

Planning Committee

A meeting of Planning Committee was held on Wednesday, 12th January, 2011.

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 Mrs Maureen Rigg, Cllr Fred Salt and Cllr Steve Walmsley.

Officers: C Straughan, R McGuckin, S Grundy, P Shovlin, J Roberts, K Campbell, R Poundford, C Snowden, M Clifford (DNS); P K Bell, J Butcher (LD).

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

Apologies: Cllr Mrs Jean Kirby, Cllr Bill Noble and Cllr Ross Patterson.

P Declarations of Interest

88/10

Councillor Walmsley declared a personal prejudicial interest in respect of agenda item 3 - 10/2833/RNW - Land at Teesside Industrial Estate, Thornaby, Stockton On Tees - Application for a new planning permission to replace an extant planning permission (07/1416/FUL / APP/H0738/A/07/2058599 - New roundabout junction on the A174) in order to extend the time limit for implementation as he had made his views known on the application. Councillor Walmsley spoke on the item and then withdrew from the meeting and left the room.

Councillor Miss Large declared a personal prejudicial interest in respect of agenda item 3 - 10/2833/RNW - Land at Teesside Industrial Estate, Thornaby, Stockton On Tees - Application for a new planning permission to replace an extant planning permission (07/1416/FUL / APP/H0738/A/07/2058599 - New roundabout junction on the A174) in order to extend the time limit for implementation as she had made her views known on the application. Councillor Miss Large withdrew from the meeting and left the room.

Councillor Walmsley declared a personal prejudicial interest in respect of agenda item 5 - 10/2762/REV - Former Springs Leisure Centre, Teesside Retail Park, Stockton on Tees - Construction of a 66-bed Travelodge, Nandos Restaurant and Harvester pub/restaurant with associated car parking as he had made his views know on the application. Councillor Walmsley spoke on the item and then withdrew from the meeting and left the room.

Councillor Miss Large declared a personal prejudicial interest in respect of agenda item 5 - 10/2762/REV - Former Springs Leisure Centre, Teesside Retail Park, Stockton on Tees - Construction of a 66-bed Travelodge, Nandos Restaurant and Harvester pub/restaurant with associated car parking as she had made her views know on the application. Councillor Miss Large withdrew from the meeting and left the room.

Councillor Mrs Beaumont declared a personal non prejudicial interest in respect of agenda item 8 - Rural Housing Needs Assessment as Kirklevington which is a village within her ward was referred to within the report.

P 10/2833/RNW
89/10 Land at Teesside Industrial Estate, Thornaby, Stockton On Tees

Application for a new planning permission to replace an extant planning permission (07/1416/FUL / APP/H0738/A/07/2058599 - New roundabout junction on the A174) in order to extend the time limit for implementation.

Consideration was given to a report that outlined that planning permission was granted on appeal for the construction of a new roundabout access onto the A174 from Teesside Industrial Estate with ancillary works including a secondary roundabout within the estate, a link road and associated earthworks. The development would result in the loss of two small sections of woodland and grassed sections of the A174 road corridor.

The appeal was approved on the 26th February 2008 with a condition attached which required commencement of the scheme to be within 3 years i.e. by the 26th February 2011. It therefore remained possible to implement this permission although the application had been submitted to renew the earlier approval, thereby extending the time limit for implementation to the 26th February 2018.

A total of 7 letters of objection had been received from residents as well objections being raised by Councillors and Parish / Town Councils. Objections to the scheme included the detrimental impact of noise, air and light pollution as a result of the traffic coming closer to properties in Marykirk Road and as a result of the traffic slowing, turning, accelerating and queuing at this point. Other objections related to the impact on the existing tree cover, the ancient woodland and wildlife and a comment made as to whether this will actually improve the traffic situation or make congestion worse. One letter of support was received based on the improvements the scheme would bring to traffic movements.

The Head of Technical Services considered that the proposed amendments should improve the flow of traffic in the area whilst reduced traffic speeds and the provision of more formalised point to cross the A174 for pedestrians should improve safety. Noise, light and air pollution as a result of the development would not be significantly different from existing and are therefore considered to be acceptable.

The report outlined that the impact on existing tree cover and habitat would be relatively limited and could be adequately mitigated against by controlling conditions.

