

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 15th September, 2010.

**Present:** Cllr Roy Rix (Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Ken Dixon (Vice Councillor Kirby), Cllr Robert Gibson, Cllr Bill Noble, Cllr Mrs Jean O'Donnell (Vice Councillor Kirton), Cllr Ross Patterson, Cllr Mrs Maureen Rigg and Cllr Fred Salt.

**Officers:** B Jackson, C Straughan, R McGuckin, S Grundy, P Shovlin, J Roberts, J Dixon (DNS); P K Bell, J Butcher (LD).

**Also in attendance:** Applicants, agents and members of the public, Cllr Aidan Cockerill.

**Apologies:** Cllr Paul Kirton, Cllr Jean Kirby, Cllr Miss Tina Large and Cllr Steve Walmsley.

### **P       Declarations of Interest**

**54/10**

Councillor Broughton declared a personal prejudicial interest in respect of agenda item 4 - 10/1809/FUL Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees - New two storey teaching block extension linked into the rear of an existing maths teaching block to provide a mixture of science and IT labs to replace existing labs within the college as he had made his views known as Ward Councillor.

### **P       10/1778/FUL**

**55/10**

**Land North Of Blair Avenue, Ingleby Barwick, Stockton-on-Tees  
Part retrospective application for mixed use development comprising  
81no. bedroom residential care home, 2no. sheltered accommodation  
units containing 24no. apartments and associated access, parking and  
landscaping.**

Consideration was given to a report on planning application 10/1778/FUL - Land North Of Blair Avenue, Ingleby Barwick, Stockton-on-Tees - Part retrospective application for mixed use development comprising 81no. bedroom residential care home, 2no. sheltered accommodation units containing 24no. apartments and associated access, parking and landscaping.

The planning application related to an area of partially developed land of 0.689 hectares located on the north side of Blair Avenue close to the Myton Way Centre, which was the main retail/commercial centre in Ingleby Barwick. A nursing home had been erected at the eastern end of this land with associated access roads and parking areas which had not been in accordance with the planning permission granted for a nursing home on the site. The building was operational and occupied by residents and retrospective permission was being sought for an increase from 75 to 81 bedrooms and for changes to the road and parking layout from the scheme granted permission by application reference No. 08/2977/FUL.

Development had also commenced and stopped on two other buildings at the western end of the site. The building started at the rear, northern side of the site was intended to be an extension to the care home and that at the front is the footprint of a private medical building granted permission by application reference No. 08/2977/FUL. The proposal was to complete these two buildings

as 24 units of Category 2 sheltered housing accommodation. The sheltered housing would be for those needing 'active elderly/semi retired accommodation with self contained independent living'.

14 Objections to the application had been received including a Councillor and Ingleby Barwick Town Council. The primary concerns were the principle of and need for development at this location; highway safety including traffic generation, access and numbers of parking spaces; the impact on the appearance and character of the area in terms of scale and design; residential amenity and privacy including the amount of amenity/garden space; the lack of refuse and recycling storage; enforcement issues; and other material and non-material planning concerns.

The Acting Head of Technical Services Highway considered that overall the proposed development scheme would be less traffic intensive than the extant 08/2977/FUL planning permission during peak traffic periods notwithstanding the increase in the number of bedrooms in the care home. The scheme showed 32 car parking spaces which was more than the 31 required under the Council's adopted standards. The access arrangement remained unchanged from the previous approved scheme.

Accordingly the Planning Officer considered that the proposal would not give rise to any other highway safety concerns subject to conditions to ensure the access, roadways and car and cycle parking and bin store arrangements are carried out.

The proposed site layout included two new areas of garden for the residents of the sheltered accommodation. It was considered that the layout, landscaping areas, design and materials of the site and buildings would be appropriate to the location of the development. Conditions were required on hard and soft landscaping, tree protection and maintenance, means of garden enclosure, timing of works, cycle parking, refuse and recycling storage.

In accordance with Supplementary Planning Document 2: Open Space, Recreation and Landscaping December 2009 a payment of £27,631.68 was required for these purposes and would be secured by a Voluntary Section 106 Planning Agreement which the applicant had agreed to pay. A draft S106 would be drawn up and would be signed by all parties should Members approve the planning application. If this did not happen before the target date for determination of the application on 8th October 2010 it was recommended that the Head of Planning have authority to refuse the application.

Subject to the signing of the planning agreement for open space contributions the application was recommended by the Planning Officer for conditional approval.

The Chronological Planning History of the site was detailed within the report.

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

Neighbours had been notified by letter and site notice and comments that had been received were summarised within the report.

With regard 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 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 was the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP).

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

In conclusion the Planning Officer's report considered the application site was a sustainable location in accord with Planning Policy Statement 1, the Core Strategy and Local Plan saved policy HO3. The previous full, outline and reserved matters planning permissions granted in 2004, 2008 and 2009 had established the principle that the site was appropriate for development. The site was not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997.

With regard to the traffic and highway concerns it was noted that the Acting Head of Technical Services accepted that the development would generate less traffic, and meets the parking standards. This scheme was supported by a Travel Plan Framework which if implemented should further reduce the traffic impact below the levels of those schemes previously approved. Accordingly it was considered the proposal will not increase predicted future traffic levels or exacerbate traffic congestion in the area. The access position, sight lines and parking provision were satisfactory.

