

Planning Committee

A meeting of Planning Committee was held on Wednesday, 8th April, 2009.

Present: Cllr Roy Rix(Chairman), Cllr Fred Salt(Vice-Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Mrs Jean O'Donnell, Cllr Mrs Maureen Rigg, Cllr Steve Walmsley

Officers: B Jackson, A Glossop, J Hutchcraft, R Young, R Richardson, M Clifford, R McGuckin, P Shovlin, J Roberts, C Snowdon (DNS); J Grant, R Phillips, A Squires, S Johnson (LD)

Also in attendance: Cllr Mick Eddy, Cllr Julia Cherrett; Applicants, agents and members of the public

Apologies: Cllr Ross Patterson

P 1/09 **Declarations of Interest**

Councillor Rix declared a personal non prejudicial interest in the item entitled 08/3586/FUL, Bishopsgarth Cottages, Darlington Back Lane, Stockton-on-Tees - Retrospective application for erection of 2 No. dwelling houses, due to being aware of the applicant.

Councillor Walmsley declared a personal prejudicial interest in the item entitled, 09/0074/OUT Former Supreme Knitwear, Middleway, Thornaby - Revised outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation, due to being a Member of Thornaby Town Council, but made representations under paragraph 12(2) of the Code of Conduct, and then left the meeting room for the consideration and voting of the item.

Councillor Miss Large declared a personal prejudicial interest in the item entitled, 09/0074/OUT Former Supreme Knitwear, Middleway, Thornaby - Revised outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation, due to being a Member of Thornaby Town Council, and left the meeting room for the consideration and voting of the item.

Councillor Mrs Beaumont declared a personal prejudicial interest in the items entitled 09/0443/CON, 79A High Street, Yarm, Application for Conservation Area Consent for demolition of garage and 09/0388/REV, 79A High Street, Yarm, Revised application for erection of two-storey extension to the rear, as she was a close associate of the applicant, but made representations under paragraph 12(2) of the Code of Conduct, and then left the meeting room for the consideration and voting of the items.

Councillor Mrs Beaumont declared a personal non prejudicial interest in the item entitled 09/0074/OUT Former Supreme Knitwear, Middleway, Thornaby, Revised outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation, due to being on the Board of Stockton Riverside College.

Councillor Phillip Broughton declared a personal non prejudicial interest in the items entitled 09/0443/CON, 79A High Street, Yarm, Application for Conservation Area Consent for demolition of garage and 09/0388/REV, 79A

High Street, Yarm, Revised application for erection of two-storey extension to the rear, due to being acquainted with the applicant.

P **Minutes of the meetings held on 14 January 2009 and 4 February 2009**
2/09

The minutes of the meetings held on 14 January 2009 and 4 February 2009 were signed by the Chairman as a correct record.

P **09/0074/OUT**
3/09 **Former Supreme Knitwear, Middleway, Thornaby**
Revised outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation.

Consideration was given to a report that sought outline planning permission for the erection of a student accommodation building with associated training facilities. Only the principle of development and the access into the site were to be considered, all other matters were reserved for future consideration.

The application site was a large industrial style building with associated car parking which was set slightly below the existing road level by approximately 0.5 metres. The site was triangular in its nature and was bounded by three main highways, Mandale Road, Middleway and New Street.

It was explained that the development would reach an overall maximum height of 6 storeys. The proposal aimed to secure provision for approximately 260 student beds and the provision training uses in association with Action for Employment on the ground floor, which may provide ancillary services to the main use of student accommodation.

It was noted that the scale and massing of the proposed development was considered to be appropriate in the context of the street scene although further detailing would be required as part of a reserved matters application.

The Committee was presented with an update report that outlined further comments received from residents.

The Committee considered that despite the potential positive regeneration benefits of the proposal, concerns remained in relation to the need for further student accommodation. On the whole the Committee considered that the applicant had failed to satisfactorily demonstrate that there was a proven need for the development and was therefore contrary to the Councils recently agreed student needs interim policy.

The Ward Councillor was in attendance at the meeting and spoke in support of the application.

The Planning Consultant was in attendance at the meeting and spoke in support of the application.

A member of the public was in attendance at the meeting and objected to the

application.

RESOLVED that planning application 09/0074/OUT be refused for the following reason:-

1. In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate there is a proven need for the development; contrary to the Councils adopted interim student accommodation policy guidance document.

