

Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th November, 2009.

Present: Cllr Fred Salt (In the Chair); Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Cains (Vice Councillor Rix), Cllr Robert Gibson, Cllr Jean Kirby, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Ross Patterson, Cllr Mrs Maureen Rigg and Cllr Steve Walmsley.

Officers: B Jackson, C Straughan, R McGuckin, P Shovlin, J Roberts, M Clifford, K Campbell (DNS); P K Bell, J Butcher (LD).

Also in attendance: Applicants, agents and members of the public.

Apologies: Cllr Paul Kirton and Cllr Rix.

P Declarations of Interest

98/09

There were no interests declared.

P

09/2227/FUL

99/09

**Fairfield and District Association Institute, Bishopton Road West, Stockton-on-Tees
Demolition of existing derelict community hall and erection of 3 terraced houses and 1 pair of semi detached houses**

Consideration was given to a report on a planning application for the demolition of existing derelict community hall and erection of 3 terraced houses and pair of semi detached houses at Fairfield and District Association Institute, Bishopton Road West, Stockton on Tees (09/2227/FUL).

Planning permission was sought for the erection of 5 no. dwellings on land off Manor Place, Stockton. The proposed development was on the site of the former Fairfield and District Association Institute which was vacant and would be required to be demolished in order to allow the proposed scheme to take place.

Outline planning permission was refused on 14th June 2007 for the erection of 8 apartments within one building and associated means of access at the proposed application site (planning reference 07/1817/OUT). The application was refused on the grounds that the proposed development would have 'an unacceptable impact on the amenities of the adjacent properties and would adversely affect the character of the area'. The applicant's subsequent appeal of the Council's decision was dismissed by the Planning Inspectorate due to the lack of outdoor amenity provision and off site contribution to open space.

The application site was surrounded by residential housing to the north, south and west with the former site of St Marks Church to the east. The site was served off Bishopton Road West via an access which runs between two properties although the site had no frontage onto this road. The only part of the site with road frontage adjoined Manor Place. Manor Place was generally characterised by two storey semi detached properties and a mature tree lined road corridor.

At the point of the application site there were several mature street trees,

including a protected Sycamore tree. This and other trees were considered to have a positive greening affect on the character and appearance of the area and worthy of continued protection.

The applicant initially sought permission for the erection of 5 terraced dwellings, however this was not considered to be in keeping with the existing street scene. The applicant had subsequently submitted revised plans with the break up of the terraced properties into a pair of semi detached properties and a block of 3 terraced dwellings with additional revisions to parking provision.

The main planning considerations in regard to the application were the impacts on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties, the impact on existing landscaping features and the impact on highway safety and access.

The Head of Technical Services considered that adequate access and parking were provided and that the scale of the development was unlikely to materially affect the amount of traffic on Manor Place.

Ten letters of objection had been received from occupiers of residential properties along Manor Place. The objections were based mainly on the impact of the proposed scheme on the surrounding area, highway safety and the existing landscape features.

The Planning Officers report concluded that overall the proposed development was of a suitable layout, scale, design and appearance for its setting whilst provides adequate spacing from adjacent properties and provides adequate private amenity space, being in accordance with saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan, and PPS3 – Housing.

Members were presented with an update report that outlined that Councillor Perry and Councillor Woodhead had commented that the revised plans provided a development that was more in character with the surrounding area as opposed to the previous scheme for a flatted development and that the greater set back of the properties from the highway would reduce the impact on the privacy of neighbouring properties. However, both Councillors' had raised concerns with regard to the impact of the proposed development on traffic flow and potential on street parking within Manor Place. Both Councillors' had suggested that the proposed area of landscaping to the south of the application site should be utilised as additional parking to reduce on street parking whilst they had suggested that 'enforcement markings' be imposed in the area to discourage on street parking.