A Section 106 Agreement was previously considered necessary by both officers and the Planning Inspectorate which would provide a bond for future highway works internally within the Industrial Estate should it be found that the new access results in the Industrial Estate being used as a short cut for non industrial estate traffic. It was considered that the need for this remained and was detailed within the Heads of Terms.

The report considered that the proposal to renew the approved development would therefore be in accordance with the requirements of the relevant Local Plan and Core Strategy Development Plan Policies.

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

Neighbours had been notified and 7 letters of objection, 1 letter of support and 1 letter of comment had been received. The comments 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 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 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. The report also detailed the material planning considerations.

The report concluded that the scheme would provide a new access into the estate which should improve the demand of traffic on the existing A174 / A1045 junction whilst at the same time provide a formalised crossing point for pedestrians into the estate from the housing areas to the North thereby reducing the current risk to pedestrians crossing the A174 where there was no formalised crossing at a point where traffic speed is relatively high. The proposed development was considered to be acceptable on highway grounds with regard to its impacts on existing traffic flows and the layout of the highway network generally. It was considered that the scheme would not unduly compromise the privacy and amenity associated with nearby properties through noise, air or light pollution subject to adequate mitigation being provided. The proposed scheme was considered to have a reduced impact on residential amenity above that of the earlier scheme due to the increased maturity of the planting to the rear of houses on Marykirk road. The scheme would undoubtedly affect the adjoining woodland and wildlife habitat areas, however, the scheme had a limited land take and as such was not considered to have a significantly detrimental impact on these areas.

In view of the above and taking into account the extant approval as determined by the Planning Inspectorate for the same scheme, the report considered that the proposed renewal of planning permission was in accordance with the relevant planning policies as listed.

Members were presented with an update report that outlined that in relation to the earlier approved scheme for the development which was the subject of the application, the applicant had submitted details to the Council to discharge conditions relating to Landscaping, Ecology, Surface Water Drainage and Lighting.

The Ecological Survey had been considered by Tees Valley Wildlife Trust and the mitigation detailed within that report was considered to be acceptable. The survey advised that there was no evidence indicating the presence of protected species other than breeding birds within the site and that the trees which would be lost were only semi mature and had negligible likelihood of supporting

roosting bats. The proposed mitigation within the survey related to timing of works, management of existing landscaping to allow ground flora to develop, the creation of new habitats and the erection of bird boxes within the estate boundary. In view of the submission of this information and the acceptance from Tees Valley wildlife Trust, it was considered to be appropriate to remove the recommended condition which required an ecological survey to be undertaken and replace it with a condition which required the precise details of the mitigation to be agreed prior to commencement.

With regards to landscaping, surface water drainage and lighting, although schemes had been submitted, amendments to these schemes were being requested by officers. As such, it was recommended that conditions in respect to these remained. The landscaping scheme detailed fell within the application site boundary although part of this would be on land owned by the Borough Council. As such the requirements of the landscaping condition included for the future maintenance of the landscaping to be agreed as was previously the case. The amended conditions were attached to the update report.

The applicant was in attendance at the meeting and was given the opportunity to speak in favour of the application.

Councillor Walmsley outlined his objections to the application and then withdrew from the meeting and left the room as he had declared a personal prejudicial interest. Councillor Miss Large also withdrew from the meeting and left the room as she had also declared a personal prejudicial interest.

Members then discussed the application at length. Members felt that although their reasons for refusal that were given for the original application had not changed they must take into account the extant approval as determined by the Planning Inspectorate and therefore Members approved the application. Members also felt the time limit for commencement of the scheme was too long in condition 1 of the report i.e. 28th February 2018 and should be reduced to 3 years from approval of the application. With regard condition 6 of the report Members agreed that there was an additional requirement for a noise assessment to be carried out before the work commences.

RESOLVED that planning application 10/2833/RNW be approved subject to a condition that the development be commenced within three years as opposed to seven years and subject to the following conditions:-

1. The development hereby approved shall be in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number Date on Plan

0001 10th May 2007

2053 10th May 2007

TR/H/001 10th May 2007

TR/H/002 10th May 2007

AL(0)2300 10th May 2007

AL(0)2200 10th May 2007

2. No trees or landscaping on the site shall be lopped, topped, pruned or felled

and no development hereby approved shall be commenced until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall detail the following;

- a) Hard and soft landscaping both on and off site including footpaths,
- b) Screening mounds and embankments,
- c) Soil depths, plant species, numbers, densities, locations, and sizes, planting methods, long term maintenance works and a structure of how this will be provided and managed.
- d) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).
- e) Areas of level change,
- f) Precise locations of protective fencing,
- g) Areas of material storage within the site, and
- h) Excavations required for service runs.

