

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 2nd July, 2008.

**Present:** Cllr Roy Rix(Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr David Coleman (Vice Cllr Kirton), Cllr John Gardner, Cllr Robert Gibson, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Ross Patterson, Cllr Mrs Maureen Rigg,

**Officers:** Mrs M Brownlee, M Clifford, B Jackson, R McGuckin, J Roberts, N Schneider, P Shovlin and C Straughan (DNS); L Danby and J Hegarty (CESC); Mrs J Grant and Mrs T Harrison (LD)

**Also in attendance:** Cllr Ken Dixon

**Apologies:** Cllr D Harrington, Cllr Paul Kirton and Cllr S Walmsley

### **P       Declarations of Interest**

**41/08**

Councillor Ken Dixon declared a personal prejudicial interest in the item entitled - 08/0693/VARY, Portus Bar, Ingleby Barwick, Stockton on Tees. Application under Section 73 to vary condition 2 (elevations and boundary treatment) and condition 12 (levels) with regard to Plot 419 of planning approval 06/2100/REM for residential development of 35 no. dwelling houses due to a family members home backing onto the application property and left the room for the consideration and voting on the item.

Councillor Jim Beall declared a personal non prejudicial interest in the item entitled - Local Development Framework: Strategic Housing Land Availability Assessment, due to being a governor of Blakeston School.

### **P       08/0693/VARY**

**42/08**

**Portus Bar, Ingleby Barwick, Stockton on Tees**

**Application under Section 73 to vary condition 2 (elevations and boundary treatment) and condition 12 (levels) with regard to Plot 419 of planning approval 06/2100/REM for residential development of 35 no. dwelling houses.**

Planning permission was granted under application 06/2100/REM for the reserved matters for 35 dwellings and included a condition (12) relating to the provision of ground and floor levels to be agreed with the Local Planning Authority prior to commencement of development.

The site was constructed prior to levels being agreed and whilst levels were considered to be acceptable on all other plots, they were not initially considered acceptable for Plot 419 as the levels on this plot were such that the height of ground floor windows would have allowed view over the boundary fence into the adjoining garden. Furthermore, a raised path had been constructed along the rear of the property, which afforded the same views.

A previous application to vary this plot details including mitigation works was submitted and refused planning permission by the Planning Committee following a site visit. The applicants appealed against the decision and the appeal was dismissed with the Planning Inspector concluding that the only unacceptable element of the proposal was the raised ground to the side of the site adjacent to the boundary with 20 Brougham Close which could be used to

gain view over the boundary fence, thereby affecting privacy and amenity associated with this property.

The applicant had amended the previously submitted plans to remove this raised section of land which had previously been raised to accommodate drainage, and had also removed the kitchen window which also faced this boundary.

Several letters of objection had been received from the occupiers of surrounding properties with main objections relating to the impact of the development on their amenity and privacy, on sunlight and on the ability to control the site in the future were permission granted.

An update report was given to Members including a landscaping condition in order to ensure adequate control over planting along the boundary of the site.

The revised scheme addressed the concern previously raised by the Planning Inspector, as well as further removing the kitchen window from the scheme. The proposal was therefore considered to accord with Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan.

Objectors spoke against the application due to the fact that once the property was occupied, the alterations made by the builders addressing the issues raised the Planning Inspector would be restored due to the overall height of the property and the height of the door to the now excavated land.

Councillor Dixon spoke as a member of the public against the application, objecting to the height of the property in comparison to the surrounding houses and stating that the removal of a wall had been the only alteration. Councillor Dixon then left the meeting room

Members were advised the height of the property had not been a matter of concern to the Planning Inspector and the applicant had addressed the issues raised by the Inspector.

Members discussed the Inspectors report.

RESOLVED that Planning application 08/0693/VARY be approved subject to the following conditions:

1. The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
SBC0001	14.03.2008
1902-23 Rev A	14.03.2008
1902-24 Rev C	01.05.2008
1902-40 Rev E	01.05.2008
SBC419	

2. The plans hereby approved shall relate only to details associated with plot 419 of the scheme approved under application reference 06/2100/REM and to

no other plot within the site.

3. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use and drainage shall be provided in accordance with the approved details before the development is brought into use.

4. This approval relates solely to the variation of condition 2 (elevation and boundary treatment) and condition 12 (levels) with regard to plot 419 and does not in any way discharge any of the other conditions contained in planning permission No 06/2100/REM dated 4th October 2006 which conditions all apply to this consent.

5. Notwithstanding details hereby approved, the utility room window of the dwelling on Plot 419 shall be glazed with obscure glass of a type to be agreed in writing with the Local Planning Authority prior to installation and this obscure glazing shall be retained in perpetuity unless agreed otherwise in writing with the Local Planning Authority.

6. The dwelling forming plot 419 shall not be occupied until a scheme of landscaping has first been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall detail the following areas of soft landscaping including plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management and programme of implementation. Any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.

