

Planning Committee

A meeting of Planning Committee was held on Wednesday, 16th January, 2013.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Gillian Corr, Cllr Eileen Johnson (Vice Cllr David Rose), Cllr Alan Lewis, Cllr Ray McCall, Cllr Maurice Perry (Vice Cllr Ken Lupton), Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker and Cllr Steve Walmsley.

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

Also in attendance: Applicants, Agents, Objectors, Cllr Michael Smith, Cllr Maureen Rigg, Cllr Phil Dennis and Cllr Sylvia Walmsley.

Apologies: Cllr Jean Kirby, Cllr Paul Kirton, Cllr Ken Lupton and Cllr David Rose.

P **Evacuation Plan**
85/12

The Evacuation Plan was noted.

P **Declarations of Interest**
86/12

Cllr Bob Gibson declared a personal and significant / prejudicial interest in respect of agenda item 6 - 12/2500/FUL - Billingham Community Centre Car Park, The Causeway, Billingham - Construction of an extra care housing development comprising fifty-two, two bedroom and four, one bedroom apartments with communal and support facilities, external landscaping and parking as he was Member of the Tristar Board. Councillor Gibson vacated the Chair and left the room during consideration of the item. Councillor Norma Stephenson was in the Chair during consideration the item.

P **Minutes**
87/12

The minutes of the meeting held on 12th December 2013 were confirmed and signed by the Chair as a correct record.

P **12/2568/EIS**
88/12 **Land North of The River Tees, Yarm,**
Revised application for creation of 11 playing pitches for Yarm School together with access for emergency/maintenance vehicles, a new pedestrian footbridge over the River Tees, two river pontoons, enhancement of mature landscape and creation of public greenspace, enhancement of the Teesdale Way and footpath network and provision of a new public car park for Yarm Town Centre. Revised outline application for a small pavilion linked with the playing pitches (all matters reserved except access).

Consideration was given to a report on planning application 12/2568/EIS - Land North of The River Tees, Yarm. This was a hybrid application that sought full planning permission for 11 playing pitches for Yarm School together with an access for emergency vehicles; a new pedestrian bridge over the River Tees; creation of a public park and creation of a new public car park. The application also sought outline consent for a pavilion associated with the playing pitch area.

A separate Conservation Area Consent application had also been submitted and approved under delegated powers for the demolition of the former haulage yard storage building.

In view of the scale of the proposal and the location of the development, an Environmental Statement (ES) had been submitted with the application and the report detailed the findings.

In tandem with this application, an outline application (12/1990/EIS) had been submitted for residential development for up to 735 dwellings; enhancement of car park at Yarm Railway Station and provision of public open space at land at Green Lane on part of which Yarm School playing pitches were located.

The site was designated Green Wedge. Core Strategy policy CS10.3 sought to maintain the separation between settlements, along with the quality of the urban environment through the protection and enhancement of the openness of Green Wedges within the conurbation. The application site was situated within the River Tees Valley element of the Green Wedge.

The application site was also located within an area identified as part of the Tees Heritage Park. Core Strategy Policy CS10.7 supported initiatives to improve the quality of the environment in the area.

The application site also lay adjacent to and within the Yarm and Egglecliffe Conservation Areas. Of particular consideration with regards to the historic environment were the proposals which included a new footbridge over the River Tees and the provision of a new public Car Park.

The main planning considerations of the application were the compliance of the proposal with national and local planning policy, the impacts upon the character and appearance of the area, impact on the conservation area, highway safety, flood risk, ecology, archaeology and nature conservation and other material planning considerations.

The impacts of the proposal had been considered against national and local planning guidance and the development as proposed was considered to be in line with general planning policies set out in the Development Plan. The proposal was also considered acceptable in terms of highway safety, did not adversely impact on the neighbouring properties and character of the Conservation Area, ecological habitat, archaeology, flooding and was recommended for approval with conditions as set out within the report.

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

With regard to publicity local residents had been individually notified of the application and it had also been advertised on site and in the local press.

313 letters of objection from residents had been received and their addresses and main concerns were detailed within the report.

Consultants representing Egglecliffe Area Residents Association had also commented and a summary of their reports were detailed with 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 saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

The agent for the applicant, objectors including Councillor Mrs Rigg and Councillor Philip Dennis were in attendance at the meeting and were given the opportunity to make representation.

The objectors comments could be summarised as follows:-

- * Access to the site during construction will be through Eggescliffe Village during which heavy vehicles may cause damage to listed buildings
- * Parents may park in Eggescliffe Village to use the sports pitches
- * The pitches will cause further congestion in Yarm High Street
- * The proposed footbridge may be used by trouble makers
- * The access to the pitches has safety issues
- * Cycle lanes are inadequate
- * Electricity supply to the pavilion will be an issue
- * The pitches will flood on a regular basis
- * The pitches will ruin the open aspect of the area
- * The emergency track to the pitches will be used by everyone using the pitches
- * There will be noise and blasphemy from people using the pitches
- * Yarm School is run like a business not a school
- * The pitches are not needed by Yarm School
- * Access to the pitches is too narrow and cars will have to give way to each other
- * The pitches will spoil the view
- * The pitches will have an adverse affect on wildlife
- * Trees and bushes will be destroyed
- * The area will be less attractive to people coming from outside the area
- * Contrary to Green Wedge policy
- * The bridge will have health and safety issues
- * The area is very therapeutic
- * People use the area more often now as people can't afford to travel far because of petrol prices
- * Yarm School has managed for long enough without the proposed pitches
- * The Tees Heritage Park (THP) has taken a long time to achieve and this will ruin it