Allegations that the uses proposed were not necessary or a duplication of existing were largely commercial considerations and were not material in this case to the planning decision.

Other issues such as layout, landscaping, design and representations about the proposal had all been considered and the scheme accords with Local Plan saved policy HO3 and the Core Strategy.

Accordingly, the Planning Officer considered that the planning application should be approved subject to subject to the signing of the planning agreement for open space contributions and appropriate planning conditions to secure necessary controls over the development.

Members were presented with an update report that outlined that following publication of the main report, a further superceding Proposed Site Plan A-02 Rev D had been received in response to comments made by the Council's Waste Manager. This plan was attached to the report as Appendix 14 and replaced Appendix 4. The reference in the list of plans recommended to be approved at Condition 1 of the main report had therefore been updated with reference to A-02 Rev D instead of the previous Rev C as set out below.

The new plan A-02 Rev D now showed an increased bin storage facility for the larger proposed sheltered accommodation block of 14 units Block B. The scheme showed this unit would accommodate 2 x 1100 litre recycling bins, 2 x

1100 litre refuse bins and 2 x 240 litre bins for recycling glass in accordance with the requirements of Waste Management as set out below.

The bin storage for the proposed 10 unit sheltered accommodation block C would be 1 x 1100 litre for recycling, 1 x 1100 litre and 1 x 240 litre container for mixed glass and had not needed to be increased on the Proposed Site Plan. These refuse and recycling facilities would only require a weekly household refuse collection service.

The care/nursing home had previously been approved with a refuse storage area that was large enough to contain 4 x 1100 litre refuse containers. Waste Management had confirmed that 4 x 1100 litre containers would be adequate for a twice weekly trade collection service. The agent for the applicant had noted the requirements and passed them onto the applicant.

The Acting Head of Technical Services had been consulted on the amended plans and had verbally confirmed that their Highway and Landscape comments remain as set out in the main report.

In consultation Waste Management reported that as per the calculation set out in the Waste storage and collection guidance for developers document the following containers would be needed for the residential element of the application: 14 no apartments would require a bin store large enough to house 2 x 1100ltr refuse collections containers, 2 x 1100ltr mixed recycling containers and a 240ltr container for mixed glass. 10 no apartments would require a bin store large enough to house 1 x 1100ltr refuse collections containers, 1 x 1100ltr mixed recycling containers and a 240ltr container for mixed glass. These requirements would be in place as a weekly collection would be delivered by SBC as part of the weekly household refuse collection service.

With regards to the commercial element of the application, Waste Management had confirmed that 4 x 1100 litre containers would be adequate for a twice weekly trade collection service. The agent for the applicant had noted the requirements and passed them onto the applicant.

In conclusion the scheme had been amended by the submission of a new Proposed Site Plan which showed that refuse and recycling facilities would be in accordance with the requirements of Waste Management for a weekly household collection and a twice weekly trade collection.

The recommendation remained as previously set out in the main report with the exception of the update to Condition 1 Approved Plans to show the receipt of the superceding plan A-02 Rev D. The application was recommended for Approval subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the conditions as amended.

Objectors were in attendance at the meeting and one of the objectors made representation.

Members discussed the application at length. Members raised concerns over the density of the development and impact this would have on traffic generation and this would therefore be an over development of the site. Members also considered the proposal to be overdeveloped and therefore deficient in amenity

space for residents. Members also felt that the proposal had inadequate on site car parking provision and that the proposal needed greater levels of sustainable building methods and energy conservation.

The Head of Planning Services and the Principal Solicitor reported that if Members were minded to refuse the application on the issues outlined above then the Planning Protocol for Decisions Contrary to Officers Recommendations would be invoked to give further consideration to those reasons for refusal. The application was therefore deferred as the Protocol required the application be reported back to the next meeting of the Planning Committee for Members to give due consideration to any further advice from Officers on the soundness and reasonableness of the reasons for refusal before making a final determination.

RESOLVED that:-

1. Members be minded to refuse planning application 10/1778/FUL for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed development would be contrary to policy CS8 3. of the adopted Stockton on Tees Core Strategy as higher density development is considered to be inappropriate in Ingleby Barwick due to the impact on traffic generation, and will therefore be an over development of the site.

2. In the opinion of the Local Planning Authority the proposed development is contrary to the guidance in Planning Policy Statement 1 that Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted and developments should be designed as places where people will wish to live and include good amenity space The proposal is considered to be overdeveloped and therefore deficient in amenity space for the residents and is not considered to result in good design or good planning contrary to Government advice in PPS1 Delivering Sustainable Development.

3. In the opinion of the Local Planning Authority the proposed development would be contrary to saved Policy HO3 (6) of the adopted Stockton on Tees Local Plan 1997 in that inadequate on site car parking provision is proposed in the interests of highway safety.

