

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 23rd June, 2010.

**Present:** Cllr Roy Rix (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 Maureen Rigg and Cllr Fred Salt.

**Officers:** B Jackson, C Straughan, R McGuckin, P Shovlin, J Roberts, J Hall, A Glossop (DNS); P K Bell, J Butcher (LD).

**Also in attendance:** Cllr Mick Eddy, Applicants, Agents and Objectors.

**Apologies:** Cllr Jean Kirby, Cllr Ross Patterson and Cllr Steve Walmsley.

### **P       Declarations of Interest**

**24/10**

Councillor Miss Large declared a personal prejudicial interest in respect of agenda item 3 - 10/0190/OUT - Former Supreme Knitwear, New Street, Thornaby - Outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation as she was a member of Thornaby Town Council. Thornaby Town Council had made their views known on the application. Councillor Miss Large withdrew from the meeting and left the room and played no part in the decision making process.

Councillor Mrs Beaumont declared a personal non prejudicial interest in respect of agenda item 4 - 10/0865/FUL - Kentisbury, The Spital, Yarm - Erection of detached dormer bungalow to rear of existing property as she knew two of the objectors from Yarm Town Council.

### **P       Former Supreme Knitwear, New Street, Thornaby** **25/10   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 on planning application 10/0190/OUT - Former Supreme Knitwear, New Street, Thornaby - Outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation.

Members were reminded that the application was deferred from the Planning Committee on the 21st April 2010 in order that discussions with the applicant could take place regarding the nature of the proposal.

Further discussions had taken place with the applicant with regards to the issues raised by Members of the Planning Committee. Following on from these discussions the applicant had provided a series of statements/letters from letting agent with regards to demand for student accommodation and indicative drawings of how the student pods may be converted into residential apartments. Officers had also looked at the student accommodation situation elsewhere in the country, where it would appear that other authorities gave weight to the

market in deciding which types of accommodation is best suited to meet the individual student needs.

There had been no changes to the application and outline planning consent for the erection of a student accommodation building with associated commercial facilities was still sought. Only the principle of development and the access into the site were to be considered at this meeting with all other matters being reserved for future consideration. The scale and massing of the proposed development was considered to be appropriate in the context of the street scene although further approval of the final design would be required as part of a reserved matters application.

The proposal was the subject of a previous planning application and an appeal in which the Planning Inspector considered that little weight could be attached to the Student Accommodation policy as the Core Strategy had not been approved. The Planning Inspector dismissed the appeal only on the grounds that a Section 106 agreement was not submitted as part of the appeal; all other matters were considered satisfactory.

In the absence of any clear evidence to prove either a need for further student accommodation or to suggest that there was no further need, consideration had been given to the harm that approval of this scheme could cause. Given the relatively low concentrations of students across the borough's wards and the ability to convert the building to an alternative use, it was not considered that significant harm would arise from approving the proposed scheme.

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

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 should 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, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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

The main planning considerations of the application were the impacts of the development on planning policies, regeneration aspirations, the character of the area, the setting of the listed building, the amenity of the neighbouring properties, access and highway safety and flood risk.

Members were presented with an update report that outlined that since the previous Planning Committee report to members, 1 further letter of objection and a petition objecting to the development had been received. Comments received from Thornaby Town Council were also detailed within the report

No new issues had been raised since the previous Planning Committee report and the material planning considerations remained as set out in the previous report to Members.

The applicant had also confirmed that he was willing to enter into a 10% local labour agreement. The recommendation remained as set out in the previous report to Members although an additional element which was detailed within the update report had been added to the Heads of Terms.

The applicant, objectors and Councillor Eddy were present at the meeting and made representations.

Members felt that the issue over student need had been considered and re-assessed, Members considered that there was little evidence to either prove or disprove the need for further student accommodation. Accordingly the harm that approval of a purpose built student accommodation development might cause had also been considered. Given the ability to convert the building into an alternative use and the low concentrations of student number within the Borough's wards Members considered that the proposal did not pose any significant harm.

Members considered that in all other aspects such as the scale and massing of the proposal and the impact on the amenity of the neighbouring occupiers the scheme was acceptable. On this basis the proposed development was considered acceptable subject to a section 106 agreement.

RESOLVED that planning application 10/0190/OUT be approved subject to the following planning conditions and the entering into of a section 106 agreement covering the following:-

#### HEADS OF TERMS

- a) Contribution of £12,000 towards 8no. Street trees with high quality guards and tree grills.
- b) Contribution of £18,200, towards the major bus scheme as part of public realm/pedestrian enhancements adjacent to the site.
- c) Contribution of £26,591 towards the replacement footbridge across the adjacent railway line.
- d) Local labour agreement for 10% of staff and materials to be provided from the local area.

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    29 January 2010

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

4. Approval of the details of the layout, scale, appearance and the landscaping of the site (the reserved matters), shall be in accordance with the details of a scheme to be submitted to, and approved by the Local Planning Authority before development commences.