Councillor Mrs Fletcher had objected to the proposed scheme on the grounds that there was no footpath to the front of the properties which could lead to potential highway safety issues whilst the proposed incutillage car parking for each property would not prevent on street parking from visitors. Objections were also raised by Councillor Mrs Fletcher with regard to the design and scale of the proposed scheme, which was not considered to be in keeping with the surrounding properties.

The Acting Head of Technical Services outlined that Manor Place served 40 houses, all of which had the benefit of incutillage car parking. The proposed

car parking accorded with SPD3 and therefore, there was no requirement for any further car parking to be provided. Whilst it would be preferable to provide a footway along the front of the site it was not possible due to the presence of mature trees which were protected by a Tree Preservation Order. As each dwelling would have incurtilage car parking it was not deemed necessary to provide any parking restrictions on Manor Place.

With regard the neighbour consultation responses following consultation on the revised plans, an additional 6 letters of objection had been received from no's 15, 24, 26, 33 and The Elms, Manor Place. Additional objections to those previously received were summarised as follows;

- Revised parking scheme was impractical, and would still lead to traffic problems and potential highway safety issues with poor visibility splays
- No explanation had been provided regarding the development over public land (grass verge to front of proposed scheme) and who would pay for the dropped kerb
- Concerns were raised with regard to where works vehicles would park during construction, as well as the issue of the delivery and storage of materials. This could lead to potential damage to the grass verge and trees
- Reference was made to Planning Policy Guidance 13; Transport – there was no provision of a footpath to front of the properties, and therefore the proposal did not meet the requirements for disabled user
- Reference was made to Planning Policy Guidance 17; Planning for open space, sport and recreation- in accordance with this, assessment should be undertaken to demonstrate that recreational buildings were surplus to requirements and that consultation with the local community should take place
- Revised design and scale of the proposed scheme was still out of keeping with street scene
- The application should be delayed until the land proposed for development adjacent to church should be finalised before

Additional objections had been received with regard to the revised parking provision being inadequate with the potential for an increase in traffic, on street parking and a loss of highway safety with suggestion of the creation of additional parking to the south side of the site. These matters had been addressed in the main report. The proposed scheme met the requirements of the Acting Head of Technical Services in terms of the access crossings, the amount of parking spaces being provided and the additional loading it would have on traffic within Manor Place. Furthermore, it was considered that the loss of the southern section of landscaping within the site to provide a hard surfaced parking court would reduce the positive greening affect this area would have on the immediate environment.

Whilst the comments were noted in respect to the provision of a footpath to the front of the site and the provision of highway markings to prevent on street parking, the Acting Head of Technical Services considers that these were not

required taking into account the level of incurtilage parking being provided and the over riding desire to retain the protected trees. In addition to the comments of the Acting Head of Technical Services, it was considered that imposing highway parking restrictions outside the site may lead to the more occasional visitor parking taking place elsewhere within Manor Place. On street parking was a common feature within lightly trafficked residential streets and this proposal was not considered to require a different view to be taken. With regards to proposed footpath provision, the garden of the adjacent bungalow (1 Manor Place) abuts the vehicular highway of Manor Place with no intervening footpath. As such, were a footpath provided to the front of the application site, it would not be able to connect up with the footpath within Bishopton Road West and pedestrians would still need to cross Manor Place. A footpath to the front of the site would therefore have limited use.

With regard to comments suggesting the revised design of the dwellings were out of keeping within the surrounding area, this consideration had been addressed within the main committee report.

Concern had been raised that works vehicles would congest the highway and damage the grass verges within Manor Place. In order to address this matter as much as practically possible, a temporary works vehicle parking scheme would be required by recommended condition 11, as would the provision of a scheme for the protection of the grass verge and protected tree to the front of the site condition 7.

With regard to the impact of the proposed vehicular access over the grassed verge to the front of the site and the impact of the proposal on existing landscape features including a protected tree, these had been addressed within the main committee report and subject to the protection of the tree and further details of the verge crossing, which would be secured by planning conditions, it was considered that the proposed scheme would not have a significant adverse impact on the protected tree and other landscape features adjacent to the site that would lead to an adverse loss of visual amenity of the surrounding area.

