construction/ Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

- MUGA and Sports Playing Pitch

I have checked the additional documentation provided in regards to the Noise Assessment Statement and agree that the information has covered my concerns for this application, Environmental Health would have no objection in the principal of this development

- Land Contamination

A search of our land quality records shows that the site was previous military land (circa 1954) and is considered low risk. I would recommend the unexpected land contamination condition is imposed in the event of unexpected contamination being found

11. Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that 'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application.

12. Northern Gas Networks
No Objection

PUBLICITY

13. Neighbours were notified and no following comments were received.

PLANNING POLICY

14. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
15. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

16. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
17. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Paragraph 99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Local Planning Policy

18. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

e. Privacy and amenity of all existing and future occupants of land and buildings;

f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and

h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.
2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.
3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:
 - a. it has been demonstrated to be surplus to requirements; or
 - b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
 - d. the proposal is ancillary to the use of the open space; and
 - e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.
2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.
3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- b. Work with partners to ensure existing deficiencies are addressed; and
- c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.

6. Development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:

- a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
- c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

MATERIAL PLANNING CONSIDERATIONS

19. The main material considerations when assessing this application are the principle of development, character of the surrounding area, potential impact upon the amenity of neighbouring properties, and any other residual matters.

Principle of development

20. The MUGA is located on an existing area of tarmac within an area designed as playing fields. The development provides formal facilities which will include markings for various games.
21. The National Planning Policy Framework encourages access to open spaces for sport and recreation and policies are generally supportive of improving the facilities available to residents.
22. Sport England have been consulted and raised no objection to the use of the land in the manner proposed.
23. In view of the above policy considerations and given that the area of land is currently used as part of a defined area it is considered that the development is within a suitable location and the principle of development is acceptable.

Character of the Surrounding Area

24. The development site is within an existing facility used for general sport. It is considered that the scale of the proposed development is an appropriate size in relation to the wider open space and will be built on the site of the existing facilities. The enclosure of the MUGA will be through the provision of a 1.2 metre high fence along the sides with higher fencing at either end. As such the proposal is considered to be of a modest scale
25. The Highways Transport and Design Manager has commented from a landscape aspect and raises no landscape or visual objections to this development.
26. In view of the modest scale and design of the scheme, which respects the proportions and layout of the field, it is considered that the proposal will not result in an incongruous feature or result in an adverse impact upon the character and appearance of the surrounding area.

Amenity of Neighbouring Properties

27. No objections have been received and given the use of the land already exists it is considered that the improvements as proposed will have no impact on the neighbours over and above what already is in place.
28. The Council's Environmental Health Unit has been consulted on the application and has raised no objections subject to controls on the hours of construction/deliveries to the site. It is considered that the condition is necessary in relation to the works on site and is recommended accordingly.

Other matters

29. The Highways Transport and Design Manager raises no highway objections, it is therefore considered that the proposal will not result in an adverse impact upon highway safety.
30. A condition has been recommended to ensure that any contamination, if encountered, is appropriately dealt with.

CONCLUSION

31. Overall, it is considered that the proposed development is an appropriate scale and design for its setting and the proposal would not result in any unacceptable impacts on the residential amenity of neighbouring properties.
32. In view of the above it is considered that the proposal accords with the provisions of the National Planning Policy Framework and the local plan policies it is recommended that the application be approved with conditions.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Village
Ward Councillor	Councillor Ian Dalgarno
Ward Councillor	Councillor Mick Moore

IMPLICATIONS

Financial Implications: See Report

Environmental Implications: See Report

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

National Planning Policies Framework
Stockton on Tees Local Plan
Application File