P **09/0599/LBC**
4/09 **Billingham Forum, Moreland Avenue, Billingham**
Listed building consent for alterations to external cladding and brick work, new roofing and internal refurbishment to include erection of new atrium and entrance area.

Consideration was given to a report that sought listed building consent for external works to the Billingham Forum, Moreland Avenue, Billingham. The theatre element of the Forum was a grade II Listed Building. The external cladding works were considered to affect the character and appearance of the listed building therefore listed building consent was required.

It was explained that as the application related to works to a listed building in the ownership of the local authority the application must be referred to Government office North East for determination. To ensure that the development programme for the Forum was not delayed it was important to get the application to the Government Office at the earliest opportunity. Neighbour notification expires on 20th April 2009 and it was recommended that any representations received after the Planning Committee meeting be delegated to the Head of Planning to consider.

The Committee was presented with an update report that outlined legislation under the Conservation (Natural Habitats &c.) Regulations 1994 which was to be considered as part of the determination of the application. Additional drawings were also presented.

The Committee considered that the application was acceptable and that the Government Office be advised that the Local Planning Authority had no objections to the proposal.

RESOLVED that the consideration of representations which may be received during the remaining period of neighbour notification be delegated to the Head of Planning for consideration and subject to no new material planning considerations arising from the representations that the Government Office for the North East be advised that the Local Planning Authority has no objections to the proposal.

P **08/3586/FUL**
5/09 **Bishopsgarth Cottages, Darlington Back Lane, Stockton-on-Tees**
Retrospective application for erection of 2 No. dwelling houses

Consideration was given to a report that sought retrospective planning permission for the erection of 2 dwelling houses at Bishopsgarth Cottages, Darlington Back Lane.

It was explained that planning permission was granted for 2 replacement dwellings on the site which was located outside of the limits to development as defined within the Borough Local Plan. There was no planning policy in favour of new residential development in such locations unless it was specifically needed for reasons such as farming or forestry. In view of the original proposals being a replacement scheme, it was considered an acceptable proposal subject to some limitation relating to the scale of the replacements and other normal considerations of design and appearance which needed to be suitable for its setting.

Development commenced on site and since the original approval there had been other approvals for minor additions. The development that had been carried out on site was outwith any of the approved schemes and had increased roof heights of buildings, increased footprints of buildings, changed elevation details and boundary treatments had been erected which had not been agreed with the Local Planning Authority. It was considered that the cumulative impact of the unauthorised changes resulted in the buildings being of an excessive scale for the site and its location taking into account the relatively small scale of development previously on site and of a less appropriate character for the sites urban fringe location, thereby being contrary to Policies GP1, EN13, HO3 and HO11 of the Stockton on Tees Local Plan and PPS7, Sustainable Development in Rural Areas.

It was noted that there had been no formal neighbour objections to the application. Two letters of objection had been received from the Ward Councillors. The objections related mainly to the extent of the development beyond the previously approved scheme in respect to the scale, detailing and external boundary treatments.

The Committee was informed that the applicant had submitted information relating to the departures from the previous approvals, however, these were not considered to outweigh the need to control the development in line with established local and national planning policies.

The Committee was presented with an update report that highlighted an incorrect reference within paragraph 19 of the main report and also presented further information in relation to the southern, northern and western boundaries and enforcement proceedings.

The Committee considered that the application was unacceptable and that the development carried out on site had resulted in a site which was unacceptably dominated by built form, without adequate separation and with unsympathetic detailing in part. It was also considered that the two dwellings, as built, could not be justified at the location, beyond the defined limits of development where it was considered the scale of replacement dwellings needed to be controlled against established policies of restraint for new residential development.

The Ward Councillor was in attendance at the meeting and objected to the

application.

The applicant was in attendance at the meeting and spoke in support of the application.

Planning application 08/3586/FUL be refused for the following reasons:-

In the opinion of the Local Planning Authority, by virtue of the scale and prominence of the dwellings, their relationship with one another, their design treatment and the boundary treatments associated with the site, the replacement dwellings have significantly altered the urban fringe / semi rural character of this area and are considered to have an overly dominating impact on the site, thereby conflicting with the saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan and National Planning Policy contained within PPS7, Sustainable Development in Rural Areas.

In the opinion of the Local Planning Authority, by virtue of the scale of the dwellings it is considered that these no longer constitute replacement of the much smaller former buildings on the site, being contrary to saved Policy EN13 of the Stockton on Tees Local Plan and PPS 7 Sustainable Development in Rural Areas which restricts unjustified residential development within such locations.

