

Planning Committee

A meeting of Planning Committee was held on Wednesday, 14th July, 2010.

Present: Cllr Roy Rix (Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr John Fletcher (Vice Councillor Mrs Maureen Rigg), Cllr Robert Gibson, Cllr Paul Kirton, Cllr Bill Noble, Cllr Fred Salt

Officers: A Bishop, T Connor, J Dixon, J Hall, Mrs J Roberts, P Shovlin, Ms C Straughan, Mrs M Whaler (DNS); Miss J Butcher, Mrs T Harrison (LD)

Also in attendance: Ward Councillor and Members of the public

Apologies: Cllr Jean Kirby, Cllr Miss Tina Large, Cllr Mrs Maureen Rigg, Cllr Steve Walmsley

P Declarations of Interest

29/10

Councillor Fletcher declared a personal non prejudicial interest in relation to (10/0775/REV) 1 Butts Lane, Egglescliffe, Stockton-on-Tees - Revised application for erection of two storey detached dwelling and integral garage (demolition of existing bungalow) due to being a member of Egglescliffe and Eaglescliffe Council (statutory consultee) and a friend of an objector.

Councillor Mrs Beaumont declared a personal non prejudicial interest in relation (10/0775/REV) 1 Butts Lane, Egglescliffe, Stockton-on-Tees - Revised application for erection of two storey detached dwelling and integral garage (demolition of existing bungalow) due to an objector being a previous neighbour of hers.

P 10/0766/RET

30/10

**12 Wetherfell Close, Ingleby Barwick, Stockton-on-Tees
Retrospective application for conversion of garage into a habitable room.**

A report was given to Members in regards to retrospective planning permission for the conversion of an integral garage into a habitable room to the front of No 11 Wetherfell Close, Ingleby Barwick.

The main planning considerations with regard to this application were the impact on the existing dwelling and street scene, the impact on the amenity of neighbouring properties and highway safety.

A letter of objection had been received from Ingleby Barwick Town Council; however there were no objections from residents of neighbouring properties.

The Acting Head of Technical Services had no objections to the development subject to the implementation of the requisite third car parking space.

In accordance with the approved scheme of delegation, the application was reported to the Planning Committee for determination, as the applicant was an employee of the Council.

It was considered that the development did not have an adverse impact on the existing dwelling or the visual amenity of the street scene; it did not lead to an

adverse loss of amenity for neighbouring properties and did not lead to a loss of highway safety. It was therefore considered to accord with Policy CS3, Saved Policy HO12 of the Stockton on Tees Local Plan and the advice given within SPD3: Parking requirements for new developments.

The application was recommended for approval subject to the implementation of a third requisite car parking space within the curtilage of the application site, within 56 days from the date of the decision notice, which could be secured by a planning condition.

Members observed that if the garage was only a single layer of brick, rather than a double layer it would be very cold for a bedroom however Members were advised that such determinations were building regulation decisions.

Members observed that such an application was a problem; however the precedent had already been set. The Head of Planning advised that each application was considered on its own merit.

RESOLVED that Planning Application 10/0766/RET be Approved with Conditions subject to:

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
SBC0002	26 June 2010
SBC0001	31 March 2010
SBC0004	26 March 2010
SBC0003	26 March 2010
SBC0006	18 June 2010

2. Notwithstanding the submitted information, within 56 (fifty-six) days from the date of this decision, one additional car parking space (to provide a total of three spaces), shall be provided within the curtilage of the property in accordance with Plan No SBC0006 (dated 17th June 2010) with details of the hardstanding to be submitted to and approved by the Local Planning Authority before development commences. Such details shall provide for the use of permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The approved car parking spaces shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority. The approved spaces shall then be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

P **10/0775/REV**
31/10 **1 Butts Lane, Egglecliffe, Stockton-on-Tees**
Revised application for erection of two storey detached dwelling and
integral garage (demolition of existing bungalow).

Members were provided with a report on an application which sought planning permission for the replacement of a bungalow with a house within the same site

which was situated within the Limits to Development on the boundary of the settlements of Eggescliffe and Eaglescliffe.

