

Date: Wednesday 18 October 2023 at 1.30 pm

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

Cllr Mick Stoker (Chair)

Cllr Michelle Bendelow (Vice-Chair)

Cllr Stefan Barnes

Cllr Dan Fagan

Cllr Elsi Hampton

Cllr Tony Riordan

Cllr Norma Stephenson OBE

Cllr Sylvia Walmsley

Cllr Carol Clark

Cllr Lynn Hall

Cllr Eileen Johnson

Cllr Andrew Sherris

Cllr Jim Taylor

Cllr Barry Woodhouse

AGENDA

1 Evacuation Procedure

2 Apologies for Absence

3 Declarations of Interest

4 Minutes of the meeting which was held on 5 July and 9 August 2023 (Pages 7 - 32)

5 Planning Protocol (Pages 33 - 34)

6 23/0649/FUL 91 Wolviston Road, Billingham, Stockton-On-Tees Application of change of use from a dwelling house (C3) to a childrens home (C2) to include the erection of a two storey side extension, single storey extension to rear and addition of car parking spaces.

Report (Pages 35 - 60)

Appendix 1, Site Location

Appendix 2, Existing Elevations

Appendix 3, Existing Site Plan

Appendix 4, Proposed Elevation

Appendix 5, Proposed Site Plan

- 7 23/1201/FUL Land To The East Of Cleasby Way, Eaglescliffe. Creation of approximately 101no cark parking spaces to include 6no disability/accessible spaces and 10no electrical vehicle charging points any associated ancillary works to include a barrier and palisade fencing and new CCTV columns and erection of cycle store and substation.**

Report

(Pages 61 - 86)

Appendix 1, Site Location Plan

Appendix 2, Site Context

Appendix 3, Site Layout

Appendix 4, Proposed Substation

- 8 22/2394/REV Land East Of 433 To 439, Thornaby Road, Thornaby Revised application for the erection of 1no detached dwelling and 1no detached bungalow to include associated external works including alterations to public right of way.**

Report

(Pages 87 - 114)

Appendix 1, Proposed details

Appendix 2, Landscape

Appendix 3, Sound Maps

9 Appeals

1. Appeal - Mandale Homes - Mount Leven Farm

(Pages 115 - 148)

Leven Bank Road, Yarm

21/2925/FUL - DISMISSED

COSTS - REFUSED

2. Appeal - Mrs Beverley Lowe - 51 Wallington Road

Billingham

23/0206/REV - ALLOWED WITH CONDITIONS

COSTS - REFUSED

3. Appeal - Mr Thompson - 7 Denevale, Yarm

22/1742/CPL - DISMISSED

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

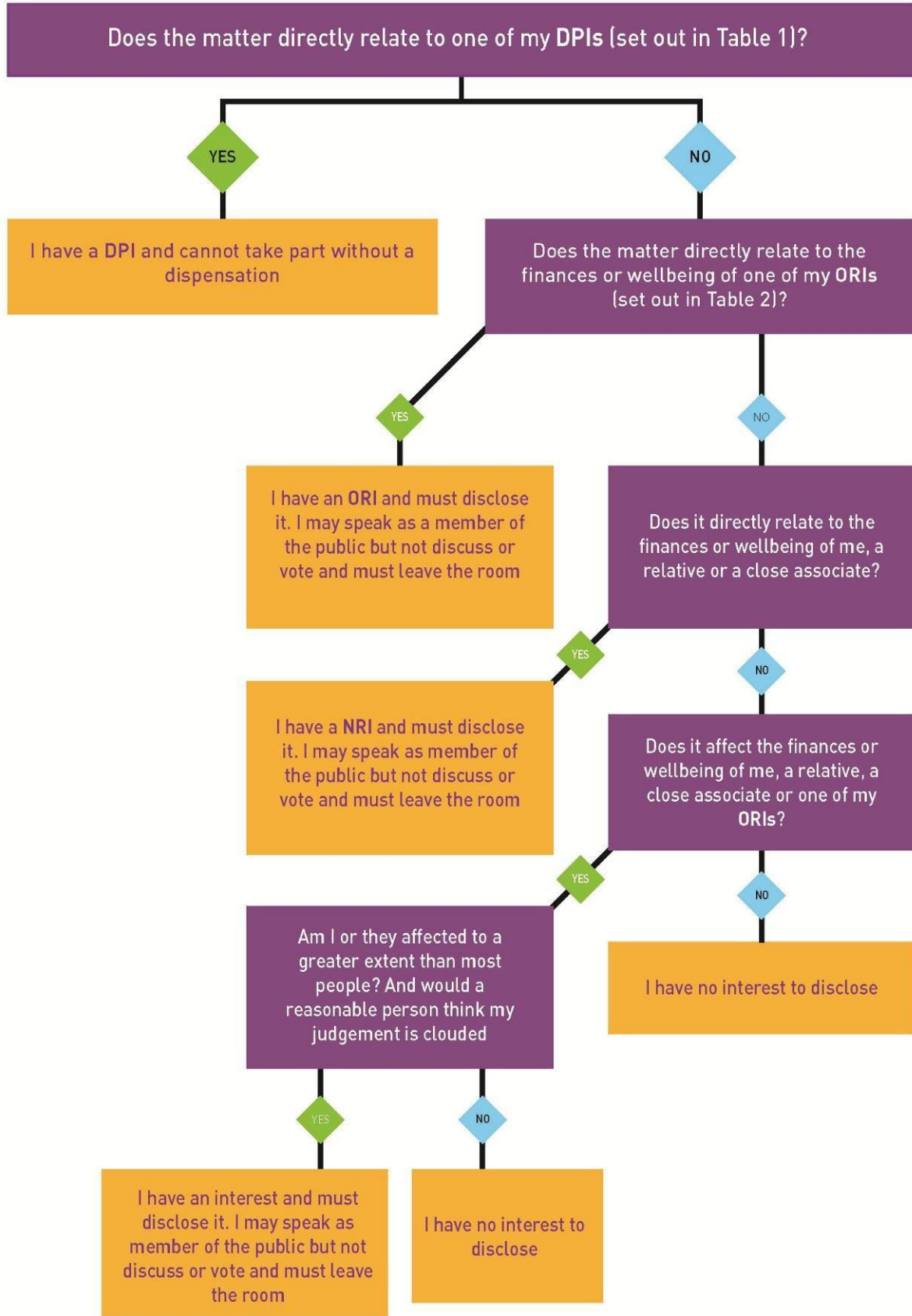


Table 1 - Disclosable Pecuniary Interests

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

PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 5 July 2023.

Present: Cllr Mick Stoker (Chair), Cllr Pauline Beall, Cllr Carol Clark, Cllr John Coulson, Cllr Ian Dalgarno, Cllr Dan Fagan, Cllr Elsi Hampton, Cllr Eileen Johnson, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Hilary Vickers and Cllr Barry Woodhouse.

Officers: Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Joanne Roberts (DoCS,E&C), Julie Butcher and Sarah Whaley (DoCS).

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

Apologies: Cllr Michelle Bendelow (Vice-Chair), Cllr Tony Riordan, Cllr Andrew Sherris and Cllr Sylvia Walmsley.

P/7/23 Evacuation Procedure

The Evacuation Procedure was noted.

P/8/23 Declarations of Interest

There were no declarations of interest.

P/9/23 Minutes of the meeting which was held on 7th June 2023

Consideration was given to the Planning Committee minutes from the meeting which was held on 7 June 2023 for approval and signature.

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

P/10/23 Planning Protocol

The planning protocol was noted.

P/11/23 23/0061/REM Castlegate Shopping Centre, Multi Storey Car Park And Former Swallow Hotel, High Street, Stockton-on-Tees Reserved matters application for (access, appearance, landscaping, layout and scale) for phases 3-9 for the re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, vehicular access, highways alterations and servicing provision.

Consideration was given to reserved matters application for 23/0061/REM, Castlegate Shopping Centre, Multi Storey Car Park and Former Swallow Hotel, High Street, Stockton-on-Tees.

Outline planning permission with all matters reserved was approved by Planning

Committee on the 9 August 2021, for demolition of existing structures, including shopping centre, hotel and multi storey car park for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision (21/0786/OUT). Work had commenced on the demolition and work was ongoing.

The application sought reserved matters approval for phases 3-9 of the development which is generally the new urban park, bridge and road alignment changes.

The vision remained to deliver transformational change within Stockton Town Centre through the demolition of the Castlegate Shopping Centre and consolidation of Stockton Town Centre's retail offer to address the oversupply of retail floor space within the Town Centre, which had now already occurred. The park was designed to be a destination with multiple spaces for events and part of a wider strategy to reduce reliance on retail and address the unit vacancy rates. The layout of the park was informed by the historic burgage plots and the east west movement route from High Street to the Riverside. Overlaying this was the free flowing "cultural ribbon" that leads people through the park to the event spaces and link to areas of "cultural confetti" - features that told the heritage stories of Stockton. The 'ribbon' was a trail through the park and the 'confetti' were points with heritage interpretation along the way.

The application had been considered in full and there were no policy or consultation objections to the proposals subject to a number of conditions which had been recommended.

The application was recommended for approval with conditions.

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

Neighbours were notified and the comments received were detailed within the main report.

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

The Planning Officers report concluded that overall, the submitted details had been considered and were broadly compliant with the approved parameters of the outline planning permission, therefore the application was recommended for approval with conditions as detailed within the main report.

A representative from the architects involved in developing the scheme gave Members a 5-minute presentation explaining the design approach. The main topics highlighted were as follows;

- The park would reflect the rich heritage of Stockton including the strong connection between the high street and the river, Stockton's rail heritage with rail routes mapped out in the park as well as great stories of the fascinating shops and amazing produce that was located in the area where the Castlegate Centre once stood.
- Finkle street was to be pedestrianised with cafes and bars, and Finkle Square would

be much greener with tactile materials used in its development for the public to enjoy with opportunities for markets to be held. Finkle Gardens would be a domestic space with planting and leisure space with a mini amphitheatre.

- There was a large play area currently being developed, an oval lawn and a big event space, family picnic areas as well as a bridge leading to the proposed amphitheatre which would hold large events.

- Further north would be an adventure play area with large swings as well as a sheltered area for food and beverages.

- The high street frontage would be very open attracting people to the park area and this was also where the local bus stops would be located.

- Members were presented with visuals of how the proposal would look including that of the urban park and waterfront.

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

- This was a fine example of urban regeneration which had the wow factor and was extremely exciting.

- It was recommended that as the development was over various levels, appropriate handrails and seating must be included to accommodate all members of the public.

- Finkle Street was incredibly important to the Town and needed to be developed sensitively.

- The development was a full Borough project which the people of Stockton deserved.

- A request was made that in terms of greenery, bushes were low lying and maintained so they did not overgrow and take over.

- Brief discussion was had relating to the long narrow pieces of land which were rented out to people and businesses known as Burges and how this would be represented.

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

- Officers explained that the ethos of the development was to reinforce the link back to Stockton's history, allowing linkage through visual interpretation.

- In terms of the request for low lying bushes, conditions would be in place to control final landscaping and maintenance.

A vote took place, and the application was approved.

RESOLVED that planning application 23/0061/REM be approved subject to the following conditions and informatives;

01 Approved Plans

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

Plan Reference Number	Date Received
SUPW-RWD-00-XX-DR-L-2105 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2000 REV P8	17 May 2023
SUPW-RYD-00-XX-DR-L-2001 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2101 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2102 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2103 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2104 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2108 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2109 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2700 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2701 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2702 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2703 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2704 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2710 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-7000 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L_2106 REV P5	17 May 2023
STCMP-RYD-00-ZZ-DR-A-01000-S2-P5	12 January 2023
SUPW-RYD-00-XX-DR-L-0100-S2-P1	12 January 2023
SUPW-RYD-XX-XX-DR-A-4001-S2-P2	12 January 2023
SUPW-RYD-XX-XX-DR-A-4002 -S2-P2	12 January 2023
SUPW-RYD-XX-XX-DR-A-4003-S2-P2	12 January 2023
SUPW-RYD-XX-XX-DR-A-4004-S2-P2	12 January 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01122_P05	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01123 REV P02	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01190 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01191 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01192 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01197_P04	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01900 REV P07	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01901 REV P07	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01902 REV P09	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01903 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01904 REV P05	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01119 P03	12 January 2023
SUPW-BGP-01-ZZ-DR-C-52-01001 P02	12 January 2023
SUPW-BGP-01-ZZ-DR-C-52-01002 P01	12 January 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01193 P03	12 January 2023
SUPW-BGP-01-ZZ-DR-A-16-01922 PO2	18 January 2023
SUPW-BGP-01-ZZ-DR-S-16-01924 PO2	18 January 2023
SUPW-BGP-01-ZZ-DR-S-16-01923 PO2	18 January 2023

02 Landscaping – Softworks

Notwithstanding the submitted plans, full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or

proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed prior to the opening to the public of any part of the development or over an alternative timetable to be agreed with the local planning authority.

03 Soft Landscape Management and Maintenance

Full details of proposed soft landscape management shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

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

04 Landscaping – Hardworks (Tactile Paving)

Full details of proposed tactile paving shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. This shall include all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. To enable the Local Planning Authority to control details of the proposed development, to ensure a high-quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area

05 Street Furniture

Details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. This shall include seating, litter bins, bollards and cycle stands and skate stops. Such street furniture as agreed shall be erected before the development hereby approved is open to the public.

06 Signage, Artworks and Heritage Details

Details of all artworks, heritage details and interpretation signage and all other site signage locations materials and dimensions shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. Such street furniture as agreed shall be erected

before the development hereby approved is open to the public.

07 Enclosures

Details of all balustrades, railings, pedestrian guardrails, fencing and walls shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. All enclosures as agreed shall be erected before the development hereby approved is open to the public.

08 Water Feature

Details of the design, appearance and function of any water features shall be submitted to and approved in writing in accordance with a timetable to be agreed with the local planning authority.

09 Play Equipment and Future Management

Details of all play equipment including safety surfacing shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority.

The developer shall also provide a management and maintenance plan for the play area and equipment, to guide the future management of the play facility. The management details shall be prepared for a minimum period of 20 years from completion of the works.

10 Scheme for Illumination

Full details of the method of any external illumination including siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority and the lighting shall be implemented wholly in accordance with the agreed scheme prior to the park opening to the public.

11 Drainage:

Development shall be implemented in broad accordance with the drainage scheme contained within the submitted document entitled "Indicative Drainage Schematic" dated "21st December 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6902 and ensure that surface water discharges to the existing watercourse.

12 Archaeology

(A) Prior to works commencing on the built development a programme of works and associated archaeological strategy, has been submitted to and approved by the local planning authority in writing. A Written Scheme of Investigation must also be submitted to, and approved by, the local planning authority in writing prior to starting any programme of archaeological work. The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site

investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the programme of works and associated archaeological strategy approved under condition (A).

C) The development shall not be open to the public until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological strategy approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Canal and River Trust

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust.

Informative: Landscaping

The following British Standards should be referred to:

BS: 3882:2015 Specification for topsoil

BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations

BS: 8601:2013 Specification for subsoil and requirements for use

BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations

BS: 3998:2010 Tree work – Recommendations

BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).

BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs

BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)

BS: 4043:1989 Recommendations for Transplanting root-balled trees

P/12/23 22/2517/VARY Playing Field, Aislaby Road, Eaglescliffe Section 73 application to remove condition no1 and no2 of planning approval 268/79 and creation of extended car parking area.

Consideration was given to an application to vary for 22/2517/VARY, Playing Field, Aislaby Road, Eaglescliffe. Stockton-on-Tees.

Planning permission was sought to remove conditions no1 and no2 of planning approval S268/79 to allow community use of the playing pitches at the Yarm School Playing Field, Aislaby Road, Eaglescliffe.

The proposal also included the creation of an extended car parking area to facilitate 97 car parking spaces. Planning permission was approved in 1979 for the use of the land as school playing pitches with restrictive conditions for use by Yarm School only.

The applicant sought consent to allow Yarm School along with their associated partners/community groups and facilitate wider community use and participation in sport at the site.

There had been 34 letters of support and 11 letters of objection which the main cause for concern relating to on street and indiscriminate parking. To overcome this the applicant had proposed the provision of a 97-space car park.

The proposed extended community use would be supported by national and local planning policy and with conditions to control the operation and use of the site it was considered that there were no sustainable planning reasons to refuse the application and the application was therefore recommended for approval subject to planning conditions.

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

Neighbours were notified and the comments received were detailed within the main report.

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

The Planning Officers report concluded that overall, it was considered that the benefits from allowing the community use of the playing fields was significant and the site could be sufficiently controlled through conditions to manage the site so as not to adversely affect residents, therefore the application was recommended for approval with conditions as detailed within the main report.

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

- Concerns were raised relating to parking due to the very narrow road which was frequently used and whether there would be any modifications to the entrance.
- It was suggested that a condition be added so the playing fields could be used by the local community.

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

- Officers explained that should there be any issues around parking then enforcement would deal with any issues identified and if required traffic regulations orders could be introduced such as double yellow lines.
- In terms of community use Officers explained that condition 3 'Community Use Agreement' within the officers' report covered this.

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

RESOLVED that planning application 22/2517/VARY be approved subject to the following conditions and informatives

Approved Plans

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

Plan Reference Number Date Received

2819 AL(0)100 YS 18 May 2023

SBC0001 9 December 2022

Car Parking

02 Prior to the community use being brought into operation, the car park as shown on plan 2819 AL(0)100 YS received 18 May 2023 shall be provided and available for the parking of vehicles when the playing pitches are in use. The car park shall be retained for the life of the development.

Community Use Agreement

03 Within three months of the commencement of the use of the development by any person other than Yarm School pupils a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Yarm School's Aislaby Road Playing Field and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Community Use

04 The use of the facility for organisations other than Yarm School shall be capped at of a total of 125 uses per year and a maximum of 10 senior league matches per year, by non-Yarm school organisations.

Hours of operation

05 The playing pitches shall not be used outside the hours of 9.00 am – 8.30pm. After 6pm, where there is only one game taking place, the southern pitch shall be used.

Lighting

06 No floodlights or other methods of illuminating the site shall be erected site without the prior written consent of the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Community Use Agreement

Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>

P/13/23 21/0345/FUL Erection of local centre comprising of eight commercial units and associated infrastructure work. Land East Of Hanzard Drive, South Of Bloomfield Drive/Applecross And North Of Glenarm Drive, Wynyard.

Consideration was given to application 21/0345/FUL, Erection of local centre comprising of eight, commercial units and associated infrastructure work. Land East of Hanzard Drive, South of Bloomfield Drive/Applecross and North of Glenarm Drive, Wynyard, Stockton-on-Tees.

The application site extended to approx. 0.7 ha and was currently undeveloped land, formerly in agricultural use, situated between the existing Bloomfield Drive residential development to the north, various commercial units served from Glenarm Road to the east and south and Hanzard Drive spine road to the west.

The site was within defined development limits and was identified as a local centre within the Wynyard Masterplan. The principle of development within the location had therefore been established.

The application was also previously heard and approved subject to the applicant entering into a Section 106 agreement by planning committee in January 2022, which at the time consisted of a mixed commercial and residential development with a total number of 20 flats and c.1,300 square metres of commercial floorspace. However, the S.106 agreement had not been signed and following a review of the scheme with regards to build costs, the applicant had resolved to remove the apartments to bring forward the delivery of the commercial units and local centre.

The overall footprint remained largely the same although the removal of the apartments saw an overall reduction in the bulk of the development which was now a series of single and two storey buildings forming a total of eight commercial units (as opposed to 6 previously). Given the nature of the changes along with the consequences for planning conditions and heads of terms, the item was referred back to planning committee for determination.

One additional representation had been received, although the original 11 letters of objection, 9 letters of support and 1 letter of representation also remained on the file and had been considered in the re-assessment of the proposals.

The principle of a commercial local centre development had already been established within the adopted Wynyard Masterplan and the overall scale of the development was considered to be appropriate and could be accommodated on the site within any significant resultant impacts on the character of the area, amenity of neighbouring properties/residents or highway safety.

For the avoidance of doubt as the residential element had been removed from the proposals, the requirement for planning obligations no longer applied to the scheme.

The application was recommended for approval with conditions.

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

Neighbours were notified and the comments received were detailed within the main

report.

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

The Planning Officers report concluded that the principle of the development had been accepted. The proposed development was also considered to be visually acceptable and would not have any significant adverse impacts on the amenity of the neighbouring occupiers to justify a refusal of the application. The proposed access and parking arrangements were also considered to be satisfactory and consequently the proposed development was recommended for approval subject to those conditions detailed within the report. It was therefore recommended that the application be approved with conditions for the reasons as detailed within the main report.

An objector attended the meeting and given the opportunity to make representation. His comments could be summarised as follows;

- The objector stated that the proposed application would impact him personally in terms of noise, being overlooked and loss of light.
- Unit 3 on the plans was to be a bar / restaurant and there were to be male toilets situated on the second floor of the building which the objector claimed would overlook his garden.
- The bins for the units were next to a residential area which would be noisy and could attract vermin.
- The land behind the units had overgrown and had been reported, however no one had taken responsibility.
- The 90-space car park was not in keeping with the area.
- There would be an impact on wildlife.
- There was no proposed community centre for children only bars and shops with the potential to become an area of Anti-Social Behaviour.

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

- Officers explained that in terms of the impact on residents regarding noise and disturbance, this had been covered within the conditions.
- Where the objector had stated unit 3 from the gents toilets would overlook his garden, due to the peak and no windows in the roof there would be no overlooking.
- In terms of maintenance of the area, Officers agreed to pick this up with planning enforcement.
- Where concerns had been raised relating to ecology and impact on wildlife, it was explained there was no impact as detailed within the officers' report and although there was no evidence of protected species on the site there was a walkover survey conditioned to ensure no impact on protected species.

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

- Questions were raised as to whether there was any provision for a pharmacy or medical facilities.
- The original plans were proposed with apartments which were to be on the 2nd or 3rd level, had these been removed?
- Questions were raised relating to the overshadowing the objector had highlighted to the front of his property.

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

- It was highlighted that on the other side of the A69 there was a pharmacist and medical facility which was within the Wynyard development.
- The apartments had been completely removed and therefore left with single storey buildings.
- Officers explained that the overshadowing to the objectors property would be less than the original approved plans submitted as the units were smaller and less in height.

A vote took place, and the application was approved.

RESOLVED that planning application 21/0345/FUL be approved subject to the following conditions and informatives;

01 Time period for commencement

The development to which this permission relates shall begin no later than the expiration of three years beginning with the date of this decision.

02 Approved Plans

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

Plan Reference Number Date Received

201 31 March 2022

202 31 March 2022

203 31 March 2022

204 31 March 2022

403 31 March 2022

404 31 March 2022

JCM001 001 8 February 2021

03 Materials

Notwithstanding any description of the materials in the application no above ground construction shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the new façade and extension to the building(s) have been approved in writing by the Local Planning Authority. The development shall proceed in accordance with those agreed details.

04 Use Classes

Prior to the above ground construction, the exact mix of uses of the hereby approved commercial units shall be submitted to and agreed in writing by the local planning Authority and shall therefore be retained as such, notwithstanding, the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

05 No subdivision/ Amalgamation

With the exception of unit 4, the premises shall not be sub-divided or combined into independent units without the prior written consent of Local Planning Authority and shall therefore be retained as such notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

06 Opening Hours

The hereby approved units shall not be open for business outside the hours 08:00 - 22:00 Monday to Saturday including Bank Holidays and 10:00 -18:00 on Sunday.

07 Delivery hours

No deliveries to the commercial premises shall be taken at the site outside the hours of 07:00Hrs and 19:00Hrs.

08 Waste Collection

The hereby approved commercial units shall be provided containers for the storage and disposal of waste foods and other refuse from the premises within the identified locations on plan ref JCM001 403 received 31 March 2023. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents. The waste collection shall not be outside of the hours of 07:00 – 19:00hrs.

9 Secure by Design

Prior to the above ground construction of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention & Architectural Liaison. Once approved, the development shall be carried out in accordance with the agreed details.

10 Construction Hours

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

11 Site Levels

Prior to the commencement of the development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

12 Soft Landscaping

No above ground construction shall commence until full details of a Soft Landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

The scheme shall be completed prior to first occupation or in the first planting season following occupation of any part of the development.

13 Soft Landscape Management and Maintenance

No above ground development shall commence until full details of a proposed soft landscape management and maintenance plan has been submitted to and been approved in writing by the Local Planning Authority. The soft landscape maintenance and management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5-year establishment from date of completion of the total scheme regardless of any phased development period followed by a long term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

14 Protection of the Highway

Prior to the planting of any trees within 2m of the adopted highway, precise details of arrangements for the protection of the adopted highway, from tree root damage shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15 Hard landscaping and street furniture

No above ground construction shall take place until full details of proposed hard landscaping including street furniture have been submitted to and approved in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning

Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

16 Soil Management

No development shall be commenced until the Local Planning Authority has approved in writing the details of a soil management plan. The plan shall indicate how and where soils will be stripped, and their temporary storage during the works. Details shall describe the height, width, length and location on site of all such mounding together with any temporary seeding.

17 Sustainable Surface Water Drainage Scheme

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

I. Detailed design of the surface water management system;

II. II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;

III. III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;

IV. IV. Details of adoption responsibilities

18 Surface Water Management

The building hereby approved shall not be brought into use until:-

I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building

II. II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development

19 Highways Construction Management Plan

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

i. the site construction access(es)

ii. the parking of vehicles of site operatives and visitors;

- iii. loading and unloading of plant and materials including any restrictions on delivery times;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- vi. measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- vii. measures to control and monitor the emission of dust and dirt during construction;
- viii. Site Waste Management Plan;
- ix. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- x. measures to protect existing footpaths and verges; and xi. a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

20 Servicing Plan

Notwithstanding the submitted Servicing Plan, final details of servicing arrangements for the commercial units shall be submitted to and approved in writing by the Local Planning Authority, prior to first use of any of the commercial units. The Servicing Plan shall include details of deliveries, refuse collection, and measures to mitigate noise arising from, and not limited to, vehicle movements. The development thereafter shall be operated in accordance with the approved Servicing Plan.

21 Travel Plan

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

This shall include:

- (i) the appointment of a travel co-ordinator with roles, responsibilities, timescales to be in place (minimum 5 years) and contact details
- (ii) Modal split targets and measures to achieve these targets, which must be SMART: Specific Measurable, Achievable, Realistic and Timebound;
- (iii) Details of when the Travel Plan is to be monitored and reviewed including timescales for when travel surveys are to be carried out.
- (iv) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (v) provision of up-to-date details of public transport services

- (vi) continual appraisal of travel patterns and measures provided through the travel plan
- (vii) improved safety for vulnerable road users
- (viii) a reduction in all vehicle trips and mileage
- (ix) a programme for the implementation of such measures and any proposed physical works
- (x) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

22 EV charging

Notwithstanding the submitted information, full details of the type, number and location of all electric charging points shall be submitted to and be agreed in writing with the Local Planning Authority. The charging points shall be provided prior in accordance with the agreed details and installed prior to any part of the development, hereby approved, becoming operational. Thereafter these shall be maintained for the lifetime of the development.

23 Contaminated Land Risk Assessment

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

- (1) A risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" guidance (2020), CIRIA C665 and BS87576: Guidance in investigations for ground gases. Gas monitoring must be carried out based on the guidance CIRIA C665: "Assessing Risks Posed By Hazardous Ground

Gases To Buildings" with a minimum of at least two sets of readings as low and falling atmospheric pressure. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

24 New Air Conditioning/Plant Equipment/Odour control

Prior to the installation of any air conditioning units/ plant equipment / means of mechanical ventilation and/or a ventilation and fume extraction system, full details shall first be submitted to and be agreed in writing by the Local planning Authority. Such details shall including a full technical specification by a suitably qualified technical professional person, details of the position of any A/C unit, plant and/or ventilation, fume or flue outlet points and the type of filtration or other odour treatment which shall be installed and used at the premises.

Thereafter the equipment shall be installed in accordance with the agreed details prior to the development being brought into use and shall be maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters, for the lifetime of the development.

The rating level of sound emitted from [any fixed plant and/or machinery associated with the development] [industrial activities at the use hereby approved] shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

25 Acoustic Fence

Prior to the occupation of any parts of units 1,2 and 3 the acoustic fence as per the agreed details set within Noise Assessment (Revision 3) received by the Local Planning Authority on the 6 July 2021 shall be erected. Thereafter the fence shall be maintained as such for the lifetime of the development.

26 Energy Efficiency

No above ground construction on the residential and commercial buildings shall take place until details of how they will contribute to the greenhouse gas emission reduction, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

27 BREEAM Very Good

The commercial units hereby approved shall be built to achieve a minimum of BREEAM rating 'very good' or other equivalent alternative rating criteria which meets with the general sustainable construction aims and principles of BREEAM very good', such details shall be approved in writing by the Local Planning Authority prior to commencement of above ground construction the commercial building (s). Development shall be carried out in accordance with the approved details.

28 Ecological Checking Survey

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

29 Ecology mitigation

All ecological mitigation measures contained within the Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021 shall be implemented throughout the development in full accordance with the advice and recommendations.

30 Construction Environment Management Plan

Prior to the commencement of the development hereby approved, a detailed site-specific Construction Environmental Management Plan for each phase is to be submitted and agreed in writing by the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997.

This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development identified in the submitted Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021, or any superseding report. Once approved the CEMP Plan shall be adhered to throughout the construction period.

INFORMATIVE

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

P/14/23
1. Appeal - CK Hutchison Networks (UK) Ltd - Bishopton Avenue, Stockton-on-Tees 22/2041/TEL - DISMISSED 2. Appeal - Mr Cresswell Welch - Land At Leven Bank 21/2169/FUL - DISMISSED

The Appeals were noted.

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PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 9 August 2023.

Present: Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Stefan Barnes, Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Sylvia Walmsley and Cllr Barry Woodhouse.

Officers: Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Martin Parker (DoCS,E&C), Julie Butcher (DoCS) and Peter Bell.

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

Apologies: .

P/15/23 Evacuation Procedure

The Evacuation Procedure was noted.

P/16/23 Declarations of Interest

There were no declarations of interest.

P/17/23 23/0975/REM Castlegate Shopping Centre, High Street, Stockton-on-Tees Reserved matters application with all matters reserved for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions

Consideration was given to a report on planning application 23/0975/REM.

Outline planning permission with all matters reserved was approved by Planning Committee on the 9 August 2021, for demolition of existing structures, including shopping centre, hotel and multi storey car park for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision (21/0786/OUT). Work had commenced on the demolition and work was ongoing.

The application sought reserved matters approval for phase 1 of the development which was the new Community Diagnostic Centre (CDC). The principle of development had been accepted through the approval of the outline permission and this application was for the more detailed consideration of the access, appearance, scale, layout and scale (the reserved matters).

The building was a modern functional building and changes had been made to the elevational treatment to create some texture and depth which would add some interest

to the façade. Materials would complement those already found within the town centre.