And the Director of Law and Democracy be authorised to take appropriate enforcement action which will result in the development being in accordance with the approved details and intended condition outcomes of planning approval 07/2319/ARC, although excluding the following:-

- the introduction of a false door within the ground floor of the lower height southern elevation of dwelling no. 1, and
- the change to the style of door and cill detail within the ground floor northern elevation of dwelling no. 2.

**P
6/09**

**09/0443/CON
79A High Street, Yarm,
Application for Conservation Area Consent for demolition of garage.**

Consideration was given to an application that sought conservation area consent for demolition of a detached garage within the curtilage of 79a High Street Yarm.

The main consideration was the loss of the building and the impact on the character of the Yarm conservation area. The building was one and half storeys in height, detached, with vehicle access for one car from Manor House Mews. The building was brick and pantile of traditional construction in poor condition and was likely to have been built originally as a stable.

The building was considered to be only of minor architectural and historical merit therefore the loss of the garage was considered acceptable subject to the imposition of conditions. The application Site notice required for wider publicity in a conservation area did not expire until the 16th of April. Members therefore agreed that the application be delegated to the Head of Planning for approval subject to no new material planning considerations after this date but before the

target date of the 22nd April 2009.

RESOLVED that planning application 09/0443/CON be delegated to the Head of Planning for approval subject to receiving no significant material planning considerations objections.

**P
7/09**

**09/0388/REV
79A High Street, Yarm,
Revised application for erection of two-storey extension to the rear.**

Consideration was given to an application that sought planning permission for a two-storey extension to the rear of 79a High Street Yarm. The application had been submitted by Councillor J Earl therefore under the Council's scheme of delegation the application had to be determined by planning committee.

The extension had been designed as a contemporary link and replaced an existing one and half storey garage. The application was a revised proposal of application 08/3631/REV for a two storey extension submitted in December 2008 and refused by planning committee for the following reason:

"The design and detailed architectural form of the extension conflicts with the existing property and is contrary to policy HO12 and EN24 of the local plan and will not preserve or enhance the character of the Yarm conservation area".

The proposal had been altered in design to create a more contemporary glazed solution to contrast with the simple historic vernacular of 79a High Street. The proposal would accommodate a living room with central chimney and spiral stair, sunroom and cloak room at ground floor level with glazed opening into the garden area. First floor would accommodate a bedroom, bathroom and balcony with glazed doors and a Juliet balcony facing into the garden. The first floor accommodation would be reached through the existing dwelling house as well as the proposed spiral staircase.

Members considered that the revised proposal was acceptable in terms of design and would not have an adverse impact on the character of the conservation area or the amenities of neighbouring residential properties. Members considered that the current proposal had been sufficiently redesigned in order to address the previous concerns of the local authority and the previous reason for refusal.

RESOLVED that planning application 09/0388/REV 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
138F 20 February 2009
138F 0807 003 G 20 February 2009
138 F 0807 005 A 20 February 2009

2. Full details of external materials proposed for the walls and roof of the building, including windows and doors shall be submitted to the Local Planning Authority before those elements of the development are constructed.

3. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

4. 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.

P 09/0307/LA
8/09 High Clarence Primary School, Port Clarence Road, Port Clarence
Erection of new school hall (demolition of existing hall)

Consideration was given to an application that sought planning permission for the demolition of the existing High Clarence Primary school hall at the rear of the school and the replacement with a new school hall and associated store rooms. The proposed hall would be linked to the original school building with access provided from the main corridor and rebuilt kitchen area.

The proposal was located on the footprint of the existing school hall with no alteration to existing play area at the site. The building would cover an area of approximately 210 square metres and was single storey having a gable pitched roof. An amended plan had been submitted which resulted in the height of the roof being lowered from 8.1 metres to a height of 7.1 metres. The windows on the north and west elevations were recessed and included additional Artstone detailing above the windows and doors.

A Design and Access Statement and a Flood Risk Assessment had been submitted with the application.

There were no objections from consultees or neighbouring residential occupiers in respect of the original proposal. Consultees and neighbours had been reconsulted on the amended scheme and comments received were noted.

Members considered that the location of the proposed school hall to the rear of the school was the most suitable location being set back from Port Clarence Road. Members also considered the revised details of proposed hall were acceptable and the site would satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours or visual impact on the area and did not conflict with policies in the Development Plan.