One letter of objection made reference to PPG17 and the requirement for an assessment to be undertaken to demonstrate that the existing building was surplus to requirements and that no local community consultation had taken place on the application. At present, the existing site was without use and in a particularly poor state. The building was not located within a defined area for local services. It was considered that the building did not contribute to the provision for the local area whilst its replacement would make a positive contribution to the character and appearance of the street scene.

With regard to comments made in respect to the potential for a combined development with the site of the former St Mark's Church to the rear of the application site, as noted within the main report, outline planning permission was granted on 6th October 2009 (approval 09/1704/OUT) for the erection of 4 no. detached dwelling houses on this site whilst the Local Authority were required to consider applications as submitted. It was considered that whilst there may be benefits of a combined scheme across this and the adjacent site, each site was able to be developed independently whilst meeting planning and other development based requirements.

Since the publication of the main report, the tree preservation application submitted to carry out works to the 1 protected sycamore tree to the front of the site was approved on 23rd November 2009 under delegated powers (approval reference 09/2402/X).

The update report concluded that the site was located within a residential area, within the defined limits of development and as such the principle of residential development was already established. The proposed development was considered to be of an appropriate scale and design for its setting and achieves adequate spacing from surrounding properties and was therefore considered to not result in any unacceptable impacts on privacy or amenity associated with other dwellings. Adequate provision for access and parking had been made.

The update report considered that the additional comments raised did not alter the conclusions within the main report and it was recommended that the application be determined in accordance with the recommendation within the main report.

Local residents that had objected to the application were in attendance at the meeting and were given the opportunity to state their case for the application to be refused.

Members discussed the application at length and felt that the proposed development would be contrary to the guidance in Planning Policy Statement 3 and Saved Local Plan Policy H011 in that the proposed residential development would be at a density in excess of what could be reasonably assimilated into the area and the proposed scheme had not been designed and laid out to provide a high quality of built environment which would be in keeping with its surroundings and would compromise the quality of the environment.

RESOLVED that Planning application 09/2227/FUL be refused for the following reason:-

In the opinion of the Local Planning Authority the proposed development would be contrary to the guidance in Planning Policy Statement 3 and Saved Local Plan Policy H011 in that the proposed residential development would be at a density in excess of what could be reasonably assimilated into the area and the proposed scheme has not been designed and laid out to provide a high quality of built environment which is in keeping with its surroundings and would compromise the quality of the environment.

P 09/2358/X
100/09 1 Old Rectory Gardens, Yarm, TS15 9EN
Application to fell 2 Sycamore trees, 1 Ash tree, to remove deadwood from 1 Pine and 1 Sycamore tree and to crown trim 1 Beech tree.

Consideration was given to a report on a planning Application to fell 2 Sycamore trees, 1 Ash tree, to remove deadwood from 1 Pine and 1 Sycamore tree and to crown trim 1 Beech tree at 1 Old Rectory Gardens, Yarm, TS15 9EN (09/2358/X).

The Tree Preservation Order on the site was made on the 18th April 2005 and confirmed on 8th August 2005. The Order was made as the trees were considered to have amenity value, making a major contribution to the visual amenity of the area and would provide screening for a possible future development.

The application sought consent to fell 2 sycamore trees, 1 ash tree, remove deadwood from 1 pine tree and 1 sycamore tree and to crown trim 1 beech tree. The 2 sycamores were not protected and permission was therefore not required.

15 letters of objection had been received to the application, on the grounds of the impact on the view/outlook, the impact on wildlife within the area and the general impact on the environment.

The Council's Arboricultural Officer had assessed the application and considered the proposed works were part of ongoing maintenance of the trees within the site and supported the works and stated the 1 Ash tree that was to be felled was of poor structural form and not suitable for long term retention.

The applicant and objectors were in attendance at the meeting and were given the opportunity to state their case.