The development shall be carried out in accordance with the approved details. Planting works and earthworks shall be carried out during the first planting and seeding season following the substantial completion of the development or at a time otherwise agreed in writing with the Local Planning Authority. Any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.

3. No development shall take place until details of an ecological scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be broadly in accordance with the mitigation requirements detailed within section D4 of the E3 Ecology Document entitled "An extended phase 1 and protected species survey of land to the north of Teesside Industrial Estate" as received on the 22nd December 2010. The development shall be carried out in accordance with the approved scheme.

4. Scheme of Surface Water Drainage

No development shall take place until details of a scheme for the disposal of surface water and a surface water run off limitation scheme have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site prior to the development being brought into use.

5. A noise assessment shall be undertaken and submitted to and agreed in writing with the Local Planning Authority prior to commencement of development. Within three months of the works hereby approved being brought into operation a further noise assessment scheme and mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, mitigation works will be carried out in accordance with the approved scheme within 6 months following the approval in writing from the Local Planning Authority of the scheme.

6. During construction of the scheme hereby approved there shall be no development works undertaken outside the hours of 7.00a.m. - 6.00p.m. weekdays, 8.00a.m. - 3.00p.m. Saturdays and at no times on Sundays or bank

holidays.

7. Notwithstanding details hereby approved, there shall be no lighting provided for the roundabout other than that which is detailed within a scheme of lighting to be submitted to and approved in writing by the Local Planning Authority.

P 10/2743/FUL
90/10 Moreland Avenue/The Causeway, Billingham,
Erection of foodstore (1540 sqm gross) with associated car parking and landscaping

Consideration was given to a report on planning application 10/2743/FUL.

Members were reminded that in 2007 Stockland purchased Billingham Town Centre. Since this time they had liaised with retailers, the Council and local residents to develop a long term regeneration strategy resulting in an overall Masterplan for the District Centre.

Planning permission was sought for the erection of a new food store within Billingham District Centre. The development would provide a gross floor area of 1540 sqm and it was indicated that the net tradable area would be 990 sqm, with the hours of opening indicated as being unknown. Car parking provision was allocated to the south and west of the proposed store, although it was not specifically allocated for the proposed food store.

The proposed development was considered to be in a suitable location and of an appropriate scale and design so as not to affect the setting of the listed Forum building or the character of the area. The proposal was also not considered to pose any significant risks to highway safety, the amenity of neighbouring occupiers or archaeological remains. Consequently the report of the Planning Officer recommended approval for the application.

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

With regard publicity a total of 16 letters of support and 2 petitions supporting the application had been received. The comments received generally offered support and welcomed the development of the food store within the Town Centre.

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. The report also detailed the material planning considerations.

Members were presented with an update report that outlined that since the writing of the original report it had been noted that the original Heads of Terms referred to the provision of a bus shelter, rather than the extension of the existing taxi rank along the Causeway, the amended conditions were detailed within the report. Furthermore an additional planning condition was requested in respect of a travel plan and servicing arrangements.

The applicant was in attendance at the meeting and was given the opportunity to outline the merits of the application.

Members felt that in view of the material planning considerations the proposed development was considered to be in a suitable location and of an appropriate scale and design so as not to affect the setting of the listed Forum building or the character of the area. The proposal was also not considered to pose any significant risks to highway safety, the amenity of neighbouring occupiers or archaeological remains.

Consequently the proposed development was approved subject to the conditions set out and the completion of a section 106 agreement for the Heads of Terms set out above.

RESOLVED that planning application 10/2743/FUL be approved subject to Section 106 and subject to the following conditions:-

Should the Section 106 Agreement not be signed by the 27th January 2011 then the application be refused.

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
1055/P(--)00	22 October 2010
1055/P(--)01	22 October 2010
1055/P(--)02	22 October 2010
1055/P(--)03	22 October 2010
1055/P(--)04	22 October 2010

2. 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).

3. Details of all external lighting of the building and car park area, including the siting, colour and 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.

4. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

5. 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.

6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

7. Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg incidental buildings, public art and street furniture).

8. Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

9. Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

10. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

11. Before any plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing

of the Local Planning Authority.

12. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 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.

13. Notwithstanding the submitted information, an assessment of the existing trees on the East Precinct shall be submitted to the Local Planning Authority. Such an assessment shall demonstrate the health and amenity value of trees within this area and any impact on the future proposals for new paving in this area. Any trees to be retained/removed shall be in full accordance with the findings of the agreed report.

14. The development must obtain at least a very good Building Research Establishment Environment Assessment Method (BREEAM) rating if commenced before 1 January 2013 and a minimum rating of excellent if commenced after that date, unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

15. 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.

16. Before the development hereby approved is commenced, details of a scheme for the servicing and receiving deliveries including hours of operation shall be submitted to and approved in writing with the local Planning Authority. There shall be no servicing or delivery to the site outwith the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.

HEADS OF TERMS

Entering into of a Local Labour agreement

Contribution of £20,000 towards extension of existing Taxi Rank

Contribution of £2,000 towards a traffic regulation order for stopping up of Moreland Avenue

**P
91/10**

10/2762/REV

**Former Springs Leisure Centre, Teesside Retail Park, Stockton-on-Tees
Construction of a 66-bed Travelodge, Nandos Restaurant and Harvester
pub/restaurant with associated car parking.**

Consideration was given to a report on planning application 10/2762/REV.

The report outlined that the application site was situated within the wider

Teesside Park development which incorporated a mix of leisure and retail uses. The site was situated to the north of the retail park and lay within an area consisting mainly of restaurants and food outlets. To the west and south of the site lay the highway which served the retail park, to the north was the A66 and to the east several food outlets.

Planning permission was sought for the erection of 3no. separate buildings for the purposes of a Travel lodge hotel, restaurant and a public house with the demolition of the former "Springs" leisure club building. All of the buildings would have an individual style and contemporary design.

The report outlined that significant concerns remained regarding the proposed development in terms of planning policy, the impact on Stockton Town Centre and the Council's regeneration aims. Whilst it was recognised that the proposed development may have some regeneration benefits in terms of investment, physical regeneration and job creation, it was not considered that this was sufficient enough to outweigh the harm that could be caused to Stockton Town Centre or current regeneration initiatives.

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

Neighbours were notified and the comments that had been received were detailed 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. The report also detailed the material planning considerations.

Members were presented with an update report that outlined that since the writing of the original report further comments had been received from the Town Centre Manager and the Spatial Plans Manager. An amended plan had also been received from the applicants to try and address the outstanding landscaping issues. As such only reasons for refusal 1 and 2, as detailed in the original report now stood.

The update report detailed the planning policy context and the sequential test. With regard the impact assessment the report detailed 3 tables:-

* Hotel Futures Study projected market requirements compared to proposed future supply for Stockton and Middlesbrough area

* Table of Hotel Permissions in the Stockton and Middlesbrough area, excluding Wynyard

* The proportion of accommodation provided by the Travelodge proposal against the supply of permissions in table 2

The update report concluded that the advice from the Spatial Plans Manager outlined that it was clear from the sequential assessment that the site had been selected because it was immediately adjacent to the A66 and access to the site by other modes of transport and sustainability was limited. The scheme would provide few opportunities for linked trips, which did not involve use of the private car and given the site's remote, out-of-town location residents of, or visitors to the Borough were unlikely to walk, cycle or use public transport to travel to the site. In view of these additional comments the reasons for refusal on planning policy and sustainability grounds remained. However, in view of the revised landscaping plan the landscaping reason for refusal (no. 3) as detailed within the original report could be removed.

The applicant was in attendance at the meeting and was given the opportunity to outline the merits of the application. A local resident was also in attendance and spoke in favour of the application.

The Head of Regeneration and Economic Development was in attendance at the meeting and outlined that his Officers were trying to attract new investment to support the regeneration of Stockton Town Centre, therefore in line with Planning Policy, he objected to any new development outside of this area that could be sited within the Town Centre boundary.

Councillor Walmsley outlined his support for the application and then withdrew from the meeting and left the room as he had declared a personal prejudicial interest. Councillor Miss Large also withdrew from the meeting and left the room as she had also declared a personal prejudicial interest.