RESOLVED that planning application 09/0307/LA 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

0005-ARC1145-01 11.2.2009

0005-ARC1145-03 11.2.2009

0005-ARC1145-05 11.2.2009

0005-ARC1145-08 11.2.2009

0005-ARC1145-10A 30.3.2009

2. During construction of the scheme hereby approved there shall be no operation of plant outside the hours of 8am - 6 pm weekdays and 9am to 1pm on a Saturday and at no other times on a Sunday or bank holiday.

P 9/09 Core Strategy Submission Version, Schedule of Comments in response to Core Strategy Publication Consultation and Revised Habitats Regulations Assessment.

Consideration was given to the Core Strategy Development Plan Document (DPD). DPD was the key document in the new Local Development Framework (LDF), which, when adopted, would provide strategic planning policies to guide the location of future development in the Borough over the next 15 years to 2024.

It was explained that the preparation of DPDs was closely circumscribed by the Planning Acts and associated legislation and national planning guidance which set out the stages through which documents must proceed before they became statutory planning policy.

The Core Strategy had passed through a number of these preparatory stages and associated consultation periods; Issues and Options, Preferred Options, Publication and was moving on to its final stages of submission, examination and adoption.

Members were also presented with the Habitat Regulations Assessment. This was a technical document that formed part of the evidence base, and demonstrated how the need to protect sites, which were of European importance for their nature conservation value, had informed policy development. This had been amended since publication to acknowledge comments submitted by Natural England and the Royal Society for the Protection of Birds.

The Submission Stage was the commencement of the examination of the Core Strategy. There was no further period of public consultation. The Core Strategy itself and associated documentation (Schedule of Proposed Changes, Consultation Statement, Sustainability Appraisal, Appropriate Assessment, the Infrastructure Strategy and all of the documents comprising the evidence base) were to be sent to the Planning Inspectorate. It would be allocated to a Planning Inspector who would undertake an initial checking procedure. Events might then take two courses of action:

- The Core Strategy proceed straight to examination;
- If PINS had reservations about the soundness of the Core Strategy or any part of the evidence base, the inspector would call an exploratory meeting at which

he may direct the Council to:

- * Undertake further work on the evidence base;
- * Undertake further consultation;
- * Consider withdrawal of the Core Strategy.

The Core Strategy was scheduled to be submitted to PINS in May 2009.

RESOLVED that:

1. the Proposed Changes to the Publication Draft Core Strategy be endorsed and;
2. how comments made to the Core Strategy in response to the Publication Consultation have to be dealt with be endorsed;
3. the findings of the Habitats Regulations Assessment of the Core Strategy be endorsed.

**P
10/09** **Open Space, Recreation and Landscaping Supplementary Planning Document**

The draft Open Space, Recreation and Landscaping Supplementary Planning Document was presented to Members for consideration. The document was to be taken to Cabinet on 16 April 2009 to seek Member agreement to undertake its statutory six-week consultation. The document was intended to improve clarity and efficiency when requesting planning obligation contributions to open space and recreation facilities on new developments.

RESOLVED that the information be noted.

**P
11/09** **Economic Viability Of Affordable Housing Requirements In Stockton**

Consideration was given to a report relating to the economic viability of affordable housing requirements in Stockton.

It was explained that Arc4 had been commissioned to test the economic viability of the affordable housing requirements set out in Policy CS8 in the Core Strategy DPD Publication Draft. The report (Economic Viability Of Affordable Housing Requirements In Stockton: Report for Stockton Borough Council) was provided for Members along with an executive summary. It was noted that the methodology used was the subject of a consultation exercise with the development industry and a report detailing this was provided for the Committee.

The report found that, in the still relatively favourable market conditions of late 2007, most sites would be viable with at a level of 15-20% affordable housing provision and with a tenure split of 80% social rent and 20% shared ownership.

The Committee was informed that the report recommended that the baseline policies for affordable housing provision should be established in the context of market conditions in late 2007. However, it also recommended that these policies would need to be applied with considerable flexibility whilst the market was in recession.

It was explained that the report did not support a threshold for affordable

housing provision that was below the national indicative figure of 15 dwellings. Therefore, it was recommended that the threshold for affordable housing provision in Policy CS8 be raised to 15 dwellings.