The access was via Tower Street and a new four-arm mini-roundabout would be provided. The internal layout of the site was sufficient to accommodate the efficient delivery of goods, and access by service and emergency vehicles.

The application had been considered in full and there were no policy or consultation objections to the proposals subject to a number of conditions which had been recommended.

The application was recommended for approval with conditions as detailed within the report.

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

Neighbours were notified and no comments were received.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Stockton on Tees Borough Council Local Plan 2019.

Section 143 of the Localism Act came into force on the 15 January 2012 and required 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 should 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.

The planning policies that were considered to be relevant to the consideration of this application were detailed within the main report.

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

- The application represented significant investment and would help to bridge the gap between communities and health care that was needed within the Tees Valley
- The facility would provide additional capacity for a range of diagnostic services and the ability to deliver up to 150,000 tests per year. These would include CT scans, eye scans, as well as muscular skeletal injuries, back problems, cardio problems/investigations, and lung function tests.
- The location of the CDC had been carefully selected and had good transport links.
- The plans for the buildings had developed with the delivery of the services and construction experts.

- The building design intended to maximise the space and functionality giving the best opportunity to deliver high quality services.

- The facility would also bring significant benefits to the health of the population, new jobs / economic benefits to the borough and be an excellent facility to work in.

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

- It was a great project, with many benefits to the borough.

- Had staff car parking been fully assessed?

- Would there be car parking surveillance?

- It was important that the building was in keeping with the architecture of the surrounding area.

- The project was a massive positive for the people of Stockton-on-Tees and the surrounding Tees Valley.

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

- A parking strategy had been submitted by the applicant and been fully analysed by relevant Stockton-on-Tees Officers. There was also alternative parking available in the town centre as well as other transport links.

- There had been some changes to the proposed building that had come within the budget which included more glazing to the front.

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

RESOLVED that planning application 23/0975/REM be approved subject to the following conditions and informatives;

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

Plan Reference Number	Date Received
JN2385-DWG-0014A	23 May 2023
TVCDC-RYD-00-XX-DR-A-3800-S2-P2	23 May 2023
TVCDC-RYD-00-XX-DR-L-2001-S2-P9	23 May 2023
TVCDC-RYD-00-ZZ-DR-A-2701-SO-P1	23 May 2023
TVCDC-RYD-00-00-DR-A-30021-S0-P1	14 July 2023
TVCDC-RYD-00-01-DR-A-30022-S0-P1	14 July 2023
TVCDC-RYD-00-R1-DR-A-30023-S0-P1	14 July 2023
TVCDC-RYD-00-R2-DR-A-30024-S0-P1	14 July 2023
TVCDC-RYD-XX-XX-DR-A-36010-S2-P1	14 July 2023
TVCDC-RYD-XX-XX-DR-A-36011-S2-P1	14 July 2023

02 Materials Prior to the construction of any walls of the building, full details of the materials, colour and finish shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

03 Landscaping - Hardworks Prior to the installation of any hard landscaping, full details of proposed hard landscaping shall be submitted to and be approved in writing by the Local Planning Authority. This shall include all external finishing materials (other than buildings), finished levels, tree pits and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development, whichever is the later. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by as soon as practicably possible.

04 Street Furniture Prior to the installation of any street furniture, full details of any such structures associated with the development shall be submitted to and be approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

05 Scheme for Illumination Prior to its installation, full details of the method of any external illumination, along with its siting and relationship to any new tree planting shall be submitted to and be agreed in writing by the Local Planning Authority and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

06 Landscaping – Softworks No development shall commence on any planting/soft landscaped areas until full details of soft landscaping scheme has been submitted to and been approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- (i) Commencement of the development;
- (ii) or agreed phases;
- (iii) or prior to the occupation of any part of the development;

whichever is the later and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

07 Soft Landscape Management and Maintenance Prior to the landscape works being undertaken, full details of proposed soft landscape management plan shall be submitted to and be approved in writing by the Local Planning Authority. The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special

measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc.

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

Informative: Working Practices The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative : Environment Agency River Tees Modelling - Advice to Applicant For awareness, River Tees Flood Modelling is currently being undertaken by the Environment Agency. The modelling outputs can be requested through a FOI request when the data has passed QA checks and has been signed-off by the EA. We expect to have modelling deliverables early next year if there are no delays to this project.

P/18/23 **1. Mr Stuart Dick, Staypleton House, Parsons Walk, Norton, Stockton- On-Tees, TS20 1TZ 22/0381/FUL - DISMISSED 2. Global - Land Adjacent To 46 Bishopton Lane, Stockton-on-Tees, TS18 2AQ 22/0116/ADV - ALLOWED WITH CONDITIONS**

The Appeals were noted.

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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**

18 October 2023

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

23/0649/FUL

91 Wolviston Road, Billingham, Stockton-On-Tees

Application of change of use from a dwelling house (C3) to a children's home (C2) to include the erection of a two storey side extension, single storey extension to rear and addition of car parking spaces.

SUMMARY

The application site is a 3 bedroom two storey semi-detached dwellinghouse within the defined development limits of Billingham, approximately 200m north west of Billingham Town Centre.

The application is seeking planning permission for the change of use of No.91 Wolviston Road, Billingham from a three bedroom (Use Class C3) dwellinghouse to a children's home (Use Class C2) for 3 children. The site benefits from off street parking and a rear amenity space.

The proposed children's home will provide accommodation for a maximum of three children between the ages of 8 and 18 years with 24 hour adult support, provided on a shift basis. Two members of staff will be present at the premises with an Ofsted registered manager living close by.

The application also proposes the construction of a two storey side and single storey rear extension to provide two staff rooms for the staff at the premises, one at ground floor and one at first floor, both with ensembles thus functioning as sleeping quarters at night for the two members of staff and avoiding disturbing children by using the communal bathroom. The rear extension provides for a larger open plan kitchen dining and family room. The proposals also include the removal of the existing rear garage and its replacement with two parking spaces for staff.

Following the consultation process there have been twelve letters of objection received. Councillor Barry Woodhouse has also objected. The objections relate to highway issues including increase in the volume of traffic and off-street parking, noise, privacy, anti-social behaviour/crime, impact on character and appearance of the street scene and the community, not suitable location for the use and devaluation of properties.

There has been no objection raised from any of the technical consultees consulted.

Given the scale of the proposed use with a maximum of three children, with two members of staff, the proposal is not considered to have a significant adverse impact on the amenity of the neighbours properties and will not result in a significant impact on highway safety. The proposed development would ensure an acceptable form of development which would be compliant with the principle of the relevant policies of the Local Plan and paragraphs of the NPPF. The recommendation to Members is therefore to approve the application subject to the identified conditions.

RECOMMENDATION

That planning application 23/0649/FUL 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
SBC0003	20 April 2023
2290/05A	20 April 2023
2289/03	20 April 2023

Reason: To define the consent.

Approved Use

- 03 The premises shall be used for a three person children's home and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2020 (or any order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the area and in the interests of resident's amenity.

Materials to Match

- 04 The external finishing materials shall match with those of the existing building

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

Construction hours

- 05 No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Effective Management

The operator is advised to work alongside Cleveland Police and other safeguarding partners to comply with the requirements of the multi-agency protocol on runaways and vulnerable people missing from home or care. Effective management, staffing and procedural arrangements should be in place to prepare for potential missing episodes and management should take all possible measures to protect those at risk and work with the police to ensure a quality early risk assessment takes place. The operator should also work with the police and their residents on effective interventions to prevent cared for residents repeatedly going missing from care.

Informative: In a Smoke Control Zone

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/fuels.php?country=e>

- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

Informative: Secured By Design

The applicant is advised to contact Cleveland Police regarding security of the property, particularly bedroom doors, windows, main entrance and rear access to the property.

The contact details can be found at <https://www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#cleveland-police>

SITE AND SURROUNDINGS

1. The application relates to 91 Wolviston Road, which is a two storey semi detached dwelling located within an established residential area of Billingham, and approximately 200 metres to the north west of the defined Town Centre of Billingham.
2. The host dwelling currently benefits from private amenity space to the rear, and off street parking also to the rear of the property which is accessed from Porlock Road. The site is bounded to the south and east by residential dwellings, to the north by Porlock Road, with dwellings beyond, and to the west by Wolviston Road.

PROPOSAL

3. The application is seeking planning permission for the change of use of No.91 Wolviston Road, Billingham from a three bedroom (Use Class C3) dwellinghouse to a children's home (Use Class C2) for 3 children. The site benefits from off street parking and a rear amenity space.
4. The proposed children's home will provide accommodation for a maximum of three children between the ages of 8 and 18 years with 24 hour adult support, provided on a shift basis. Two members of staff will be present at the premises with an Ofsted registered manager living close by.
5. The application also proposes the construction of a two storey side and single storey rear extension to provide two staff rooms for the staff at the premises, one at ground floor and one at first floor, both with en-suites thus functioning as sleeping quarters at night for the two members of staff and avoiding disturbing children by using the communal bathroom. The rear extension provides for a larger open plan kitchen dining and family room. The proposals also include the removal of the existing rear garage and its replacement with two parking spaces for staff.
6. The submitted supporting cover letter states:

“The Children’s home will be staffed with two members of staff required on site per shift; management will be provided by an Ofsted registered manager living close by but offsite.

A shift rotation pattern will be in place, such that the home will be staffed on a 24-hour basis.

The children will be looked after in accordance with ‘looked after children’ regulations under sections 20 of The Children’s Act. The management of the facility would be subject to the regulatory controls of Ofsted.”

CONSULTATIONS

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

Highways Transport & Design Manager – As set out below the Highways, Transport and Design Manager is currently unable to support the proposals.

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011 the proposed development would require 1 space per full time equivalent member of staff plus 1 space per 5 residents (visitor provision) giving a total requirement of 3 spaces.

The proposed site plan, drawing reference 2289 / 03, shows that the existing garage would be replaced with 2 parking spaces which is below the SPD3 requirement.

The Highways, Transport and Design Manager is therefore unable to support the proposals as adequate car parking has not been provided.

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.

- **In a Smoke Control Zone**

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>
- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

- **Light Intrusion**

Adequate screening shall be provided to protect residential properties from light intrusion from the development. The lighting provided shall be arranged so as not to shine directly towards any dwelling and shall be shielded to prevent light spillage beyond the boundary of the property.

Cleveland Police – It's important to have good levels of security in relation to these types of premises, where multiple persons live, particularly windows and doors security. Speaking to my colleagues from our 'Missing From Home Team', one of their concerns is children escaping from windows, so we would be grateful if a solution could be looked at to help deal with that issue.

A robust and secure access control system from the entrance into the building from Wolviston Road should be considered, preferably with an 'air lock' type setup that lets the inner door to open when the outer door is closed. A vision panel (outward viewing only)/door viewer in the access door will help to check callers or activity outside prior to opening it. Similarly I would recommend a vision panel with one way viewing (mirrored type film) /door viewer in the rear door too.

Doors to accommodation should be fitted with door viewers. Secure mail delivery should be provided along with secure bin storage.

I would recommend that external windows and doors conform to at least the police preferred minimum standards:

- PAS 24:2016, or
- PAS 24:2022, or
- STS 201 Issue 12:2020, or
- LPS 1175 Issue 7.2:2014 Security Rating 2+, or
- LPS 1175 Issue 8:2018 Security Rating A3+, or
- STS 202 Issue 10:2021 Burglary Rating 2, or
- LPS 2081 Issue 1.1:2016 Security Rating B, or
- STS 222 Issue 1:2021

Doorsets should also be certificated by one of the UKAS certification bodies, to the following materials specific standards:

- BS 6510:2010 (Steel)
- BS 7412:2007 (PVCu)
- BS 644:2009 (Timber)
- BS 8529:2010 (Composite)
- BS 4873:2009 (Aluminium)

Good dusk 'til dawn lighting on all elevations with a doorset will provide reassurance and reduce fear of crime and facilitate natural and passing surveillance.

I note the covering letter dated 4th April 2023 (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'

Advice is available free of charge from us, to the developer to help meet this element of the proposal.

In addition to my recommendations above, to enhance the security of the property, there should be robust management procedures in place to prevent any likely nuisance that could be potentially generated by the facility.

Whilst the proposals do not indicate exactly who will be taking up residence, the fact that there is a 'staffing element', should help lessen any impact on crime and ASB locally.

Councillor Barry Woodhouse – With reference to the Planning application 23/0649/FUL 91 Wolviston Road. As I am a member of the Planning Committee I am minded not to pre determine this application however I do have concerns around parking issues, location, construction and it appears contrary to deed conditions as informed by residents comments. As there appears to be a number of residents objections I would assume and request that this be taken to Committee where the applicants and objectors views can be fully explored.

PUBLICITY

8. Local residents have been individually notified of the application. Letters of objection were received from the following addresses and a summary of the comments received are set out below. 12 objections were received in total.

- 73 Wolviston Road Billingham
- 87 Wolviston Road Billingham
- 89 Wolviston Road Billingham
- 97 Wolviston Road Billingham
- 4 Porlock Road Billingham
- 5 Porlock Road Billingham
- 7 Porlock Road Billingham
- 9 Porlock Road Billingham
- 10 Porlock Road Billingham
- 11 Porlock Road Billingham
- 13 Porlock Road Billingham
- 15 Porlock Road Billingham

9. The main concerns raised are: -

- Application site is not a safe location for a children's home due to proximity to a busy main road and public house
- Anti-social behaviour in the area
- Impact on the residential amenity of the adjoining property by way of loss of light and outlook
- Increase in noise disturbance and anti-social behaviour as a result of the proposed use
- Increase in on street parking pressures in the area
- Detrimental impact on highway safety
- Impact on privacy, safety and quality of life.
- Property deeds restrict business use at the property

PLANNING POLICY

10. 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.

11. 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

12. 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.
13. 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.

Para 62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Para 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 clear and legible pedestrian 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

Para 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.

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 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.

Para 132. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Para 185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Planning Policy

14. 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:

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.
- b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
- c. Supporting sustainable water management within development proposals.
- 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.
- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

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.

Meeting Housing Needs Policy H4 (H4) Meeting Housing Needs

7. The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

Householder Extensions and Alterations

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.

45 Degree Standard

The 45 degree standard applies to two-storey extensions with a greater than 3 metre projection from the rear elevation of a property. This tool is used in order to assess the potential impact of a proposal and maintain privacy and amenity for neighbouring properties. This rule normally applies to rear facing neighbouring windows that are perpendicular to the extension. It is calculated by drawing a line at a 45-degree angle from the centre of the nearest adjacent ground-floor main-habitable-window of your neighbour's property. If the line crosses the site of the proposed extension, in some instances, the Council may expect the extension to be reduced in size.

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.

3.2 Side Extensions

An extension to the side of a property will normally be very visible from the street and should be of a high quality design and reflect the character of the area. They should normally have a roof that matches or complements the original property. Flat roofs should be avoided, unless they are already a feature of the main dwelling.

Unless properties are widely spaced, side extensions have the potential to create a 'terracing' effect between closely set detached properties or pairs of semi-detached properties. Normally a gap of at least 1 metre is required between the outside wall of the extension and the boundary. The extension should also be set back from the front of the house by a minimum of 1 metre, at least at first floor level.

Two storey and first floor side extensions may be required to have a roof shape that matches the main property. Due to the potential for terracing, two storey and first floor extensions may also be required to have a ridge height that is lower than that of the main property.

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

15. The main planning considerations of this application are the principle of the development, impacts on the character and appearance of the area, amenity of neighbouring occupiers and highway safety.

Principle of the development

16. The site is located within a principally residential area within the defined development limits of Billingham. The site is not allocated for another use in which the explanation of Policy SD1 would generally support the principle of development, owing to the sites position within the existing settlement, development of this site would represent a sustainable form of development.
17. The proposed occupation by 3 children with up to 2 staff present during the day which would equate reasonably with the potential size of household that could currently occupy the dwelling. The children would continue to go to school and partake in group activities within and outside the home. However, the case of *North Devon DC v FSS and Southern Childcare Ltd [2003]* provides authority for the view that use as a care home for children, where carers are non-resident, falls within Class C2, hence the need to apply for a change of use of the property from a dwellinghouse to a childrens home.
18. Local Plan Policy H4(7) sets out that;

"The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living"

19. It is considered that the proposed development, would comply with the aims of the NPPF paragraph 92 and Adopted Local Plan Policy H4(7), in so far as it would provide for specialist housing, including extra care. It is therefore considered that the principle of the proposed change of use is acceptable.
20. In view of the above, the principle of the proposed development is considered to represent a sustainable form of development in line with the National Planning Policy Framework and Local Plan Policy SD1. The more detailed matters outlined in Policy SD3 and SD8 of the Local Plan, and SPD1 are considered below.

Character and Appearance of the Area

21. The National Planning Policy Framework paragraph 130 requires that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Local Plan Policies SD3 and SD8 also set out that new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportions and materials.
22. The impact on the character of an area is not something which is purely about the visual appearance, it is also about the nature of development and how that creates a sense of place. Wolviston Road is characterised by principally residential dwellings, although the site is located in close proximity to a public house and a row of commercial premises. Additionally, it is within approximately 200m of the defined development limits of Billingham Town Centre with a mix of commercial uses. It is not considered that the level of activity associated with a 3 bedroom children home with 2 staff on duty during the day and on an evening (also allowing for short periods in a day where there would be a hand over resulting in 4 staff on site) would be fundamentally different to that of a dwelling. Even when accounting for additional supporting agencies which may be required to meet the day to day needs of the children, it is still not considered that this would generate such a significant level of activity so as to cause harm to the character of the area.
23. The application also proposes the construction of a two storey side extension and single storey rear extension. The proposed two storey side extension would be modest in terms of its width and whilst it is not set back from the front elevation, given the layout of the street there would be no terracing effect and overall it is considered that the extension would appear subordinate to the original dwelling. Therefore on balance proposed side extension would be in keeping with the scale and form of the existing dwelling, and those in the immediate surrounding area. The single storey rear extension would have a modest projection of 3 metres, and as such would also be in keeping with the scale of the existing dwelling. Both extensions would be constructed using materials to match the host property, and therefore would not adversely impact upon the appearance of the existing dwelling, or the surrounding area.
24. In view of the above considerations, the overall scale, form and bulk of the proposed extensions are considered to be in keeping with the character and appearance of the host property and would appear subservient to the original dwelling. As such, the proposal would not have a significant adverse impact upon the character and appearance of the host property, or the visual amenity of the street scene and surrounding area, and would therefore accord with Policies SD3 and SD8 of the Local Plan and paragraph 130 of the NPPF.

Impact on Residential Amenity

25. The majority of the objectors have raised concerns about the integration of the proposal into the community and that the proposal could lead to increased crime and anti-social behaviour, placing a strain on police and other local services as a result. Cleveland Police has been consulted and has raised no objection to the proposals.

26. It is accepted that fear of increased crime is capable of being a material planning consideration in determining the planning merits of a scheme, as is clear from the West Midlands Probation Committee -v- SSE appeal case, which concerned a bail and probation hostel for criminals where numerous visits by the police and fear of crime was held to diminish the amenity of the area. In addition, paragraph 130 of the NPPF and Policy SD8 of the Local Plan, which seeks to 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.
27. Nevertheless, this application site is not a home for criminals, nor would it be for persons with drug/alcohol problems, or any other secure residential institution falling under the separate Use Class C2a. It is proposed to be residential care home for 3 children and a condition is recommended to control the extent of the proposal.
28. No direct analysis has been provided to demonstrate that such events would be present at the application site or are typical of children's homes within the Borough or wider area. Notwithstanding this, the management of such homes would be regulated outside of the planning system. Planning conditions cannot be imposed which require compliance with other regulatory regimes, an informative has therefore been recommended for the operator to work alongside Cleveland Police and other safeguarding partners.
29. It is noted that a number of the objectors have raised concerns over the use of the property as a children's home due to an increase in noise disturbance. Whilst it is accepted elements of noise will be generated from people utilising a property and associated garden areas. However, the number of children accommodated within the property will be a maximum of three with two staff present and the potential noise levels that would be generated are considered to be similar to a family which occupy a four bedroomed property. Which this site could become through the proposed two storey side extension. No evidence has been provided to demonstrate that 3 children in care would themselves generate more noise than 3 children living as part of a family unit.
30. Whilst the number of vehicle movements could be greater than normal, owing to the additional visitors a property of this size could attract a family with a high level of car ownership. The timing of the majority of vehicle movements would coincide with normal daily activity related to work and school journeys, as well as leisure and shopping trips in the afternoon and evening. The agent has confirmed that the home will be staffed 24/7. There will be 2 staff at any one time, and it is not envisaged that any significant time would be taken for handover. Furthermore, it is proposed that a condition is attached to any grant of permission to limit the use of the property to a 3 person occupancy to ensure that there will be no significant impact on the amenity of the neighbouring properties.
31. In addition to the above, it should be noted that the Environmental Health Unit have been consulted on the proposed development and subject to the recommended conditions have raised no objection to the proposed development.
32. A home for a maximum of 3 children within a busy, residential area close to Billingham Town Centre with mixed commercial uses in close proximity is not considered to cause harm with respect of noise and disturbance and fear of crime as which a reason for refusal could be sustained. It is considered that the controls in place by the relevant regulatory bodies would safeguard the future occupiers and adjacent residents as to not substantiate a reason for refusal.

33. In respect of the proposed extensions to the property, the proposed single storey extension would be located up to the boundary with the adjoining property 89 Wolviston Road. However, the proposed extension would not feature any windows facing towards this adjoining property, and as such would not result in overlooking of this neighbouring property. Furthermore, as the extension would be located directly to the north of 89 Wolviston, due to the orientation of the properties it would not impact upon the light or outlook currently enjoyed by the occupier of this neighbouring property.
34. The proposed two storey side extension would be located a significant distance away from the boundary of the adjoining property 89 Wolviston Road, and therefore would not impact upon this property with regards to loss of light, outlook or privacy. The two storey extension would adjoin the northern elevation of the existing dwelling. The extension would be located over 15 metres away from the side/south facing elevation of the nearest property to the north, 93 Wolviston Road. Due to the separation distance between the proposed extension and this neighbouring property, and the absence of the any windows in the side elevation of this 93 Wolviston Road, the proposed two storey extension would not impact upon the residential amenity currently enjoyed by the occupiers of this, and indeed any other, neighbouring property. The proposal would therefore accord with the provisions of Policy SD8 of the Local Plan in this respect.

Impact on Highway Safety

35. The objectors have raised concerns over the potential impact on the highways and parking issues as a result of the proposed change of use. The Highways, Transport and Design Manager advised that, in accordance with SPD3: Parking Provision for Developments 2011 the proposed development would require 1 space per full time equivalent member of staff plus 1 space per 5 residents (visitor provision), giving a total requirement of 3 spaces. The covering letter submitted in support of the application advised that the existing garage was to be demolished and replaced with 2 parking spaces. As such, the Highways Transport and Design Manager raised concerns as this did not meet the SPD3 parking requirements.
36. However, the proposed site plan shows the existing garage to the rear of the property is to be retained, with a further 3 off street parking spaces being proposed. Clarification has been sought from the agent due to the contradiction within the supporting information in relation to the parking provision, and they have confirmed that the existing garage will be retained and 3 in curtilage parking spaces are proposed, as shown on the proposed site plan (drawing ref: 2289/03).
37. The Highways Transport and Design Manager has subsequently confirmed in an email dated 21st August that the application is therefore acceptable in terms of parking provision as 4 parking spaces are proposed, which would meet the parking requirements set out in SPD3. Consequently, there is no objection to the proposed development on highway grounds

Other Matters

38. A number of concerns have been raised regarding the existence of a restriction within the deeds of the host property which states that no business or trade can operate from the premises. However, the presence of a restrictive covenant is not a consideration material to the grant of planning permission and as such cannot be given any weight in the assessment of this application. However, it should be noted that, in the event that planning permission is granted, this would not necessarily override a restrictive covenant.

CONCLUSION

It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Joanne Wood Telephone No 01642 527822

WARD AND WARD COUNCILLORS

Ward	Billingham Central (Pre May 2023)
Ward Councillor	Councillor Barry Woodhouse
Ward Councillor	Councillor Ann McCoy

IMPLICATIONS

Financial Implications:

No known implications

Environmental Implications:

As set out within the 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

Stockton on Tees Local Plan Adopted 2019

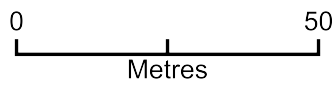
Supplementary Planning Documents

SPD3 – Parking Provision for Developments - Oct 2011

SPD – Householder Extensions and Alterations - Adopted May 2021

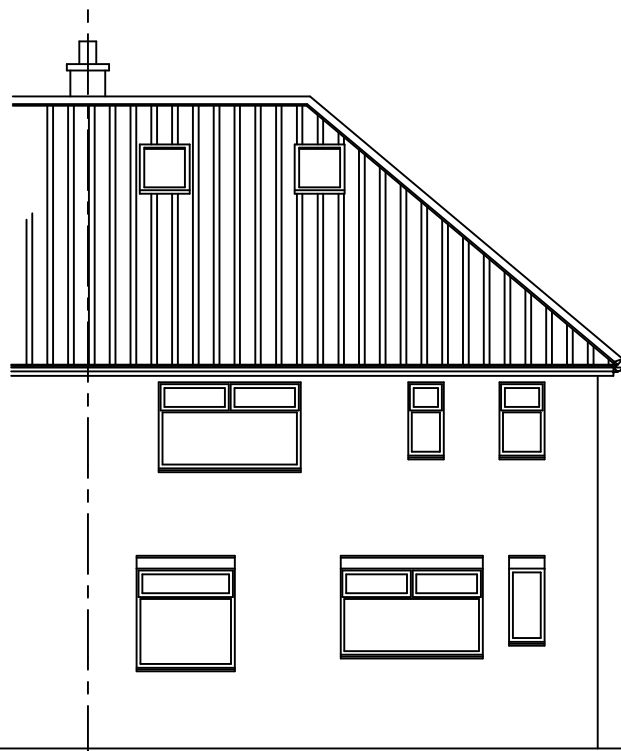
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91 Wolviston Road

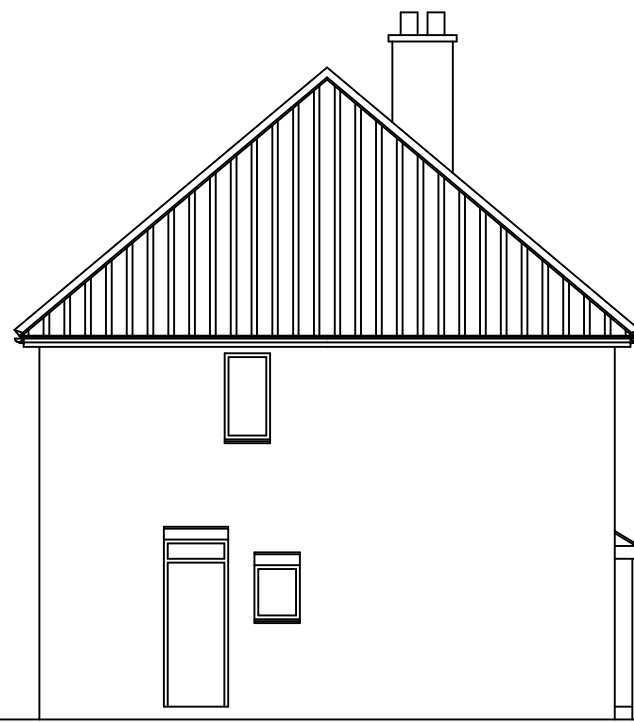


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Plan Reference Number: TQRQM23093154234589
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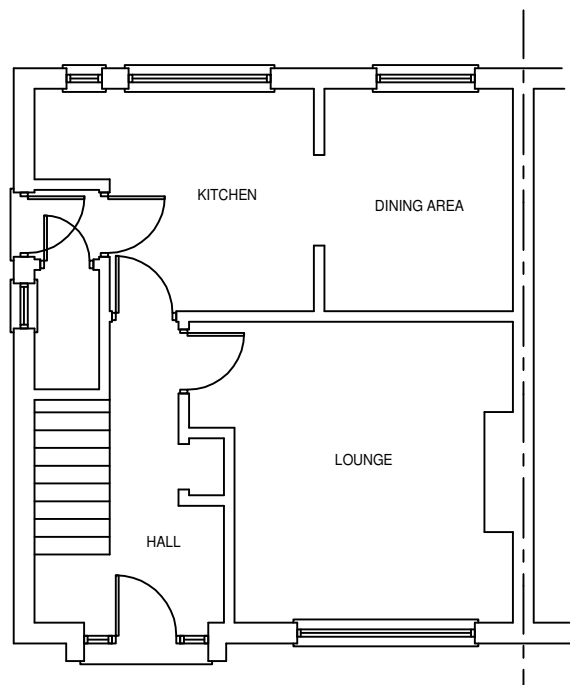
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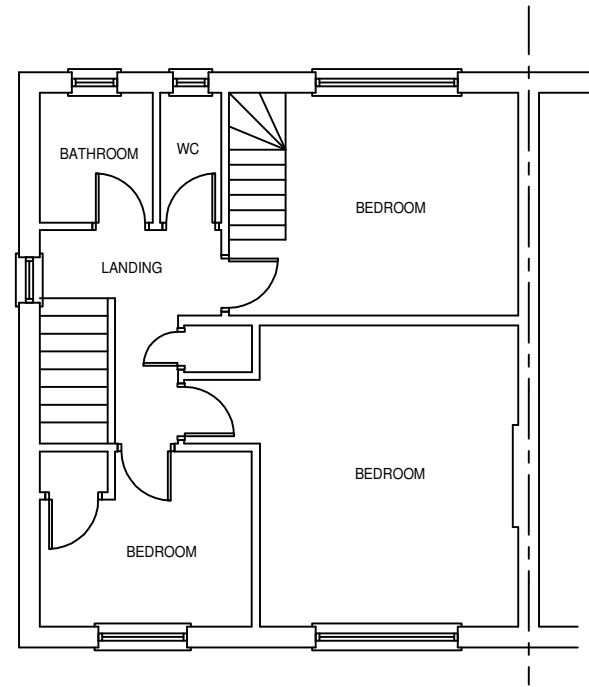
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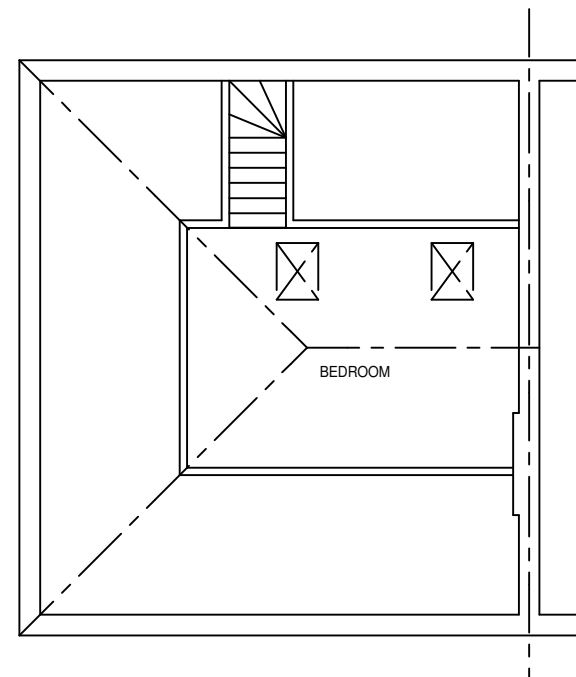
Existing Front Elevation
(scale 1:100@A3)