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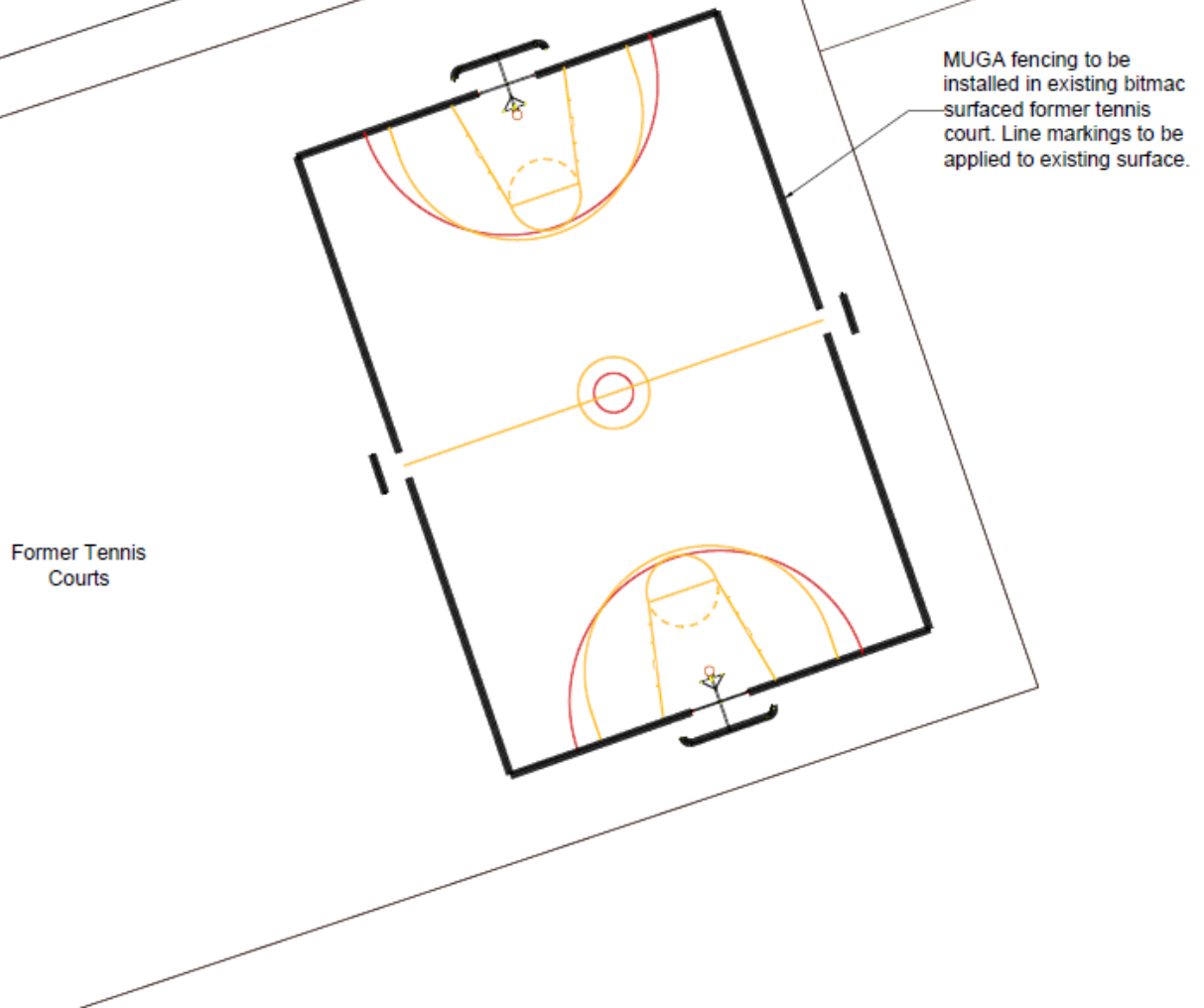


Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure.
Harold Wilson Recreation Centre, Thornaby Road, Thornaby

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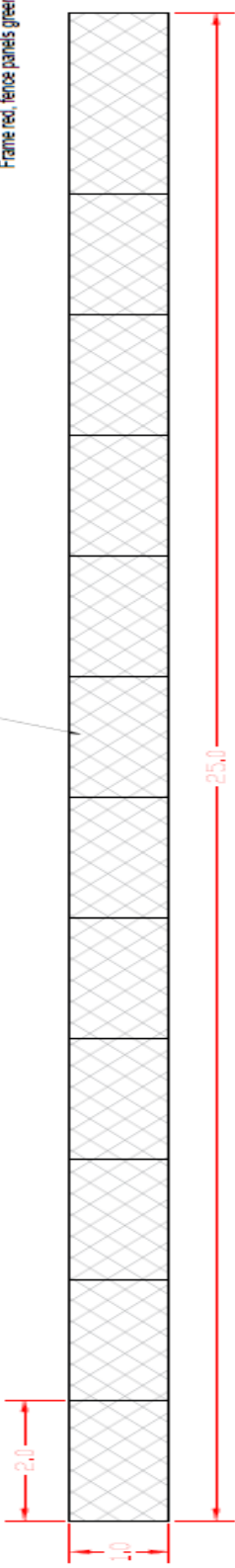


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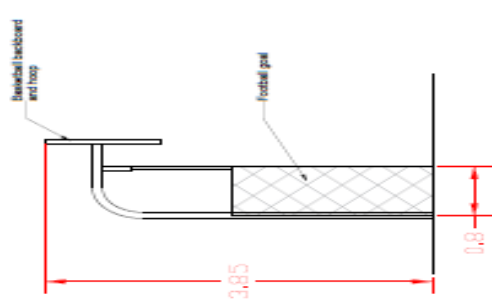
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 All dimensions must be checked on site and con-
 report any omissions or errors to the contract admin