The main planning considerations with regard to this application were the impacts on the street scene and setting of the Eggescliffe Conservation Area, the impacts on the adjoining residential properties including their trees protected by a Tree Preservation Order, the design, scale, size, form and materials of the proposed dwelling, the impact on the amenity and privacy of neighbouring properties and highway safety.

Objections had been received from 11 residents of neighbouring properties and in addition the Eggescliffe and Eaglescliffe Parish Council, but from no other consultees.

It was considered that the proposed scheme would be of an acceptable design and size and not have an adverse impact on the street scene and the setting of the Eggescliffe Conservation Area. Although the height of the house would be greater than the existing bungalow it would not have such an overshadowing, overbearing and overlooking impact upon the adjoining neighbouring properties or otherwise be detrimental to their privacy and amenity so as to warrant a refusal. It was therefore considered that the proposed house was not contrary to Stockton-on-Tees Borough Council Core Strategy Development Plan March 2010 policies CS1 and CS3 and Stockton on Tees Local Plan Saved Policy HO3 and Government guidance in PPS3 Housing June 2010 and PPS5 Planning for the Historic Environment and Supplementary Planning Guidance Note 2: Householder Extension Guide February 2004.

A supplementary report was provided to Members correcting some factual error in the main report; however the corrections did not impact on the officer's recommendation.

The applicant addressed the Committee advising that they had worked closely with the Planning Department. The applicant proposed that the new dwelling would be erected in a different position to the existing dwelling as a benefit to all. The application was in keeping with the area and responded well to the area.

An objector advised that their living room, bedroom and patio all faced the development and that the development would impact on their light. The objector raised concerns regarding the future addition of windows in the roof and queried why a site visit had not taken place prior to the meeting and felt that the dwelling would be too imposing on the main road.

Another objector advised that the design and access were an issue and that the proposed application would affect their view and would impact on every neighbouring house. The objector felt that the application should be considered as if it was part of the conservation area.

The Ward Councillor advised that it met all the requirements of Planning. If the plan had been superimposed onto the pictures presented to Committee it would have given a clearer picture in relation to the varying ground levels, however it was noted that when someone purchased a house they did not buy the view.

The Head of Planning advised that the proposed dwelling met with planning requirements and was not considered to impact on the neighbours, be out of keeping with the area or be too imposing on the main road. The variation of the size and heights of the neighbouring properties meant that the application was considered appropriate and the development did not fall within the boundaries of the conservation area.

Members were advised that the conditions excluded placement of windows in the roof or anywhere else other than as shown on the drawings. If the applicant wished to put windows in at a later date they would have to submit a new planning application.

Members raised concern regarding mass and bulk.

A motion was proposed and seconded to defer the determination to enable a site visit to take place.

The Chair advised that he was opposed to a site visit taking place as none of the Members of Planning Committee had requested one prior to the meeting and the Chair felt that it was too late to be requesting a site visit due to the adequate time that had been provided prior to the meeting.

A vote took place on the proposal to defer for a site visit; the voting was tied so the casting vote fell on the Chair. The Chair ruled that there would be no site visit for the reasons previously stated.

A Member moved refusal of the application due to massing and bulk on the prominent site, impact on the character of the area as a whole and the garage height.

The move for refusal was seconded so a vote took place on whether to refuse the application, the vote was tied. The Chair exercised his casting vote against refusal therefore the motion to refuse was defeated.

A vote therefore took place as to whether the application should be approved; the vote was tied so the Chair had the casting vote on approval of the application. The Chair exercised his casting vote in favour of approval as per the officer's recommendations therefore the application was approved.

RESOLVED that Planning Application 10/0775/REV be Approved with Conditions subject to:

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
860-08-001	30 March 2010
860-08-002 REV C	30 March 2010
860-08-003 REV F	26 April 2010
860-08-004 REV E	26 April 2010
860-08-005 REV C	30 March 2010

2. Notwithstanding the proposals detailed in the application no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request. 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.

The following works are not allowed under any circumstances:

No work shall commence until the approved Tree Protection Barriers are erected.

No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.

No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree of within the Root Protection Zone.

No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.

No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.

No unauthorised trenches shall be dug within the Root Protection Zone.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

amenity in the locality which should be appropriately maintained and protected.