Existing Ground Floor Plan
(scale 1:100@A3)



Existing First Floor Plan
(scale 1:100@A3)



Existing Attic Floor Plan
(scale 1:100@A3)

REV 'A' EXISTING ATTIC FLOOR ADDED 18-04-23

Sean McLean Design

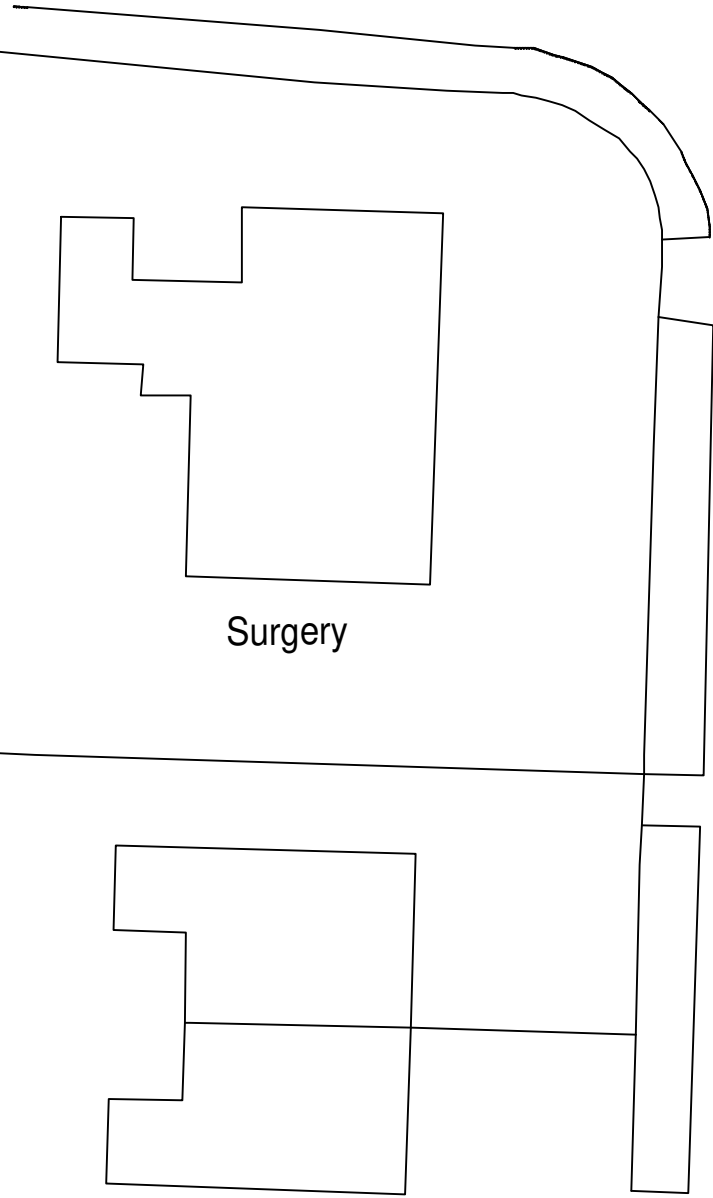
22 Portrack Grange Road, Stockton-on-Tees, TS18 2PH
Tel : 07711127641 E-mail smdesign@tiscali.co.uk

PROPOSED DEVELOPMENTS AT
91 WOLVISTON ROAD, BILLINGHAM
FOR MR GEORGE BHAKER

EXISTING FLOOR PLANS
AND ELEVATIONS

Drg. No. 2290 / 04 'A' Date OCT 22

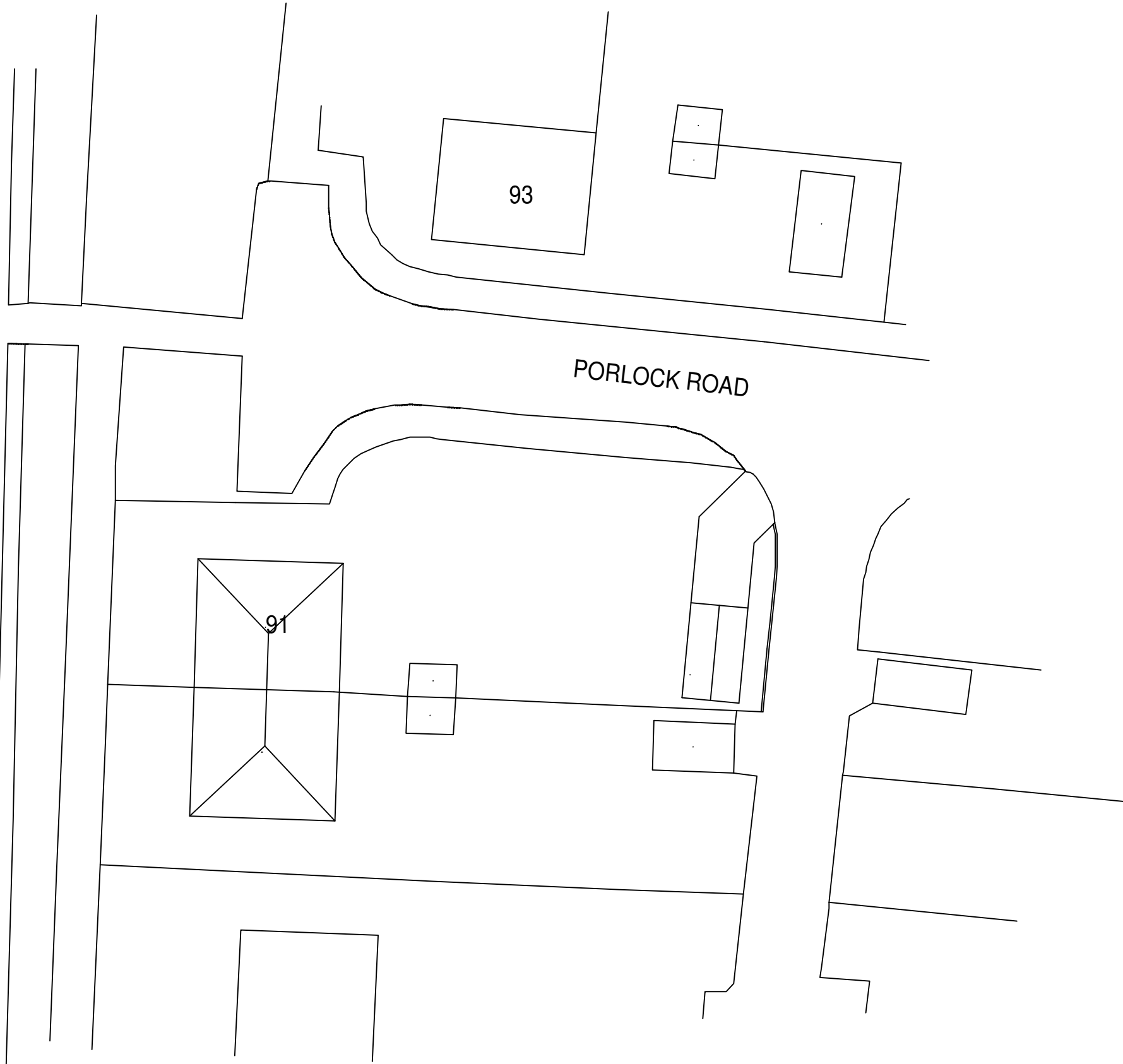
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Surgery

WOLVISTON ROAD

Existing Site Plan
(scale 1:250@A3)



93

PORLOCK ROAD

91

Sean McLean Design
22 Portrack Grange Road, Stockton-on-Tees, TS18 2PH
Tel : 07711127641 E-mail smdesign@tiscali.co.uk

PROPOSED DEVELOPMENTS AT
91 WOLVISTON ROAD, BILLINGHAM
FOR MR GEORGE BHAKER

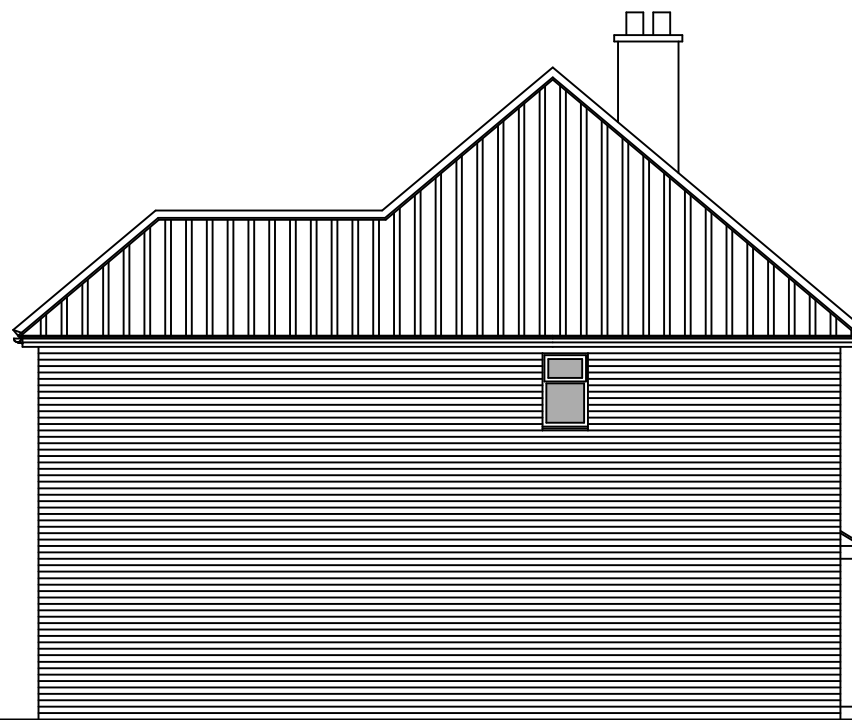
EXISTING
SITE PLAN

Drg. No. 2289 / 02 Date APR 23

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Proposed East Elevation
(scale 1:100@A3)

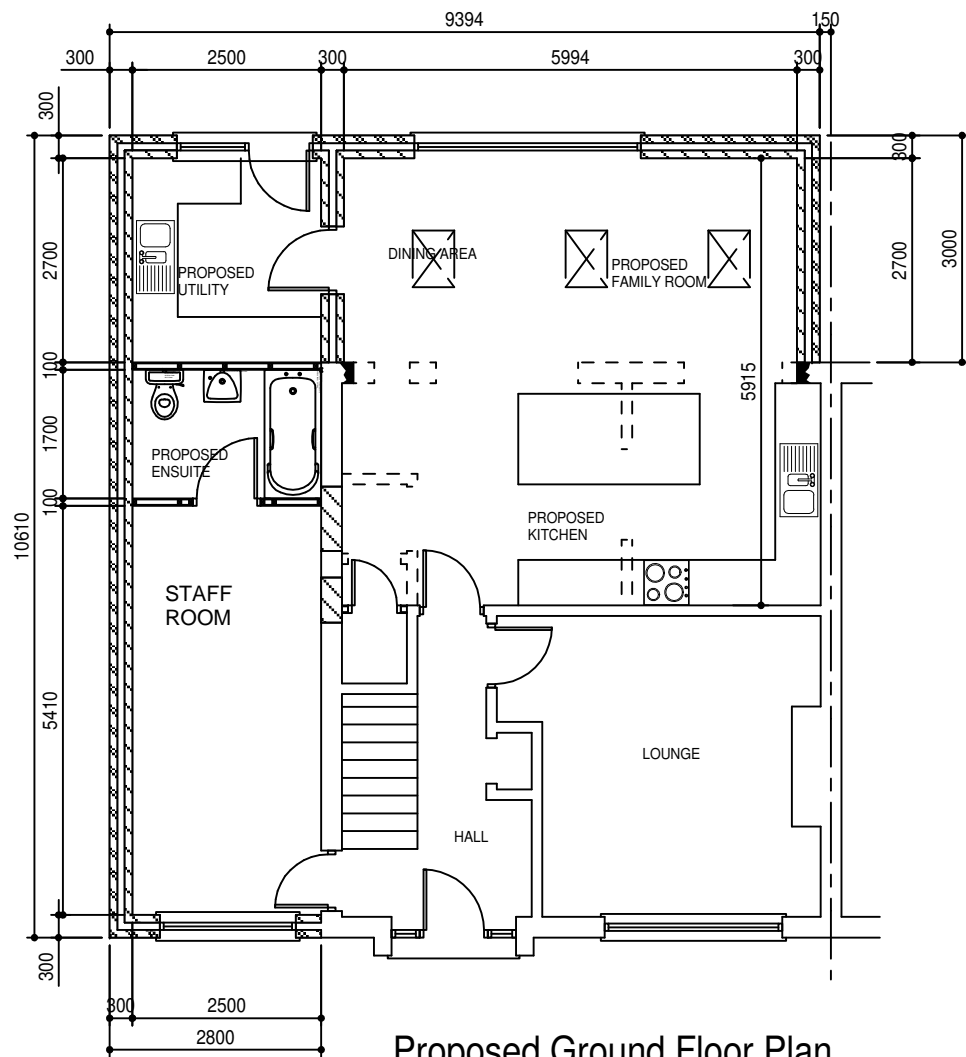


Proposed North Elevation
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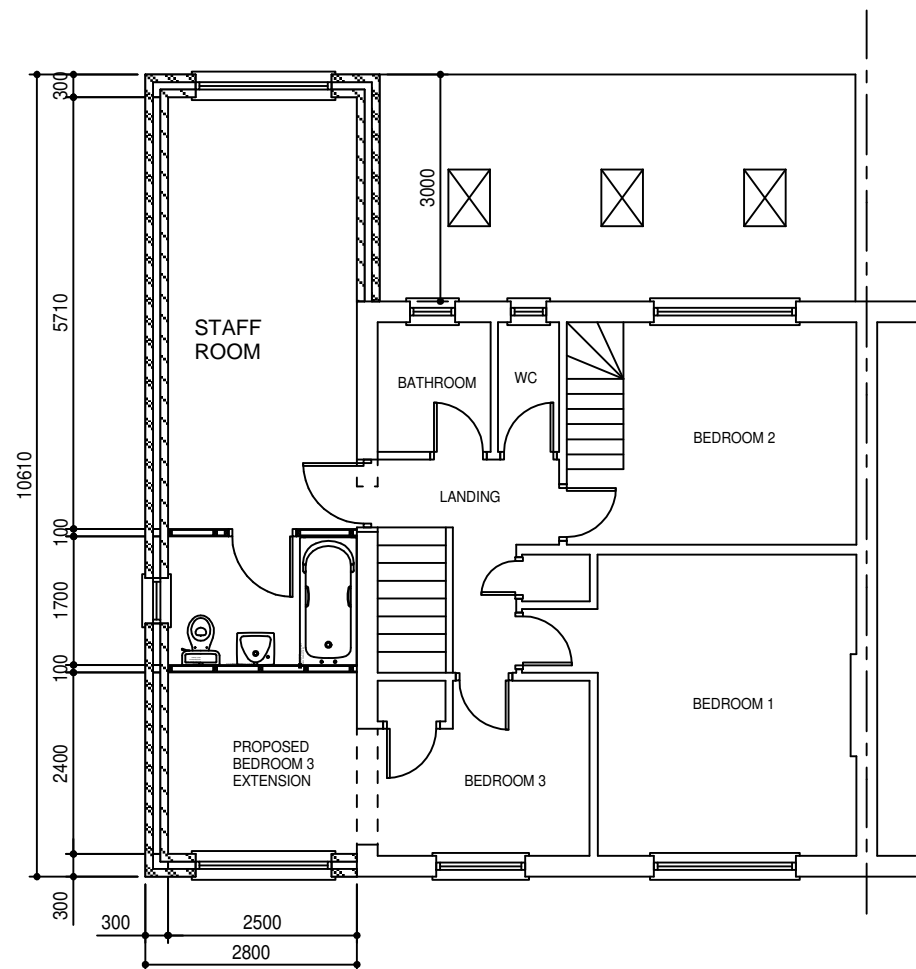


Proposed West Elevation
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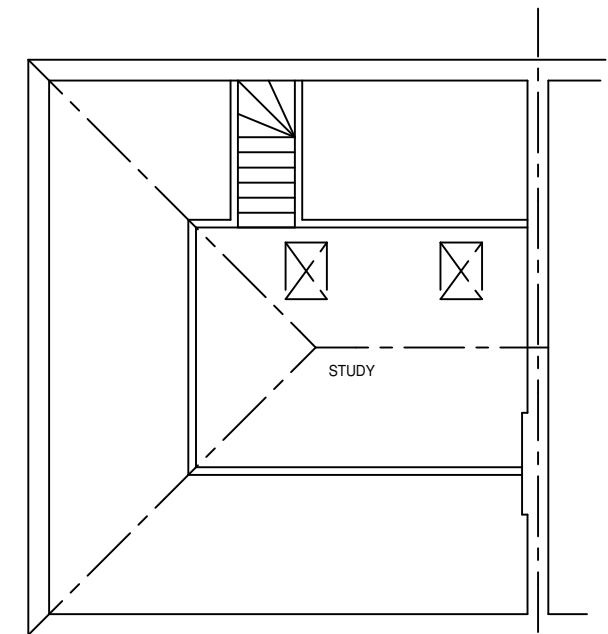
Proposed South Elevation
(scale 1:100@A3)



Proposed Ground Floor Plan
(scale 1:100@A3)



Proposed First Floor Plan
(scale 1:100@A3)



Proposed Attic Floor Plan
(scale 1:100@A3)

REV 'A' EXISTING ATTIC FLOOR & ENSUITE WINDOW ADDED 18-04-23

Sean McLean Design

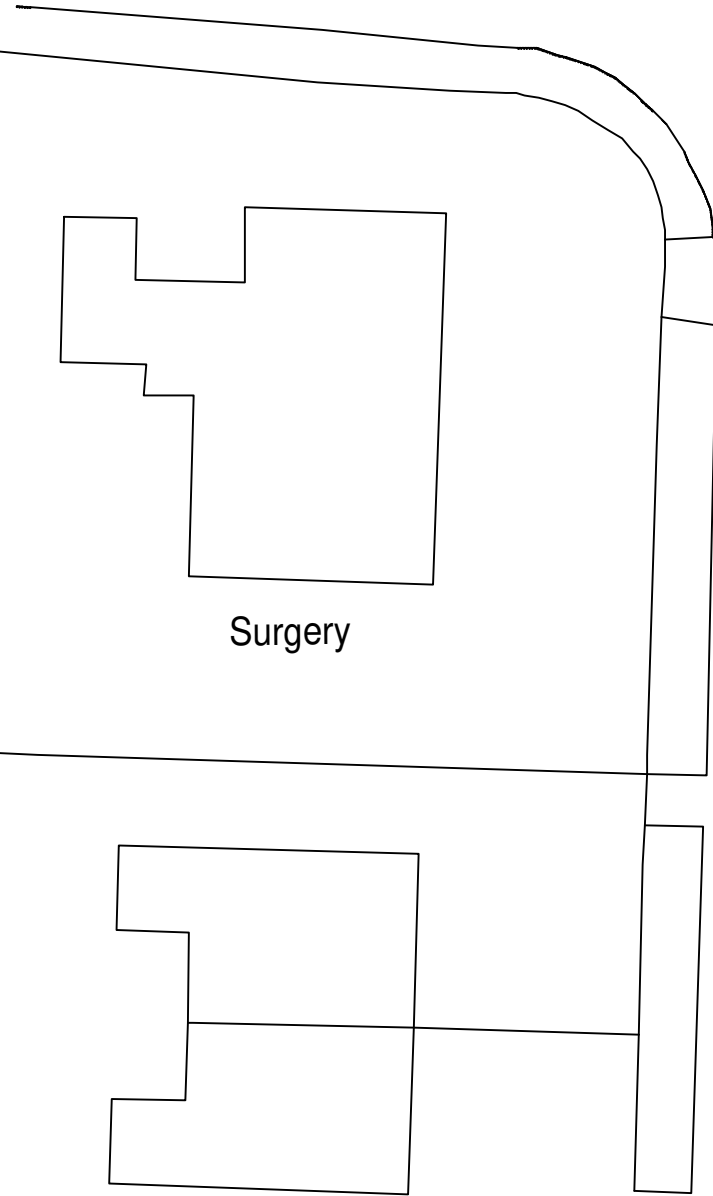
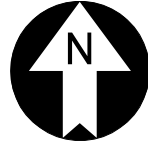
22 Portrack Grange Road, Stockton-on-Tees, TS18 2PH
Tel : 07711127641 E-mail smdesign@tiscali.co.uk

PROPOSED DEVELOPMENTS AT
91 WOLVISTON ROAD, BILLINGHAM
FOR MR GEORGE BHAKEE

PROPOSED FLOOR PLANS
AND ELEVATIONS

Drg. No. 2290 / 05 'A' Date OCT 22

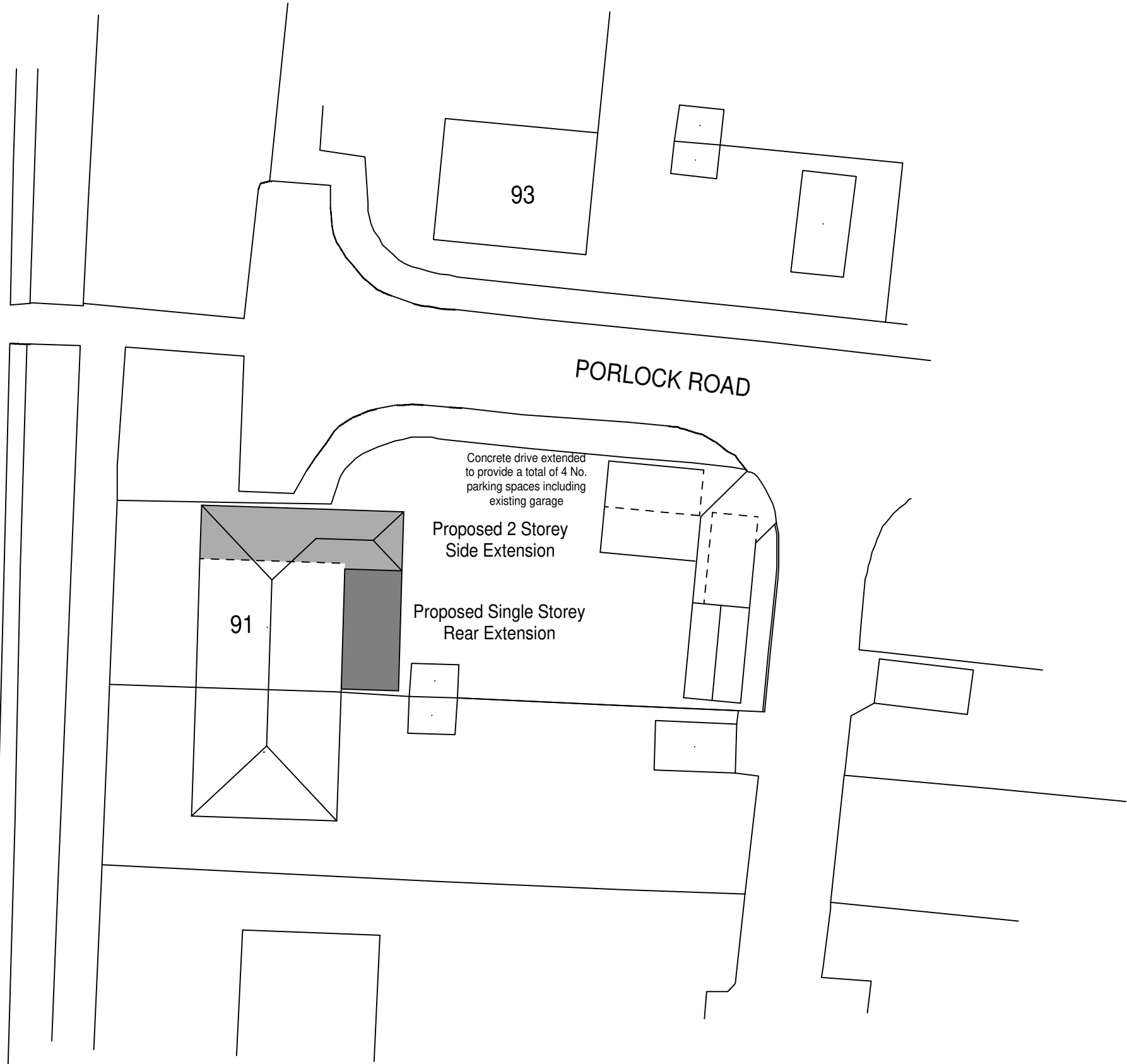
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Surgery

WOLVISTON ROAD

Proposed Site Plan
(scale 1:250@A3)



93

PORLOCK ROAD

Concrete drive extended to provide a total of 4 No. parking spaces including existing garage

Proposed 2 Storey Side Extension

Proposed Single Storey Rear Extension

91

Sean McLean Design

22 Portrack Grange Road, Stockton-on-Tees, TS18 2PH
Tel : 07711127641 E-mail smdesign@tiscali.co.uk

PROPOSED DEVELOPMENTS AT
91 WOLVISTON ROAD, BILLINGHAM
FOR MR GEORGE BHAKEE

PROPOSED
SITE PLAN

Drg. No. 2289 / 03 Date APR 23

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

18 October 2023

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

23/1201/FUL

Land To The East Of Cleasby Way, Eaglescliffe

Creation of approximately 101no cark parking spaces to include 6no disability/accessible spaces and 10no electrical vehicle charging points any associated ancillary works to include a barrier and palisade fencing and new CCTV columns and erection of cycle store and substation.

Expiry Date: 20 October 2023

SUMMARY

The application seeks planning permission for the creation of approximately 101no vehicle car-parking spaces to include the installation of 10no electric vehicle charging stations, 6no disability accessible spaces and associated ancillary works to include a barrier, 2-metre-high palisade fencing, CCTV columns, cycle store and substation.

This is a revised scheme from a previous permission at the site (Ref: 22/0664/FUL) which included an access road to the site from Cleasby Way which has been delivered as part of Phase 1 of the previous scheme; with the car park intended to be delivered as Phase 2 of the scheme. The main alterations from the previously approved scheme include changes to the layout of the car park and associated infrastructure in order to make the most efficient use of the available land whilst avoiding impacts on existing site features such as vegetation.

The creation of a large car park within the eastern portion of Durham Lane Industrial Park remains to serve Eaglescliffe Railway Station users and would be accessed by an enhanced pedestrian footbridge over the rail line which has been considered and approved separately under Prior Approval (Ref: 22/0904/DLO). In addition to this, the car park includes footpaths which would allow the public access from Eaglescliffe Railway Station to the Durham Lane Industrial Park.

The application comes before Members as it falls outside of the definition of 'minor development' due to the overall floor area proposed within the extension exceeding 500 sqm. To date, no comments to the proposed development have been received.

In summary, it is considered that the nature and scale of the development is acceptable and would not have a significant detrimental impact on the character of the Durham Lane Industrial Park. It is considered that the development would not have any significant undue impact on the amenity of neighbouring sites and would not lead to any significant levels of traffic and disturbance during its construction or its subsequent use.

RECOMMENDATION

That planning application 23/1201/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
285737-ARP-CP-XX-SK-ZX-0001	28 June 2023
285737-ARP-CP-XX-DR-CD-0500	28 June 2023
285737-ARP-CP-XX-DR-CH-0100	28 June 2023
285737-ARP-CP-XX-DR-YP-0001	28 June 2023
C993892	28 June 2023

Reason: To define the consent.

03 Construction Management Plan

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials including any restrictions on delivery times;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- (x) measures to protect existing footpaths and verges; and
- (xi) a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and residential amenity.

04 Soft Landscaping

No development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority.

This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans.

All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- (i) Commencement of the development;
- (ii) or agreed phases;
- (iii) or prior to the occupation of any part of the development;

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high-quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances biodiversity.

05 Soft Landscaping – Management and Maintenance

No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5-year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

06 Soil Mound Retention

The proposed soil mounds at the site shall be in accordance with plan 285737-ARP-CP-XX-DR-CH-0100 submitted on 28 June 2023 and shall be retained for the lifetime of the development.

Reason: In the interests of amenity.

07 Surface Water Management Plan

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance

with the approved details, the scheme shall include but not be restricted to providing the following details;

- (i) Detailed design of the surface water management system;
- (ii) A build programme and timetable for the provision of the critical surface water drainage infrastructure.
- (iii) A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- (iv) A detailed maintenance and management plan.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

08 Remediation Strategy and Verification Report

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

- A Remediation Strategy: Based on the results of the site investigation and risk assessment as detailed within the submitted Geo-Environmental Interpretative Report submitted on 3 August 2023, an earthwork strategy and revised risk assessment and mitigations are required to set out the remediation strategy of the site. To certify that these measures have been put in place, a validation report must be submitted and approved by the Local Planning Authority on completion of the Remediation Strategy.
- A Verification Report: Details of the data shall be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Further site investigation is required to the southeast portion of the site including details of the placement of top and subsoil to landscaped areas.

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

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of water and land pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is present (NPPF, paragraph 121).

09 Light Intrusion

Details of all external lighting of the buildings and car-parking areas shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area.

10 Breeding Birds

No vegetation or trees shall be removed within the bird breeding season (1st March – 31st August) unless a survey for breeding birds, completed by a competent ecologist, has first been carried out and those findings are submitted to and approved by the Local Planning Authority.

Reason: In the interests of protected species.

11 Bat Survey and Inspections

Prior to the commencement of the development, a bat survey, including a tree climbing inspection, shall be completed by a competent ecologist on all affected trees as defined within the Preliminary Ecological Appraisal submitted by Argus Ecology on 28 June 2023. The findings of both the bat activity survey and tree climbing inspected shall be submitted to and approved in writing by the Local Planning Authority.

Should any bat roosts be found then a full mitigation strategy for the proposed works shall be submitted to the Local Planning Authority for approval and the development shall be carried out in full accordance with any agreed mitigation strategy thereafter.

Reason: In the interests of protected species.

12 Boundary Treatment

Prior to the commencement of the development, full details of all associated boundary treatments and means of enclosure shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be constructed in full accordance with those agreed details thereafter.

Reason: In the interests of visual amenity.

13 CCTV Cameras

Prior to the installation of any Closed-Circuit Television cameras Exact details of the location, height and means of affixation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be implemented and maintained in accordance with the agreed details.

Reason: In the interests of the amenity of adjacent uses.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Northern Gas Networks

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

Informative: Land Drainage Consent

There is a legal requirement to obtain consent from the Lead Local Flood Authority (LLFA) if the applicant intends to carry out any works in, over, under, or within 10 metres of the watercourse,

whether permanent or temporary. No works on a watercourse can proceed until written consent has been granted by the LLFA. A land drainage consent is a standalone application that could take up to 8 weeks for determination.