**P 08/0740/FUL**  
**43/08 502 - 506 Yarm Road, Eaglescliffe, Stockton-on-Tees**  
**Revised application for residential development for the erection of 1 no. three storey apartment block comprising of 11 no. apartments (demolition of existing petrol station)**

The application sought permission for the redevelopment of the Eagle Service Station on Yarm Road to provide 11 apartments over 3 floors, having a density of 92 dwellings per hectare. The site currently provided a petrol filling station, shop, ancillary takeaway and car wash facility.

Planning permission for a similar proposal of 12 Apartments was refused under application reference 07/2899/FUL as it was considered that the proposal was over development of the site and both detrimentally affected adjoining properties and the character of the area in general.

Neighbours had been consulted and a total of 15 letters of comment had been received, 13 of which were objections. The objections mainly related to the impact of the scheme on the surrounding properties and area in general and the impacts of traffic. A letter of support received considered it would be a positive scheme for the area which would reduce traffic at the site.

It was considered that the general principle of residential development on the site accorded with Policy HO3 of the Local Plan as well as national guidance in the form of PPS3. Furthermore, the scheme generally accorded with the requirements of SPG 4 in respect to the locating of flatted development.

The proposed development included balcony areas at the 2nd floor level which were considered unacceptable with regard to their impact on privacy associated with this property and as such a request had been made for these to be removed. The applicant's agent had confirmed that the balconies would be replaced with 'Juliet balconies' which prevented anyone being able to physically walk out onto a formal balcony area, thereby having the same impact as a window in the same position.

It was considered that the reduction of the scheme from 12no. to 11 no. units and the benefits it brought in terms of reducing parking requirements, reduction in footprint and dominance of the building, allowed for a site which could achieve adequate landscaping and a more positive road frontage treatment than the previously refused scheme. The scheme remained high density, (92 dwellings per hectare) and provided minimal amenity space within it, however the site was in close proximity to Preston Park and the developer would make a contribution of £7,000 to the Council towards the provision of off site recreation space or works. It was considered that, taking into account the existing appearance of the site as a petrol filling station and forecourt, the proposal would positively enhance the street scene, whilst adequately providing for its future occupiers without having an undue detrimental impact on the privacy and amenity of the surrounding properties.

It was also considered that the likely reduction in traffic movements from the existing use was likely to reduce traffic entering and existing the site and general noise and disturbance associated with the existing site usage.

An update report was provided showing amended plans in respect to the development as requested by officers.

The plans indicated a parking space being relocated and the removal of the projecting bay windows from the first floor Chestnut Road elevation and the removal of the balconies serving the second floor apartments facing Chestnut Road.

In view of these changes it was considered that the scheme would not have a significantly detrimental impact on the privacy and amenity for persons in the property on the opposing side of Chestnut Road whilst the revised parking provision achieved increased usable amenity space within the site.

The Head of Technical Services had advised that the revised car parking and layout were acceptable and the provision of covered and secured cycle storage was also acceptable. The Head of Technical Services also considered it necessary that a refuse management plan be submitted for approval in order to demonstrate how refuse from the development was to be managed including providing recycling facilities. An appropriate condition was recommended.

It was considered that the appearance of the Chestnut Road elevation would still benefit from being amended to reduce the number of Juliet balconies and

achieve greater variation. As such the applicant was requested to make these changes and submit a further revised elevation drawing.

A Section 106 agreement was required in connection with the development as detailed within the main report. To date, this had not yet been signed by the applicant. As such, the recommendation to committee was amended as detailed below.

The amended plans had not been received in hard copy format and as such the list of approved plans remained to be agreed which would also include the further revised elevation drawing. The amended plans were attached to the update report.

Objectors raised concerns regarding parking, contamination of the site, height of the development and windows overlooking the school play area.

Member's discussed concerns regarding density, design, lack of renewable energy, window glazing and opening.

RESOLVED that Planning Application 08/0740/FUL be deferred for a site visit to enable Members to view the proposed development in relation to the current site.

**P**            **08/0801/FUL**  
**44/08**       **542 Thornaby Road, Thornaby, Stockton on Tees**  
**Conversion of Existing Dormer Bungalow into Two-Storey Dwelling and**  
**the Erection of a Single Detached Garage.**

The application site was 542 Thornaby Road, which was a detached dormer bungalow located on a main road and within a row of other detached dwellings. The applicant sought permission for the conversion of the property into a two-storey dwelling and the erection of a single storey garage to the rear.

The site was bounded by 540 Thornaby Road to the north and 544 Thornaby Road to the south. There was a rear garden of approximately 100m in length that projected towards 51 The Green and properties on The Drive, Thornaby.

The planning application had been publicised by means of individual letters and objection letters were received from 9 properties adjacent to the site and from Councillor Eddy. The main reasons for objection related to a loss of privacy from a proposed balcony. Revised plans were submitted removing the balcony from the scheme and neighbours were re-consulted. No further correspondence was received.