Members discussed the application at length. Members spoke both in favour of the application and against the application. The Members that spoke in favour of the application highlighted the benefits they felt such an application would bring i.e. reducing the shortage of hotel accommodation, jobs in terms of construction and then long term jobs and bringing a derelict site back into use. The Members that spoke in favour of the application also felt that if the application was approved it would not have an adverse impact on the regeneration of Stockton Town Centre. The Members that spoke against the application outlined that they had concerns regarding the proposed development in terms of planning policy, the impact on Stockton Town Centre and the Council's regeneration aims. They felt that the proposed development may have some regeneration benefits in terms of investment, physical regeneration and job creation but it was not considered that this was sufficient enough to outweigh the harm that could be caused to Stockton Town Centre or regeneration initiatives.

A vote then took place on the application with the majority of Members voting against the application and in favour of the Officer recommendations. On this basis the proposed development was considered contrary to policies CS2 and CS5 of the Core Strategy, Policy S2 of the Local Plan Alteration and National Planning Guidance.

RESOLVED that Planning application 10/2762/REV be refused for the following reasons:-

1. In the opinion of the Local Planning Authority, the proposed development relates to Town Centre Uses within an Out of Town location and it has not been adequately demonstrated that the proposed use cannot be provided within either the defined centres within Stockton Borough or within an edge of centre location. The proposal is therefore considered to be contrary to saved Policy S2 of the adopted Stockton on Tees Local Plan and guidance of PPS1: Delivering sustainable development, PPS4: Planning for sustainable economic growth; and PPG13: Transport.

2. In the opinion of the Local Planning Authority the proposed use would be in an unsustainable location and it would place a high reliance on the private motor car taking into account the limited provision of bus services and suitability and attractiveness of the surrounding highway network for walking and cycling, thereby being contrary to Core Strategy policy CS2(1) and the guidance within PPS1: Delivering sustainable development and PPG13: Transport.

P 10/1410/RET
92/10 77 Richardson Road, Thornaby, Stockton-on-Tees
Retrospective application for decking and boundary fencing at rear

Consideration was given to a report on planning application 10/1410/RET - 77 Richardson Road, Thornaby, Stockton-on-Tees -Retrospective application for decking and boundary fencing.

Raised decking and fencing was erected within the rear garden of 77 Richardson Road, a property located within the Thornaby Conservation Area, the designated Green Wedge and an area restricted by an Article 4 Direction which removed permitted development rights for the erection of boundary treatments. The Council were alerted to this and made a visit to assess the works. Following that site visit the applicant was advised that planning permission would be required and works ceased until a planning application had been submitted.

The proposal sought permission for raised decking and a boundary fence along the side and rear garden boundaries, being a variation in part to that erected at site.

Objections had been received in respect to the initial submission. These mainly related to the development detrimentally affecting privacy and amenity and being unacceptable development within the conservation area, potentially setting an undesirable precedent. The proposed scheme was amended to lower the level of decking by approximately 1m (as built) and raise the height of fencing.

Although the site lay within Thornaby Conservation Area, the proposal related to a relatively common form of domestic development within a rear garden and the Planning Officers report outlined that the principle of the development was considered to be acceptable. Following the proposed reduction in the height of the decking and the positioning of fencing the Planning Officers report considered that although the decking would have a degree of impact on the privacy and amenity of adjoining properties, it would retain adequate levels of

privacy at the areas immediately adjacent to the dwellings and as such, the level of impact was not considered to be sufficient to warrant the refusal of the application.

With regard to publicity neighbours had been notified and a total of seven letters of objection were received and one letter of comment. All letters of complaint were received prior to the submission of the revised plans and neighbours had been consulted on the amended plans. Objections and comments received were summarised within the report.

With regard to 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 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 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. The report also detailed the material planning considerations.

Members felt that whilst the raised decking would impact to some degree on the privacy of the occupiers of the adjoining properties and their associated rear gardens, Members considered that this would not be sufficiently detrimental to warrant refusal of the application taking into account existing circumstances relative to privacy as a result of ground levels of garden areas. The decking and fencing was therefore generally considered to accord with the relevant parts of saved Local Policy HO12 and Core Strategy Policy CS3.

RESOLVED that planning application 10/1410/RET be approved subject to the following conditions:-

1. The development hereby approved shall be in accordance with the following approved plan unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number Date on Plan
01 D 14 December 2010

2. The development hereby approved shall be implemented and completed in accordance with the approved plans within six months from the date of this consent unless the prior written consent of the Local Planning Authority has been obtained.