4. In the opinion of the Local Planning Authority the proposed development would be contrary to policy CS 3 paragraphs 1, 2,3,4,5, of the adopted Stockton on Tees Core Strategy in that no evidence has been submitted that these requirements will be met:-

a. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

b. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

c. The minimum carbon reduction targets will remain in line with Part L of the

Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

d. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

e. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

2. The Planning Protocol for Decisions Contrary to Officers Recommendations would be invoked to give further consideration to the soundness of the reasons for refusal.

3. The application be deferred as the Protocol requires the application be reported back to the next meeting of the Planning Committee for Members to give due consideration to any further advice from Officers before making a final determination unless Officers are satisfied that the reasons are sound and reasonable in which case the refusal decision notice would be issued.

**P  
56/10**

**10/1809/FUL**

**Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees  
New two storey teaching block extension linked into the rear of an existing  
maths teaching block to provide a mixture of science and IT labs to  
replace existing labs within the college.**

Consideration was given to a report on planning application 10/1809/FUL - Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees - New two storey teaching block extension linked into the rear of an existing maths teaching block to provide a mixture of science and IT labs to replace existing labs within the college.

The application site lay within the southern area of the college site with residential properties immediately to the south (Chivers Court and Meridian Way). The Sixth Form College site lay on the corner of Oxbridge Avenue and Bishopton Road West. The playing fields occupy the eastern area of the site, adjacent to Oxbridge Avenue. The existing college buildings occupy a central location within the site and main parking provision in the western area of the site.

Planning permission was sought for the erection of a two storey teaching block extension in the southern area of the college site to provide a mixture of science and IT laboratories, the proposed building would link into the maths building. The proposed laboratories would replace existing laboratories within the college (which are to be mothballed pending future redevelopment) and did not aim to increase the maximum number of students enrolled within the college.

The proposed development was considered by the Planning Officer to be visually acceptable and would not have any significant impacts on the amenity of the neighbouring occupiers or pose any significant threat to highway safety. The proposed development was therefore considered to be acceptable in planning terms.

The applicant, agent, objectors and Ward Councillor Cockerill were present at the meeting and made representations.

Councillor Broughton made representation against the application. Councillor Broughton reported that during email correspondence with the Planning Department he had requested that Members of the Planning Committee visit the site. The Planning Officer reported that Councillor Broughton had not followed the Site Visit Protocol and although the Planning Officer had emailed the necessary form to Councillor Broughton he had not returned it. Councillor Broughton then withdrew from the meeting as he had made his views known as Ward Councillor.

Members discussed the application at length and raised concerns over the proximity of the extension to the houses on Chivers Court. Discussions then took place on whether the extension could be built in a different locality on the site. Members then discussed the benefits of a site visit and a motion was moved to defer the determination to enable a site visit to take place. Following a vote the motion was carried.

RESOLVED that the determination of application 10/1809/FUL be deferred to enable a site visit to be undertaken by Members.

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57/10**

### **Environment Development Plan Document Issues and Options**

Consideration was given to a report on the Local Development Framework: Environment Development Plan Document Issues and Options.

The report advised Members that the Spatial Planning team were moving forward with the preparation of the Environment Development Plan Document (DPD) Issues and Options. A draft issues and options report had been circulated for internal Council consultation in July with the amended document subsequent to this consultation being presented to Members.

The Issues and Options paper detailed issues affecting the natural, historic and rural environment of Stockton-on-Tees Borough and invited the public and stakeholders to make comments on which options they felt were most appropriate for dealing with these issues. In accordance with the Local Development Scheme (LDS) the document was intended to go out for public consultation in November/December 2010.

Issues and Options was the first stage of the consultation process. The report detailed issues affecting the natural, historic and rural environment of Stockton-on-Tees Borough and invited the public and stakeholders to make comments on which options they felt were most appropriate for dealing with these issues. The issues and options paper presented the chance to consider how different policy options might deliver or hinder those broader local

community priorities and test whether those choices fit well with national policy and guidance.

The report detailed an overarching approach to mitigating and adapting to the affects of climate change and delivering green infrastructure. With the following four main themes providing the main content of the report:-

Theme 1 - Natural Environment – planning policies on the protection and enhancement of the natural environment

Theme 2 - Historic Environment – policies on the conservation and, where appropriate, enhancement, of the built heritage within the Borough.

Theme 3 - Rural Environment – policies on rural character and diversification

Theme 4 - Urban Open Space – policies on the strategic management of green spaces throughout the Borough

In accordance with the LDS the document was intended to go out for public consultation in November/December 2010.

The Environment DPD Issues and Options report was available in the Members' Library and on the Electronic Members' Library (accessible through the Council Intranet).

Following consideration by the Planning Committee the report would be referred to Cabinet on 30th September 2010 for Members agreement.

RESOLVED that the content of the report be noted.

**P**            **Local Development Framework Steering Group Minutes**  
**58/10**

Consideration was given to the Local Development Framework Steering Group minutes of the meeting held on 29th June 2010.

RESOLVED that the minutes of the Local Development Framework Steering Group held on 29th June 2010 be noted.

**P**            **1. Appeal - Mr William Gate - 15 Station Road Eaglescliffe - 09/1557/FUL -**  
**59/10**       **DISMISSED**

RESOLVED that the appeals be noted.