MUGA Fencing Side Panel

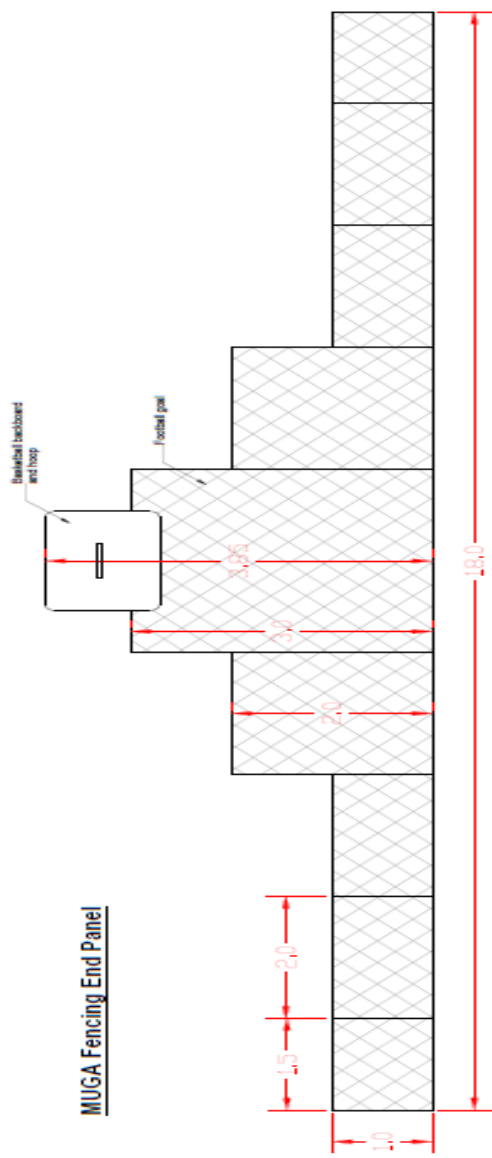


NOTES
 MUGA 25m x 18m (Amfield Sports Court)
 Play & Leisure Ltd. or similar approved)
 Frame red, fence panels green

MUGA Football Goal - Side View



MUGA Fencing End Panel



Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure.
 Harold Wilson Recreation Centre, Thornaby Road, Thornaby

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Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure.
Harold Wilson Recreation Centre, Thornaby Road, Thornaby

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE
12 April 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS
SERVICES**

23/0057/LA

**Playground South West Of 2 To 16 Mount Pleasant Walk Stillington
Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights**

Expiry Date 12 April 2023

SUMMARY

Planning permission is sought for the creation of a multi-use games area with associated enclosure, footpath and lighting.

Under the Council's Scheme of Delegation, the application is put forward for determination by the Planning Committee as the scheme does not constitute "minor development".

No objections have been received from neighbouring residents or statutory consultees subject to a number of conditions. The Parish Council has written in support of the proposal.

The proposed development is considered to be of an appropriate scale, design and layout for its setting, achieves satisfactory spacing from surrounding properties and is not considered that it will result in any unacceptable impacts on residential amenity. The proposed scheme is considered to satisfy National and Local Plan policies and as such is recommended for approval.

RECOMMENDATION

That planning application 23/0057/LA be approved subject to the following conditions and informatives;

Time Limit

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

Plan Reference Number	Date Received
UDN_2074_07	25 January 2023
UDN_2074_06	19 January 2023
UDN_2074_10	19 January 2023
SLDS-3769-V1A	12 January 2023

TS/10088/102/1304A	12 January 2023
UDN-2074-04 REV D	12 January 2023
UDN_2074_05	12 January 2023
UDN_2074_05 REV A	12 January 2023

Reason: To define the consent.

03 Construction activity

No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00a.m on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason: To avoid excessive noise and disturbance to the occupiers of nearby premises.

04 Multi Use Games Area Lighting - Hours of use

Notwithstanding details hereby approved, the lighting scheme hereby approved which relates to the Multi Use Games Area shall only be used between the hours of 4pm - 10pm.

Reason: In order to limit disturbance through light pollution.

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.

BACKGROUND

1. In 2017, Stillington and Whitton Parish Council developed a Community Plan that would establish a vision for the future of the Parish over the next 5 – 10 years. An integral part of that plan was to develop recreational facilities for children and young people throughout the parish, including the installation of a Multi-Use Games Area at Mount Pleasant.
2. The MUGA has previously had planning consent (App No. 13/2609/FUL) but was not delivered due to lack of funding.
3. With s106 resources from the nearby Jasper Grove development (17/2912/FUL) Stockton Council has now received the final payment from the developer that enables the delivery of the Multi Use Games Area in the open space at Mount Pleasant, Stillington.

SITE AND SURROUNDINGS

4. The application site forms part of a large area of open space adjacent to the south west of Mount Pleasant Walk , which is accessed by a footpath leading out to the village.
5. The location of the MUGA is such that it is as far away from houses as practical, and Design and Access Statement accompanying the application states the distances are compliant with the Fields in Trust recommendation in that such a facility should be located a minimum of 35 metres away from residences.

PROPOSAL

6. Planning permission is sought for the installation of a MUGA (multi use games area) which will be built on to a new porous Tarmac Pad measuring approximately 28 metres x 20

metres. The MUGA enclosure is manufactured out of steel and mesh and will be completed with the following:

- Two goal ends stepping down from a height of 3m at the middle to 1.2m at the corners
 - Two 1.2m high mesh fencing running along both sides to the goals
 - Two centre chicanes, allowing easy ingress and egress
 - White Ground graphics for Football and Basketball
7. The application includes the provision of six, 8 metre high light columns which will enable the MUGA to be used for extended hours, particularly during the winter months, and the lighting will be switched off no later than 10pm.
8. Access to the site will be from Mount Pleasant Grove. A haul road may be required during the construction phase and there is also a requirement to provide a footpath access from Mount Pleasant Road which will be lit, the basis of this will be the proposed haul road, utilising the initial construction works for access to the site and once work is complete the new access path will be constructed and land restored to its former condition.

CONSULTATIONS

9. Consultees were notified and the following comments were received.
10. Highways Transport & Design Manager
Highways Comments - There are no highway objections to the proposed MUGA and 6no floodlights.
Landscape & Visual Comments - There are no landscape and visual objections to the proposed MUGA and floodlighting south of Mount Pleasant Grove.
11. Environmental Health Unit
I have checked the additional documentation provided in regard to the Noise Assessment Statement and agree that the information has covered my concerns for this application, Environmental Health would have no objection in the principal of this development
12. Stillington and Whitton Parish Council
Stillington and Whitton Parish Council give full support to this application. Members feel that a MUGA in this location will be a real asset to the Parish and will be well used and appreciated by local people. One of the main outcomes of a community planning exercise completed in the Parish in 2019 was a desire for the provision of more activities for the younger members of our community. Another high priority was for additional facilities within walking distance for the majority of residents in the Parish that will provide opportunities for improved health and wellbeing. The proposed MUGA will meet all of these needs.