Members felt that it was regrettable that they were having to consider this application as the trees were considered to have amenity value, making a major contribution to the visual amenity of the area. However Members reluctantly agreed the application as the Council's Arboricultural Officer had assessed the application and considered the 1 Ash tree that was to be felled was of poor structural form and not suitable for long term retention.

RESOLVED that planning application 09/2358/X be approved subject to the following conditions:-

01. The work hereby approved shall solely be:-

1. Felling of 1 no. ash and 1 no. sycamore located to the side of the property.
2. Felling of 1 no. sycamore tree located to the rear of the property.
3. Removal of visible deadwood from 1 no. pine tree and 1 no. sycamore tree.
4. Crown lifting of soft growth from 1 no. beech tree not exceeding 15% canopy volume, this shall include small diameter branches not exceeding 75 mm in diameter.

02. The 1 no. Ash tree that is to be felled shall be replaced with a specimen of type and species to be agreed with the Local Planning Authority before the removal of the tree. The replacement tree shall be planted within the first planting season following the removal of the tree. Should the replacement tree die, become damaged or diseased they shall be replaced within the first planting season following it's demise with a type and species to be agreed in writing with the Local Planning Authority.

03. The works hereby permitted shall be begun before the expiration of 12 months from the date of this permission

04. All works to be done competently in accord with arboricultural best pruning practices and to a minimum standard of BS3998 Tree work recommendations.

P Strategic Housing Land Availability Assessment

101/09

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

The Strategic Housing Land Availability Assessment (SHLAA) was in the process of being updated. The annual updating of SHLAA work was a requirement of the Government's guidance. The 2009 SHLAA had been completed. A copy of the document was available in the Members library. The report set out a brief summary of the process of producing the SHLAA.

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 had been reviewed and updated to produce the 2009 SHLAA.

The national Practice Guidance emphasises the importance of partnership working in the production of a SHLAA and this was reflected in both the regional and Tees Valley SHLAA implementation guides. Accordingly, a steering group comprising representatives of key stakeholders such as the Home Builders Federation, Registered Social Landlords and relevant SBC teams such as Development Services guided the production of the 2009 SHLAA.

The steering group met on 15 December 2008 to agree the process for producing the 2009 SHLAA. It was agreed that it would include a highways workshop, an internal stakeholder workshop and a key stakeholder event. It was also agreed that the key stakeholder event should form part of a consultation period in which LDF consultees would also be given the opportunity to comment on the internal stakeholder site assessments.

The consultation period ran from 8th May to 12th June 2009. Both public and professional consultees had the opportunity to comment through e-mail or written comments. The key stakeholder event was run as a "drop-in" event and held on 1st June 2009.

Following the close of the consultation period and the holding of the key stakeholder event the steering group met in order to come to a conclusion about any "contentious" sites. A site was regarded as contentious if comments were received through the consultation process that express a different view from the internal stakeholder assessment.

Following consideration by the Planning Committee the report would be referred to Cabinet on 17 December 2009. Some minor amendments may be made to the final report before it be referred to Cabinet.

RESOLVED that the report be noted.

P LOCAL DEVELOPMENT FRAMEWORK
102/09 ANNUAL MONITORING REPORT 2008/2009

Consideration was given to a report that informed Members of the completion of the fifth Local Development Framework Annual Monitoring Report (AMR), prior to it being submitted to the Secretary of State before the end of December 2009. The AMR contained information about how the Council had performed against its Local Development Scheme and Core Indicators set by the Department for Communities and Local Government relating to Business Development, Housing, Environmental Quality, Minerals and Waste.

Review and monitoring were key aspects of the Government's approach to the planning system and should be undertaken on a continuous, pro-active basis. Identifying outputs and trends enabled a comprehensive evidence base to be established. This could be used to assess the impact and effectiveness of existing local development document policies, as well as informing new policy development.

This AMR was based on the period 1 April 2008 to 31 March 2009, known as the "reporting year". It must be submitted to the Secretary of State no later than the end of December 2009.