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

5. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

6. Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

7. Details of all external lighting of the building and car park area, including the lighting design, siting, colour and levels of luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

8. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO<sub>2</sub> emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

9. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

10. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent railway shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before any of the permitted dwellings are occupied.

11. Before the use commences the commercial premises shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between the commercial units and living accommodation/bedrooms in adjacent student flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with these agreed details

12. 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.

13. Notwithstanding any information contained within this application full details of the Bin storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.

14. Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.

15. Prior to first use or occupation of any part of the development, a travel plan co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority.

16. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

17. Before the occupation of the development hereby permitted, works for the disposal of sewage shall be provided on the site to serve the development. Details of such drainage works shall first be submitted to, and approved by, the Local Planning Authority, the sewage disposal shall be completed in accordance with these approved details.

18. Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

19. Notwithstanding any details submitted as part of the application any A1 and A3 retail uses shall be restricted to a maximum of 150 sqm (net) floorspace.

**P**  
**26/10**

**10/0865/FUL**  
**Kentisbury, The Spital, Yarm**  
**Erection of detached dormer bungalow to rear of existing property.**

Consideration was given to a report on planning application 10/0865/FUL - Kentisbury, The Spital, Yarm - Erection of detached dormer bungalow to rear of existing property.

Planning permission was sought for a 2 storey detached dormer bungalow within the rear garden of an existing property. The site was surrounded by existing residential curtilages and their associated dwellings.

Two previous applications for dwellings on the site had been considered, refused and dismissed on appeal.

A total of 10 letters of objection had been received in respect to the proposed development. Objections mainly related to the loss of privacy and amenity, the impact on light and the overbearing nature of development as a result of its mass and height and the levels associated with the site.

The Acting Head of Technical Services had raised no objections to the scheme. The Council's Environmental Health Officer had requested conditions be imposed should the application be approved.

The Planning Officer considered the site to be in a sustainable location, within the defined limits of development and as such the principle of residential development was accepted. The proposed building was smaller and located in a more central position than the two previous proposals whilst window orientations would significantly reduce overlooking from the previously proposed situation. Taking into account the layout of surrounding properties, intervening distances between properties, site levels and existing landscape features, it was considered that a dwelling of this scale can acceptably fit within this location without being unduly detrimental to the privacy or amenity of surrounding properties or to the character of the area, being in accordance with relevant Planning Policies.

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

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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 should 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, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RSS).

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

The main planning considerations of the proposal related to the scale, design and layout of the proposed development, its impacts on the surrounding properties and consideration against the findings of the earlier appeal decisions

and against relevant national and local planning policies and guidance. These and other material planning matters were considered within the report.

Members were presented with an update report that outlined that the applicant had submitted a letter commenting on the application. A copy of the letter was attached to the report.

It was considered that the contents of the letter did not affect the considerations within the main report.

An agent acting on behalf of the objectors was in attendance at the meeting and made representations.

Members discussed the application at length. Members discussed whether the proposal would affect the character of the area and the perception of privacy and amenity associated with surrounding properties. A motion was put forward to visit the site. The motion was not carried. Members then considered the Planning Officers recommendations. Overall Members considered that the proposal generally accorded with the relevant policies of both the Stockton on Tees Local Plan and the Core Strategy Development Plan Document.

RESOLVED that planning application 10/0865/FUL 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
1a	21 May 2010
2a	21 May 2010
4a	21 May 2010
5C	11 June 2010
6	16 April 2010
7a	21 May 2010
8a	21 May 2010
9	22 April 2010
10	16 April 2010

2. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor level of the dwelling along with the floor level of the existing property known as Kentisbury. The development shall be carried out in accordance with these approved details.

3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority precise details of the proposed eastern boundary fence. The development shall be carried out in strict accordance with the approved details.

4. Notwithstanding any description of the materials in the application, no above

ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

5. No development hereby approved, including any preparatory works to the ground, shall commence until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the precise location of protective fences, areas of material storage within the site and root protection zones. The approved scheme of protection shall be implemented on site prior to construction works commencing on site and shall be maintained throughout the period of construction.

6. 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 on Sundays or on Bank Holidays.

7. Notwithstanding details hereby approved, the dwelling hereby approved shall not be occupied until the rooflights within the eastern roof slope have been obscurely glazed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

08. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

09. In the event that contamination is found at any time when carrying out the approved development, 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 and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.



Consideration was given to a report on the Local Development Framework: Yarm and Eaglescliffe Area Action Plan.

The Yarm and Eaglescliffe Area Action Plan (YEAAP) was the subject of a period of public consultation on Issues and Options in August / September 2007 and work had been ongoing to take the report to the Preferred Options stage. On the 17th May 2010 a report was taken to LDF Members Steering Group advising members upon the scope of the document, progress to date and recommended not to proceed with the production of a separate YEAAP and incorporation of the YEAAP into the Regeneration and Environment Development Plan Documents (DPD). The recommendation put forward at LDF Members Steering Group was supported.