3. The fencing hereby approved forming the northern and southern boundaries of the site shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**P
93/10**

10/2641/FUL

1 Chedworth Court, Ingleby Barwick, Stockton-on-Tees

Application for two storey extension to the side and first floor extension above existing garage.

Consideration was given to a report on planning application 10/2641/FUL - 1 Chedworth Court, Ingleby Barwick, Stockton-on-Tees - Application for two storey extension to the side and first floor extension above existing garage.

The application sought planning permission for the extension of the existing house to form additional living space at 1 Chedworth Court, Ingleby Barwick. The main planning considerations with regard to the application were the impact on the existing dwelling and street scene, the impact on the amenity of neighbouring properties and highway safety.

An neighbour objector was in attendance at the meeting and was given the opportunity to state his objections to the application.

Members felt that a site visit would be beneficial to help them determine the application. Members also felt this would give time for Ingleby Barwick Town Council to respond to the amended plans.

RESOLVED that planning application 10/2641/FUL be deferred for a site visit.

P
94/10

Rural Housing Needs Assessment

Consideration was given to a report that outlined that Arc4 (a housing research consultancy) were commissioned in September 2009 to carry out a Rural Housing Needs Assessment. The assessment period ran from September 2009 to January 2010. Arc4 undertook the study in conjunction an independent rural housing specialist. The purpose of the survey was to find out the level of housing need in each parish from both existing and future households. The study was completed in March 2010 and was attached to the report. The report stated the background to the study and summarised its methodology, key findings and how it would be taken forward.

The Tees Valley Strategic Housing Market Assessment (January 2009) provided a broad overview of rural housing need in the borough. However, it was determined by the Spatial Planning and Housing Strategy teams that a more detailed study specifically of rural housing need in the borough was required for the following purposes:-

- To provide the evidence base to support a rural exception policy in the Core Strategy
- To inform rural housing provision

The aims of the study were to:-

- identify the level of housing need across rural parishes, and the extent to which their housing needs cannot be accommodated by market prices and,
- identify the affordable housing requirements across a range of affordable tenures and dwelling sizes for each rural parish of Stockton-on-Tees, taking into account local connections, incomes and market prices.

Members noted when considering the key findings of the study that the consultants brief did not require sustainability issues (access to shops, schools

and other services) to be considered; that was to say it identified affordable housing need where it arose without reference to identifying the locations that would be the most sustainable to meet that need. In this context the key findings should to be cross-referenced to the Core Strategy rural exception site policy and the Planning the Future of Rural Villages study.

The report detailed the Core Strategy Rural Exception Policy.

With regard methodology Arc4 did a presentation to the Parish Council Liaison Form of 15th June 2009 on the methodology for the proposed Rural Housing Needs Study. It was explained that the preferred approach was to undertake a 100% household survey of the rural parishes in conjunction with a total of four community engagement events with each event serving a cluster of Parish Councils. The clusters of Parish Councils were as follows:-

- Aislaby and Newsham, Long Newton, Elton
- Kirklevington and Castle Levington, Hilton, Maltby
- Stillington and Whitton, Carlton, Redmarshall
- Billingham (rural part only), Grindon, Wolviston

A total of 3,665 households were contacted and 770 questionnaires were returned and used in data analysis (a 21% response rate).

The purpose of the events was to inform residents about the study, encourage survey forms to be returned and provide information on affordable housing provision. Residents were asked to leave comments at the events and these were summarised in an appendix to the report along with the number of residents attending each event.

The study evidenced that there was a modest need for affordable housing across the rural area of Stockton-on-Tees. An annual shortfall of 5 dwellings each year had been calculated which equated to 24 over the 5-year period 2009/10 to 2013/14. The general consensus amongst local residents was there were pockets of need across the rural areas and affordable development would help support longer-term community sustainability.

Of the affordable housing needs identified, half was from existing households who were in need but could not afford open market options; and half was from newly-forming households who want to remain living in the rural area.

Analysis of tenure preferences suggested split of 64% social rented and 36% intermediate tenure for new affordable dwellings. Analysis of data relating to income and other financial resources suggested that most households could afford an intermediate tenure product marketed at between £50,000 and £80,000.