3. Notwithstanding the proposals detailed in the application no development shall commence until full details of Soft Landscaping have 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 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 unless otherwise agreed with the Local Planning Authority in writing in the first planting season following:

- a) commencement of the development
- b) or agreed phases
- c) 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.

4. Notwithstanding the proposals detailed in the application, prior to the commencement of development, details of the existing and proposed levels of

the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

5. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the external materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the local planning authority. The building shall be constructed with the materials as may be agreed.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

7. No construction/building 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.

8. The fenestration of the dwellinghouse hereby approved shall be formed as shown on drawing No.860-08-004 Revision E and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no additional windows, rooflights or dormer windows shall thereafter be formed or constructed without the prior written approval of the Local Planning Authority.

9. The existing hedge on the boundaries with Yarm Road and Butts Lane shall be retained and maintained at a minimum height of 1.8m and shall not be cut lower or removed without the prior written permission of the local planning authority.

P 10/1504/LAA
32/10 Preston Park, Yarm Road, Eaglescliffe
Banners advertising council events and council supported events on fencing near the main gate

Members were advised that permission was sought for advertisement consent for the display of a single banner to advertise various council events to be held at Preston Park. The banner would change according to the event but the size would remain the same.

There had been no objections received from neighbouring properties, ward councillors or statutory consultees.

It was considered that the location of the advertisement banner was in the most suitable location to advertise the various council events without having an

adverse impact on visual amenity and public safety and did not conflict with Planning Policy Guidance Note 19: Outdoor Advertisement Control.

The application had been submitted by the Local Authority and therefore under the Scheme of Delegation was determined by Planning Committee.

Members were advised that the banner would be erected 14 days prior to the event and would remain until 7 days after the event.

Members requested that banners advertising Preston Park should state Eaglescliffe not Yarm.

Members were advised that the current planning approval did not expire until August.

RESOLVED that Planning Application 10/1504/LAA be Approved with Conditions subject to:

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	9 June 2010
SBC0002	9 June 2010

2. The banner hereby approved shall only be erected to advertise events taking place within the Preston Hall and associated grounds.

3. The banner hereby approved shall be erected no more than 14 days prior to an event and removed within 7 days of the event(s) taking place.

**P
33/10**

**10/1505/LAA
Various Locations In Thornaby, Stockton On Tees,
Banners advertising council and council supported community events**

Members were advised that Permission was sought for advertisement consent for the display of four banner signs to advertise various council events and council supported events. The banner would change according to the event but the size would remain the same.

There had been no objections from neighbouring residents or Ward Councillors.

It was considered that the location of the banners was the most suitable location to advertise the various council events without having an adverse impact upon visual amenity and public safety and did not conflict with Planning Policy Guidance Note 19: Outdoor Advertisement Control.

The application had been submitted by the Local Authority and therefore, under the scheme of delegation, was decided by Planning Committee.

RESOLVED that Planning Application 10/1505/LAA be Approved with Conditions subject to:

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	9 June 2010
SBC0003	9 June 2010
SBC0004	9 June 2010
SBC0006	9 June 2010
SBC0007	9 June 2010
SBC0009	9 June 2010
SBC0010	9 June 2010
SBC0012	9 June 2010

2. The banner(s) hereby approved shall be erected no more than 14 days prior to an event and removed within 7 days of the event(s) taking place.

P
34/10 **Review of the Limit to Development and Green Wedge**

Members were advised that it was proposed that the Regeneration Development Plan Document would include policies concerning the 'limits to development' and 'green wedge'. In order for these policies to be robust they were to be reviewed and updated to reflect the changes made to the landscape since the last review of these policies as part of the Local Plan in the mid-1990s. It was intended that the revised limits of development and green wedges would be consulted upon as part of the Regeneration Development Plan Document Preferred Options Report. A technical paper containing the methodology, mapping and justification for reviewing these policy boundaries would support the Regeneration Development Plan Document Preferred Options as an evidence base document.