PUBLICITY

13. Neighbours were notified and no comments were received.

PLANNING POLICY

14. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

15. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

16. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
17. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Paragraph 99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Local Planning Policy

18. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

18. The Council will support appropriate economic growth development within the countryside that cannot be located within the limits to development, or is of an appropriate scale and does not harm the character and appearance of the countryside; where it:

- a. Is necessary for a farming or forestry operation; or
- b. Provides opportunities for farm diversification; or
- c. Provides opportunities for equestrian activity; or
- d. Is a tourism proposal requiring a rural location; or

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
 - e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
 - f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
 - j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
 - l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
 - a. Directing development in accordance with Policies SD3 and SD4.
 - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
 - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
 - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and
- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.

3. Site specific flood risk assessments will be required in accordance with national policy.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- b. Work with partners to ensure existing deficiencies are addressed; and
- c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.

6. Development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:

- a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
- c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

MATERIAL PLANNING CONSIDERATIONS

19. The main material considerations when assessing this application are the principle of development, character of the surrounding area, potential impact upon the amenity of neighbouring properties, flood risk and any other residual matters.

Principle of development

20. The proposed MUGA is located on an existing area of open space which is already used for informal recreation.
21. The submitted Design and Access statement states that there is a lack of recreational facilities in Stillington. There has been consultation with the local community and in 2017 Stillington and Whitton Parish Council developed a Community Plan that would establish a vision for the future of the Parish over the next 5 - 10 years. An integral part of that plan was to develop recreational facilities for children and young people throughout the parish, including the installation of a Multi-Use Games Area at Mount Pleasant.
22. Stillington and Whitton Parish Council give full support to this application, stating that members feel that a MUGA in this location will be a real asset to the Parish and will be appreciated by local people.
23. The site is located outside the limits to development however, a number of provisions are made in the local plan to allow certain types of development where they do not harm the character of appearance of the countryside; this list includes 'sport or recreation' and it is considered the proposal is in general conformity with Local Plan Policies.
24. The National Planning Policy Framework encourages access to open spaces for sport and recreation and local plan policies are generally supportive of improving the facilities available to residents.
25. Overall, it is considered that there are no planning policies which would render the application as unacceptable and it is considered that the development is within a suitable location and the principle of development is acceptable.

Character of the Surrounding Area

26. The development site is part of an existing area used for an informal recreation. It is considered that the scale of the proposed development is an appropriate size in relation to the wider open space. The enclosure of the MUGA will incorporate a 1.2 metre high fence along the sides with higher fencing at either end. As such the proposal is considered to be of a modest scale
27. The Highways Transport and Design Manager has commented from a landscape aspect and raises no landscape or visual objections to this development.
28. In view of the modest scale and design of the scheme, which respects the proportions and layout of the field, it is considered that the proposal will not result in an incongruous feature or result in an adverse impact upon the character and appearance of the surrounding area.

Amenity of Neighbouring Properties

29. No objections have been received and given the use of the land already exists for open space and recreation it is considered that the development as proposed will not have a significant adverse impact on the neighbours, the nearest of which is over 80 metres away.
30. A noise assessment accompanies the application which has been received by the Council's Environmental Health Unit and raised no objections.
31. The proposal includes the provision of light columns, and it is considered reasonable to control the hours of operation of these lights to prevent any significant intrusion to neighbouring properties. In addition, a condition to control the hours of construction has been recommended.
32. With these controls it is considered that the proposed scheme will not result in an unacceptable impact upon the amenity of neighbouring land users in terms of overlooking, appearing overbearing and noise disturbance.

Flood Risk

33. Part of the proposed MUGA will be located in a flood zone. The use is classed as 'water compatible' development by the Environment Agency and the materials used for the 'pad' are to be porous. It is considered that the proposal is acceptable in terms of flood risk.

Other matters

34. The Highways Transport and Design Manager raises no highway objections, it is therefore not considered that the proposal will not result in an adverse impact upon highway safety.

CONCLUSION

35. Overall it is considered that the proposed development is an appropriate scale and design for its setting and the proposal would not result in any unacceptable impacts on the residential amenity of neighbouring properties.
36. The proposal accords with the provisions of the National Planning Policy Framework and the local plan policies it is recommended that the application be approved with conditions.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward Western Parishes

Ward Councillor Councillor Steve Matthews

IMPLICATIONS

Financial Implications: See Report

Environmental Implications: See Report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