The AMR set out the Council's progress in meeting the timetable in the Local Development Scheme (LDS). During the year 2008/09, a number of the key milestones set out in the Local Development Scheme (LDS) 2008 were not met. With the agreement of Government Office North East, a revision to the Local Development Scheme was published in March 2009. This took into account the changes required by the June 2008 revision to Planning Policy Statement 12 as well as those required by the Planning Act (2008). Allowances were also made for the need to prepare further studies to supplement the evidence base and the effect of staff turnover.

Progress on the LDF during 2008/2009 had been focused on the Core Strategy. The introduction of new regulations in autumn 2008 meant that the timetable was amended. However a Publication Draft was published in October 2008, followed by an 8 week consultation period. The Submission Draft was then prepared and submitted to the Secretary of State in May 2009, beginning the Examination in Public.

The Preferred Options consultation for the joint Tees Valley Minerals and Waste Core Strategy and Site Allocations DPDs also took place during the reporting year, ending on 8 April 2008.

In July 2008, the Department for Communities and Local Government introduced the Regional Spatial Strategy and Local Development Framework: Core Output Indicators - Update 2/2008. This document revised the Core Output Indicators for local planning authorities to report on in their AMRs and includes sections relating to Business Development, Housing, Environmental Quality, Minerals and Waste.

Core Output Indicators were designed as part of the monitoring framework to achieve a consistent and cost effective approach to data collection across the regional and local levels covering a number of national planning policy and sustainable development objectives appropriate to local and regional policy.

As far as possible, this AMR assessed progress against the 20 Core Indicators outlined in Regional Spatial Strategy and Local Development Framework: Core Output Indicators - Update 2/2008. In some instances, monitoring systems were not sufficiently developed to report on Core Output Indicators fully, however work was being undertaken to improve monitoring systems and establish a comprehensive monitoring framework.

It was also recognised that further work was required to establish Local Output Indicators and sustainability indicators. Following the adoption of the Core Strategy and other Development Plan Documents (DPDs) (along with their Sustainability Appraisals, Appropriate Assessments and Infrastructure Strategies), locally distinctive indicators would be introduced to record the impact of policies contained within them as part of a Monitoring Framework. In the short term, relevant locally distinctive information had been included in the AMR where appropriate.

Some facts included in the AMR were:-

- Although the number of gross housing completions has reduced significantly since 2007/2008, the Council has continued to meet its housing target as set out in the Regional Spatial Strategy of 600/annum between 2004 and 2011.
- The percentage of housing built on previously developed land continues to increase and in 2008/2009 was 72.5%. This is well above the Government target of 60% and slightly above the RSS target of 70%.
- Of the 604 dwellings completed in the Borough in 2008/2009, over 20% were defined as affordable.
- Take-up of employment land was just below 13 hectares, the proposed target set in the Core Strategy DPD.
- The percentage of waste disposed of through landfill of just over 8% and is still one of the best (lowest) in the country.

The Annual Monitoring Report needed to be submitted to the Secretary of State by the end of December 2008.

RESOLVED that the Local Development Framework Annual Monitoring Report 2008/09 be noted and endorsed.

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103/09 **Local Development Framework Steering Group Minutes**

RESOLVED that the Local Development Framework Steering Group minutes from the meeting held on 14th July 2009 be noted.

- P**
104/09
- 1. Appeal - 09/0399/FUL - Mandale Commercial - Units 8 and 9 Portrack Trade Park Cheltenham Road Stockton - DISMISSED**
 - 2. Appeal 09/0534/FUL - Mr D Lake - Land to the rear of The Ridings Letch Lane Carlton - DISMISSED**
 - 3. Appeal - 08/3266/REV - Mrs C Howard - 57 Nevern Crescent Ingleby Barwick - DISMISSED**
 - 4. Appeal - 08/2976/OUT - Mr Steve Holden - Field View Green Lane Yarm -**

DISMISSED

**5. Appeal - 09/0784/FUL - Mr Ian Peerless - 1D South View Eaglescliffe -
DISMISSED**

RESOLVED that the Appeals Decisions be noted.