BACKGROUND

1. Planning permission was previously approved for a 100-space car park and a bus loop in July 2022 (ref; 22/0664/FUL).

SITE AND SURROUNDINGS

2. The proposed car park is to be located to the west of the Eaglescliffe Railway Line, adjacent to the Durham Lane Industrial Park. To the east of the site is the live rail line, Eaglescliffe Railway Station and beyond that, residential properties.
3. To the north of the site is green field land, to the west and south of the site are units associated with the use of the Durham Lane Industrial Park and Preston-on-Tees Cricket Club. The site is accessed via Cleasby Way from Durham Lane, through the Durham Lane Industrial Park.
4. The application site is within Stockton-on-Tees Borough Council's ownership and its existing use is green field land. Soil mounds associated with previous development at the Durham Lane Industrial Park are presently stored at the site and would be disposed of off-site in line with the Environment Agency's direction and the necessary waste legislation.

PROPOSAL

5. Planning permission is sought for the creation of an approximate 101no space car park and associated paraphernalia within the Durham Lane Industrial Park.
6. The application proposes a revision to the layout to what had been previously approved at the application site and associated infrastructure as delineated on document reference: 285737-ARP-CP-XX-DR-CH-0100. A portion (Phase 1) of the development previously approved under application reference 22/0664/FUL has already been implemented at the site, which includes an access road from Cleasby Way to the proposed car park.

CONSULTATIONS

7. The following consultation responses have been received as set out below (in summary):-
8. **Environmental Health** – No objections to the scheme.
9. **Environmental Health, Land Contamination** – All potential risks from contaminated land have been suitably assessed in accordance with the relevant guidance and is considered to pose a low risk to receptors.

A verification report is requested to confirm that the remaining work has been carried out which includes:

- A further site investigation to the southeast part of the site, to be carried out as pre-commencement works.
- Placement of top ad subsoil to landscaped areas.

An earthwork strategy and revised risk assessment and mitigations should be submitted and approved prior to the commencement of the works. To certify that these measures have been put in place, a validation report must be submitted to and approved in writing by the Local Authority on completion of remediation.

10. **Highways Transport & Design Manager** – no objections to the proposals but requests a number of conditions are attached to the consent.

Highways Comments

The site benefits from a previous approval, application reference 22/0664/FUL, for a 100-space car park and a bus loop for a replacement rail service if required.

The current proposals, as shown on drawing 285737-ARP-XX-XX-DR-CH-0100 Rev P5, would remove the bus loop, as the replacement rail service would continue to be provided from the existing car park, and provide a 101-space car park in the same location.

Taking account of the above there are no highways objections to the proposals.

Should the application be approved a construction traffic management plan should be secured by condition.

Landscape & Visual Comments

There are no landscape and visual objections to the proposals, but it is requested that two conditions be applied, to secure final details regarding soft landscaping and its future maintenance.

Flood Risk Management

The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of the surface water runoff from the proposed development and this information should be secured by condition.

Informative:

There is a legal requirement to obtain consent from the Lead Local Flood Authority (LLFA) if the applicant intends to carry out any works in, over, under, or within 10 metres of the watercourse, whether permanent or temporary. No works on a watercourse can proceed until written consent has been granted by the LLFA. A land drainage consent is a standalone application that could take up to 8 weeks for determination.

11. **Northern Gas** – No objections to the proposal, recommends an informative relating to any associated apparatus that may be in close proximity to the development.
12. **The Friends of Stockton and Darlington Railway** – Offer general support for the application.
13. **Tees Archaeology** – No objections to the proposed scheme.
14. **Sport England** – No objections to the proposed scheme.
15. **Durham County Badger Group** – No comments to make on the proposed scheme.

PUBLICITY

16. Publicity has been given to the planning application through a site notice and neighbour notification letters, no representations have been received.

PLANNING POLICY

17. 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.

18. 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

19. 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.
20. 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 104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 106. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- e) provide for any large scale transport facilities that need to be located in the area⁴⁴, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements.

Paragraph 107. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).

Paragraph 110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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 183. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Local Planning Policy

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

Policy 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.

Policy 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.

c. Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.

d. Enhancing woodlands and supporting the increase of tree cover where appropriate.

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.

c. Supporting sustainable water management within development proposals.

Policy SD6 – Transport and Infrastructure Strategy

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities

2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard Sustainable Settlement and West Stockton Sustainable Urban Extension.

Policy 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.

EG1 - General Employment Sites

1. New general employment proposals will be directed to existing premises and allocated sites in the following locations:

- g. Durham Lane, 30ha. General employment development focusing on logistics (B8 Use Class) manufacturing and engineering (B2 Use Class).

Policy TI1 – Transport Infrastructure Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

4. Sites and routes which will play a role in developing infrastructure to widen transport choice will be safeguarded from development which would impact negatively on their delivery or attractiveness to potential users; routes include:

- f. Car parking to the west of Eaglescliffe Station and footbridge over the railway line.

Policy Justification extract

7.9 Eaglescliffe Station has seen a significant increase in patronage in recent years due to the extended range of services offered from the station, particularly direct services to London. This has led to pressure on existing infrastructure at the station, including the car park. Whilst the car park was significantly extended in 2014, it is anticipated that increased patronage will require the provision of another car park. As there is no further land availability on the east side of the line, it is critical to ensure land to the west of the station is made available for this provision. The introduction of a connecting footbridge will also promote sustainable commuting by providing a convenient link between residential areas and Durham Lane Industrial Estate.

Policy 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.
4. All development proposals will be designed to ensure that:
 - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
 - b. Foul and surface water flows are separated;
 - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
 - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:
 - a. Support reduced run-off rates.
 - b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.

Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

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.

Policy 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.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

Policy HE3 – Stockton & Darlington Railway

1. The Council will support development which safeguards the route of the historic Stockton & Darlington Railway of 1825, the branch line to Yarm and associated structures, and which preserves and enhances this cultural asset, its archaeological remains and setting.

2. The Council will require any proposal for development on or adjacent to the line(s) to show how the proposal has regard to the preservation of any physical remains along the route(s) and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist.

MATERIAL PLANNING CONSIDERATIONS

22. The main material planning considerations of this application are the compliance of the proposal with national and local planning policy, the impacts upon the character and appearance of the area, the impact on the privacy and amenity of neighbouring sites, the impact on the highway network and highway safety, flood risk, contaminated land, ecology and other material planning considerations.

Principle of the Development

23. The application site relates to an area of land within Stockton-on-Tees Borough Council's ownership within the defined limits of Durham Lane Industrial Park and the proposed car park would serve as an additional car park to that of the existing located at Eaglescliffe Railway Station to the east of the site.
24. A key aim for the development of this land is set out within Local Plan Policy justification for policy T11 (paragraph 7.9), which states "*Eaglescliffe Station has seen a significant increase in patronage in recent years due to the extended range of services offered from the station, particularly direct services to London. This has led to pressure on existing infrastructure at the station, including the car park. Whilst the car park was significantly extended in 2014, it is anticipated that increased patronage will require the provision of another car park. As there is no further land availability on the east side of the line, it is critical to ensure land to the west of the station is made available for this provision. The introduction of a connecting footbridge will also promote sustainable commuting by providing a convenient link between residential areas and Durham Lane Industrial Estate.*"
25. In conjunction with the enlarged footbridge serving Eaglescliffe Railway Station that was granted prior approval under application 22/0904/DLO, the car park would be situated to serve the needs of the associated infrastructure at the Railway Station. Although the proposed car park would not result in a B2/B8 use operating from the site, it would have wider economic and

sustainability benefits in supporting businesses travelling to/from the site through accessing the wider railway network and may encourage further inward investment into the industrial estate. Further to this, footpaths have been included on the submitted plans which would allow members of the public to move between the existing Railway Station, the Durham Lane Industrial Park and residential properties in the area.

26. Furthermore, the principle of the development has already been accepted at the site due to a previous approval of an application (Ref: 22/0664/FUL) for the creation of an approximate 100no space car park and access road.
27. It is considered that the proposed car park would provide a much-needed resource for Eaglescliffe Railway station and the wider Eaglescliffe community, and it is considered to comply with both national and local planning policy. The principle of development has previously been accepted and is again acceptable subject to further material considerations as considered below.

Impact on the Character of the surrounding area

28. Planning Policy SD8 states that 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 character and sensitivity of the surrounding buildings.
29. It is considered that due to the industrial backdrop of the Durham Lane Industrial Park which bounds the application site to the south and to the west, the surrounding adjacent area has a series of large structures and associated hardstanding. Due to the low-lying form of the proposed car park, it is not considered that the introduction of an area of hardstanding for purposes of vehicular parking would be of detriment to the wider character of the area.
30. The application site is bounded by an area of mature vegetation to the east and would offer a good degree of screening between the proposed development, the users of Eaglescliffe Railway Station and the residential areas beyond this. It is therefore considered that there would be little to no impact on the character of the area when seen from vantage points to the east of the application site. Overall, there are no landscape or visual objections and it is considered that the car park can be satisfactorily accommodated on the site.
31. Whilst no details of the soft landscaping and its management/maintenance at the site have been provided in support of the application, it has been agreed by all parties involved that these details can be provided prior to the commencement of the development and conditions are recommended to secure these aspects.

Impact on the amenities of the surrounding sites

32. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings. The scheme proposes to introduce an area of hard landscaping in the form of new car-parking and access road. The existing backdrop of the site is predominantly industrial in nature consisting of hard landscaping and industrial sheds throughout the adjacent sites.
33. It is not considered that there are any sensitive receptors (such as residential properties) within the immediate area of the proposed car park. Given the use of the adjacent sites being predominantly industrial in nature, the proposed scheme is not considered to give rise to amenity issues for the neighbouring occupiers and is therefore considered to be acceptable.
34. Environmental Health have reviewed the submitted information to which they have offered no objections to the proposals and recommend no controlling conditions with respect to mitigating impacts on amenity.

Impact on Sports Facilities

35. To the west of the site is Preston-on-Tees Cricket Club which is also in part used by Yarm Rugby Club. It has been highlighted by Sport England that the proposed development could be vulnerable to ball-strike but they have no objections to the proposals. In addition it is considered that there is a satisfactory degree of separation between the car park and cricket ground.
36. A soil mound would separate the proposed car park and Preston-on-Tees Cricket Club; this would be reprofiled and is considered to offer a degree of screening between the sites and would aid in protecting the cars within the car park from the potential of a stray balls associated with the use of the cricket club. It is therefore recommended that the soil mound is secured by condition.

Flood Risk

37. The Lead Local Flood Authority (LLFA) have reviewed the submitted surface water runoff solutions and are satisfied that the scheme would not exacerbate the existing flood risk to the site or surrounding area. The LLFA has highlighted that further information is required with respect to a detailed design for the management of surface water runoff from the proposed development, therefore, a condition is recommended to control the final details of the management of the surface water runoff.
38. Northumbrian Water were consulted on the application, however, at the time of writing no written representations were received.

Land Contamination

39. The application is supported by a Geo-Environmental Interpretative Report which forms the basis of an initial site investigation and desk top study of the application site's potential for contaminated land. The Council's Environmental Health Unit have reviewed the supporting information and are satisfied from a land contamination perspective that the initial site investigation and desk top study have suitably assessed the potential risks from contaminated land at the site.
40. Additional information with regards to the remediation strategy on site is still required which will include a verification report and earthwork strategy and this is recommended to be secured via a planning condition.

Highway Safety

41. The Highways Transport and Design Manager has considered the proposed scheme and acknowledges that the site benefits from a previous planning consent for a similar proposal (22/0664/FUL). Therefore, the proposed scheme is not considered to give rise to highway safety implications over and above what has previously been approved at the site.
42. The previous bus loop has been omitted from the revised proposal but still include provision for pick up and drop off services allowing the public to travel sustainably to and from the proposed car park. Network Rail have also committed to retaining the provision bus services from the existing Railway Station car park located off Yarm Road. It is therefore considered that the scheme would continue to allow for sustainable travel for members of the public to and from the site and the loss of the bus loop is not considered to fundamentally affect the operations of the car park of wider railway station as a whole.
43. There are no objections to the proposed layout, however, a condition has been recommended with respect to a specific construction traffic management phasing plans in order to manage the deliveries in and out of the site.

Ecology

44. A Preliminary Ecological Appraisal of the application site has been submitted in support of the application to identify any sensitive ecological receptors. The report identifies that the site has the potential for some ecological value, however, much of this value has been identified across the wider site and thus has little implications for the creation of the car park within the south-eastern corner of the site where the car park would be located.
45. Within the south-eastern corner of the site, the report finds that this area of the site has limited ecological value with few species present on site, except for the potential for a good bat foraging habitat and there are a number of trees supporting potential roost features.
46. In accordance with the recommendations found within the Preliminary Ecological Appraisal, it is recommended that a bat survey is submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development in order to establish whether any roosts are present and if so, what mitigation measure will be necessary. A condition is also recommended to control vegetation removal during the bird breeding season, unless a bird breeding check has first been undertaken and those findings submitted to the Local Planning Authority.

Features of Archaeological Interest

47. Tees Archaeology have provided comments on the application following the submission of an Archaeological Desk-Based Assessment. It has been indicated within the assessment that the site is of low archaeological potential and, as a result, Tees Archaeology have provided no objections to the proposed development. It is therefore recommended that no further archaeological works would be necessary within the proposed development site.

Nutrient Neutrality

48. Natural England has confirmed based on the guidance currently written that Nutrient Neutrality does not apply to commercial developments or matters which relate to surface water run-off as the guidance is focussed on additional foul water discharges. Therefore, additional surface water runoff from the proposed car park is not covered by the guidance.
49. It is therefore considered that the provision of a car park as proposed would not significantly increase levels of foul water generated and it is therefore out of scope of Nutrient Neutrality.

CONCLUSION

50. Overall, it is considered that the nature and scale of the development is acceptable in principle and would not adversely affect the character of the surrounding area, amenity or neighbouring occupiers or highway safety.
51. The proposed development would be in accordance with the wider aims of Stockton-on-Tees Borough Council's Local Plan to introduce a car parking facility on this designated land. The proposal is therefore considered to be in line with general planning policies set out on the Development Plan and The National Planning Policy Framework.
52. The application is therefore recommended for approval subject to the conditions outlined earlier in this report.

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

WARD AND WARD COUNCILLORS

WARD	Eaglescliffe
Ward Councillor	Councillor Laura Tunney
Ward Councillor	Councillor Diane Clarke

IMPLICATIONS

Financial Implications: N/A

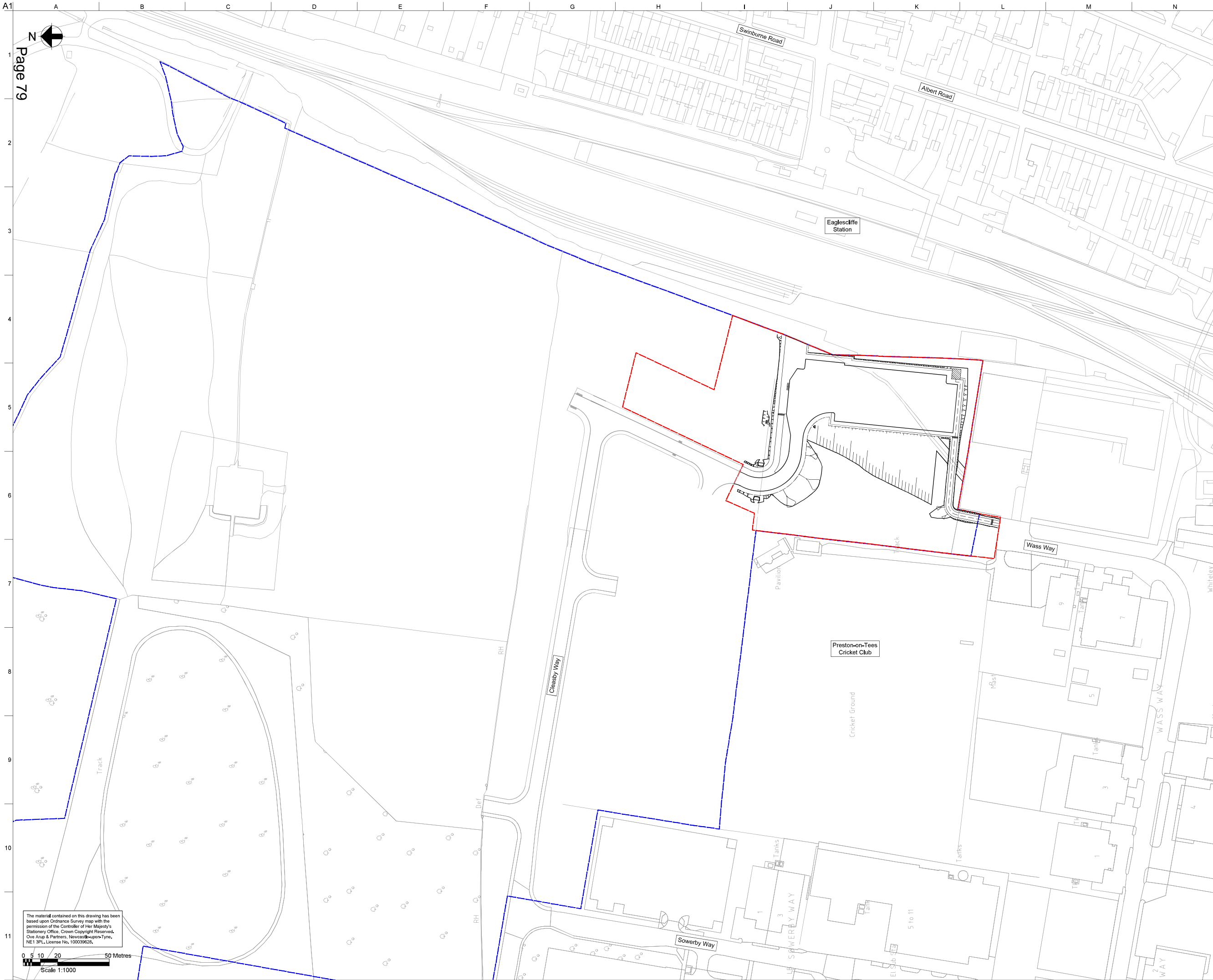
Environmental Implications: Matters relating to visual impacts, including the retention of trees/landscaping and ecology have been considered in the report above.

Background Papers:

National Planning Policy Framework

Stockton on Tees Local Plan Adopted 2019

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- Legend**
- Scheme Boundary
 - Stockton-on-Tees Borough Council Land Ownership Boundary

P1	26/05/23	DC	EK	TE
Issued for Planning				
Rev	Date	By	Chkd	Appd

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Client

Stockton-on-Tees
 BOROUGH COUNCIL

Project Title
Eaglescliffe Station Western Car Park

Drawing Title
Red Line Boundary Plan

Scale at A1	1:1000
Role	Planning
Suitability	S2 - Suitable for Information
Arup Job No	285737-00
Rev	P1
Name	285737-ARP-CP-XX-DR-YP-0001


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0 5 10 20 50 Metres
 Scale 1:1000

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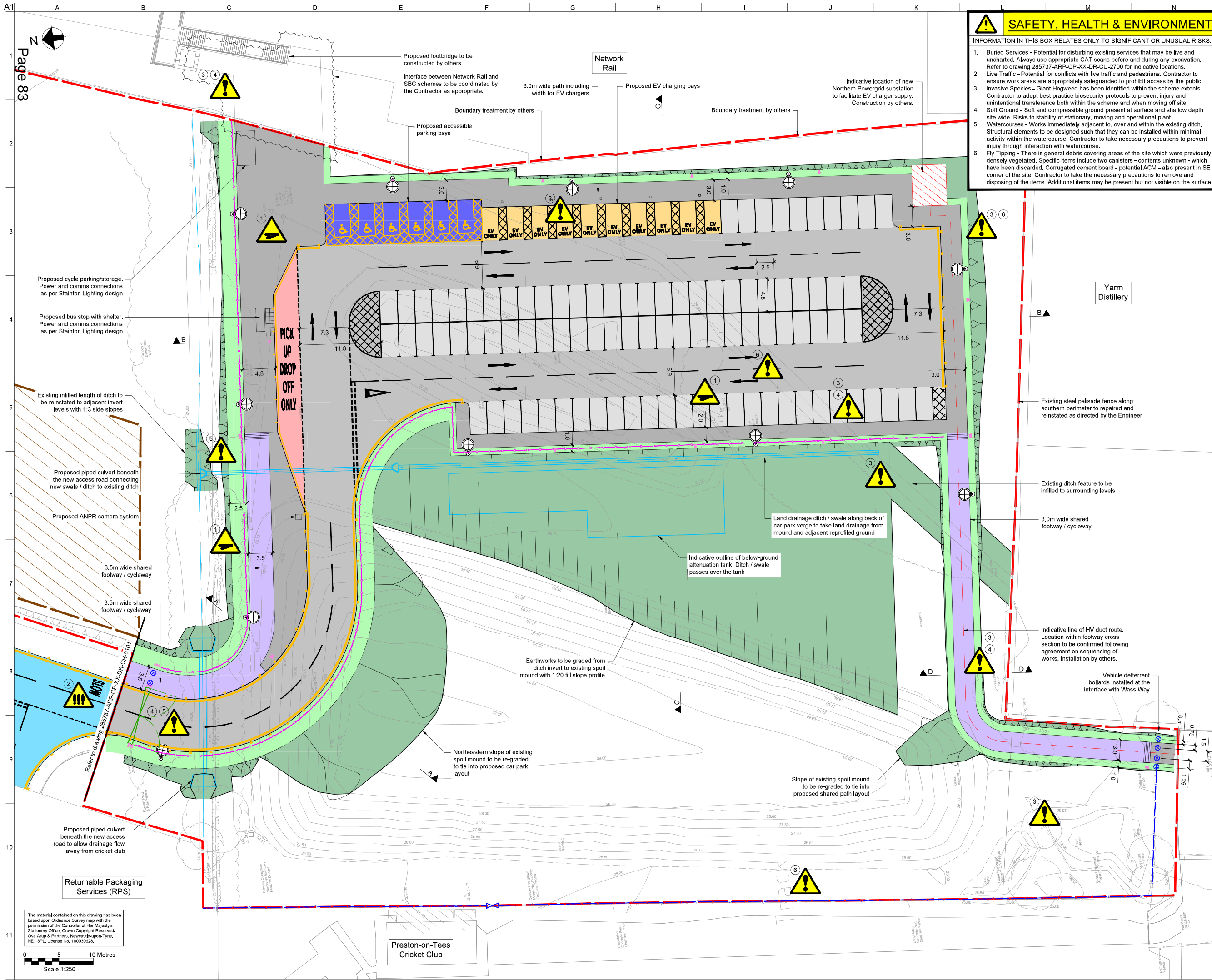


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Legend
 Scheme Boundary

Location Information
 Coordinates: (54.529462 , -1.3520533)
 Grid Ref: NZ 42031 15102
 Postcode: TS16 0PB (approximate)
 What3Words: wonderfully.convinced.minute

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SAFETY, HEALTH & ENVIRONMENT

INFORMATION IN THIS BOX RELATES ONLY TO SIGNIFICANT OR UNUSUAL RISKS.

- Buried Services - Potential for disturbing existing services that may be live and uncharted. Always use appropriate CAT scans before and during any excavation. Refer to drawing 285737-ARP-CP-XX-DR-CU-2700 for indicative locations.
- Live Traffic - Potential for conflicts with live traffic and pedestrians. Contractor to ensure work areas are appropriately safeguarded to prohibit access by the public.
- Invasive Species - Giant Hogweed has been identified within the scheme extents. Contractor to adopt best practice biosecurity protocols to prevent injury and unintentional transference both within the scheme and when moving off site.
- Soft Ground - Soft and compressible ground present at surface and shallow depth site wide. Risks to stability of stationary, moving and operational plant.
- Watercourses - Works immediately adjacent to, over and within the existing ditch. Structural elements to be designed such that they can be installed within minimal activity within the watercourse. Contractor to take necessary precautions to prevent injury through interaction with watercourse.
- Fly Tipping - There is general debris covering areas of the site which were previously densely vegetated. Specific items include two canisters - contents unknown - which have been discarded. Corrugated cement board - potential ACM - also present in SE corner of the site. Contractor to take the necessary precautions to remove and disposing of the items. Additional items may be present but not visible on the surface.

Legend

- Proposed new carriageway
- Proposed surface course installation
- Proposed footway / island
- Proposed shared footway / cycleway
- Proposed verge
- Proposed earthworks / landscaping feature
- Proposed standard parking bay
- Proposed disabled / accessible bay
- Proposed EV bay
- Proposed pick-up drop-off layby with rail replacement bus facility
- Proposed sign and post
- Proposed land drainage feature
- Proposed timber birdsmouth fence
- Proposed steel height restriction barrier
- Proposed steel welded mesh fence
- Proposed pedestrian steel access gate
- Proposed street lighting column location
- Scheme boundary
- Proposed site compound and material storage area

- Notes**
- All dimensions are in metres unless otherwise stated. Please do not scale by this drawing.
 - All works to be in accordance with the Specification for Highway Works (MCHW) and the Tees Valley Design Guide & Specification 2021.
 - This drawing is to be read in conjunction with all other scheme drawings and Specification Appendices.
 - This drawing is for information only and should not be used for construction purposes. Refer to individual MCHW Series drawings and their associated Specification Appendices for further information.
 - Setting out shall be carried out in accordance with the contract drawings and Appendix 1/12.
 - The Contractor shall confirm the position of any Statutory Undertaker's plant and apparatus prior to commencing any excavation works. Apparatus should be clearly identified and marked. See Appendix 1/16.
 - All topographical information shown is taken from ADH Site Surveys Limited topographical survey provided by SBC on 27/01/2022.
 - For typical sections as shown on this plan refer to drawing 285737-ARP-CP-XX-DR-CH-0120.
 - Street lighting, ANPR and CCTV camera and column locations are as per Stainton Lighting design. Refer to appropriate drawing series for detail and for ductwork and power connection information.

P5	12/05/23	DC	EK	TE
Issued for Planning				
Rev	Date	By	Chkd	Appd

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Stockton-on-Tees BOROUGH COUNCIL

Project Title
Eaglescliffe Station Western Car Park

Drawing Title
General Arrangement Car Park

Scale at A1 1:250

Role **Civils - Highways**

Suitability **S2 - Suitable for Information**

Arup Job No **285737-00**

Name **285737-ARP-CP-XX-DR-CH-0100**

Rev **P5**

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Scale 1:250

Do not scale

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REMOVABLE GRP ROOF

ROOF TO HAVE EXPLOSION RELIEF FITTINGS

EAVES VENTILATION TO BE PROVIDED TO 3 SIDES (REAR & SIDES)

2400 room ht

LOCKING COVER

FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION

SUBSTATION DOORS TO MEET SPECIFICATION WITH VENTILATION OPENINGS, IN 2590x2400mm HIGH BRICKWORK OPENING

2m WIDE CLEAR ACCESS AROUND SUBSTATION FOR MAINTENANCE

3900 (Internal)

26.2m³

2800 (Internal)

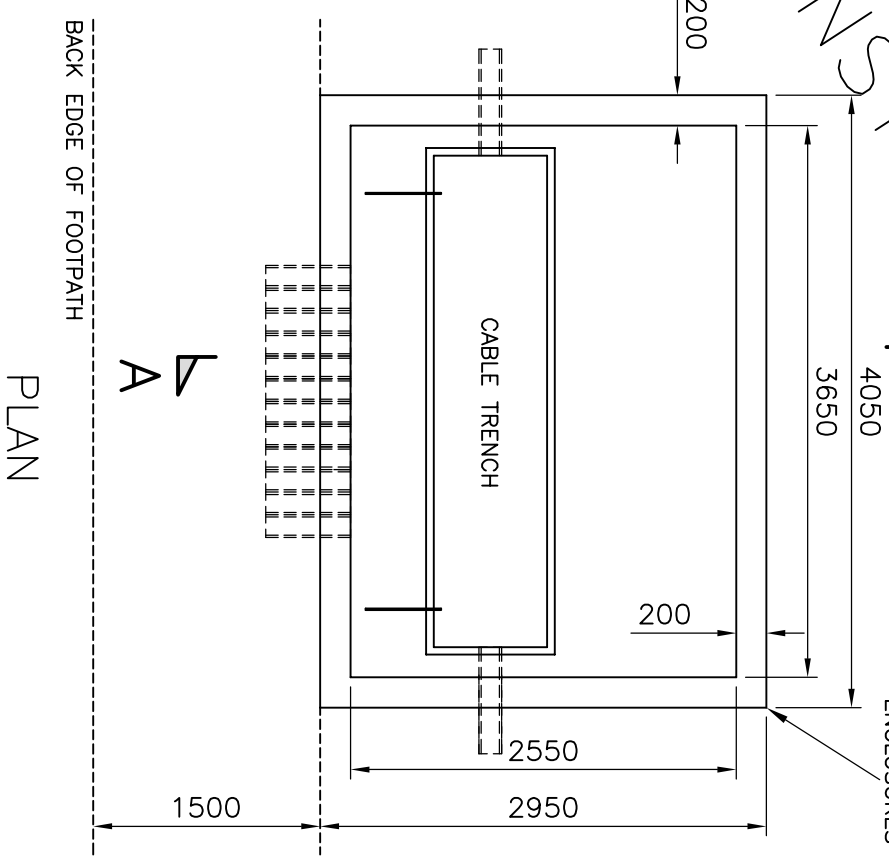
GENERATOR CABLE ACCESS PLATE

ELECTRICAL LAYOUT

CONSTRUCTION DRAWING

SECTION A-A

50 x 160mm REBATE TO ACCEPT PREFABRICATED ENCLOSURES



PLAN

		Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF	
800 - 1000kVA UDE PREFABRICATED ENCLOSURE		GENERAL ARRANGEMENT / PLAN & ELEVATIONS	
Manufacturer Details Sheet No. 1 Scale AS SHOWN Prepared By TD Grid Reference Revised Date Issued 14.11.11	Document Details Ref No. C993892 Revision A	Document Details Ref No. C993892 Revision A	Document Details Ref No. C993892 Revision A

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE
18 October 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS
SERVICES**

22/2394/REV

Land East Of 433 To 439, Thornaby Road, Thornaby

Revised application for the erection of 1no detached dwelling and 1no detached bungalow to include associated external works including alterations to public right of way

SUMMARY

The application site is a large rectangular plot to the rear of 433-439 Thornaby Road which is currently vacant and largely has the appearance of wasteland. The site is surrounded by residential properties to the west and south, a commercial development lies to the north and a car garage is located immediately to the east. A public right of way runs through the site.