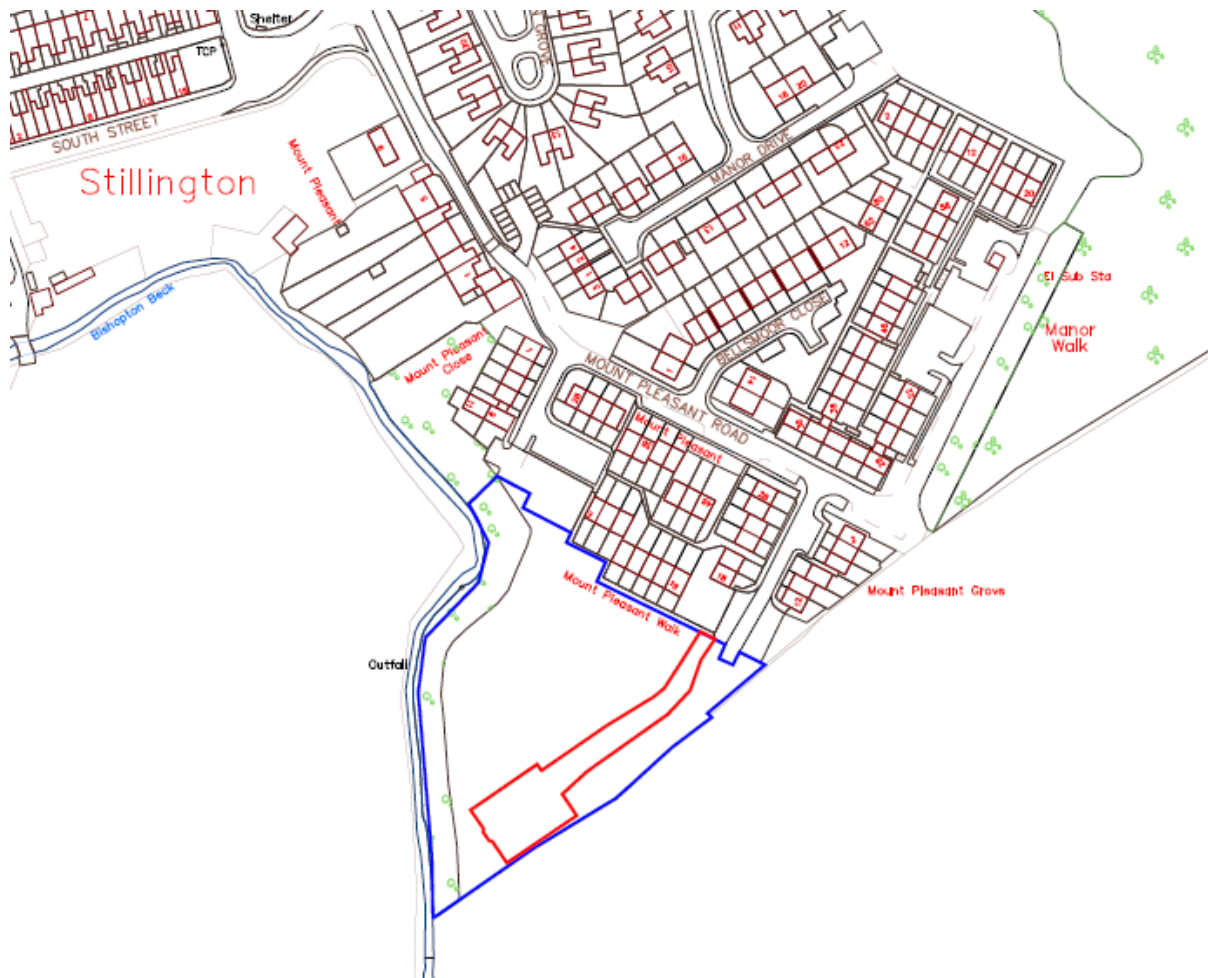
Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

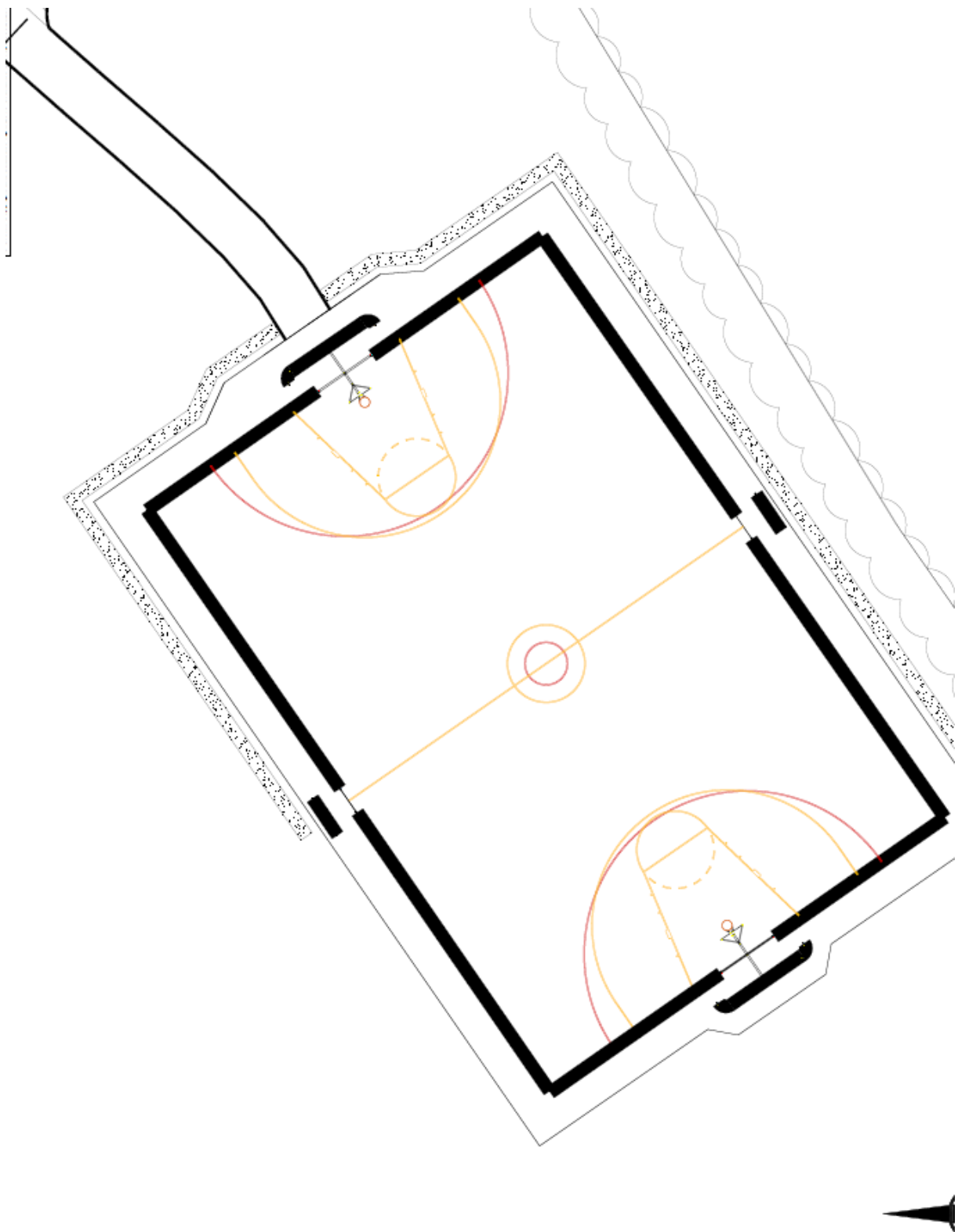
National Planning Policy Framework
Stockton on Tees Local Plan
Application File