The main planning considerations relate to the visual impact upon the street scene and any impacts upon the privacy and amenity of the occupants of neighbouring properties and highway safety.

It was considered that overall the proposed development which no longer included a balcony would not have a significant detrimental impact on the amenities of the area and was in accordance with policies GP1 and HO12 of the Stockton on Tees Local Plan. It was accordingly recommended for approval

with conditions.

An update report was provided to correct a typing error within the report and to include reference to a second Tree Preservation Order on the property.

A further objection had also been received from the residents at Ithaca, The Drive. The reasons for objection were the same as other objections to the proposals and were confined to the loss of privacy from a balcony.

It was not considered that there was any alteration to the material planning considerations and, as such, the recommendation remained as set out in the main report.

RESOLVED that Planning Application 08/0801/FUL be approved subject to the following conditions:-

1. The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
BUTLER/01 REV P2	27 May 2008
SBC0001	26 March 2008
SBC0002	10 April 2008

2. The external finishing materials shall match with those of the existing building

3. No development shall commence until a scheme for the protection of trees on site has been submitted to and approved in writing by the Local Planning Authority. The trees shall be protected in accordance with BS 5837:2005 and any agreed scheme shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and shall be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be in keeping with the property and the street scene in terms of style, proportion and materials and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties or any significant impact upon highway safety and there are no other material considerations which indicate a decision should be otherwise.

Stockton on Tees Local Plan  
GP1 General Principles and HO12 Householder Extensions

**P**  
**45/08**      **Local Development Framework: Strategic Housing Land Availability Assessment**

A report informing Members on the contents of the consultation draft of the Strategic Housing Land Assessment was provided and Members were advised of the consultation which would take place on the document.

Members advised that Parish Council Meetings would not meet until after the consultation period was over and that a three week consultation period was too short. Members were advised that there was no statutory consultation requirement; however Officers had chosen to hold consultation to gather information. The three week consultation period was chosen to ensure that the document would be ready for Cabinet in September.

Members raised the following concerns:

- They did not see the urgency of marking sites when consultation was just beginning
- Landowners would hold onto land identified to increase value
- Could unidentified land be used for housing?

Members were advised that the assessment had been a result of Government requirements. If land was not identified in the assessment people could still put forward planning applications.

RESOLVED that the report be noted.

**P  
46/08      Alterations to the Constitution - Decisions Made Contrary to Officer  
Recommendation and Informal Hearings**

Following several recent cases where applications contrary to officer recommendation had been the subject of informal hearings through the appeals process, it was considered that it would be beneficial to establish an agreed protocol, clearly setting out the roles and responsibilities of Members and Officers throughout this process. To inform this proposal, benchmarking took place with other authorities, and a number of scenarios were assessed, along with examination of the Royal Town Planning Institute (RTPI) code of professional code and planning advice notes on the matter.

In addition to this, there were increasing concerns about the number of planning decisions which were being made contrary to officer recommendation in cases where the planning merits clearly did not support the decisions which Members wished to make and the risk that this posed to the authority both in terms of reputation and of potential costs. It was proposed to introduce a new procedure prior to the determination of such applications.

The report therefore examined both issues and proposed alterations to the constitution in line with the recommendations made.

Members requested to see the decision notices to know the exact wording they would be defending as they had concerns regarding loosely worded English, however they were advised that Members were provided with a copy of the decision notice, officers report and appellant's statement before the Council's pre hearing statement was submitted under the present arrangements.

Members also expressed concern that the change did not go quite far enough as hung on reasons for refusal. Members may consider that there were other policies applicable and details could cause problems such as the meaning and context of sustainability.

The scheme would be reviewed in 12 months time.

A three week delay would not add value and it was considered that there could be another way of achieving better decisions.

RESOLVED that:

1. The views of Planning Committee be sought and incorporated into the consideration of the report by Cabinet and thereafter by Council.
2. The necessary changes to the Constitution be made and the Planning Code of Conduct be updated to incorporate the Protocol.

**P  
47/08**

**1.Appeal – Mr Neil Edwards - 5 Wear Crescent Eaglescliffe - 07/1492/FUL – ALLOWED WITH CONDITIONS**

**2.Appeal – Mrs Michelle Patrick – 117 Sidlaw Road Billingham – 07/1298/FUL – DISMISSED**

**3.Appeal – Mr W Hingley – 6–10 Hume Street Stockton – 07/2524/FUL – ALLOWED WITH CONDITIONS**

**4.Appeal – Wearmouth Construction and Plant Ltd – Cliffolqwen Depot Sandy Leas Lane Elton – 07/3113/ARC – ALLOWED WITH CONDITIONS**

**5.Appeal – Mr T Murphy – The Stables Sandy Leas Lane Elton – 07/2201/FUL – ALLOWED WITH CONDITIONS**

**COSTS DECISION – NO AWARD OF COSTS IS MADE**

RESOLVED that the appeal were noted.