The application site has been subject to a number of previous planning applications for residential development, most recently planning permission was sought for two detached dwellings and associated external works (ref; 21/2749/FUL), which were refused for two reasons. The first related to the impact on the amenity of future occupiers of plot one due to an unsatisfactory and inappropriate relationship with the existing commercial/industrial use (garage). The second reason related to Nutrient Neutrality and the absence of any supporting information to demonstrate there is no increase in nitrates as a result of the development.

The proposals seek planning permission for the erection of two detached bungalow dwellings and the proposal includes the re-routing of the public right of way and the widening of access from Thornaby Road.

The application site lies within the wider conurbation and the defined limits to development. Additionally, the application site lies near local services with a regular bus service within the vicinity. It is therefore considered to be a sustainable location for residential development.

It is noted that previous proposals for dwellings in similar locations albeit two storey dwellinghouses has been refused and dismissed on appeal due to the relationship between the dwellings and neighbouring garage. The current proposals differ in that they are single storey and the purpose of the proposed design is to create an 'acoustic shadow' by creating physical barriers, both in the form of 2 metre high acoustic fencing and the position of the buildings. Habitable rooms are also located away from the commercial premises and windows relocated along the north, south and western elevations to create a better outlook and protection from the noise source.

The layout of the development proposals also ensures satisfactory levels of amenity for neighbouring occupiers, adequate access and parking arrangements and there are no technical reasons to refuse the planning application.

RECOMMENDATION

That planning application 22/2394/REV be approved subject to the following conditions and informatives below;

- 01 Time Limit**
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 plans;

Plan Reference Number	Date Received
1987-21-201 REV C	23 August 2023
1987-21-202 REV D	23 August 2023
1987-21-200 REV E	24 August 2023

Reason: To define the consent.

- 03 Site and floor levels;**
Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent

- 04 Materials**
Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 05 Archaeological Recording**
Recording of a heritage asset through a programme of archaeological works
(A) No construction work (including demolition of the existing building) or ground disturbance works shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording of the existing building
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of potential archaeological interest.

Hours of Construction

06 No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sundays or Bank Holidays.

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

Planting Scheme

07 Notwithstanding the submitted information, a detailed scheme for landscaping and tree or shrub planting (including hedge planting for boundary treatments) to help screen the development shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development. Such a scheme shall specify types, species, layout and contouring. The works shall be undertaken prior to occupation and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenities of the local area.

Parking Spaces

08 The parking spaces as shown on drawing ref drawing 1987-21-200 REV E, shall be maintained and retained as such for the lifetime of the development.

Reason: In the interest of ensuring the development has an adequate supply of parking provision in accordance with SPD3.

Hard Landscaping

09 No hard landscaping works (excluding base course for access roads) shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority.

This shall include:

- All external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

- Details of any street furniture and lighting. Such furniture shall be erected before the development hereby approved is occupied.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

Contaminated Land Risk Assessment

- 10 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:
- a. A site investigation scheme, based on the Desk Top Study (Report Ref: DPD16001.1, 23D July 2016)
 - b. to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure any unknown contaminative features encountered during the development are investigated and remediated to an acceptable standard.

Tree Protection

- 11 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction - Recommendations
BRITISH STANDARD 3998:2010 Tree Work - Recommendations
NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

12 **Ecology and Mitigation**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the submitted Ecological Impact Assessment by Dendra Consulting Limited (dated 11/08/2022).

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

Nitrate Mitigation

13 No development shall commence until the applicant has satisfactorily demonstrated to the Local Planning Authority that they have completed the purchase of the allocated Nutrient Credits via Natural England's Strategic Mitigation scheme for the Tees Catchment.

Reason: To ensure that the proposed development does not adversely impact on the Teesmouth and Cleveland Coast Special Protection Area through increased nutrient pollution.

Permitted Development Rights – extensions and alterations

14 Notwithstanding the provisions of classes A, AA, B, C, D, E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage otherwise agreed in writing with the local planning authority.

Reason: In order that the local planning authority may exercise further control over residential amenity.

15 **Removal of PD rights - No Boundary Treatments**

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected at the properties unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the character of the development and in the interests of the residential amenities of the area.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Northern Gas Networks

The applicant should contact Northern Gas Networks 0800 040 7766 to ensure no nearby apparatus is at risk during construction works.

Informative: unobstructed access to the public footpath

The applicant must also ensure that the public footpath (FP24) route will remain open and unobstructed to allow members of the public to use it at all times during the full period of works.

If the planned works, will restrict and affect the usage the footpath, the 'Rights of Way Officer' should be contacted prior to any works to arrange the appropriate temporary diversions or closures Orders.

BACKGROUND

1. The application site has been subject to a number of previous planning applications for residential development, most recently planning permission was sought for two detached dwellings and associated external works (ref; 21/2749/FUL), which were refused for two reasons. The first related to the impact on the amenity of future occupiers of plot one due to an unsatisfactory and inappropriate relationship with the existing commercial/industrial use (garage). The second reason related to Nutrient Neutrality and the absence of any supporting information to demonstrate there is no increase in nitrates as a result of the development.
2. Previous to that application permission was sought for the erection of two pairs of semi-detached dwellings (17/1208/FUL) which was refused again due to concerns for the amenity of neighbouring occupiers. The appeal was also dismissed due to concerns over the compatibility of the two uses (residential and garage).
3. Other associated planning history is set out below:
 - Outline planning consent was sought for the erection of 2 bungalows in 2001 and was refused on 21 June 2001(01/1068/P).
 - A further application in 2005 sought planning consent for the erection of two pairs of semi-detached properties and was also refused. This application was also dismissed at appeal on 5 July 2005 with the Inspector stating that the limited and enclosed outlooks from the ground floor windows (of two of the houses) taken together with the close proximity to the repair garage would combine to provide a very poor standard of amenity (05/0464/OUT).
 - A further application for one detached dwelling was also refused on 22 November 2006 (06/2959/OUT).

SITE AND SURROUNDINGS

4. The application site, is a large rectangular plot to the rear of 433-439 Thornaby Road. it is currently vacant and largely has the appearance of wasteland.
5. The site is surrounded by residential properties to the west and south, a commercial development lies to the north and a car garage is located immediately to the east. A public right of way runs through the site.

PROPOSAL

6. This application has been revised from its original submission and now seeks planning permission for the erection of two detached bungalow dwellings on land to the rear of 433 - 439 Thornaby Road. The proposal includes the proposed re-routing of the public right of way and the widening of access from Thornaby Road.

CONSULTATIONS

7. Consultees were notified and the following comments were received as detailed below (in summary).

Councillor Mick Moore – The application though on a smaller scale may still may have a future effect on the small businesses in the area, there is still the narrow access and egress problem on Thornaby Road. Therefore, I wish for my previous objections to be taken into consideration with this application.

Previous comments:

I would like to object to the new proposal for the site to the rear of 439 - 443 Thornaby Road and for my previous objections to stand. The loss of amenity and privacy for residents must be taken into account, the widening of the access route and close proximity to the existing property raises the question of possible structural damage. The long-term effect it may have on jobs in the location.

Councillor Ian Dalgarno

I would like to register my objections to this revised application. I would like my objections to the original application be applied to this revised application.

Previous comments:

Please note as a ward councillor I wish to object to this application, the land to be developed is far too small for the proposal and would have serious effects on surrounding buildings. The previous 3 applications have been refused even after appeal.

Parish Council

Thornaby Town Council would like to object to Planning Application 21/2749/FUL on the following grounds:-

- 1/ Overdevelopment of the area
- 2/ Loss of amenities
- 3/ Inadequate access
- 4/ Former buildings have historic and heritage value i.e. RAF houses

Environmental Health - I have reviewed the submitted noise impact assessment dated 17th August 2023 and welcome the noise consultant using their own data based upon noise levels collected from previous acoustic assessments they have worked on.

Based upon the information provided within the BS4142 assessment I am satisfied that figure three demonstrates garden amenity areas which comply with our requirement of not exceeding the background level by more than 5dB during the daytime hours. I am also satisfied with the internal assessment as demonstrated in table 3 which shows habitable rooms will meet the noise levels required for BS8233:2014 for day and night.

The planning authority should note that the strict application of BS4142 is to the facades of the properties, not the garden amenity areas however as good acoustic design has been demonstrated it is felt that the outcome is accepted.

However the planning authority should also note that the commercial garage does not currently operate overnight although there are no restrictions in place preventing this from occurring in the future. Concerns have been raised previously by Environmental Health (email attached) that the BS4142 assessment does not include night time hours and we are therefore unable to determine the suitability of the proposal in the context of BS4142 overnight. Our criteria for BS4142 overnight is for there to be no exceedance of the background level.

Although we withdraw our previous objection as the information provided to date demonstrates compliance with our requirements and good acoustic design, the planning department should be conscious that not all information has been provided in the context of night time BS4142 assessments.

Environmental Health Unit Contaminated Land - I have checked the Phase 1 Desk Top Study (Report Ref: DPD16001.1, 23D July 2016). Which has identified the historical use (military and industrial use for road vehicle refueling, service and repair), the potential for made ground, organic contaminants, metals and asbestos. I would recommend that a further site intrusive work is undertaken to assess the risk to end users.

Contaminated Land Risk Assessment

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

- a) A site investigation scheme, based on the Desk Top Study (Report Ref: DPD16001.1, 23D July 2016)
- b) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Northern Gas Networks - No Objection

Tees Archaeology - Thank you for the consultation on this application. We note the inclusion of a Heritage Statement, which identifies the site as part of Thornaby Airfield, and the location of former buildings associated with it. Although these buildings have been demolished, there may be surviving subsurface remains and artefacts associated with the airfield. I recommend that the developer provides archaeological mitigation during the development to ensure that an appropriate record of any remains is compiled to advance our understanding of the World War II history of Thornaby. This would take the form of archaeological monitoring during the development and could be secured by condition. I set out the proposed wording of this condition below:

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Natural England – No objection - subject to allocated credits from the Nutrient Mitigation Scheme being secured. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Highways Transport & Design Manager – No objections to the proposals but requests further information relating to tree protection.

Highways Comments - The applicant has submitted a site layout plan, drawing 1987-21-200 REV E, in support of the proposals.

In accordance with SPD3: Parking Provision for Developments 2011, each plot would require 2 parking spaces, which have been provided, and cycle storage has been shown which is acceptable.

The plot of land to the rear of 435 Thornaby Road, which is not in the ownership of the applicant, has been identified as parking for the owner of 435 Thornaby Road which is acceptable.

The applicant proposes to widen the existing access from Thornaby Road to 4.8m, which will allow 2 cars to pass. However, the dropped vehicle crossing would have to be widened accordingly which would require the relocation of the existing telegraph pole and the amendment of the on-street parking bay markings. These works would have to be carried out at the applicant's expense and the applicant should contact the utility company regarding the relocation of the telegraph pole.

There are therefore no highway objections to the application subject to the applicant entering into a S278 agreement with the highway authority to amend the existing access arrangements.

The applicant must also ensure that FP24 route will remain open and unobstructed to allow members of the public to use at all times during the full period of works. If the planned works, will restrict and affect the usage of FP24, the 'Rights of Way Officer' should be contacted prior to any works to arrange the appropriate temporary diversions or closures Orders to protect users of the path during the full period of works.

Landscape & Visual Comments - The Highways Transport and Design Manager raises no landscape and visual objections to the proposals. However, tree protection information is still required, to protect all trees on and adjacent to the site as well as an arboricultural method statement. This information could be conditioned prior to commencement of any works, if not provided up front.

PUBLICITY

8. Neighbours were notified and a total of six letter of objection were received as detailed below;

Mr Anthony Henry 82 Windermere Road Stockton-on-tees

12th December 2022 - As joint owner of 433, Thornaby Road. I want the Planning application team to be aware that there is a Right of vehicular access at any time of day or night for any vehicle to the rear of the property at 433, Thornaby Road. I would like to know what provision is being made to ensure that this access continues and is not impeded.

2nd February 2023 - As previously stated in objections no provision has been made for Vehicular access to the rear of Property 433 Thornaby Road.

433 Thornaby Road as the right for Vehicular access for any type of vehicle 24 hours a day to the rear of the property. This includes access for said vehicles to the rear garden on 433 Thornaby Road. This access would be over the proposed 2m Footpath that is being proposed.

Can I have assurance that vehicular access as agreed by the Highways authority will provide the correct footpath crossing access (Dropped curbs and suitable foundations) to allow access to the rear garden of 433 Thornaby Road. Also, that any such access will be maintained by the applicant and subsequent owners of the properties which are proposed in the application. Without such assurances then I will continue to object to any development of this land.

This planning application is now causing a substantially delay on the conveyancing in the sale of 433 Thornaby Road. To that end could we have a quick decision regarding the application, to facilitate this conveyancing.

Mr John Smith 433 Thornaby Road Thornaby

1st January 2023 - Having seen the proposed plan for the 2m footpath along the side of 433 Thornaby Road, I object to this as the grassed area to the side of 433 Thornaby road has established shrubbery and bushes, and have been there for over 10 years, the upkeep and maintenance of this area was done by the previous owner. This would suggest that this land is within the boundary of 433 Thornaby Road.

11th February 2023 & 29th August 2023 (repeated) - My objection still stands for reasons I have put forward before. Would like to add no provision has been made for vehicular access to my property or parking space, unlike 435 and 437. Also concerns for the wildlife and loss of open space and the privacy, the area is small and would feel cramped with even with just one building.

Mr Terry Beevers 82 Sir Douglas Park Thornaby

8th December 2022 - 1. In addition to the above I wish to object due to the fact that the Plot 2 garden uses my garden fence as the perimeter of the new property, this will prevent me from maintaining, treating, painting or repairing my fence on the side of the new development, this I feel will be detrimental to the value of my property, a suggestion would be that a 2 metre gap be left between the new perimeter fence and my existing well established fence so I can achieve access

2. Adequate lighting for the revised public right of way should be insisted upon as the area does have antisocial problems with youths gathering and causing problems to residents, this area will be a magnet for them and further trouble.

3. The access road is barely the width of one car, this will make it very difficult for vehicle entering and leaving the area.

4. Loss of the open space will be detrimental to wildlife.

5. Privacy will be severely affected in the area.

6th February 2023 - Thank you for your recent update as to the revised application submitted. I do not see that the revised application has made much difference to the original and for that reason my objections still stand.

30th August 2023 - Hi received your letter today and visited your site for the application, but I am having difficulty finding and understanding the latest 'revised' application so finding it difficult to comment, could you assist and explain what are the revised matters, otherwise I still object to this application as previously stated and for my given reasons.

Ste Robinson 439 Thornaby Road Thornaby

18th December 2022 - This is not a suitable area for development. There has been countless attempts for this and each time the self and same happens.

13th September 2023 - I object against this once again. There is practically no difference to the changes since last time. This seems to be a recurring thing. It's going to have a big impact on the little space of land and plus it's restricted access so if there's a fire there is it possible for a fire engine to gain access. Plus there's the impact to the wildlife that use it as their home. I have seen bats in the area.

Mr Terence Waites 441 Thornaby Road Thornaby

31st May 2023 - Having been working away I have missed the opportunity to view the revised plans to a proposed development that is one of several over the last few years. In addition to my previous protestations I note that the blue-prints do not seem to have taken note that I need access to my back garden via the Martinet Road route. In addition, I can see no access to Thornaby Road either. So, in addition to my previous written objections, I wish to add access rights.

Summary of previous comments

Land classification, lack of landscaping, overlooking, impact upon trees, incompatible with existing uses, poor living conditions, parking, lack of passive natural surveillance.

Miss Claire Bishop 437 Thornaby Road Thornaby

16th December 2022 - I object due to close proximity to my property. My privacy in my small garden will be lost and access to the back gate, limited. I work from home in the conservatory on the back of my house, and fear the noise from building works, and another household (on top of current noise) will be detrimental to the work I do (call centre).

I also fear these plans will allow anti-social behaviour to flourish. High fences next to the property, creating alleyways for this sort of behaviour, create anxiety for existing residents, with more traffic than usual to the rear of our properties. Also, loss of wildlife is a concern. I often see foxes and a Woodpecker has also frequented this area.

Mr Ian Atkinson Martinet Motor Company Martinet Road

16th December 2022 - Regarding the latest proposed development I would respectfully request that all involved in the decision process consider my comments and concerns that relate to the previous application. This specifically includes concerns about potential objections by residents about noise output from our long established business. Such complaints would be at risk of affecting the viability of our business and therefore threaten the livelihoods of the families it supports. This factor being even more pertinent in these evermore challenging times.

I would also like to draw attention the perplexing ambiguity of the 2 noise level tests (one done for the previous application and one done for the most recent). How can 2 different professional companies testing to the same claimed high standards come to 2 completely opposite conclusions? That is : the 1st test, which was done after the previous application, advised against development due to high noise output levels, the 2nd noise test relating to the most recent application claims that our noise output levels are within acceptable limits. I accept that our noise outputs will always vary and that the most recent test may have taken place on one of our quieter days but equally and as the 1st test highlighted, our noise output can be high.

I feel that the overall picture is unchanged and that residential development would be unacceptable and uncomfortable to run a business alongside. As pointed out previously our address is : The Old Airfield "Industrial" Estate

10th February 2023 - I write in response to your letter dated 31st January 2023 advising us of revision to planning application for 2 dwellings to the rear/east of 433 to 439 Thornaby Road,

Thornaby. I feel that whilst planting a few trees is no doubt aesthetically pleasing it is difficult to see how this action will provide a reliable, consistent and permanent solution to the problems inherent within this proposed development.

Please also see my previous comments/correspondence dated 16th December 2022 regarding this application, which I feel are still relevant.

PLANNING POLICY

9. 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.
10. 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

11. 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.
12. 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.

Para 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.

Para 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Para 181. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites

Para 182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Para 183. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Para 185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Planning Policy

13. 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.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land. Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.
- b. Providing accommodation that is affordable.

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.

Housing Policy 4 (H4) - Meeting Housing Needs

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflects local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.
2. Support will be given to higher density development within areas with a particularly high level of public transport accessibility. Elsewhere housing densities will be considered in the context of the surrounding area in accordance with Policy SD8.
9. To ensure that homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1st April 2019 the following Optional Standards will apply, subject to consideration of site suitability, the feasibility of meeting the standards (taking into account the size, location and type of dwellings proposed) and site viability:
 - a. 50% of new homes to meet Building Regulation M4 (2) "Category 2 - accessible and adaptable dwellings".
 - b. 8% of new dwellings to meet Building Regulation M4(3) "Category 3 - Wheelchair User Dwellings". Where the local authority is responsible for allocating or nominating a person to live in that dwelling, homes should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area.

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.

Supplementary Planning Document 1: Sustainable Design Guide

4.7 Character and Design

4.7.4 New dwellings should be designed with significant attention given to proportions, materials and detailing, in order to provide architectural quality and to respect existing character. Porches, recessed garages, bay windows and other simple details can add a third dimension to otherwise flat-fronted dwellings, and chimneys may also be used to articulate rooflines. Such details will add architectural interest, however, form should follow function and they should not be used where they will serve little or no purpose other than aesthetic.

4.7.6 Particular consideration should be paid to the design of buildings in corner locations. These properties will be prominent within the development and can aid navigation through the site. They can also provide greater security by having windows that face in different directions and by preventing gable walls from facing the street.

4.8 Privacy and Amenity

4.8.2 The Council will normally expect a minimum of 21 metres separation to be provided between the main habitable room windows on facing residential properties. Where main habitable room windows will face windows of secondary rooms, such as bathrooms and hallways, or a blank gable, there should normally be a gap of at least 11 metres between the two properties. However, it is advisable to seek pre application advice, should a development involve this relationship, as the required separation distance will depend upon individual circumstances and may need to be increased.

MATERIAL PLANNING CONSIDERATIONS

14. The main considerations of this application relate to the principle of development, the impact on the street scene and character of the area, the impact on the amenity of neighbouring properties, highway safety related matters and nutrient neutrality.

Principle of development

15. The application site lies within the wider conurbation and the defined limits to development. Additionally, the application site lies near local services with a regular bus service within the vicinity. It is therefore considered to be a sustainable location for residential development and meets within the sustainable development objectives of the adopted Stockton on Tees Local Plan and the provisions of the National Planning Policy Framework and the principle of residential development in this location is acceptable.

16. Comments have been received regarding the loss of open space and back land development. The application site if not afforded any formal protection through designated open space and as such ENV6 would not be applicable in this instance.

Impact on the character of surrounding area

17. Within the Stockton on Tees Local Plan, it encourages high standards of design; policies SD3 and SD8 set out new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportion, and materials.

18. The proposed development would introduce two detached bungalows into a predominantly residential area. Thornaby Road and the surrounding streets feature a mix of terraced, detached and semi-detached properties both of two storey and single storey. Those that bound this site to the west, are two storey terraced dwellings and the proposed development would be largely screened by these existing residential properties fronting

Thornaby Road. To the east are business premises along Martinet Road (east) and residential properties of Sir Douglass Park to the southeast. Views would however be achieved onto the proposed bungalows from close range with a public footpath that crosses through the site. It is considered the nature of two bungalows would not appear as an incongruous addition within this residential area.

19. Objection comments have been received suggesting that the proposed development would represent overdevelopment of the site which is not suitable for the area and will encourage anti-social behaviour. The proposals have been subject to a revised layout and scale, which has reduced the dwellings to single storey bungalows, this in turn has improved spacing, outdoor amenity space, and outlook for the future occupiers. In addition, the existing public right of way has been altered diagonally through the site which allows for natural surveillance to take place. From a layout perspective it will significantly improve the existing public right of way arrangement which currently has no formal footpath layout and is also routed around the rear boundary fences of the surrounding premises. The new route would provide a more formal and attractive pedestrian route and it is considered that the additional landscape planting will provide an enhancement to the overall area as well as providing a safer design. The Council's Landscape Officer has commented that the revisions significantly improve the proposed scheme.
20. It is noted the site does benefit from several trees on the site. The agent has provided an Arboricultural Survey which states there are 7 Sycamore trees along the eastern boundary which will be felled as part of the proposals. However, these trees offer low amenity value, and the Principal Tree and Woodlands Officer has also reviewed the proposals and considers that the proposed development can be achieved without significantly impacting upon the existing trees on site. The Council's Senior Landscape Officer has assessed the proposal and raises no objection in principle subject to the submission updated tree protection information, method statement and details of surface construction for car parking which can be conditioned accordingly.
21. With regards to anti-social behaviour the development site is currently overgrown with no clear foot path route through and offers a space for anti-social behaviour to occur. The redevelopment of the site will provide natural surveillance to the area as well as a formal public right of way with a safe and attractive walking route. It is not considered the development would increase the likelihood of anti-social behaviour due to a greater level of natural surveillance and defined and enclosed areas of residential space.
22. Overall, it is considered that subject to several conditions in respect to the materials to be used and landscaping, the proposed residential development is considered not to raise any significant adverse impacts on the character of the surrounding area that would warrant the refusal of the planning application on such grounds.

Impacts on amenity

23. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings and with paragraph 130 of the NPPF stating that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.

Residential amenity of future occupiers of 'Plot 1 & Plot 2'

24. It is noted that previous proposals for dwellings in similar locations albeit two storey dwellinghouses has been refused and dismissed on appeal due to the relationship between the dwellings and neighbouring garage. Most of concern has previously been in relation to the dwellings closest to the commercial garage.

25. The most recent planning appeal, determined in 2018, where the Planning Inspector commented "Any disturbance would be likely to be felt in the rear gardens and rooms of the houses proposed... The proposed mitigation, with 2m high fencing, triple glazing, and mechanical ventilation to bedrooms, is clearly aimed at lessening or removing the potential for disturbance. But the fact that such mitigation is proposed suggests to me that the juxtaposition of houses with a garage workshop business, with only a few metres between them, illustrates that the 2 uses are not likely to be well-matched neighbours".
26. The current proposals differ in that they are single storey, propose no opening adjacent to the garage and the outdoor amenity space would be located west of the proposed buildings.
27. The commercial garage has provided comment who acknowledge that the nature of the use would likely generate noise complaints from nearby future occupiers, which in the longer term may impact upon the function of the existing established business. The vehicles repair use is historic and has no controlling conditions that limit the times or days of use, however, should the business operate at unreasonable hours this would be dealt with as a statutory nuisance.
28. As part of the proposals, a noise survey has been submitted which has considered the implications of when the commercial garage is in use and modelled the resultant noise on the surrounding area. That identifies that the noise predominately emits from the east (at the front of the building) whereby nearby residents are already exposed to a degree of noise exposure from the business. No noise complaints have been received regarding the operation of the commercial garage.
29. Although some noise does occur to the rear of the building, the purpose of the proposed design of the application is to create an 'acoustic shadow' by creating physical barriers, both in the form of 2 metre high acoustic fencing and the position of the building. The proposed dwelling has been designed to provide the habitable rooms being located away from the commercial premises and windows relocated along the north, south and western elevations to create a better outlook and protection from the noise source. Environmental Health Unit (EHU) have provided comment withdrawing their previous objections as the scheme demonstrates compliance with their requirements and good acoustic design.
30. With regards to the outdoor amenity space (which is no longer adjoining the commercial premises to the east), the submitted noise assessment demonstrates there is a partial area of outdoor 'garden' that would not be fully protected should all the equipment at the adjacent garage be in operation. However, these areas would serve a driveway for the property (plot 1) and a marginal section to the north of the building which due to its area is unlikely to be able to act as a useable area of outdoor seating. However, the remaining private outdoor amenity space would be assessable for use and would be screened by planting allowing a private enclosed space to the west of the property (front).
31. The EHU have assessed this information together with their previous surveys and as such the future occupiers would not likely experience significant noise and disturbance from the commercial use, both internally and externally to such a demonstrable degree that it would render the site unusable for residential purposes. The potential for noise impact upon the amenity of Plot 1 has been demonstrated to be satisfactory by an updated noise survey.
32. 'Plot 2' would have an increased separation from the commercial garage of approximately 7.5 metres, with the property's main elevations being orientated away from the commercial garage with a blank side gable facing eastwards. Unlike the previous application the outdoor amenity areas serving the property are to the west and south whereby there is a greater distance from the commercial garage and the outdoor amenity areas are buffered

by the main dwelling and are again in an 'acoustic shadow'. The EHU have reviewed the submitted noise survey and advise the internal and external amenity space of plot 2 is acceptable due to good acoustic design.

33. With respect to the relationship between Plot 1 and Plot 2, the proposed dwellings would have an approximate 12 metre separation distance, which would be a front to side relationship with intervening boundary treatments and planting between. The proposed relationship complies with the planning guidance and is considered acceptable in this respect.

Impact on surrounding neighbouring properties

34. 'Plot 1' would have a separation distance of approximately 23 metres from the existing dwellings to the west located on Thornaby Road, which is in excess of the guidance separation distance of 21 metres and no issues are raised with in respect to loss of privacy and amenity for these existing neighbouring residents. It is acknowledged the land directly to the north of 433 Thornaby Road is currently laid with grass. This land is owned by the applicant and would be altered to provide a widened access to the site with a footpath down the side of this property. It is noted this property benefits from a utility and WC window at ground floor. These windows do not serve main habitable rooms and therefore it is not considered there would be such a demonstrable impact upon the amenity of this property.
35. The dwellings located on Sir Douglas Way (south-east) would be oblique from the gable side elevation of the proposed dwelling which is now single storey. The existing boundary enclosures provide adequate screening from the main private amenity areas. It would be located at a sizable distance, with respective intervening gardens between and no concerns are raised with respect to loss of privacy and amenity of these existing properties.
36. 'Plot 2' would have a shared boundary to the south with 441 Thornaby Road. The neighbouring properties main rear outlook would not be directed to the application property and faces east, with the proposed dwelling located to the north. The proposed dwelling would be located further to the east than 441 Thornaby Road and would therefore be most noticeable for this resident when within the rear garden area of 441 Thornaby Road. However, given the dwelling is single storey and being set off the boundary by approximately 2.3 metres it is not considered the siting and scale of the dwelling would create any significant adverse impacts with regards to outlook, overbearing or overshadowing. The existing boundary fence in place provides screening and it is not considered significant direct overlooking impacts would occur as a result. It is considered that given the existing relationship 441 Thornaby Road has with the site, providing a relatively open aspect, from the rear amenity space the siting of a single storey dwelling no demonstrable impacts would occur to the amenity of 441 Thornaby Road.
37. The properties of 439 and 437 Thornaby Road are located to the west of the location of 'Plot 2'. Neighbouring objections have suggested that the relationship would be in close proximity. noise concerns and loss of access at the rear of the properties. The respective dwellings would have a rear to side relationship and the Council's SPD guidance recommends a rear to side separation distance of 11 metres. The proposed rear to side separation distance would be approximately 16 metres, which would exceed the recommended guidance and taking account of the distance relationship, no significant issues are raised in respect to loss of privacy and amenity in this respect.
38. The relationship between 'Plot 2' and those further along Thornaby Road (north) are considered to be more oblique and taking account of the distance and relationship, no issues are raised in respect to loss of privacy and amenity. At the opposite side, the

proposed gable side elevation of 'Plot 2' would face towards 82 and 84 Sir Douglas Close. The rear to side distance would be in excess of 15 metres, which would be in excess of the 11 metre recommended separation distances and no concerns exist with respect to the impact on the residential amenity of the properties to the east.

39. Comments regarding noise, indeed there would be a degree of noise expected during the construction phase of the properties which can be conditioned to ensure residents do not endure long working hours and weekend working. In terms of noise associated with the residential properties this would not create any significant impacts beyond the existing residential area.

Highway safety

40. The application site would include the widening of the access off Thornaby Road, the relocation of the telegraph pole and the amendment of the on-street parking bay markings. These works would be carried out at the applicant's expense. The proposed access would allow for two cars to pass and would not impact upon the area of parking at 435 Thornaby Road. Subject to the applicant entering into a S278 agreement with the highway authority to amend the existing access arrangements, no highway safety objections are raised.

41. With regards to the associated carparking for the residential properties these are provided in accordance SPD3: Parking Provision for Developments 2011 with and in addition cycle storage provision has been provided which is acceptable.

42. As there is a public right of way (FT24) which will be re-routed as part of the works. The Rights of Way Officer raises no objections to the proposed works subject to the foot path remaining open and unobstructed to allow 24/7 use during the works. The applicant is advised to contact the Rights of Way Officer prior to works commencing. This will be added as an informative.

43. Residents also raise concerns regarding access to the rear areas of their properties only properties 433 and 435 Thornaby Road have the right to pass and repass over a section of the land with or without vehicles. 435 Thornaby Road own a section of the land to the rear of the development that remains unaffected. Additionally, the land to the rear at 437 and 439 Thornaby Road which is not owned by the applicant will remain unaffected.

Archaeology

44. The site forms part of the Thornaby Airfield. Whilst many of the buildings associated with the airfield have since been demolished, surviving remains and artefacts maybe present on the site. Tees Archaeology have recommended archaeological monitoring during the development which can be secured by a condition.

Ecology

45. Concerns have been made regarding the loss of wildlife on the site. The application has been accompanied by a survey which concludes there are no priority habitats within or immediately adjacent to the site boundary. The redevelopment site would as a result of the development lead to loss of nesting and foraging habitat for common birds and foraging habitat. The report concludes the development would be enhanced by means of hedgehog highways, bird and bat boxes which will be conditioned accordingly.