APPENDIX 1 – SITE LOCATION PLAN



**Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights
Playground South West Of 2 To 16 Mount Pleasant Walk Stillington**

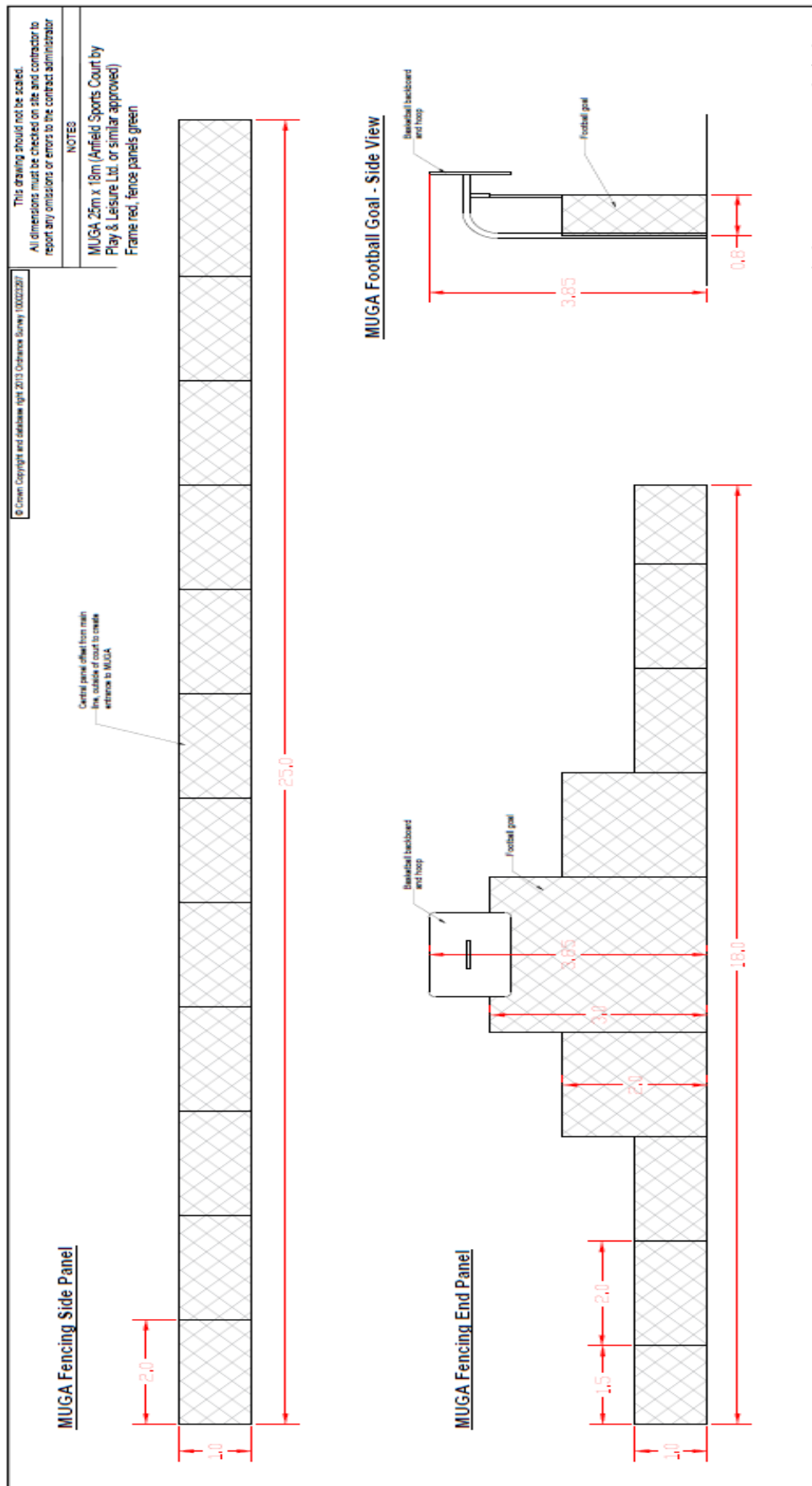
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**Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights
Playground South West Of 2 To 16 Mount Pleasant Walk Stillington**