The extent to which affordable housing was required varied across the rural areas, with greatest needs identified in Stillington & Whitton, Redmarshall and Wolviston. In other parishes, the number of dwellings required was low and it may be appropriate to group parishes together and any development would aim to address affordable shortfalls for that group of parishes.

The Housing Strategy team had identified the following delivery options for

meeting rural affordable housing need:-

Option 1

New build on infill sites within sustainable villages

Option 2

Purchase properties in rural location from the open market

Option 3

Bring empty properties in rural locations back into use

Option 4

Development on a rural exception site

Option 5

Off site provision of affordable housing secured through Section106 agreements and commuted sums

Option 6

Disposal of Council land at less than market value

The Housing Strategy team had identified the following actions as the basis for an action plan:-

- The village study is kept up to date to reflect any development which could affect the sustainability ranking of the villages which could in turn influence the decision to support and or provide affordable accommodation in village locations.
- Discuss with Registered Social Landlords operating in the borough the opportunities for and barriers to the development of new affordable housing or buying up existing housing.
- Work with the Councils Empty Property Team to identify any opportunities for bringing long term empty properties in rural locations back into use.
- Investigate the possibility of Registered Providers managing any long empty properties, which are brought back into use and used for affordable housing, with the property owners receiving a monthly rental income less a management fee.
- Establish whether there is any suitable Council owned land in appropriate rural locations to develop affordable housing.

Following consideration by the Planning Committee the report would be presented to Cabinet on 20th January 2010.

RESOLVED that the report be noted.

P
95/10

Proposed Changes to Planning Fees Consultation

Consideration was given to a report on proposed changes to the planning fees.

Following a period of research and contemplation, of which Stockton was one of the original pilot authorities involved, the Government had decided to make funding an individual Local Planning Authority responsibility. LPA's would be able to set their own planning fees with some restrictions imposed, although full details had not been published.

The consultation paper proposed changes to the planning application fees regime which would decentralise responsibility for setting fees to local planning authorities. The Government also proposed to widen the scope of planning application fees so that authorities could charge for more of their services. This would enable (but not compel) authorities to charge for resubmitted applications, and would allow authorities to charge higher fees for retrospective applications. Both proposals were intended to reduce taxpayer subsidy of planning applications.

The report outlined the proposals with regards to planning fees, as well as outlining a number of issues which had emerged or were not particularly clear. A response had been sent by Stockton to the consultation but it was not anticipated that the Government would change its position on the contents of the document.

The report detailed the following:-

- * The Planning Act 2008
- * The basis for charging planning application fees
- * The changes the Government propose
- * Extending the scope of planning application fees

The specific proposal options included:-

- * Option 1 would decentralise the responsibility for setting fees for planning applications to local planning authorities
- * Option 2 would maintain the current fee system (preferred option)

Other proposals included:-

- * Proposal (a) would allow local planning authorities to decide whether to give applicants a "free go" when resubmitting applications that have been withdrawn or refused
- * Proposal (b) would allow local planning authorities to charge a higher fee for retrospective planning applications

The report also highlighted:-

- * The likely effects of any changes
- * The unintended consequences arising from these proposals
- * The comments on the outcomes predicted in the impact assessment, in particular the costs and benefits

The report concluded that it would appear that it may be difficult to produce a national planning fee system which ensured the provision of a properly resourced service. Many of the important issues and details had not been properly considered or addressed. Members would be kept informed of the

situation and a further report would be presented to Planning Committee when the draft fee regulations are published.

RESOLVED that the report be noted.

**P
96/10**

2010 Strategic Housing Land Availability Assessment

Consideration was given to a report on the Local Development Framework: Strategic Housing Land Availability Assessment.

Members were reminded that 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 2010 SHLAA was complete. The assessment had shown that Stockton Borough had a 5-year supply of deliverable housing land based on sites with planning permission that had been assessed as deliverable and that current commitments (using a base date of 1 April 2010) met housing requirements up to 2020. The report set out the process by which the 2010 SHLAA had been produced. The document was available on agenda and in the electronic section of the Member's Library. A hard copy had also been placed in the Member's Library.

In order for Local Planning Authorities to identify sufficient land to meet the housing demand determined by the Regional Spatial Strategy, Planning Policy Statement 3: Housing set out the requirement for Local Planning Authorities to carry out a Strategic Housing Land Availability Assessment (SHLAA).