Nitrate Neutrality

46. The applicant has provided information with regards to nitrates and to mitigate impacts they have been allocated credits from Natural England's Strategic Mitigation scheme which would offset the impacts from the development. The development would therefore be acceptable and a Grampian condition is recommended to ensure the development does not commence until the credits have been fully secured.

Contamination

47. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water and land pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
48. The application has been accompanied by a Phase 1 Desk Top Study (Report Ref: DPD16001.1, 23D July 2016) that identifies the historical use and the potential for contaminants. The Council's Contaminated Land Officer raises no objections subject to a condition to ensure further site intrusive work is undertaken.

Residual issues:

49. Comments raised regarding devaluation of property are not a material planning consideration and will not be considered.

CONCLUSION

50. The application site lies within the wider conurbation and the defined limits to development. Additionally, the application site lies near local services with a regular bus service within the vicinity. It is therefore considered to be a sustainable location for residential development.
51. It is noted that previous proposals for dwellings in similar locations albeit two storey dwellinghouses has been refused and dismissed on appeal. The current proposals differ in that they are single storey and the purpose of the proposed design is to create an 'acoustic shadow'.
52. The layout of the development proposals also ensure satisfactory levels of amenity for neighbouring occupiers, adequate access and parking arrangements and there are no technical reasons to refuse the planning application.

Director of Finance, Development and Business Services
Contact Officer Jade Harbottle Telephone No 01642 528716

WARD AND WARD COUNCILLORS

Ward	Village (Pre May 2023)
Ward Councillor	Councillor Ian Dalgarno
Ward Councillor	Councillor Mick Moore

IMPLICATIONS

Environmental Implications:

As detailed within the report

Human Rights Implications:

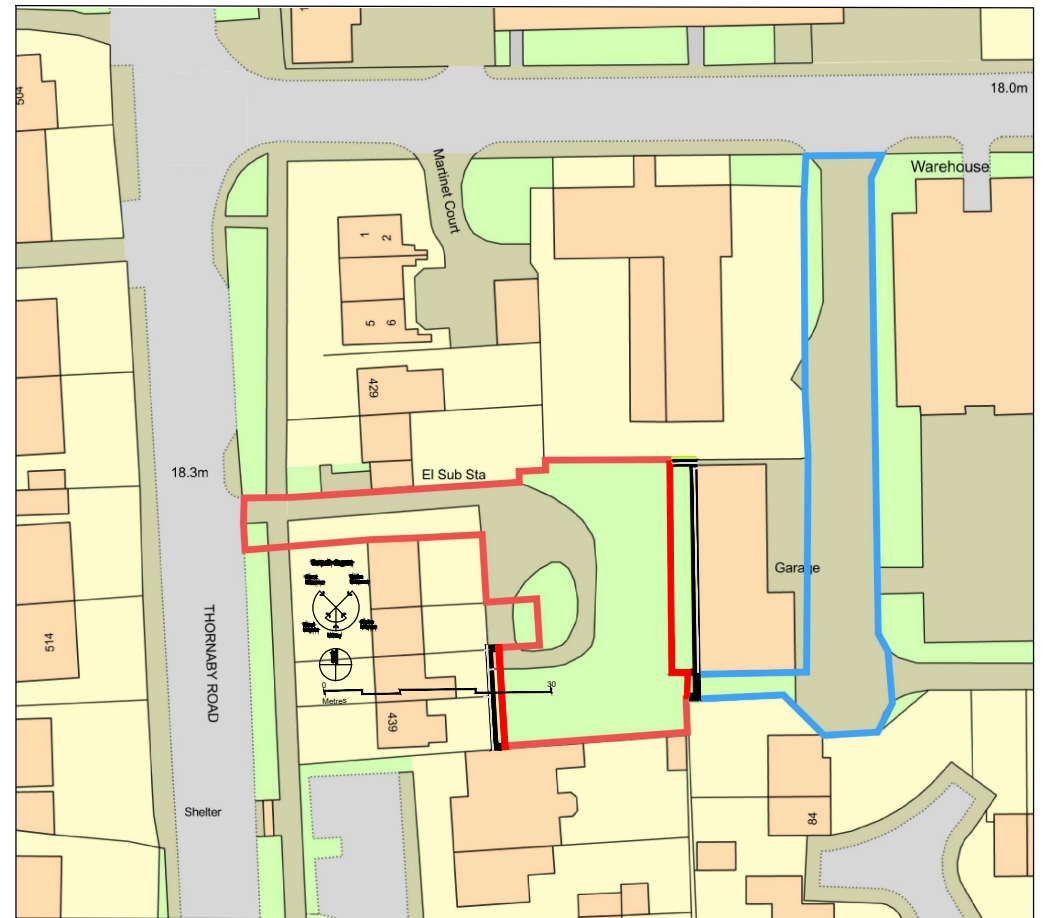
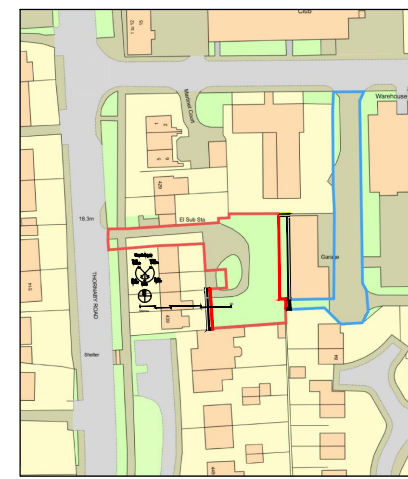
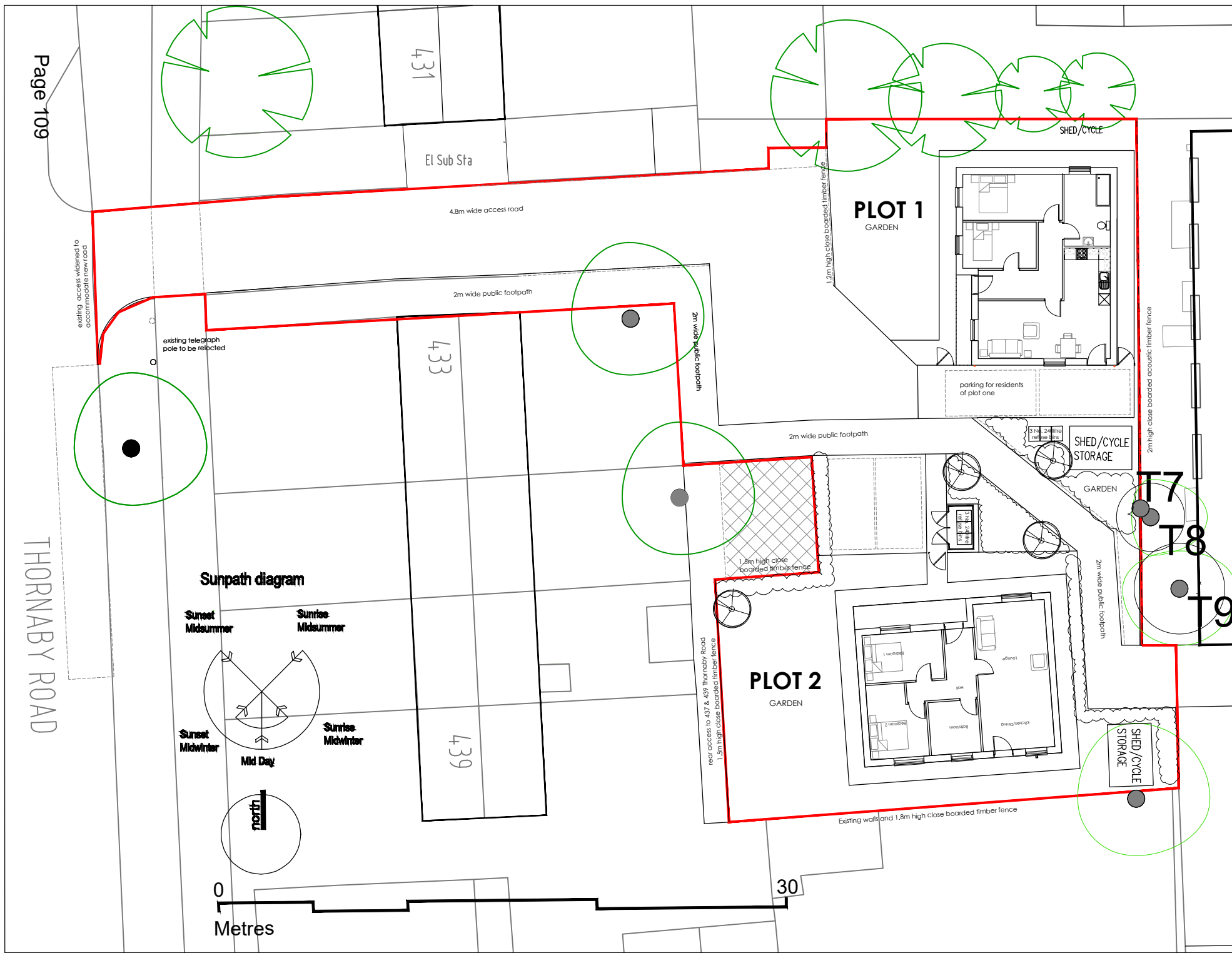
The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

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

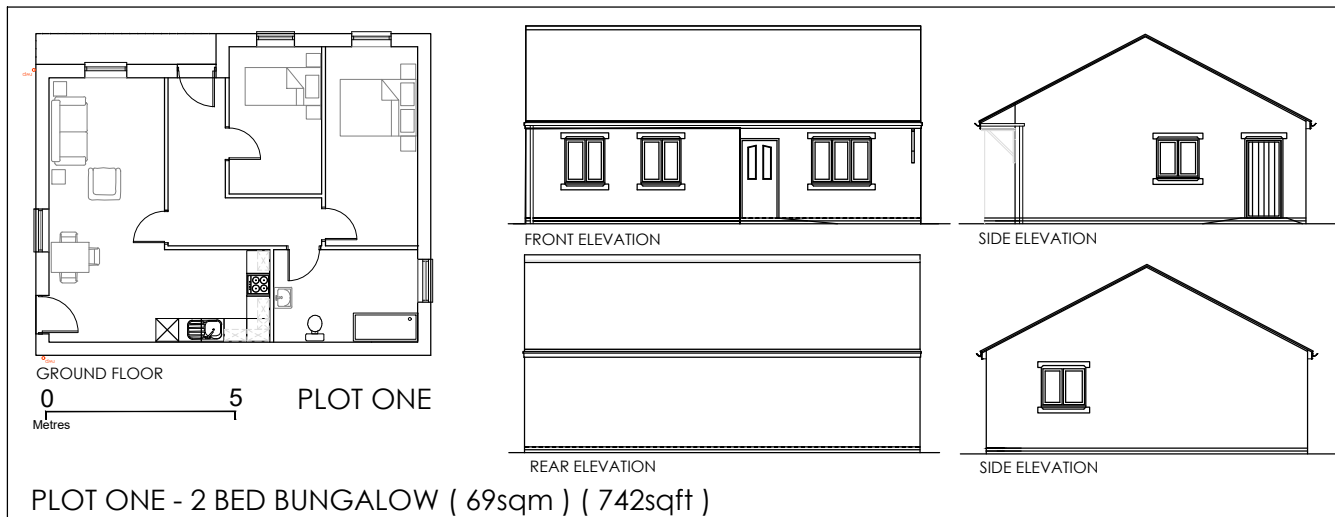
Background Papers

Supplementary Planning Documents
SPD1 – Sustainable Design Guide - Oct 2011
SPD3 – Parking Provision for Developments - Oct 2011



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PROPOSED SITE LAYOUT SCALE: 1:250 @ A3 1:125 @ A1



PROPOSED FLOOR PLANS & ELEVATIONS SCALE: 1:200 @ A3 1:100 @ A1

REV	DATE	DETAILS
E	24-08-23	PLOT ONE RECONFIGURED
D	22-08-23	RED LINE AMENDED TO REAR OF 437 & 439
C	18-08-23	SITE LAYOUT AND HOUSE TYPES AMENDED
B	04-01-23	SITE ENTRANCE DETAILS UPDATED - SBC HIGHWAYS
A	18-11-22	EXISTING SITE PLAN SCALE AMENDED

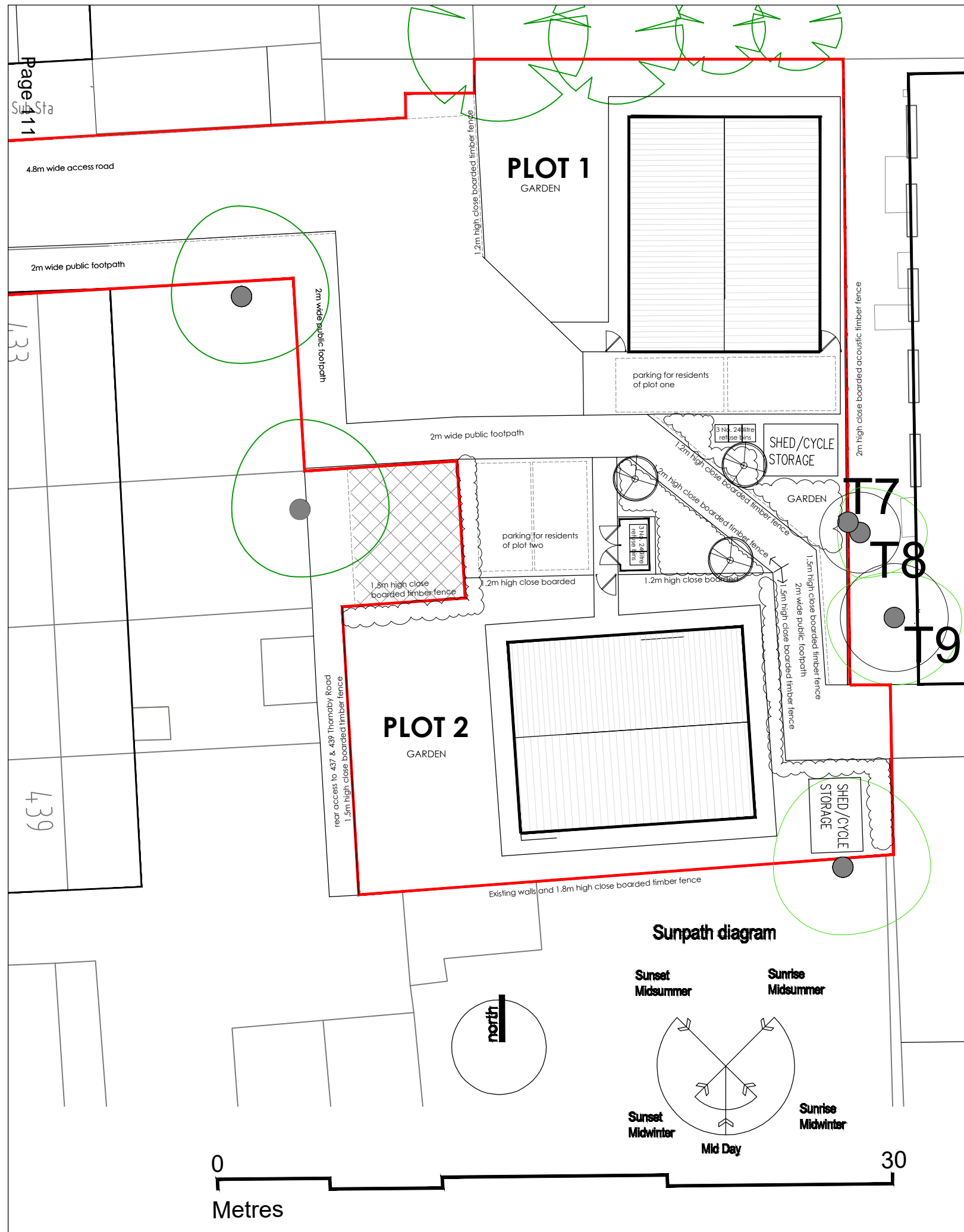
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ARCHITECTS

CLIENT: 1987-21
PROJECT: LAND TO REAR OF 439-443 THORNABY ROAD THORNABY
DRAWING TITLE: EXISTING & PROPOSED DETAILS
PURPOSE OF ISSUE: **PLANNING**
SCALE: AS NOTED
DATE: OCT 22
DRAWN: sjd
DRAWING NO: 1987-21-200 **E**

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Potential Conflict: Damage to trees due to the proximity of the new dwellings.
To the south and east of the new dwellings are trees shown on site plan. Trees within this location may have root or branch tissue that extends into the site and could subsequently be damaged during construction or could cause conflict due to light levels etc.

Mitigation / Countermeasure: As shown on the site plan the nearest, largest, and most dominant tree within the group has significant clearance from the proposed dwelling and should not be damaged or create future conflicts. All of the other trees within this group are considerably smaller and are located further away from the proposals.

Potential Conflict: Damage to Trees due to the new access driveway.
The location of the new access driveway is outside the root protection areas (RPA's) of these trees and should not lead to damage of underlying root tissue.

Mitigation / Countermeasure: A conventional driveway construction would cause unacceptable damage to the upper root plate of trees due to compaction, root severance, and none permeability; however, as no TPO'd trees are located adjacent the new driveway there is no conflict for this element.

Pre-Development and Site Preparation Works

- The tree surgery works need to be undertaken by a suitably qualified and experienced Arborist. All works must be undertaken in full accordance with BS3998 'Tree work - Recommendations' 2010.
- Prior to any further site works the tree protection barriers need to be erected in order to protect the trees from damage; this must remain in situ during the entire build process. The fencing needs to be erected according to the locations found on the Tree Protection Plan, and to the specification. All weather notices should be attached to the fencing marked with the following: 'Construction Exclusion Zone - Keep Out'.
- A site storage compound will be created in an area devoid of tree cover and outside of all retained tree RPA's.
- The site will be assessed by the project Arboriculturist to ensure that all tree protection measures are in place, appropriate, and correctly located.
- At the beginning of the construction phase, the site manager will appoint a delegated site representative who shall be responsible for continued checking of the protective fencing to ensure it is compliant with the exclusion zone.

Tree protection measures during development

- All ground levels where trees are located should be maintained. Changes to soil levels adjacent to trees can severely affect the trees structural integrity and its ability to gain moisture and nutrients from the surrounding soil. Unavoidable level changes that may affect retained trees, and not already accounted for within this method statement, should be assessed by a qualified arboriculturist so that any remedial works can be undertaken.
- Building material storage and operations that can contaminate soil, such as cement mixing, must be confined to areas outside the tree protection area.
- Fires should not be lit within 5m of the foliage or drip line of the tree. Care should be taken and the fire should not be allowed to become large, and the wind direction noted.
- The trees should not be used to attach notices, cables or other services.
- Where plant or other boomed vehicles are used on site care must be taken to ensure that no contact is made with any retained trees or the tree protection fencing, and that adequate clearances are checked prior to any lifting operations near trees cover.
- No utilities should be located within the root protection areas of retained trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of National Joint Utilities Group Publication Volume 4 (November 2007).

Post-Construction Considerations

- Only once all construction works have been completed can any protective fencing and any ground protection be removed.
- The access driveway will be constructed to an agreed specification utilising a tree centred construction methodology with the use of minimal excavation such as required by the previously discussed flex-pave system - a hand-prepared 100mm excavation with compacted gravel on a geo-textile and a wearing layer of a fully permeable stone/rubber matrix. Further details for this system and its excavation requirements are included within Appendix 4.
- Post development landscaping should be kept to a minimum within the root protection areas of retained trees. No ground excavation or mechanised ground treatments / ratonation will be undertaken within the protected areas, with all landscaping being undertaken by hand or with hand operated machinery.

Potential Conflict: Damage to trees due to the construction process.
During any construction process trees can be damaged due to root severance, impact, soil compaction, spillages etc.

Mitigation / Countermeasure: The retained trees can be protected in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. They will need to be protected both above and below ground during construction by ensuring that construction works are not undertaken within their RPA's or canopy cover (where overhead branches are low and with the potential to be damaged). See site plan for expected fencing locations within the Tree Protection Plan and tree protection details for specification of fencing. No site offices, plant, or building materials will be located within the construction exclusion zone shown on site plan. Such storage requirements will be limited to the area shown on the plan that is discrete from tree cover to the rear of the existing dwelling, with a construction access using the new access driveway and bringing materials and plant into the construction area from the southern side.

Potential Conflict: Damage to trees during installation of utilities.
During the installation of utilities root tissue can be damaged during excavation.

Mitigation / Countermeasure: No new utility runs must be located within any of the retained trees RPA's. Any works to existing utilities must be undertaken with regard for the retained tree cover and be in accordance with NJUG (National Joint Utility Groups) guidelines.

Potential Conflict: Damage to trees following construction due to landscaping.
Trees can be damaged following construction when landscaping of gardens and tree planting is undertaken.

Mitigation / Countermeasure: Post development landscaping will be kept to a minimum within the root protection areas. Tractor mounted ratonation or other heavy mechanical cultivation must not be used within the root protection areas of retained trees. All cultivation within RPA's will be carefully undertaken by hand or pedestrian controlled light machinery to avoid root damage.

Proposed Native Hedgerow Mix

Species	Mix	Size	Condition
<i>Corylus avellana</i>	5%	60-80cm	B
<i>Crataegus monogyna</i>	60%	60-80cm	B
<i>Ilex aquifolium</i>	15%	50-60cm	2L
<i>Prunus avium</i>	5%	60-80cm	B
<i>Prunus spinosa</i>	5%	60-80cm	B
<i>Rosa canina</i>	5%	60-80cm	B
<i>Sambucus nigra</i>	5%	60-80cm	B

Above to be planted in species groups of varying sizes between 5No and 10No at a rate of 5 per linear metre in double staggered row 30cm apart for lengths of new native hedgerow and to gap up existing where necessary or as indicated on plan.

Proposed Trees

Code	Plant Name	Form	Ht(cm)	Girth(cm)	CStm(cm)	Root	Cntrl()
PaP	Prunus avium 'Plena'	Standard (Heavy)	350-425	12-14	175-200	C	45
Sar	Sorbus aria	Standard (Heavy)	350-425	12-14	175-200	C	45

GENERAL NOTES

Plant Sourcing and Handling
All plants shall be of a native source grown in the UK. Wherever possible, plants will have been grown from seed, cutting or root stock of a local provenance. Plants and trees shall comply with BS 3936, being healthy, vigorous, bushy plants with a fibrous, well rooted system that is in proportion to the size of the plant. Planting shall be in accordance with BS 4428.

Seeding
All areas of placed sub/topsoil within the site which are not planted or surfaced will be seeded with a low maintenance wildflower weed mix such as British Seed Houses A22 Mix or equivalent approved.

Planting Preparation
Topsoil depths are to be a minimum of 300mm for planted areas and 150mm for seeded areas; if it is unlikely that topsoil will need to be imported, however, if necessary it will comply to BS 3882:1994. Notch planting will generally be used for bare root transplants. Pit planting will be used for root-balled, container grown, feathered stock and standard trees. The preparation of planting pits will comply with BS 4428 and BS 5837 and will not take place when the ground is either frozen or waterlogged.

Rubbish and Debris
A certain amount of litter, debris and redundant objects have accumulated around the site. Where possible this should be removed from site or buried locally. All litter is to be removed from site and recycled where possible.

Maintenance
All planting will be maintained in such a way as to exclude competitive plants. Any herbicides will be used with care to avoid spray drift damage. All trees and shrubs will be maintained in a firm upright growing position and all dead wood, diseased tissue, suckers and epicormic growth will be removed from all plants at the end of each growing season. All planting shall be maintained and dead or dying material shall be replaced for a period of five years from the agreed date of planting to the satisfaction of the LPA.

Implementation
Structural landscaping to be implemented within first planting/seedling season following commencement. Garden landscaping to be implemented in first planting season following occupation of building or completion of development whichever is sooner.

Replacements
Any trees, shrubs or hedges planted in accordance with these proposals which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

SPECIFICATION

PLANTING SPECIFICATION
All work and materials shall be in accordance with current British Standards Components and to Code of Practice.

SITE CLEARANCE
a) Remove general builders rubble, rubbish and the like from the areas to be planted. Such materials to be collected and taken to Contractors tip or disposed of on site as directed.
b) Approved translocated herbicide to be applied to planting area.

EARROWHOLES (if not supplied by Main Contractor)
a) Areas for transplants to be ripped with fixed lines at 500mm centres to a depth of 500mm in two directions at 90 degrees to each other to the Employers satisfaction.

Transplant Areas
It is assumed that the existing topsoil will be suitable for re-use. If this is not the case then the Contractor should provide a note for the supply of approved topsoil.

CULTIVATIONS AND PLANTING

Tree and Shrub Planting - Planting Pits

a) Excavate tree pits as follows:
Std. HS, EHS trees: 1000x1000x1000mm deep
b) Loosen base to a further depth of 200mm and scarify sides. Dispose of unsuitable excavated material off site to approved tip.
c) Tree stakes to be pressure treated, minimum diameter 45mm and pointed at one end. Stakes to be driven into the pit before planting to a minimum depth of 300mm below the base of the pit.
Std. HS, EHS trees, Double Staked Feathered: Single staked
a) Tree or transplant to be planted in pit to a depth and orientation related to the original growing position in the nursery and backfilled with soil to a minimum depth of 300mm with approved tree and shrub planting compost in the following amounts:
Std. HS, EHS trees: 80 litres/tree
Feathered: 50 litres/tree
Transplants: 4 litres/transplant
e) Trees to be tied to the supporting stakes with adjustable reinforced rubber free ties with solid rubber spacers, positioned at an approved point suitable to the habit of the tree.
f) Water to be applied to all trees and transplants on the same day as planting.
Std. HS, EHS trees: 30 litres/tree
Feathered: 18 litres/tree
Transplants: 5 litres/transplant

MAINTENANCE - SOFT LANDSCAPE

General
a) The Contractor shall be responsible for the maintenance of the planting areas for a sixty month period following the completion of the works and will be responsible for any defects due to faulty materials, including plant failures, or workmanship during this time.
b) The Contractor shall carry out maintenance work at suitable intervals and in suitable weather conditions.
c) 48 hours notice in writing shall be given before commencement of any maintenance operations. Failure to do so will result in non payment for any supposed work carried out.

Defects Liability Period
a) Any trees and transplants, found to be defective or missing for any reason before practical completion shall be replaced by the Contractor entirely at his own expense.
b) Thereafter any failures within sixty months of the date of practical completion shall also be replaced to the original specification by the Contractor entirely at his own expense.

PLANTING AREAS

Weed Control
a) Keep areas around trees and transplants free from annual and perennial weeds by hand weeding. All arising to be removed from site.
Allow 7 no. visits per year.
b) Apply translocated herbicide to a 1.0m. dia around each transplant and tree or as directed by Landscape Designer.
Allow 3 no. visits per year.

Mulch
a) Bark mulch to be reinstated to original depths at the end of each growing season.

Watering
a) All planting shall be watered with a low pressure hose during dry spells within the first year only at the following rates:
Std. HS, EHS trees: 30 litres/tree/visit
Feathered: 18 litres/tree/visit
Shrubs/transplants - 5 litres/plant/visit

Fertiliser
a) At the end of the establishment period, 30gms of slow release fertiliser to be applied around each plant.
Allow 1no. visit at end of Year 2.

Firming in
a) All plants and tree stakes loosened by planting operations, wind or frost shall be firming in.
Allow 1no. visit per year.

Litter Collection
a) Whole site to be kept in a clean and tidy conditions throughout the establishment period. Litter to be removed from site.
Allow 20 no. visits per year.