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APPENDIX 3 – MUGA ELEVATIONS



Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights
Playground South West Of 2 To 16 Mount Pleasant Walk Stillington

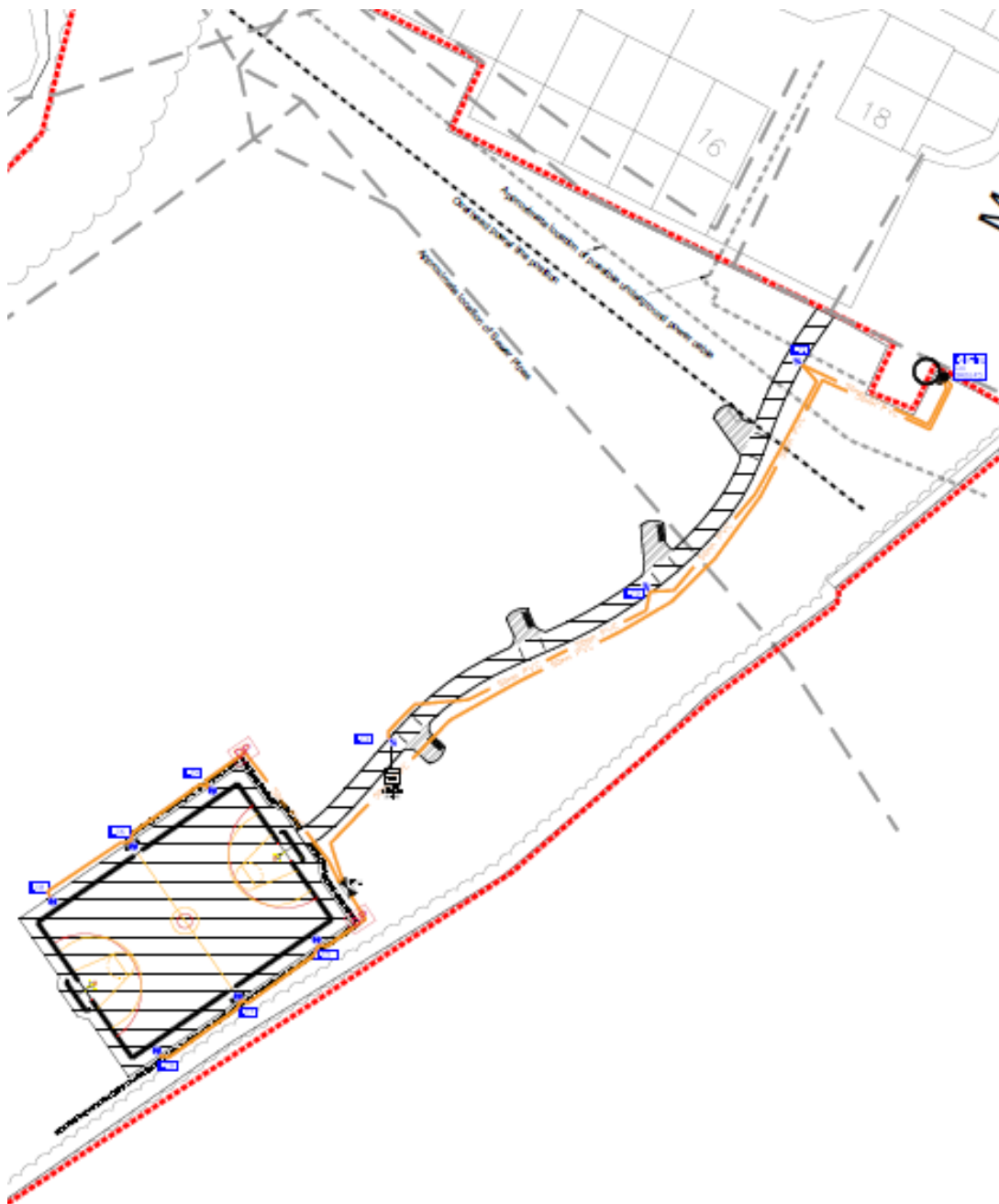
APPENDIX 4 SIMILAR FACILITY



**Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights
Playground South West Of 2 To 16 Mount Pleasant Walk Stillington**

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APPENDIX 5 – FOOTPATH AND LIGHTING



Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights
Playground South West Of 2 To 16 Mount Pleasant Walk Stillington

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Appeal Decision

Site visit made on 27 February 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/H0738/Z/23/3314771

22 Prince Regent Street, Stockton-on-Tees TS18 1DB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/1342/ADV, dated 8 June 2022, was refused by notice dated 12 January 2023.
 - The advertisement proposed is described as the installation of a wall mounted illuminated 48-sheet D-poster (digital) display and ancillary vertical meadow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description contained within the application and appeal forms and reflected in the heading above differs to that cited on the Council's decision notice as the latter does not make any reference to the proposed ancillary vertical meadow. My assessment of this appeal includes the vertical meadow because it forms part of the advertisement structure and that is what the appellant has sought permission for.
3. The Council has cited the National Planning Policy Framework and Policies SD8 and HE2 of the Stockton-on Tees Borough Council Local Plan in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity.