Members of the Committee discussed the report. Members queried the use of housing data from late 2007 to inform the study. It was explained that a fundamental aspect of the modelling work incorporated data relating to land sales. Owing to severe market conditions during 2008 there was insufficient data of this type available during 2008. Therefore, the latest that a solid baseline could be established for the modelling work was late 2007. It was also explained that the report incorporated a scenario with a 15% fall in house prices (from the late 2007 baseline) and that this equated to what had happened to house prices during 2008.

It was commented that there was an obvious drive towards social housing as a way to address the current market problems. It was explained that the remit of the report with regard to social housing was limited to testing the viability of the tenure split of 80% social rented/20% intermediate tenure (proposed in Policy CS8 of the Publication Draft Core Strategy DPD). This was a separate issue from social housing that was grant funded rather than social housing that was funded by developers on the back of planning permissions.

The Committee requested that their comments be forwarded to the Cabinet meeting on 16 April for consideration.

RESOLVED that:-

1. The report be noted.

2. The comments of the Committee be forwarded to the Cabinet meeting on 16 April 2009 for consideration.

P
12/09 **Strategic Housing Land Availability Assessment**

Consideration was given to a report relating to the Strategic Housing Land Availability Assessment (SHLAA).

Members were reminded that the first SHLAA was published on 20th October 2008 and that the SHLAA was a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. The assessment was required by national planning policy, set out in Planning Policy Statement 3: Housing (PPS3).

It was explained that the national SHLAA Practice Guidance stated that the Assessment, once completed, should be regularly kept up-to-date (at least annually). Therefore, the 2008 SHLAA was now in the process of being reviewed and updated to produce the 2009 SHLAA.

An internal highways workshop focussing specifically on highways to assess the SHLAA sites had been held on 19th February. An internal stakeholder workshop to assess the SHLAA sites within a framework of suitability, availability and achievability had been held on 5th March. The Committee was provided with a schedule of sites with the internal stakeholder assessment, the schedule of sites discounted as being unlikely to yield 10 dwellings or more and the schedule of

sites with designations to which zero housing potential had been ascribed. It was intended to consult externally on the assessment over the five-week period Friday 8th May to Friday 12th June.

The Committee discussed the report. Concerns were raised in relation to some rural sites previously assessed as unsuitable having been reassessed as suitable for the 2009 SHLAA. It was explained that this had been agreed by the Steering Group and reflected lessons learned from the 2008 SHLAA in relation to assessing proximity to services.

Members of the Committee queried why the Steering Group did not include community representation. The officer explained that the SHLAA was part of the evidence base for the LDF. It was important (in order for it to be credible and robust) that it was a purely technical exercise. Therefore, the officer stated that it would not be appropriate to have community representation on the Steering Group. The officer added that the five-week consultation period and stakeholder event would provide the opportunity for community views on the assessment.

The Committee suggested that it would be helpful if Officers could give Town/Parish Councils more notice of consultation periods considering that most only met once or twice a month.

It was requested that the Blakeston School Site be removed from the assessment.

RESOLVED that:-

1. The report be noted.
2. The comments of the Committee be forwarded to the Cabinet meeting on 16 April 2009 for consideration.

P **Minutes of the Local Development Framework Steering Group**

13/09

Consideration was given to the minutes of the Local Development Framework Steering Group meetings held on 3 November 2008, 8 December 2008 and 28 January 2009.

RESOLVED that the minutes be noted.

P **1. Appeal - In - N - Out Services - Former site of Asda Supermarket**

14/09

Portrack Lane Stockton - 08/2178/FUL - WITHDRAWN

2. Appeal - Ian Browning - 1 Easby Grove Thornaby - 08/0563/FUL - DISMISSED

3. Appeal - Mr and Mrs N Snowdon and Mr and Mrs N I Snowdon - Homefield Farm High Lane Maltby - 07/2985/FUL - DISMISSED

4. Appeal - Mr Brian Green - 64 Meridian Way Stockton - 08/2466/COU - DISMISSED

5. Appeal - Mr M Douglas - Site West of Glebe Farm Elton Village Stockton - 08/2318/OUT - DISMISSED

6. Appeal - Miss Paula Coleman - 28 Springhill Grove Ingleby Barwick - 08/1924/FPD - DISMISSED

7. Appeal - Mr D Craig - 529 Yarm Road Eaglescliffe - 08/0689/FUL -

DISMISSED

RESOLVED that the appeals be noted.