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C	22-08-23	RED LINE AMENDED TO REAR OF 437 & 439
B	18-08-23	SITE LAYOUT AND HOUSE TYPES AMENDED
A	04-01-23	FENCE DETAILS UPDATED - SBC HIGHWAYS
REV	DATE	DETAILS

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ARCHITECTS

CLIENT:
1987-21

PROJECT:
LAND TO REAR OF 439-443 THORNABY ROAD
THORNABY

DRAWING TITLE:
LANDSCAPE PROPOSALS

PURPOSE OF ISSUE:
PLANNING

SCALE: AS NOTED

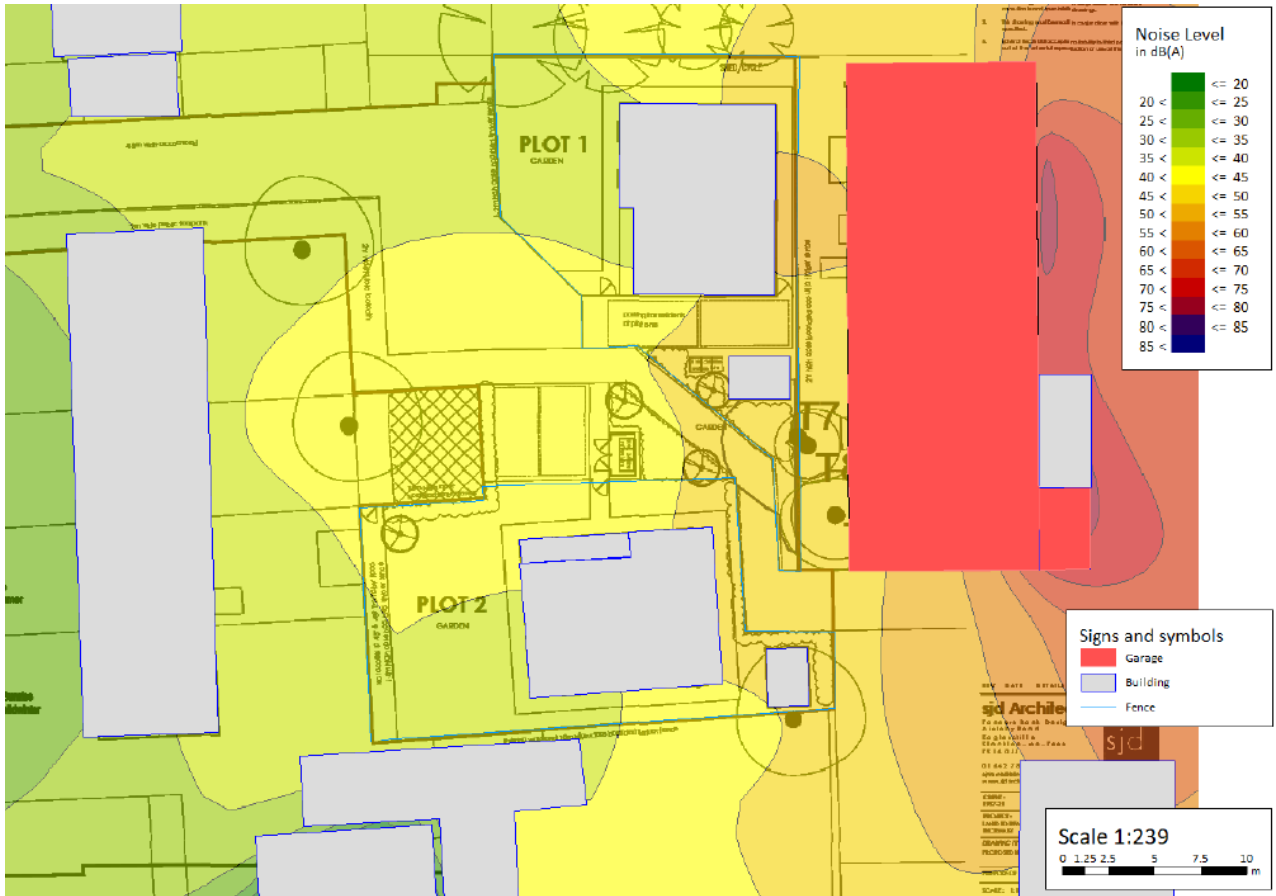
DATE: OCT 22 **DRAWN:** sjd

DRAWING NO: 1987-21-201 **C**

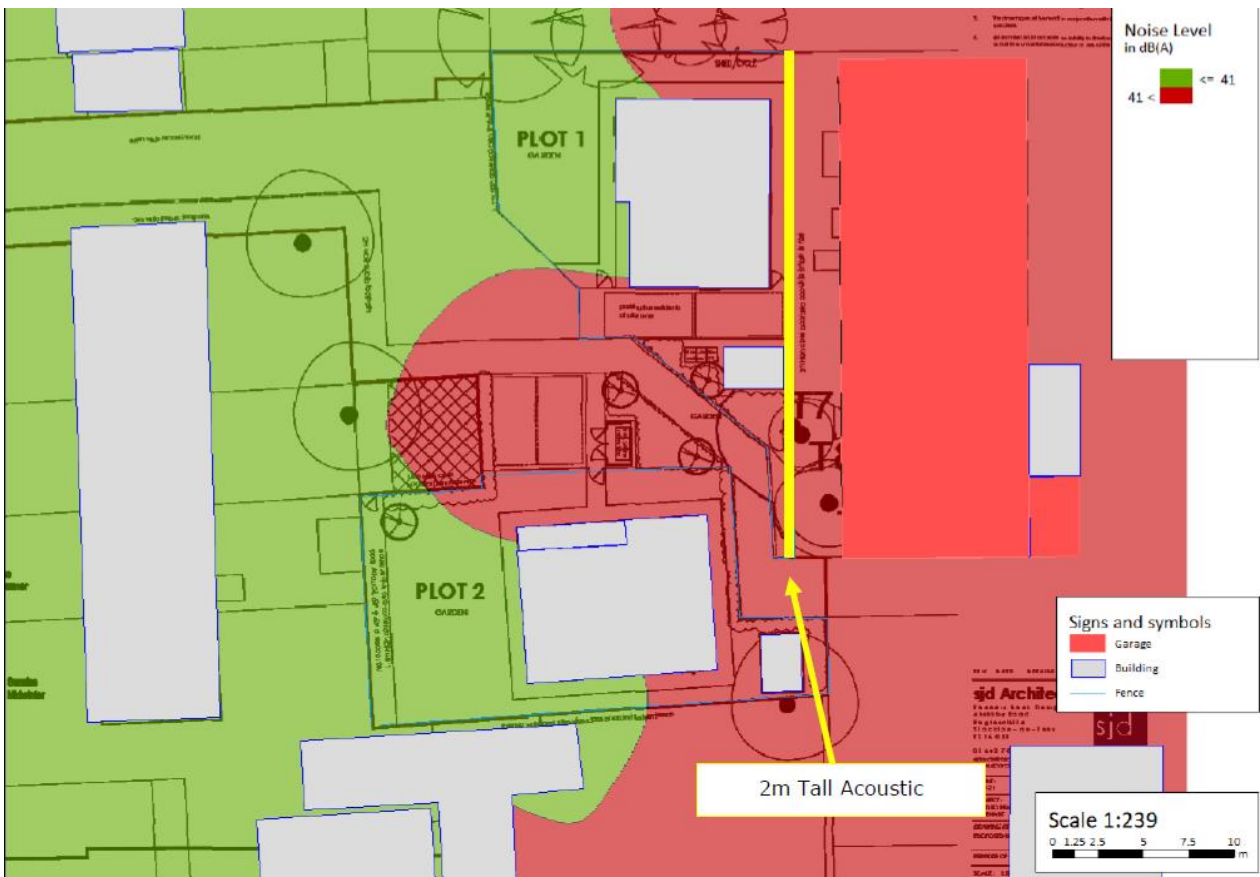
PROPOSED SITE LAYOUT SCALE: 1:200 @ A3 1:100 @ A1

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22/2394/REV; Land to rear of 433-439 Thornaby Road – Sound Mapping



Sound Level Map



External amenity areas

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Appeal Decision

Hearing Held on 11 July 2023

Site visit made on 10 July 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/H0738/W/23/3316364

Mount Leven Farm, Leven Bank Road, Yarm

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mandale Homes against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 21/2925/FUL, dated 19 November 2021, was refused by notice dated 21 December 2022.
 - The development proposed is Construction of 215 no dwellings, together with associated landscaping and external works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. Prior to the Hearing an application for costs was made by Mandale Homes against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposed development has been screened under Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and concludes that the proposal would not be likely to have a significant environmental impact in view of the nature, scale and location of the proposed development and the nature of the receiving environment.
4. The appeal submission includes a completed planning obligation under section 106 of the Town and Country Planning Act 1990 (s106), and the Council have provided a statement of compliance in respect of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations). I make further references to the s106 throughout the decision.

Main Issues

5. The main issues are:
 - Whether the proposed development would adequately meet the needs of the ageing population;

- Whether the existing Mount Leven roundabout is safe and suitable to serve the proposed development, effects on highway safety, and accessibility of the site;
- The effects of the proposed development on the character and appearance of the area; and
- The effects of the proposed development on green space, with particular reference to the River Leven valley.

Reasons

Policy Background, Planning History and Fallback Position

6. The appeal site comprises open fields located to the north of the A1044 Leven Bank Road between the settlements of Yarm and Ingleby Barwick. A roundabout has been constructed as part of a scheme for a retirement village approved in 2013 (outline consent)¹ and 2016 (reserved matters)², and this would provide access to the appeal site and other development land around it. The site was subsequently allocated in the Stockton-on-Tees Local Plan 2019 (the Local Plan) by policy H1(2) as an existing housing commitment which benefits from planning permission. The capacity of commitment Y4 is listed as approximately 346 dwellings. This figure reflects the 2016 reserved matters consent for 332 dwellings on the aforementioned retirement village site plus 14 dwellings at Busby Way which were allowed on appeal in 2015³.
7. The appeal site forms around 12.6 hectares in area of the 30 hectare allocation. This area of land also includes land approved for use as a country park⁴ located between the retirement village and the south side of the River Leven.
8. Prior to adoption of the Local Plan in 2019, the site formed part of the 'green wedge'. It no longer lies within this designation, but the green wedge continues to wrap around the northern and eastern edges of the site and forms a buffer between Yarm and Ingleby Barwick.
9. Comparisons to the previously approved retirement village form a key part of the case of both parties, and the above planning history (which informs the relevant Local Plan policies) is a material consideration in this appeal insofar as it could be argued to form a fallback position. This is notwithstanding the lack of evidence before me as part of the appeal submission (including any certificates of lawful development) to substantiate this, but I acknowledge that both parties are in agreement that a lawful start has been made to each of the consents within the requisite time period. I therefore proceed on the basis that the aforementioned planning consents are all extant.

¹ 13/0776/EIS: Outline planning consent with all matters reserved except for access, for development of a retirement village including related leisure and social facilities and infrastructure (approved 20 September 2013)

² 15/2161/REM: Reserved matters approval for the erection of 332 no retirement dwellings, 68 bed nursing home and community facilities (approved 17 February 2016)

³ 14/0807/OUT and APP/H0738/A/14/2226575: Residential development of 14 no. units (appeal allowed 19 January 2015)

⁴ 16/3049/FUL: Application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge (approved 26 September 2018)

Needs of the Ageing Population

10. Local Plan policy SD3 sets out the housing strategy for the Borough, and at part 2a specifies the priority for the Council to deliver a range and type of housing appropriate to needs and addressing shortfalls in provision, including the provision of housing to meet the needs of the ageing population and those with specific needs.
11. Local Plan policy H4 sets out a range of criteria which seek to meet the housing needs of the Borough. Specifically, criterion 14 refers to some of the housing commitments previously identified in policy H1, including Y4. It states that the Council require the delivery of '*housing specific to meeting the needs of the ageing population*' through the current planning permission or any subsequent application. The relevant housing commitment Y4 is listed as '*Mount Leven (Part of)*'.
12. The Council put to me that the '*part of*' the housing commitment not required to meet the needs of the ageing population would be the 14 dwellings off Busby Way. These were approved as general market dwellings without an age restriction. On the other hand, the appellant inferred that because the meaning of '*part of*' is not specifically noted in policy H4(14) nor the supporting text, it could be interpreted more flexibly. They put to me that the remaining areas of housing commitment Y4 would meet such needs, including the care home.
13. However I disagree. Policy H1(2) refers to housing commitments, and these differ from housing allocations for future developments which are listed at policy H1(1). Criterion 14 of policy H4 was evidently written in direct response to the extant consent for the retirement village which comprises 100% housing restricted to the over 55's, as secured both by condition and in the s106⁵. When reading the Local Plan as a whole, and specifically policies H1 and H4 together, it is clear that the vast majority of the allocation should continue to meet the specific needs of the ageing population. I agree with the Council that the Busby Way development site is the only part of the commitment exempt from this.
14. Both the s106 and condition 10 of 13/0776/EIS for the retirement village specify that at least one member of a single household should be over 55, and that the restriction shall not apply to the surviving spouse or partner (following the death of the qualifying occupier) if they are below this age. The wording is usual for this type of development. It would be perverse for a condition or agreement to specify that only over 55's could live in the property given that they may have younger partners or dependents within their household. By virtue of its inclusion in the s106, when the property is re-sold it would revert to the over 55's requirement. Whilst there are some limitations to this type of age restriction, it is clear in its meaning and purpose and meets the tests in paragraphs 56 and 57 of the National Planning Policy Framework (the Framework).
15. Paragraph 60 and 62 of the Framework seek for the needs of groups with different housing requirements to be addressed, and for such housing to be assessed and reflected in planning policies, including for older people. The supporting text to policy H4 refers to the Strategic Housing Market Assessment (SHMA) which identifies the growing elderly population within the Borough.

⁵ Section 106 Agreement for 13/0776/EIS dated 20 September 2013 : Third Schedule Part 7

Paragraph 5.59 refers to the need to provide more accessible and adaptable homes in order to help people maintain their independence for longer. Here, the Local Plan also specifically refers to the existing commitment at Mount Leven anticipated to deliver housing provision specific to the ageing population. The Council confirmed that this is the only housing allocation in the Borough which is required by the Local Plan to provide this type of housing.

16. I was also directed to a note⁶ which formed part of the evidence base for the Local Plan examination, which also refers to the SHMA. It highlights the increasing older population in the Borough and the associated onset of disabilities, with the need for a practical approach to future proofing housing to allow for ageing of residents which underpins support for policy H4(9) (previously 8) to require more accessible homes in the Borough.
17. Instead of an over 55's restriction the appellant seeks for 100% of the housing to meet the optional Building Regulations part M4(2) in relation to accessible and adaptable dwellings, and for 9.3% to meet part M4(3) which relates to wheelchair user dwellings. The requirements are proposed to be secured by condition (no.4) and are in excess of the requirements of policy H4(9) which seeks for 50% and 8% of new homes to meet these standards respectively.
18. Whilst it is commendable that 100% of the houses would meet part M4(2), the uplift in properties meeting part M4(3) is marginal. These dwellings would not only be suitable for older people with mobility issues but would meet the needs of younger people with disabilities and this would be an appropriate provision within the housing mix.
19. Policy H4(14) is clear in its requirement to achieve the provision of accommodation for the ageing population, however I am not persuaded that the two storey houses are specifically designed with such occupiers in mind. From the plans before me, they represent typical suburban style two storey family houses and do not clearly display features which would make them appropriate for older people. It is by no means necessary for all such accommodation to be single storey only to meet needs, but the floor plans for majority of the two storey houses fail to even include a ground floor room which could feasibly be used as an accessible bedroom.
20. It appears that a number of the provisions set out in part M4(2) such as parking close to entrances, step free access to the ground floor and inclusion of a ground floor WC could be readily provided to meet the optional requirements. Nonetheless, it is unclear whether the necessary widths and clearances have been met, or if adaptations could be easily carried out in future to increase the accessibility and functionality of the dwellings to meet the needs of the elderly, such as provision of a downstairs bedroom or enabling a stairlift to be fitted. I was assured at the hearing that the plans were drawn up to meet the optional building regulations, and that they are 'future proofed' so they can be adapted to meet needs. However I am unconvinced that the layouts readily allow for such future adaptations, and whether the recommended condition could be enforced and the relevant provisions retained in perpetuity.
21. I was provided with a copy of the decision and approved plans for the reserved matters approval 15/2161/REM following the hearing. Alongside a care home and community facilities it comprised 100% bungalows (332 in total) of five

⁶ Note: Policy H4(8) – Meeting Housing Needs

different house types between one and three beds. The appellant indicated that some of these bungalows would not even meet current space standards, however there is limited evidence before me to substantiate this. The floor plans provided indicate spacious rooms and circulation spaces in single level homes, which appear to be of the type to be desirable to and suitable for older people. I acknowledge that there is no requirement for the approved bungalows to meet part M4(2) and/or (3). Nevertheless, I am unconvinced that the two storey dwellings before me would be preferable to or more suitable for older people who have mobility issues and indeed younger people with disabilities. In concluding this, I accept that the extant scheme is a fallback position capable of being implemented.

22. Consequently I am not satisfied that the proposed development, in particular the two storey dwellings, and without an age restriction, would adequately represent housing specific to meeting the needs of the ageing population and would therefore conflict with Local Plan policy H4(14) and SD3(2a) together with paragraphs 60 and 62 of the Framework.

Highway Safety and Accessibility

23. Reason for refusal 2 primarily relates to the suitability of Mount Leven roundabout to serve the proposed development, but the Council's case and numerous local objections also refer to the sustainability of the development for non-car users. This is in relation to both sustainable transport options and safe and suitable access for pedestrians and cyclists. I deal with the access for motor vehicles and the associated works on Mount Leven Road first, and I will turn to accessibility for pedestrians and cyclists later in this section.
24. The site lies adjacent to the existing urban area of Yarm and a short distance away from neighbouring Ingleby Barwick. I noted on my site visit that access for motor vehicles from both settlements via the A1044 Leven Bank Road and then towards to the A19 is relatively straightforward. Access into the site would be provided from Leven Bank Road via an existing roundabout completed in 2017 which formed part of the planning consent for the retirement village. This stretch of Leven Bank Road is subject to a 40mph speed limit and as far as I am aware there are no proposals to reduce this limit. The A1044 towards Ingleby Barwick in this location has a rural appearance and nature, and is largely unlit except for the approach to the roundabout.
25. The Transport Assessment and subsequent Technical Notes, in response to comments raised by the Local Highway Authority and National Highways, comprehensively set out the trip generation and distributions for the proposed development taking into account the different type and nature of housing than that previously approved. This includes use of the local 'Yarm Aimsun Model'. The Highway Authority are satisfied that the change in housing provision would not have a severe impact on the assessed junctions, and they do not have concerns regarding the impact of the proposals on the capacity of the local highway network. Likewise, National Highways are satisfied with the effects relating to the operation of the nearby A19. Without evidence to the contrary I am inclined to agree with the position of the highway authorities in relation to highway capacity.
26. Interested parties put their concerns to me regarding the design of the roundabout, realignment of Leven Bank Road and the installation of associated street lighting. It was put to me that the existing roundabout design is not fit

for purpose, and that driver behaviour puts highway safety at risk. I have had regard to the accident data, and also heard anecdotal evidence from local residents about numerous other minor accidents unlikely to have been reported in the data.

27. I saw for myself on site that there is a level of poor driver behaviour on this stretch of Leven Bank Road when negotiating the roundabout. A large proportion of drivers do not slow down on approaching the roundabout and 'straight line' it rather than driving round it. I acknowledge that the design of the roundabout allows for this, and that because it only currently has two arms there is no requirement to give way. Once the arm which provides access to the appeal site becomes operational for construction and operational traffic, driver behaviour is expected to change accordingly as oncoming traffic would necessitate vehicles to slow down and give way.
28. I also observed that visibility is more limited than it would have been prior to construction of the roundabout, because it has been offset from the original route of the road towards the appeal site. The presence of a hedge alongside the access and verge immediately to the east of the roundabout results in a marked narrowing of the verge towards the neighbouring access at 'Hillcroft'. This verge is also partially obstructed by lighting columns and an electronic speed limit sign. As a pedestrian, I found the verge towards the direction of Ingleby Barwick and the nearby bus stop to be a treacherous route, severely limited by the growth of vegetation in high summer and muddy underfoot after a period of rain.
29. Nonetheless, the roundabout and associated works within the verge are in place, having been subject to the appropriate highway agreements. I also acknowledge that the roundabout has departures from standard, but accept that the required independent Road Safety Audits demonstrate its safe operation with implemented mitigation measures. In respect of potential obstruction of third party land, this is a civil matter. I am not party to the highway agreements and am unable to comment on their legality or the extent of highway land as this is not detailed on the plans before me.
30. Whether or not they are sited upon third party land, the location of the lighting columns is of relevance to my considerations. The columns are located such that they have the potential to limit proposed works to create a footway towards the nearby bus stop. The Transport Assessment includes a plan which indicates the location of the footway connection and the bus stop, as well as an indicative location for a tactile crossing point. However, these plans are not of such a scale and detail that I am able to establish whether the footpath is of appropriate width or if it is obstructed by any street light columns, hedges or any other features. Being mindful of the adjacent road speeds, presence of obstacles and the need for the path to be accessible by a range of users, without such details I am unable to conclude if sufficient space could be accommodated in accordance with local and national guidance.
31. I heard that the local bus operator has recently announced cuts to services which pass the appeal site (service 17). However this appears to be a live issue and there is no evidence before me to indicate either way whether the service is in place, will remain or be re-instated in the future. Nonetheless, the footpath link along Leven Bank Road towards the bus stop would still form part of the proposals.

32. The s106 for the approved retirement village secures provision of a shuttle bus service for residents. It is uncertain whether this would continue to be feasible within the of the remainder of the allocated site. The evidence indicates that a bus route through the site in the future is unlikely, although I acknowledge that the road layout is designed to allow for use by buses in the future. Nonetheless, this adds to my concerns that sustainable transport options are limited for the future residents of this site contrary to paragraph 112 a) of the Framework.
33. Paragraph 92 of the Framework seeks for decisions to aim to achieve healthy, inclusive and safe places which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible. Paragraph 110 b) requires safe and secure access to the site to be achieved for all users, and paragraph 112 a) states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Paragraph 112 c) goes onto say that places should be safe, secure and attractive, minimising the conflict between pedestrians, cyclists and vehicles whilst responding to local character and design standards. Local Plan policy TI1 parts (3) and (12) seek for accessible, convenient and safe routes for pedestrians, cyclists and other users to be delivered and ensure that access to sustainable transport modes is maximised.
34. The Transport Assessment includes a 'walk accessibility plan'⁷ which indicates approximate walking distances within 2km to areas of both Yarm and Ingleby Barwick including local shops and services and public transport routes. The town centre of Yarm is in excess of 2km from the site. The adjacent Levendale estate has some limited facilities within a 5 to 15 minute walk including a convenience store and primary school. Further afield, stated to be a 15 to 20 minute walk away, Healaugh Park includes a dental practice, public house, takeaways, supermarket and convenience store with post office facilities.
35. However the accessibility plan fails to indicate the routes which would be taken by pedestrians or cyclists to reach such facilities, therefore I cannot be certain that they are within a reasonable distance or are safe routes for non-car users. The proposal for unrestricted occupancy dwellings would by its nature attract more families with children, and I heard that they could attend schools either in Yarm or Ingleby Barwick. Pedestrian accessibility in an eastern direction to Ingleby Barwick is extremely limited; the River Leven and its steep sided valleys provide a physical barrier to reaching the neighbouring settlement, so the only route is via the A1044.
36. There are no continuous footways to the north side of the A1044 which would provide pedestrian access either east or west towards the nearest settlements. I observed that the footway on the south side towards Ingleby Barwick is narrow and overgrown in many places, is largely unlit and as such is unsuitable for a range of users. There are no pedestrian crossings allowing safe access over to the south side of the road, nor are any proposed. A footpath to the nearby westbound bus stop is proposed, but as explained above I am not satisfied that this can be achieved within the space available.
37. There is an existing public right of way leading to the nearby Levendale estate at Spell Close from directly within the appeal site, which then continues beyond

⁷ Transport Assessment November 2021: section 5.1.1 figure 5.1

Mount Leven Farm towards the bridge over the River Leven at the edge of Ingleby Barwick. This section of the public right of way runs along the edge of a field and is currently overgrown therefore its route was difficult to observe on my site visit. The westerly section of the public right of way to Spell Close joins footpath links towards Glaisdale Road as well as to Braeworth Close and Busby Way. These links provide good access to the wider area, but the public right of way to Spell Close from the edge of the appeal site is accessed via a stile, is unsurfaced, and restricted in width by the presence of a tall fence and vegetation. Alone, it would not provide a satisfactory pedestrian link for all users from the appeal site towards Yarm.

38. In view of the above, I consider that the appeal site is not in a suitably accessible location for non-motorised users. Therefore an alternative route is required to encourage residents to walk or cycle. Without a feasible choice of routes, the majority of residents are highly likely to use the private car over any other mode of transport, contrary to paragraphs 92, 110 and 112 of the Framework.
39. I have considered whether the site could be made more accessible, through limiting the need to travel and offering a genuine choice of transport modes as sought by paragraph 105 of the Framework, and whether the required improvements could be feasibly delivered as part of the proposed development. I have already found that use of the A1044 Leven Bank Road is not a safe or suitable route for pedestrians and there are doubts over whether a footpath link to the bus stop could be achieved.
40. A new footpath/cycleway link to the Levendale estate is proposed from the far north-west corner of the site towards Busby Way which then connects to the wider urban area. There are no existing links onto the site in this location, and provision of the proposed route is reliant on the delivery of an approved footpath link via third party land through the approved Busby Way housing development.
41. A Grampian condition (no. 34) is suggested to secure the link prior to occupation. I queried whether this was achievable and how such a link on third party land could be secured given it does not form part of the s106. Following the hearing I was forwarded a copy of a legal agreement dated 11 July 2023 between the appellant and the owners of the Busby Way development land which sets out a footpath deed of easement. I note that whilst it is unnecessary for the houses on the Busby Way development to be built out in order to complete the link, it can only be achieved by the purchase of land and partial demolition of the existing dwelling at 15 Busby Way. I note that the plans appended to the agreement represent a different housing layout and vehicular access to that most recently approved⁸ by the Council. The previously approved plans indicate the footpath takes a slightly different route to Busby Way, situated within a wider area and landscaped buffer between it and existing and proposed dwellings. There is a bungalow at no.16 which has a side window in close proximity to the new route of the footpath, and I also note that no.15 is shown as being retained. I am aware of concerns in relation to living conditions and this adds to my doubts regarding the feasibility of the new route.

⁸ 23/0064/VARY Section 73 application to vary conditions no2 (approved plan) and no4 (soft landscaping) of planning approval 17/2694/REM -to allow a footpath link from the adjacent site at Land East Of 15 Busby Way - Approved 30 June 2023

42. The purpose of this document is clear, in that it seeks to secure a footpath link for use by the appellant who would ultimately purchase this part of the Busby Way site. However a number of matters remain in doubt which could prevent the pedestrian/cycle link from coming forwards, not least the lack of certainty regarding its delivery which is reliant on other parties. Complications include the uncertainties relating to the form and route of the path, its proximity to existing dwellings, and ongoing revisions to the Busby Way development site. I am mindful of planning practice guidance and the prospect of the works being agreed by all parties to enable the housing development to be implemented in a reasonable time period. There is no provision in the s106 for the off-site footways. Additional land not in the control of the appellant or the Highway Authority may be needed to achieve the required links, potentially requiring separate planning applications as well as the agreement of the affected landowners. Without the acceptance of details, the delivery of the entire proposed development could be frustrated by Grampian condition no.34.
43. An agreed footpath/cycleway to Busby Way would represent the only safe and suitable access for all non-car users to access services and facilities within Yarm. Without it, the development would not be accessible nor safe for such users and lead to occupiers being more likely to use their cars instead which is contrary to local and national aims to promote sustainable modes of transport.
44. I am mindful that the extant retirement village consent for the site does not include such a pedestrian link to Busby Way. Instead it includes provision for a shuttle bus, secured by the s106. The over 55's are more likely to be retired and less likely to have school-aged children residing with them. Furthermore, the retirement village was designed as a community development incorporating a range of on-site facilities⁹, which would reduce the need for occupants to travel elsewhere. The Council and numerous interested parties have put to me that such provision represented significant benefits which originally led the Council to approve the retirement village against officer advice. It is unclear whether such facilities would remain in the wider commitment, as there appears to be a re-design planned of this area, with a care home currently proposed in this location¹⁰. That application is currently undetermined, but the wider re-design adds some doubt to whether the extant retirement village scheme has a realistic prospect of being implemented.
45. In terms of access for motor vehicles, it has been adequately demonstrated that the Mount Leven roundabout and the local highway network could operate within capacity and without severe effect, and that the internal road layout and parking provision would meet the required standards largely satisfying Local Plan policy SD8(f) which requires new development to provide safe and satisfactory access and parking for all modes of transport.
46. Nonetheless, there is a lack of detailed evidence to assure me that an appropriate footway along Leven Bank Road and footway/cycleway connections to Busby Way can be achieved to ensure that the proposed development can be made accessible in a safe manner suitable for non-motorised users to access nearby settlements and sustainable transport modes. The proposed development therefore conflicts with Policy TI1 (3) and (12) of the Local Plan in failing to give priority to provision of accessible, convenient and safe routes for

⁹ 15/2161/REM indicates a community hall/leisure centre, retail unit(s), bowling green and tennis court within Village 2

¹⁰ 2125-SK-CARE HOME-B

pedestrians and cyclists and failing to ensure that access to sustainable transport modes is maximised. In turn, the proposed development conflicts with Paragraphs 92, 105, 110 and 112 of the Framework.

Character and Appearance

47. The appeal site comprises open undeveloped land typical of the River Tees Corridor landscape character area (LCA) as defined in the Stockton on Tees Landscape Character Assessment 2011. It is bounded by hedgerows, small copses and lines of trees around the public right of way which also forms the vehicular access to Leven Bank Farm. The relatively flat and uniform nature of the site changes quite dramatically where it drops down into the River Leven Valley. Here, land is designated in the Local Plan as green wedge by policy ENV6(4). Beyond the valley, the urban edge of modern housing at Ingleby Barwick can be clearly seen in the distance. To the west, the Levendale estate in the town of Yarm is directly bounded by the appeal site. Leven Bank Road between the two settlements is more sparsely populated, with sporadic dwellings including a small hamlet just beyond the road bridge over the River Leven.
48. Neither the site nor surrounding landscapes are subject to any national designations, nor is there any information before me to suggest that the landscape is valued in the context of paragraph 174 a) of the Framework.
49. The submission includes a comprehensive Landscape and Visual Impact Assessment (LVIA), which appropriately assesses the landscape and visual effects in accordance with the third edition of the Guidelines for Landscape and Visual Impact Assessment. I would agree with its assessment of effects on landscape character both during construction and on completion to be moderate, and I have had particular regard to the fact that the site is allocated for development therefore a change in its character to a more urban environment is therefore inevitable.
50. The LVIA includes a number of visuals taken from key viewpoints around the site, both long distance and in shorter range. I find these to be sufficiently representative of sensitive receptors, which include nearby residents and users of public rights of way. However the visuals are of limited value in that they only provide a broad indication of the location of the development in these views and do not show the heights nor extent of the proposal. No visuals have been provided to indicate how the proposals would appear in their surroundings.
51. On visiting the majority of these viewpoints, I found that long distance views of the site are relatively limited because of the surrounding more undulating topography, and the filtering effects from nearby trees and surrounding residential development. I largely agree with the assessment of effects set out in Appendix C of the LVIA. In particular, visual receptors on the eastern edge of Yarm and users of the public right of way which crosses the site (in the area of viewpoint 7) would experience a substantial change in views with moderate to major effects both during construction and when completed.
52. The scale of the site and the number of dwellings is significant and there is no doubt that the proposed development would have an urbanising effect on the landscape causing a moderate degree of harm. Nevertheless, such effects would be localised. Mitigation measures including retention of much of the

existing vegetation, together with planting of new native woodland and shrub blocks and trees around the site could be secured by conditions. Such measures would assist in screening and softening the proposed development as well as enhancing biodiversity.

53. In terms of the detailed design and layout of the proposed development, the Council were not forthcoming in setting out their concerns in this respect. Nonetheless numerous local residents have raised concerns regarding matters of design, in particular the two storey nature of the dwellings. I was provided with a copy of the elevations of the approved retirement village bungalows after the hearing and find them to be markedly different to those before me, being of high quality design and use of materials appropriate for its semi-rural location.
54. Being greater in height than the previously approved bungalows, the proposed two storey dwellings would inevitably appear more pronounced in the landscape and in local views and in turn, their detailed design would be more conspicuous. I find the design of most of the proposed house types in the appeal scheme before me to be somewhat bland and generic, with little evidence to suggest that local distinctiveness has been taken into account. Instead the proposed development takes references from the modern development on the adjacent Levendale estate which is described in the Design and Access Statement as having no particular architectural character or style. The proposals would be generally compatible with these nearby dwellings. However the design fails to reflect the wider character of the river valley including the more historic and characterful properties around the Leven bridge, nor the areas which enjoy a closer relationship with the nearby River Tees (including the centre of Yarm and Egglecliffe). Notwithstanding the inevitable harm to the landscape already established by the extant approval and the allocation of the site, I am not persuaded that the scheme for the two storey dwellings represents a high quality and beautiful development in accordance with section 12 of the Framework.
55. I therefore find that the design and scale of the proposed two storey dwellings would result in harm to the visual character and appearance of the area and would conflict with Local Plan policies SD5 and SD8 of the Local Plan which, together and amongst other things, expect development to be designed to the highest possible standard taking into consideration the context of the surrounding area including landscape character and to reinforce local distinctiveness. Furthermore the proposed development fails to meet the aims of section 12 in particular paragraph 130 of the Framework which includes a number of criteria which aim to ensure the creation of well-designed places.