Following consideration by Planning Committee a report would be referred to Cabinet on 5th August 2010 for Members agreement not to proceed with the production of a separate YEAAP and incorporation of the YEAAP into the Regeneration and Environment DPD's.

The Local Development Scheme (LDS) adopted in March 2009 details the purpose of the YEAAP as document which would '...address the key pressures / development opportunities within Yarm and Eaglescliffe. Will include a series of co-ordinated proposals for traffic management and parking, future redevelopment opportunities and planning obligations.'

As the YEAAP had progressed it had become much more focused upon the historic built environment. With PPS12: 'Local Spatial Planning' identifying that in areas of conservation, area action plans should do two things:-

- Define areas where specific conservation measures are proposed and areas which will be subject to specific controls over development,
- Set out the policies and proposals for action to preserve or enhance the area.

In the process of taking the YEAAP towards the Preferred Options stage and producing a draft Preferred Options report it became apparent that:-

- There was not significant change scheduled within the area.
- The document had limited scope (relatively few deliverable actions identified)
- There were few identified actions to preserve/enhance the historic built environment
- Many of the proposed policies contained within the draft document were not specific to Yarm and Eaglescliffe and would be repeated within other DPDs

In addition to the above there would also be major cost implications for producing a separate document. These costs include officer time, printing, consultation and examination.

It had therefore been recommended that the YEAAP be incorporated into the Regeneration and Environment DPD's. It was not considered that the incorporation of the YEAAP would be detrimental to the area of Yarm and Eaglescliffe as the policies anticipated for inclusion within the YEAAP would be integrated into the other DPD's as identified in a table within the report.

Following consideration by Planning Committee a report would be referred to

Cabinet on 5th August 2010 for Members agreement not to proceed with the production of a separate YEAAP and incorporation of the YEAAP into the Regeneration and Environment Development Plan Documents (DPD).

Should the recommendation be agreed at Cabinet it was intended that Stakeholders would be contacted to explain the reasons why the document had been incorporated into other DPD's and explain that policies covering the area would not be undermined.

RESOLVED that the report be noted.

**P**  
**28/10**

## **LOCAL DEVELOPMENT FRAMEWORK:**

### **TEES VALLEY JOINT MINERALS AND WASTE CORE STRATEGY AND SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENTS (DPD'S)**

#### **PROPOSED SCHEDULE OF CHANGES SUBMISSION DRAFT AND EXAMINATION IN PUBLIC**

Consideration was given to a report on the implications of the Schedules of Proposed Changes on the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents, the Sustainability and Environmental Report and Information in Support of a Habitats Regulation Assessment, and sought Member agreement to the actions arising from Schedule of Proposed Changes. It gave a brief description of an accompanying Infrastructure Strategy.

Agreement was sought to a six-week consultation and publicity period for those Schedules of Proposed Changes and the Infrastructure Strategy, and actions arising from those schedules.

Furthermore, it sought endorsement of a recommendation to Cabinet and Council for authority to be delegated to the Head of Planning and the Chair of the LDF Members Steering Group to agree any subsequent and necessary changes to the Schedules, the Development Plan Documents and all Supporting Documents and Evidence Base prior to publication and consultation and submission to the Secretary of State for Examination in Public; and, to agree the final Submission Drafts of the DPD's and all supporting documents and evidence, and for their submission to the Secretary of State for Examination in Public.

The Schedules of Changes and Infrastructure Strategy were attached for Members information.

RESOLVED that:-

1. The proposed actions arising from the proposed changes be agreed for incorporation into:-

- The Publication Draft of the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; and
- Sustainability and Environmental Report; and

- Information in Support of a Habitats Regulation Assessment.

2. A recommendation be endorsed which would give authority to the Head of Planning, in consultation with the Chair of the Local Development Framework Members Steering Group to make any subsequent and necessary amendments to the Schedules of Changes, Development Plan Documents and all Supporting Documents and Evidence Base prior to their publication for public consultation and submission to the Secretary of State respectively; and

3. The Infrastructure Strategy be agreed

4. A period of consultation and publicity be endorsed for the Schedules of Proposed Changes to:-

- The Publication Draft of the Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents; and
- Sustainability and Environmental Report; and
- Information in Support of a Habitats Regulation Assessment;

And

- A new document called the Infrastructure Strategy;

5. The documents following incorporation of the proposed changes are acceptable as the Submission Draft versions of those documents; and

6. A recommendation be endorsed which gives authority to the Head of Planning, in consultation with the Chair of the Local Development Framework Members Steering Group to agree the final documents, which form the Submission Documents, and to submit the Secretary of State for Examination in Public.