The Stockton SHLAA comprised part of the evidence base supporting the production of the Stockton Local Development Framework, and in particular the allocation of sites in the Regeneration Development Plan Document.

The first Stockton-on-Tees SHLAA was published in October 2008. The national Practice Guidance states that the assessment, once completed should be regularly updated (at least annually) as part of the Annual Monitoring Report exercise, to support the updating of the housing trajectory and the five-year supply of specific deliverable sites.

The national Practice Guidance emphasised 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, and SBC teams that had relevant professional expertise and knowledge, such as the Development Services and Regeneration teams, guided the production of the 2010 SHLAA.

The steering group agreed by e-mail the process for producing the 2010 SHLAA. The project plan followed the same format (call for sites - highways site assessment workshop - internal stakeholder site assessment workshop - consultation on site assessments - steering group come to a conclusion about "contentious" sites) that was agreed for the 2009 SHLAA. However, the following amendments were agreed:-

- The consultation period was four weeks (it was previously five). This took into

consideration that the majority of sites would not be new sites.

- A “drop-in” event was held as part of the consultation for the 2009 SHLAA. This was recommended as best practice following a drop-in event held jointly by Sunderland and South Tyneside Councils for their SHLAAs. However, despite all LDF consultees being notified of the event, attendance was poor (about ten people). No developers or landowners attended the event and only two consultants did so. The other attendees, apart from two Members, were all local residents from the same village. It was considered that there was insufficient justification for the cost of booking a venue and the officer time that is required to prepare for and staff a drop-in event when both the number and range of attendees was so limited. Therefore, for the 2010 SHLAA it was agreed to advertise, as part of the consultation, two half-day periods when any consultee could book half an hour to speak to an officer about a SHLAA site. This was instead of a drop-in event.

The consultation period ran from 19th July to 13th August. Both public and professional consultees had the opportunity to comment through e-mail or written comments.

Following the close of the consultation period the steering group met on 1st September 2010 in order to discuss “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.

At the meeting the steering group agreed with the draft internal stakeholder assessment of all of the contentious sites, except for two sites where further information was requested. Following further consultations with steering group members by e-mail, the following amendments were agreed to the draft internal stakeholder assessment of the two sites concerned:-

- SHLAA site 15: Land at Little Maltby Farm: The site had been re-assessed as developable following the submission of information regarding highways access.
- SHLAA site 87: Bowesfield Riverside Phase 1 (East): The site had been re-assessed as developable. However, the amount of developable land would be limited to the area outside the 1-in-100 year flood extent. This would limit the yield to approximately 18 dwellings.

An Appendix to the SHLAA Report contained the comments received during the consultation period together with the Steering Group responses.

Following consideration by the Planning Committee the report would be referred to Cabinet on 20th January 2010.

RESOLVED that the report be noted.

**P
97/10**

The Community Infrastructure Levy

Consideration was given to a report on the new proposed changes to the Community Infrastructure Levy.

Originally a new planning charge it came into force under the previous Government on 6th April 2010 under the Community Infrastructure Levy

Regulations 2010. It allowed local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money could be used to fund a wide range of infrastructure that was needed as a result of development. This included transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres. However it required the setting of a levy which reflected the costs of the infrastructure, was proportionate, was sound and robust, and had been subject to consultation and testing by a specially appointed Planning Inspector.

Planning obligations (private agreements between the local planning authority and the developer) would still continue to play an important role in helping to make individual developments acceptable to local planning authorities and communities. For example, new affordable housing would continue to be delivered through planning obligations rather than the levy. However, reforms had been introduced to restrict the use of planning obligations. Some of these had already come into effect and others would take effect from April 2014 (or as soon as a charging authority starts to charge the levy). Most importantly, after April 2014, planning obligations could no longer be used as the basis for a tariff to fund infrastructure. The levy would be used as the mechanism for pooling contributions from a variety of new developments to fund infrastructure.

The report explained the procedure for setting the Community Infrastructure Levy charge, How the Community Infrastructure Levy would be applied and the relationship between the Community Infrastructure Levy and planning obligations.

RESOLVED that the report be noted.

P **1.Appeal - Mr Tariq Mahmood - 137 Mansfield Avenue Thornaby -**
98/10 **10/1875/REV - DISMISS**

RESOLVED that the appeals be noted.