Members queried when the document would be available to the public and were advised that as the document had been reported to Local Development Framework Steering Group and Planning Committee it was within the public domain. However, the report was intended to form an evidence base for the Regeneration Development Plans Document which would be consulted upon in November/December 2010. The consultation process provided the opportunity for the public to comment formally upon the conclusions of the documents.

RESOLVED that the report be noted.

P
35/10 **Character Areas**

Members were advised that there were a number of areas within the Borough that had a distinctive character and sense of place. However, many of these areas within the Borough had been under pressure from development in recent years. Areas considered as having special character would be designated within the Regeneration Development Plan Document and be supported by policy to offer these areas protection from inappropriate development. A technical paper containing the methodology of selecting character areas and

their individual assessments would support the Regeneration Development Plan Document Preferred Options as an evidence base document.

Members were advised that the following 9 areas had been assessed as having Special Townscape Character:

- Oxbridge Lane
- Yarm Road (North), Eaglescliffe
- Yarm Road (South), Eaglescliffe
- Junction Road
- The Spital/Leven Road
- Leven Road
- Darlington Road
- Yarm Road, Stockton
- Thornaby Airfield

Durham Road and Darlington Lane were assessed for inclusion but were not considered appropriate for inclusion.

Members requested the information be put on the internet; officers advised that they would make enquiries with Democratic Services as to when the documents would be available to the public on the internet.

Members were advised that the document was a draft report which would be consulted on as part of the Regeneration Development Plans Document's preferred options. If consultations highlighted other areas for inclusion then they would be considered.

RESOLVED that the report be noted.

**P
36/10** **Briefing Note on the Implications of the Abolition of the Regional Spatial Strategy and the Coalition Government's Proposals for a New Development Plans System**

Members were provided with a report which advised on the planned abolition of the Regional Spatial Strategies and the supplementary report which advised that the Regional Strategies (RS) had been revoked with immediate effect (6th July 2010). The report described the Conservative Party's proposals to "re-boot" the development plans process as outlined in their green paper "Open Source Planning," which gave some indication of how the preparation of planning policy documents could change in the future.

RESOLVED that the report be noted.

**P
37/10** **Local Development Framework Steering Group Minutes**

Members considered the Local Development Framework Steering Group Meeting minutes of the 17th May 2010.

RESOLVED that the minutes be noted.

P 38/10 MEMBER INVOLVEMENT IN SECTION 106 AGREEMENTS FOR MAJOR APPLICATIONS

Members were advised that in March 2010, Stockton-on-Tees Borough Council adopted the Core Strategy which contained a specific policy (CS11) that required all new developments would be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. In addition to this, in May 2008, a Supplementary Planning Document (SPD 6) had been adopted that also covered the use of planning obligations. The Supplementary Planning Document (SPD) was concerned with the current status of planning obligations at that time and did not consider the future legislative changes which may occur, especially now following on from the new coalition government. The purpose of the SPD was to provide developers, planning officers and the public with information and guidance concerning the Council's approach towards securing planning obligations associated with development within the Borough.

The use of planning obligations, or section 106 agreements as they are also commonly known, had become an important part of the planning process and were appended to many major planning applications, covering such things as affordable homes, education contributions, local labour agreements, infrastructure provision and open space and play provision.

Officers advised that Heads of Terms describing what would be included in a section 106 agreement were to be open and transparent and be included within the planning report, and often the fine tuning and phasing of this was finalised after committee by officers. It was the intention of this report to outline how Members could be more actively involved in this process whilst at the same time ensuring that applications were still determined within time.

It was observed that Councillors were consulted on 106 agreements in their wards but this application would formalise the matter.

The Head of Planning advised that there were strict guidelines regarding 106 agreements. Certain criteria had to be met and be relevant in the area of application as they were legally binding.

Discussion took place regarding when and if a Councillor could discuss matters regarding a planning application with local residents to help formulate a relevant 106 agreement. The Head of Planning advised that case officers would be instructed to clarify that pre-application details were confidential.

RESOLVED that the report be noted and the protocol for member involvement in the planning obligations process prior to consideration by Cabinet be endorsed.

P 39/10 1. Appeal - Mr N Hussain - 27 Yarm Lane Stockton On Tees 09/2935/COU - DISMISSED

RESOLVED that the appeal be noted.