Green Space

56. The Council's concerns relating to green space are primarily attributed to the effects on the adjacent River Leven valley. The site nor its surroundings are not designated local green space (as referred to in paragraphs 101 to 103 of the Framework) nor does the development affect a public open space designation.
57. I am satisfied that there would not be conflict with the aims of the policy ENV6(4) in relation to the green wedge. No built development is proposed within the designated area of green wedge and the local character and separate identity of Yarm and Ingleby Barwick would be maintained so that no physical or visual coalescence would arise. I have considered the issue of area

character in the previous section of this decision and have found that there would be moderate harm to the character and appearance of the area, which includes the River Leven valley, but nonetheless I do not find sufficient harm to warrant rejection of the proposals in this respect given that the site is allocated in the Local Plan.

58. The obligations within the s106 include provision to enable public access to the land to the south of the River Leven as a country park, and provide for ongoing maintenance and management. These obligations are akin to those in the s106 for the approved retirement village. The Council has provided a plan of an aspiration for a 'Tees Heritage Park'¹¹ covering a much wider area around the rivers, which is supported by Local Plan policy SD5 (1k). However the status of the heritage park project is presently unknown.
59. The definition of 'Country Park Scheme' in the s106 includes reference to provision of a footbridge over the River Leven. A bridge does not form part of the appeal proposals before me, but a footbridge was approved as part of the planning application for the country park¹², where the footbridge is indicated near to where the River Leven joins the River Tees. In the s106 before me, plan two indicates that only the land to the south of the River Leven forms part of the country park, between the river and the approved retirement village. The land does not include the river itself or a landing site to the north side; any river crossing would have to land on third party land not in the control of the appellant or the Council.
60. The appellant is correct that the Local Plan makes no reference to the need for the footbridge link or the country park, nonetheless it has been put to me that the application approved in September 2018 remains extant and as such could be implemented. Like the retirement village consent there is no associated lawful development certificate, but the parties agree that a lawful start has been made. In the absence of evidence to the contrary relating to this separate and historic application I am unable to establish the position in terms of the lawfulness of that consent. Nevertheless, I acknowledge the appellant's submissions that the footbridge is undeliverable in terms of land ownership constraints. Additionally, I understand that there is no public access to the north side of the river aside from a permissive path, from which access is only possible via steps up a steep gradient into the Round Hill Avenue housing area at Ingleby Barwick.
61. I also heard from local residents that implementation would be hindered by a number of factors including a range of ecological constraints. Whilst the appellant has highlighted that the costs of the bridge are not commensurate with the scale of the development proposed, I am unable to draw any conclusions on this given that such costs are not before me. Nonetheless there are arguably a number of potential obstacles to the delivery of the scheme and as such a real prospect of the consented footbridge being implemented is doubtful. Consequently, I am not persuaded that the inclusion of the footbridge in the s106 would meet the tests set out in paragraph 57 of the Framework.

¹¹ Stockton-on-Tees Council Statement of Case Appendix A: Tees Heritage Park Map

¹² Post Hearing Document: 16/3049/FUL Application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge at Mount Leven Farm, Leven Bank Road, Yarm – Approved 26 September 2018

62. Overall on this main issue I find that the proposed development would not result in significant harm to green space, specifically the green wedge between Yarm and Ingleby Barwick. It would provide for public access to a country park which, even without a footbridge, would represent a significant benefit of the scheme. In this respect it would be compliant with Local Plan policies ENV5, ENV6, SD5 and SD8.

Other Matters

63. The waste water discharges from the appeal site would have a hydrological connection to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site which is situated some 7.4km away and is designated for its internationally important populations of Annex II bird species which are supported by the intertidal mudflats and sandflats. A shadow Habitats Regulations Assessment¹³ (HRA) including a stage 2 Appropriate Assessment was submitted by the appellant with the application. As competent authority, I have a duty under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to consider whether the waste water discharge from the proposal would be likely to have a significant effect on the integrity of its interest features as a result of water quality (nitrogen) impacts. It is anticipated that the development would result in an additional nitrogen load of 33.45kg per year which would require mitigation in the form of removal of proposed sheep grazing land of 13.75ha at the adjacent country park, to be secured in the s106 together with its management in perpetuity. This approach has been agreed by the Council and Natural England. Were I minded to allow the appeal, I would be required to undertake an Appropriate Assessment. Nevertheless, considering that the appeal is to be dismissed for other reasons as set out, no further consideration is required on this matter.

64. Near to the site of the approved footbridge is Round Hill castle mound and bailey (ref. 1006760). Scheduled Monuments are heritage assets of the highest national significance, and any loss of significance from development within its setting requires clear and convincing justification as set out in paragraph 200 of the Framework. There is no description of the monument in its list entry nor public access to it. I am satisfied that the appeal site does not lie within the setting of this heritage asset given the distance involved and the intervening landform of the river valley.

65. Local representations have referred to a range of other concerns including the principle of development on the site, living conditions and other matters. The principle of residential development (notwithstanding whether it is specific to the ageing population) has been established both by the extant consent and the allocation of the wider site in the Local Plan as an existing housing commitment. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed other matters further.

66. A signed and completed s106 agreement has been submitted and covers a range of obligations already referred to in this decision including the country park (and footbridge) and nutrient neutrality. Other obligations include use of a local labour agreement, education contributions, an NHS contribution and affordable housing. The s106 has been agreed by the Council and the obligations reflect the relevant consultation responses. Aside from my concerns

¹³ Shadow Habitat Regulation Assessment Screening Report and Appropriate Assessment Revision 2 (October 2022)

regarding the inclusion of the footbridge in the country park scheme, I have no reason to disagree that the remaining obligations would not meet the tests set out in the CIL Regulations. However none of the obligations persuade me that the conflict with the development plan could be overridden. Likewise, I do not find that the imposition of conditions would make the development acceptable.

Planning Balance and Conclusion

67. The delivery of 20% policy compliant on-site affordable housing, with an appropriate mix of housing types and tenures, is a significant benefit of the overall scheme. Whilst concerns were put to me that the Council may be on a downward trajectory in relation to its delivery of housing, the most recent published position¹⁴ before me is that the Council can presently demonstrate a five year housing supply. Notwithstanding this the proposals would make an important contribution to the overall housing supply in the Borough, and given the Framework's emphasis on the delivery of housing it is appropriate for me to attach significant weight to this.
68. The provision of a 100% housing which meets Part 4(2) of the Building Regulations is a significant benefit over and above the policy requirement of 50%. However, this is offset by the lack of housing which would specifically meet the needs of the ageing population given the lack of an age restriction and the propensity of two storey dwellings over and above the previously approved retirement village proposals.
69. Delivery of on-site open space and a publicly accessible country park to the south of the River Leven also represents a significant benefit. Other contributions including to the NHS for an increase in GP surgery capacity, primary and secondary education are standard requirements set out in the Councils policies and guidance and are needed to offset the increased strain on local services as a result of the increase in local population, and the weight is limited by this. There would be both social and economic benefits from employment opportunities during construction, which are secured in the s106 to include a local labour agreement to ensure 10% of jobs are made available to residents of target areas. This and increased spending in the supply chain and local area attract moderate weight.
70. The majority of these benefits would also be realised by the previously approved retirement village. However the extant scheme, which it is maintained could continue to be implemented, also includes a number of other benefits over and above that before me. These include the provision of 100% single storey housing for older people, on-site (retail), leisure and social facilities, and a shuttle bus.
71. Many of the issues raised by the Council and interested parties would not, in isolation, result in any significant harm. The site is allocated for residential development and benefits from an extant consent. Subject to suitable conditions or planning obligations the proposed development would generally accord with policies relating to design, character and appearance, living conditions, green space and landscaping, biodiversity, drainage and flood risk.
72. However I have found that the lack of housing specific to and adequately secured for the needs of the ageing population conflicts with policies H4(14)

¹⁴ Stockton on Tees Borough Annual Position Statement 2022/23 to 2026/27

and SD3(2a) represents a departure from the housing commitment in the Local Plan and fails to comply with paragraphs 60 and 62 of the Framework.

73. I have also found that there would not be an unacceptable effect on highway safety nor would the residual cumulative impacts on the road network be severe. However, it has not been fully established that the proposed off-site works to enable access by pedestrians and cyclists would be acceptable or achievable. Without works to provide a footway to Leven Bank Road and a footway/cycleway to Busby Way, access for all users would be extremely limited and contrary to local and national planning policy aims to promote sustainable modes of travel. I have also concluded that the proposed two storey dwellings would result in additional and unacceptable harm to area character and appearance, in conflict with the design policies of the Local Plan and within section 12 of the Framework.
74. The benefits I have outlined above do not outweigh the harm caused by the conflict with the development plan as a whole. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

Susan Hunt

INSPECTOR

APPEARANCES

For the Appellant:

Jeremy Good, ELG Planning
David Marjoram, ELG Planning
Roddy Macdonald, Eversheds Sutherland
Andrew Gardner, Landscape Architect
Gavin Snowball, Dynamic Transport Planning

For Stockton-on-Tees Borough Council:

Dominic Waugh, Fairhurst
Stephane Pietrzak, Milestone Transport
Planning Ltd
Julie Butcher, Head of Legal Services
Councillor Tony Riordan
Councillor Lynn Hall
Councillor Dan Fagan
Councillor Sherris
Councillor Hampton

Interested Persons:

Michael Brazell
Bill Bates
Martin Chisholm
Peter Foster, Sustainable Rural Development
Forum
Joyce Hardy, Yarm Town Council
Thomas Howson
Sarah Jones
Ian McGregor
Christine Mundy
Jim Slater
Doreen Smith
Deborah Watt

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

Related Planning Applications:

13/0776/EIS Outline planning consent with all matters reserved except for means of access, for development of a retirement village including related leisure and social facilities and infrastructure at Mount Leven Farm, Leven Bank Road, Yarm

- Decision Notice dated 20 September 2013
- Section 106 Agreement dated 20 September 2013
- Site Location Plan ref: 1128/001
- Indicative Layout ref: 1128/016B

15/2161/REM Reserved matters approval for the erection of 332 no retirement dwellings, 68 bed nursing home and community facilities. at Mount Leven Farm, Leven Bank Road, Yarm

- Decision Notice dated 17 February 2016
- Site Layout Plan ref: 1404401
- House Types 1 to 5 refs: 1420/P/020A, 021A, 022, 023, 024 and 025

16/3049/FUL Application for the setting out of public access in an area to be designated as a Country Park to include the construction of a new footbridge at Mount Leven Farm, Leven Bank Road, Yarm

- Decision notice dated 26 September 2018
- Country Park Landscape Plan ref: 1505.52 D

14/0807/OUT Residential development of 14 no. units at Land off Busby Way, Mount Leven, Yarm

- Appeal Decision APP/H0738/A/14/2226575 dated 19 January 2015
- Section 106 Agreement dated 11 December 2014
- Illustrative Masterplan ref: ALA223L01 PL1

23/0064/VARY Section 73 application to vary conditions no2 (approved plan) and no4 (soft landscaping) of planning approval 17/2694/REM to allow a footpath link from the adjacent site Land East Of 15 Busby Way, Yarm

- Decision notice dated 30 June 2023
- Site and Landscaping Plan ref: 20-07/SK01E

23/0866/OUT Outline application with some matters reserved (access) for the erection of an up to 68 bed care home (C2) with ancillary community facilities at ground floor level and associated infrastructure and landscaping

- Application form dated 27 April 2023
- Proposed Site Plan ref: 2125-SK-CARE HOME-B

Appeal Decision: APP/H0738/W/22/3309370 – Land at Leven Bank: Relocation of one dwelling previously approved under application ref 20/1049/VARY (Dismissed 31 March 2023)

Legal Agreement relating to the proposed sale and purchase and/or grant of easements relating to land at Mount Leven/Busby Way, Yarm dated 11 July 2023

Local Plan Policies Map (2019)

Local Plan Evidence Note: Policy H4(8) – Meeting Housing Needs

Supplementary Planning Document: Meeting Housing Needs (May 2021)

Stockton on Tees Landscape Character Assessment (26 July 2011)



Costs Decision

Hearing Held on 11 July 2023

Site visit made on 10 July 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Costs application in relation to Appeal Ref: APP/H0738/W/23/3316364 Mount Leven Farm, Leven Bank Road, Yarm

- The appeal is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mandale Homes for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of a planning application for Construction of 215 no dwellings, together with associated landscaping and external works.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG sets out a number of examples where a local planning authority are at risk of an award of costs. These include preventing or delaying development which should clearly be permitted having regard to the development plan, national policy and any other material planning considerations, the failure to produce evidence to substantiate each reason for refusal and vague, generalised or inaccurate assertions about the impact of a proposal which are unsupported by any objective analysis.
4. The applicant has submitted that their fundamental ground for claim is that the Council have failed to produce appeal evidence which provides a respectable basis for the refusal. They refer to the officer's recommendation of approval to the Planning Committee on three occasions, and consider that the Council's case fails to address their officer's assessments and does not explain why they disagree with their conclusions. As such, they consider there has been a flawed interpretation of Stockton-on-Tees Local Plan policies SD3 and H4.
5. The Council's response submits that it is well established that Members are entitled to make decisions contrary to the recommendations of their planning officers. In this particular instance, the basis of the refusal of the application are subjective reasons to which Members attributed different weight to those of their planning officers. The reasons are based on Local Plan policies and on material planning considerations. Their response states that producing

- objective evidence is difficult as Members made an assessment drawing from their own observations about the site. Members of the Planning Committee attended the hearing to substantiate their reasons for refusal.
6. It will be seen from my appeal decision that I did not agree with all of the Council's concerns, nevertheless I have dismissed the appeal for the reasons given. The Council's case as set out in their statement and at the hearing is based on local and national planning policies together with the local knowledge of Members and local residents. Their case is reasonably entitled to be attributed weight.
 7. My decision sets out that I disagree with the applicant's case on reason for refusal 1 in relation to the suitability of the housing in meeting the needs of older people, and I agree with the Council's case that the lack of age restriction and propensity of two storey family houses would not specifically meet the needs of the ageing population. The Council's case has been adequately substantiated and makes appropriate reference to Local Plan policy H4.
 8. In respect of reason for refusal 2 and highway safety, following my site visit I understand the Council's concerns regarding driver behaviour on this stretch of road, backed up by the anecdotal evidence of local residents. It is therefore reasonable that they presented a case in this respect. Nonetheless the Council have failed to provide technical evidence that the roundabout is not fit for purpose. I have agreed with the applicant that it has been adequately demonstrated that the use of the Mount Leven roundabout to serve the proposed development would not have a severe impact on road safety. However this relates to motor vehicles only. In respect of the associated pedestrian and cycle links to the surrounding network, these have not been appropriately secured in providing acceptable and sustainable connections and the Council's case has been adequately substantiated in this respect. On both points, I do not consider that the applicant would have come to significant wasted expense in defending this reason for refusal over and above the information already submitted for the planning application.
 9. The Council's case on reason for refusal 3 relating to character and appearance is somewhat vague and they have relied on the LVIA assessment of harm. It is acknowledged that harmful effects are inevitable given that the currently undeveloped land would be urbanised. However I have agreed with the Council's case that two storey dwellings would result in additional harm over and above the previous permission for single storey dwellings, and I have found that this would be amplified by their poor design which fails to reflect local distinctiveness. Matters relating to effects on character and appearance are somewhat subjective and I do not find that the Council has been unreasonable in coming to this decision, albeit their case was rather thin on the ground.
 10. I have found reason for refusal 4, relating to green space, to be vague and unsubstantiated by the Council. I have agreed that there would not be conflict with the purposes of the green wedge and policy ENV6 in this respect. However, the proposals would affect its character and appearance as considered for the previous main issue, and its use as a country park which is secured by the s106. The matter of the inclusion of the footbridge in the s106 was not a reason for refusal nonetheless it will be seen from my decision that I have considered the applicant's case in this respect and agree that this

particular obligation does not fully meet the tests. Nonetheless, limited evidence was submitted on this matter by both parties and I do not find that the applicant has come to wasted expense in pursuing this matter.

11. Having regard to the above and based on the evidence before me, I consider that the appeal was necessary and that the Council's evidence, whilst somewhat vague on some of the issues, was sufficient for me to make an informed decision. Members were entitled to make their own judgements based on the evidence before them and considering their local knowledge and the representations made by local residents. The individual circumstances of the proposal necessitated assessment on its own merits given the subjectivity of the issues in dispute and judgements involved. The applicant did not therefore suffer wasted expense in pursuing the appeal.

Conclusion

12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. I therefore determine that the application for a partial award of costs should fail and no award is made.

Susan Hunt

INSPECTOR

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Appeal Decision

Site visit made on 11 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/H0738/D/23/3323603

51 Wallington Road, Billingham TS23 3UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Beverley Lowe against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 23/0206/REV, dated 2 February 2023, was refused by notice dated 30 March 2023.
 - The development proposed is the erection of a 2m high close boarded fence to front, side and rear.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2m high close boarded fence to front, side and rear at 51 Wallington Road, Billingham TS23 3UR in accordance with the terms of the application, Ref 23/0206/REV, dated 2 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No. 2290/01 dated Aug 22, Drg. No. 2390/03 dated Feb 23 and Drg. No. 2390/05 dated Feb 23.
 - 3) The existing picket fence shall be removed within 28 days from the date of the new fence as approved being implemented.

Applications for costs

2. An application for costs was made by Mrs Beverley Lowe against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Amended plans have been submitted with the appeal which additionally show the conifers that have been planted and that the existing lower fence would be removed, neither of which are acts of development. In all other respects the amended plans are the same as those on which the Council made their decision. As the amended plans are helpful in showing the full extent of what is proposed and because their acceptance would not prejudice any party who has an interest in the appeal, I shall base my decision upon them.
4. The appellant's Statement of Case sets out that they have erected new fencing on the site with the intention of showing how the proposed fence would appear and the impact that it would have upon the street scene. However, the fencing in question does not entirely correspond with what is shown on the proposed

plans. For the avoidance of doubt therefore, I have made my assessment on what is shown on the plans that accompany the appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located on the corner of Wallington Road and Chillingham Court and as such the proposed fence would occupy a prominent position in the street scene. Boundary treatments in the vicinity of the appeal site vary in their positioning and height, but they include high fences positioned directly on the back edge of the pavement. This includes the fences at 48 Wallington Road and 2 Chillingham Court which are located opposite the appeal site, which are visually dominant within the street scene and which somewhat undermine what the Council considers to be the open plan ethos of the estate. As a whole, this creates a varied street scene in terms of the boundary treatments that are present.
7. The proposed fence would be of two metres in height, but it would be set back into the appeal site and not directly on the boundary with the pavement. This would considerably reduce its visual impact on the street scene and would ensure that it would not have an unduly dominant impact upon it. In serving to enclose an area of the rear/side garden of its host property, its relationship to the dwelling would be consistent with those at the other properties in the locality that have high fences. Furthermore, in the context of its positioning and the other fences that are present, the proposal would not be out of keeping or cause a significant loss of visual openness. These factors collectively ensure that there would be no harm to the character and appearance of the area.
8. In addition, the conifers which have been planted in the intervening space between the proposed fence and the road would serve to soften the impact of the proposal, and the removal of the existing picket fence would offer a further visual benefit. Whilst the reason for refusal also refers to the building line along Chillingham Court, those dwellings have a different relationship to the street scene than the appeal dwelling, in that they face towards the road. The proposed fence would be read as an enclosure to the side of the appeal dwelling, and not to the front of it, and as a result its impact on the Chillingham Court street scene would be limited.
9. For these reasons, I conclude that the proposal would not cause harm to the character and appearance of the area. The proposed development would therefore accord with Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (LP), where they seek to protect character and appearance. There would also be no conflict with the aims of the National Planning Policy Framework, where it seeks to achieve well-designed places. Reference is made to Policy ENV6 of the LP on the decision notice, but this refers to green infrastructure, open space, green wedges and agricultural land, and therefore is not directly relevant to the appeal proposal.

Other Matters

10. Representations were made by interested persons as to the impact that would arise upon highway safety and in particular on visibility. Whilst the proposal

would affect visibility from the part of the driveway of 1 Chillingham Court closest to that dwelling, such visibility requires vision being possible over the appeal site. As has been demonstrated by the planting of the conifers, the retention of this vision could not be secured in any instance. Given this, and as there is no objection raised by the Highway Authority, I conclude that the proposal would not have an unacceptable impact on highway safety.

11. The proposed fence would not run along the full extent of the common rear/side boundary with No 1 and at ground floor level this adjacent dwelling has a garage door and front door positioned closest to where the fence would be erected. As a result, the proposal would not cause harm to the living conditions of the occupiers of No 1 in terms of loss of light, loss of outlook or by reason of its massing.

Conditions

12. Conditions relating to the time period to commence development and to the approved plans are necessary in the interests of providing certainty. A condition setting out the period of time for removing the existing fence is required, in the interests of the visual appearance of the area and to ensure accordance with the approved plans.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR

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Costs Decision

Site visit made on 11 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Costs application in relation to Appeal Ref: APP/H0738/D/23/3323603 51 Wallington Road, Billingham TS23 3UR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Beverley Lowe for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a 2m high close boarded fence to front, side and rear.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The costs application is set out in writing. In summary, the applicant considers that the Council failed to consider and take account of the site-specific circumstances, including those that they had set out within their submission. Further, they failed to consult with the most relevant consultee, despite this being pointed out during the application process, which is inconsistent with the previous planning application. The Council also considered an irrelevant planning policy and failed to engage with the applicant during the decision-making process, despite the reasonable request to do so.
4. The Officer report that has been provided assesses the proposal in appropriate depth and it is evident that it is made on a site-specific basis. This includes reference to other fences in the locality which the applicant had highlighted. The Council did not consult with their Landscape Architect, however that consultee did not object to the previous application which was also refused planning permission. It is unlikely that their position would have changed in respect to the appeal application, and therefore I am not persuaded that, even if the consultation had been undertaken, it would have altered the Council's decision on the application.
5. Whilst a planning policy was indeed referred to in the assessment that does not relate specifically to the appeal proposal given that the policy in question is not directly relevant to development at a dwellinghouse, I am satisfied that the inclusion of this policy was not determinative on the outcome of the planning application. The National Planning Policy Framework requires a proactive approach however ultimately, in light of the Council's position on the proposal,

it is not likely that engagement with the applicant would have resulted in a different decision being made.

6. In conclusion, the Council did not act unreasonably in its determination of the planning application and in the decision that it reached, which was based on a reasoned assessment of the planning merits of the case. Whilst I have not found in favour of the Council in the decision I have made on the appeal, this does not alter my finding on reasonableness in the context of this costs application. Accordingly, the applicant has not incurred unnecessary or wasted expense in having to follow the appeal process and an award of costs is not warranted.

Graham Wraight

INSPECTOR



Appeal Decision

Site visit made on 5 May 2023

by D Hartley BA(Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th MAY 2023

Appeal Ref: APP/H0738/X/22/3308164 7 Denevale, Yarm TS15 9SA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Adam Thompson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/1742/CPL, dated 4 August 2022, was refused by notice dated 29 September 2022.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of an outbuilding incidental to the enjoyment of the dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. A Lawful Development Certificate (LDC) is not a planning permission. Its purpose is to enable owners and others to ascertain whether specific operations or activities would be lawful. Therefore, for the avoidance of doubt, I make clear that the planning merits of the proposed outbuilding are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.
3. The main issue is whether the Council's decision to refuse to grant a LDC was well founded with particular regard as to whether the proposed outbuilding would be meet permitted development requirements as contained within Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

4. It is proposed to erect an outbuilding measuring 100 square metres to the south-east of No. 7 Denevale, Yarm which is a detached dwellinghouse built in the early 1980s. The position of the proposed outbuilding is illustrated in figure 3.1 of the statement prepared by ELG Planning (ELG Statement). Detailed plans of the proposed outbuilding are not submitted with the LDC application. In paragraph 3.6 of the ELG Statement it states that the intention is to use the outbuilding as a *'home office and gym'*.

5. However, it is clear from reading the local planning authority officer report that it considered a proposed outbuilding on the basis of it being used as a gym measuring 5m x 5m, office with storage measuring 6m x 4m, a storage area for garden equipment, children's toys, canoes and camping equipment measuring 7m x 4m, and the remaining space as a lobby for boots, coats etc accessing the three areas. I sought clarification from the main parties about what was specifically proposed for the outbuilding. Both parties agreed that it was as per the officer report. I have therefore considered the LDC application and appeal on this basis.
6. Class E (*buildings etc incidental to the enjoyment of a dwellinghouse*) of Part 1 of Schedule 2 of the GPDO states that the following is permitted development subject to meeting the limitations in E1, E2, E3 and E4: -
 - *The provision within the curtilage of the dwellinghouse of (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas'.*
7. There is no suggestion from either of the parties that the development would fall foul of the limitations in E1, E2, E3 and E4 of Class E. The points of contention relate to the words that I have underlined above, i.e., whether the outbuilding would be within the curtilage of the dwellinghouse and whether it would be required for a purpose incidental to the enjoyment of the dwellinghouse.
8. In respect of these matters, I have considered relevant case law. In respect of the latter issue, I have applied the judgment of *Emin v Secretary of State for the Environment* (1989) JPL 909 which, in summary, stated that for an outbuilding to be required for some incidental purpose it was necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwellinghouse, and whether the building would genuinely and reasonably be required to accommodate the use and thus achieve that purpose.

Curtilage

9. The extent of the curtilage of a building is a question of fact and degree considering relevant case law. Curtilage is not a use. Regard should be had to three tests of (i) physical layout of the building and the land or building said to be in the curtilage, (ii) ownership (past and present), and (iii) use or function (past and present) applied. It is enough that the curtilage serves the purpose of the house or building in some necessary or reasonably useful way, and it must be intimately associated with the building to support the conclusion that it forms part and parcel of the building.
10. The undisputed evidence is that the land to which the building would be positioned has always been owned by those that occupy the dwellinghouse. Aerial photographs show that until very recently the land where the outbuilding is proposed to be sited including mature trees. In my judgment, and despite land ownership, these trees were appreciated as being part of parcel of the wider woodland setting. Like the land to the north of the access, also in the ownership of the appellant, which includes trees, historically this land

represented a marked contrast between the more manicured lawns that exist around the dwellinghouse on the site.

11. The evidence is that for a significant number of years, the land to which the outbuilding is proposed to be sited included trees. However, I do accept that is not the case now. It is noted that the land has always been owned by those that occupy the dwellinghouse on the site. The appellant states that *'it is also worth noting that the grassed garden areas are contained, in parts, by rail and post fencing separating it from the remaining parts of the site that are covered by mature trees'*. While it is clear that trees on land where the outbuilding would be positioned have recently been cleared, the evidence is uncertain in terms of whether such trees were previously fenced off in any way from the dwellinghouse.
12. The onus is squarely on the appellant to satisfy me that the land is intimately associated with the dwellinghouse on the site and that it serves this property in a necessary and reasonable useful way. In this case, the latter has not been suitably demonstrated. It is noteworthy, albeit not in itself a determinative matter, that the appellant has himself acknowledged that there is a difference between the land to the north of the access adjoining the river (i.e., land shown in blue in figure 2.3 of the ELG Statement) and that to the south. He says that *'as the landscaping has matured over the years, not all the site has been subject to the day-to-day uses associated with the dwellinghouse in the same way that would occur within the curtilage. As such, the extent of the curtilage may well be considered to be smaller than the full extent of the original planning unit'*.
13. The appellant finds that the blue edged land that includes mature trees is not part of the curtilage, but that the land where the outbuilding would be positioned, which until very recently also included mature trees, is part of the curtilage. While the appeal land has recently changed, albeit that when the LDC application was made it did not have the same appearance as the more manicured lawns surrounding the appeal site, I do not consider that it would be reasonable to ignore the fact that, until very recently, the proposed outbuilding land included mature trees like the land to the north.
14. The appellant states that *'it has always been the case that the whole of the land owned by the property has been used for the enjoyment of the occupant of the dwelling on the site'*. However, this comment is not reasonably substantiated with specific and detailed evidence.
15. I find that up until very recently the land included trees which were more intimately associated with the wider woodland setting as opposed to being intimately associated with the dwellinghouse on the site. In other words, when the evidence is considered as whole, I do not find that the land in question forms part and parcel of the dwellinghouse on the site.
16. As a matter of fact and degree, and considering the history of the site (both past and present), I find that the appellant has not sufficiently demonstrated that from a use or function point of view the outbuilding land serves the house in a necessary or useful way. I conclude, for the above reasons, that the outbuilding would not therefore be positioned on land falling within the curtilage of the dwellinghouse and therefore it would not constitute permitted development under Class E of Part 1 of Schedule 2 of the GPDO.

Whether reasonably required to accommodate the use

17. The appellant proposes an outbuilding measuring 100 square metres for use as a home office, gym, storage area for domestic equipment and a lobby area. I do not have detailed plans in respect of the proposed outbuilding. However, the appellant has agreed that the dimensions of the proposed rooms are those as listed earlier in my decision.
18. The proposed use of the building is in principle capable of being incidental to the enjoyment of the dwellinghouse. However, it is necessary that I consider whether the outbuilding would genuinely and reasonably be required to accommodate the use. In respect of the office space, the appellant states that this is needed due to the confidential nature of the business that his partner is involved in. The evidence is that the existing house has a study, but I am persuaded that further office space would be 'required' in the outbuilding. However, the appellant does not provide sufficient explanation as to why the proposed office would need to be 6m x 4m or indeed what specific storage provision would be required.
19. In respect of the proposed gym, the appellant states that '*my wife and I both take part in online fitness classes which require a space. We don't find it terribly easy rolling out the Peloton bike and free weights into the kitchen so a space for a small gym would be essential*'. I do not doubt that current arrangements are inconvenient. The appellant claims a gym space of 5m x 5m would be '*small*', but again there is insufficient explanation as to why the proposed gym would need to be of the size proposed for the purposes of the use of free weights and a Peloton bike and/or on-line instruction.
20. In respect of use of the outbuilding for storage, it is noteworthy that there is an existing garage associated with the dwellinghouse. The appellant says that this cannot be used for storage as he wishes to use it to park vehicles. As part of my site visit, I was able to see inside the garage. At the time, it was being used for the parking of one vehicle and there were domestic storage facilities alongside the walls and bicycles hanging on the walls. I find that it would be possible to park vehicles in the garage while also storing domestic items such as toys, bicycles and some gardening equipment. While the appellant considers that there is a need for more space, he has not adequately demonstrated why a storage area of 7m x 4m would be reasonably required.
21. In addition to the above, the appellant states that the remaining space would be used as a lobby for boots, coats etc accessing the three areas. In this regard, I do not find that the building would genuinely and reasonably be required to accommodate this space and hence achieve an incidental purpose. There is nothing before me to demonstrate that space would not be available within the existing dwellinghouse to store boots and coats and the appellant has not provided sufficient clarity in terms of why 'lobby' space would specifically be needed in association with use of the outbuilding.
22. For the above reasons, I conclude that the evidence does not support the appellant's claim that the outbuilding would be required for a purpose incidental to the enjoyment of the dwellinghouse. Therefore, it would not constitute permitted development under Class E of Part 1 of the Schedule 2 of the GPDO.

Conclusion

23. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of an outbuilding incidental to the enjoyment of the dwellinghouse was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

D Hartley

INSPECTOR

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