Main Issue

4. In this case the Council has no objection over safety. From the evidence before me and my site inspection I have no cause to dispute that assessment. The main issue is therefore the effect of the appeal proposal on amenity, with particular regard to the character and appearance of the street scene and the significance of the Stockton Conservation Area.

Reasons

5. The appeal site is an existing 2 storey commercial premises which is situated on a main pedestrian and transport route, and which bounds a public car park. This side of Prince Regent Street falls just within the limits of the Stockton Conservation Area. The commercial urban character and appearance of the host building and its well-trodden context is defined by its legacy as a town centre and the prevalence of local businesses and their associated signage.

There is a distinct absence of soft landscaping in this part of Stockton. This reinforces the essence of this part of the town centre.

6. In view of the limited heritage evidence before me, from my site inspection I observed that the significance of the Stockton Conservation Area is both architecturally and culturally derived from the long-standing role and function of this town centre for its hinterland.
7. The Council has submitted a plan which confirms that No 28 West Row, a 3 storey Grade II Listed Building, is located within the building group which forms part of the immediate context to the appeal site. From my site visit it is evident that this asset's significance reflects that of the Conservation Area within which it stands.
8. Visually, the historic fabric of this edge of the Conservation Area has been eroded over time through the replacement of some traditional buildings and the clearance of others to make way for public car parking facilities. Nonetheless, just beyond the appeal site the more intimate, smaller-scale character and appearance of this Town Centre's historic buildings and public realm is evident. These form an important historic backdrop to the appeal site.
9. Although the group of buildings within which the appeal site stands have been subject to some contemporary alterations to their elevations, overall, they continue to make a positive visual contribution to this part of the Conservation Area and therefore the way in which the significance of these designated heritage assets is currently experienced and appreciated.
10. The proposed digital advertising hoarding would be sited on the exposed gable end of the host property, at first floor level, with a vertical meadow below. The location and orientation of the host property means that its exposed gable end is highly prominent on approach when travelling northward along Prince Regent Street by foot or vehicle as far back as the junction with Yarm Lane. Whereas the occupants of the facing commercial properties opposite would capture only oblique views. Consequently, its presence would be confined to localised vantage points and would be experienced within the context of the existing surrounding commercial premises and their associated signage.
11. The proposed unit would be of a landscape format and slightly offset to one side. The host gable elevation is devoid of any notable architectural features. Therefore, no distinctive architectural features would be obscured by the appeal proposal. Nonetheless, the totality of the display unit and vertical meadow would mean that most of this elevation of the host building would be covered.
12. Such a ratio would result in an overly domineering effect. Therefore, the size and overall scale proposed would not be proportionate to that of its host. Moreover, there are no other advertisement displays in the vicinity of the appeal site which are of the design form and scale of the proposal before me.
13. Overall, I am satisfied that appropriately worded conditions to manage the frequency, type, nature, luminance and quality of the digital formatted advertisements would secure a display which would not be dissimilar to a poster advertisement. Furthermore, I acknowledge the environmental benefits of this contemporary advertisement solution.

14. Nonetheless, even if the hours of operation were controlled, the combination of the appeal proposal's commanding exposed position, large scale and illuminated dynamic digital format would significantly heighten its presence within this street scene, particularly during the hours of darkness. This would be to a level which would be both out of character, overly domineering and therefore an inappropriate addition to this street scene. The proposed vertical meadow would be an alien feature which would further emphasise this, being in an area where the distinct absence of soft landscaping is part of its character.
15. Given the differentials in height and relative positioning between the host building and No 28, the appeal proposal would be read with very limited glimpses of the upper most part of that Listed Building's side elevation. Nonetheless, it would further erode the character and appearance of the Conservation Area which forms its setting. The proposed change would be an undue adverse distraction to the way in which both important heritage assets are currently experienced. The harm that would arise would be less than substantial and would not preserve or enhance the character or appearance of the Conservation Area.
16. The identified harm is exacerbated by the proposed vertical hanging meadow feature. However, even by imposing a condition to secure a scheme without that component, an overly obtrusive and dominant display would result for a significant period which would be detrimental to the amenity of the area. The proposal is designed and sited to draw the eye, exacerbating the harms I have identified from the design, scale and massing of the proposal at this location. None of the matters advanced by the appellant weighing in favour of the appeal scheme would outweigh the heritage harm that I have identified.
17. For all of these reasons, the appeal proposal would be harmful to amenity, with particular regard to the character and appearance of the existing street scene and the significance of the Stockton Conservation Area. This conflicts with Policies SD8 and HE2 of the Stockton-on Tees Borough Council Local Plan.

Conclusion

18. For the reasons given above, I conclude that whilst there is no harm to public safety, the appeal proposal would be detrimental to the interests of amenity. Therefore, the appeal should be dismissed.

C Dillon

INSPECTOR

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