- * Stockton Borough Council has given the THP a lot of support
- * If the application is approved it may affect future funding
- * The area is a mini national park
- * There are sound reasons for refusal that would stand up on appeal
- * The Tees Valley image must be sold nationally
- * Disappointment with Planning Officers recommendation
- * It is an area of outstanding natural beauty
- * Members should be consistent with decisions
- * Yarm School will make a profit from their sale of the pitches
- * Yarm School has had outstanding success but it is now greedy and arrogant
- * The pitches will be used exclusively for privately educated children
- * The flood plain protects Yarm and the development of the pitches may cause issues
- * The site is boulder clay which doesn't drain easily
- * The pitches will bring an urban element to the THP
- * If the application is approved the farm land should be opened up to the public
- * 100's of letters of objection have been received
- * The bridge is not needed
- * The photos do not do justice to the area as you can't feel the tranquillity
- * Members should have had a site visit
- * Some of the birds are on the red/amber list
- * Manicured pitches and managed park will not help the wildlife
- * Residents are horrified by the proposals
- * It will make sport a bit more convenient for a few hundred pupils
- * Please remember the people of the Borough you represent
- * The applicant can't use some of the land that they need as it is not owned by them
- * Vehicle access is very narrow and it can't be widened because of the building and wall
- * A construction management plan is needed now and not after the application has been approved
- * The Head Teacher is not in attendance to argue his point
- * The footbridge is visually intrusive
- * There has been 5 flood alerts in the past 6 months where the pitches will be
- * Will the proposal effect the traffic modelling that has recently been done
- * Will people crossing the bridge be able to see into peoples properties opposite
- * Will the gate be locked when the pitches are not in use
- * Who will maintain the public park

The agent for the applicant was then given the opportunity to make representation and his comments could be summarised as follows:-

- * If the application is approved the playing pitches will be brought closer to Yarm School
- * The school will become the hub of all sporting activities
- * Goal posts will be removed for 6 months of the year
- * The application that has been submitted in tandem with this application will address the current housing crisis
- * The applicant recognises the strength of local feeling but it is only a small percentage of the people of Yarm and Egglescliffe that are against the application
- * The scheme has been amended to address some of the concerns of local people

- * There is a golf course in the Tees Heritage Park
- * The applicant has consulted widely on the application
- * There are no technical reasons for refusal
- * The scheme will provide more walkways
- * The scheme will provide 45 acres of public park
- * The scheme is policy compliant
- * The scheme will widen the culture of sport

Members were then given the opportunity to ask questions and make comment on the application and these could be summarised as follows:-

- * Concern over the application
- * There are 36 conditions that may not be achieved
- * A site visit should have taken place
- * Members can not feel the tranquillity of the area from photographs
- * Nobody has ever said that they would like a public park on the Egglecliffe side of the river
- * The cycle tracks would bring noise and disturbance
- * Motor bikes would use the cycle track
- * There would be noise from the pitches
- * Lottery money has been granted for the Tees Heritage Park and more could be possible if area is not developed
- * The area is a natural flood plain

At this point there was a motion for a site visit to the application site. A vote then took place and the motion was not carried.

- * People against the application are not NIMBYs
- * The application is completely unacceptable
- * Yarm School is taking over the town
- * Nature manages itself and a park is not needed
- * The pitches are not needed by Yarm School
- * Members decisions are based on planning grounds
- * Members must protect the green wedge
- * Disappointed the Head Teacher isn't in attendance to answer questions

A vote then took place and the application was refused.

RESOLVED that planning application 12/2568/EIS be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed access to the site by construction work traffic and machinery via Egglecliffe village was unsatisfactory due to the restricted width of the access and proximity to a listed building and, further, the absence of control over the land, or likelihood of gaining control, over which the vehicles would be required to pass therefore the development could not take place.

2. In the opinion of the Local Planning Authority the proposed development will adversely affect the openness and amenity value of the Green Wedge by the introduction of maintained playing fields and the associated paraphernalia and associated noise contrary to Core Strategy Policy CS10(3)

3. In the opinion of the local Planning Authority the proposed development is contrary to Saved Policy EN7 and Saved Policy EN24 of the Adopted Stockton on Tees Local Plan in that it is considered by virtue of the nature of the development it would harm the landscape value of the special landscape area of the Tees Valley which will not be permitted and harms the character and appearance of the Egglecliffe and Yarm Conservation Areas

4. In the opinion of the Local Planning Authority the proposed development is contrary to the Adopted Core Strategy policy CS6.3 in that it will adversely affect the quantity and quality of open space.

P 12/2500/FUL
89/12 Billingham Community Centre Car Park, The Causeway, Billingham
Construction of an extra care housing development comprising fifty-two, two bedroom and four, one bedroom apartments with communal and support facilities, external landscaping and parking.

Consideration was given to a report on planning application 12/2500/FUL - Billingham Community Centre Car Park, The Causeway, Billingham - Construction of an extra care housing development comprising fifty-two, two bedroom and four, one bedroom apartments with communal and support facilities, external landscaping and parking.

A need for additional Extra Care Housing provision within the Billingham area was originally identified as part of the larger Billingham Integrated Health and Social Care project. Unfortunately the Council was unsuccessful in gaining the required PFI credits; however, Vela homes had been successful in securing £1.2 million from the Homes and Communities Agency (HCA) for extra care housing making such a scheme financially viable once more.

The application site was situated on the corner of Roseberry Road and the Causeway and was utilised as a public car park with a wide grass verge between both road frontages with Billingham community centre lying to the north east of the site.

Planning permission was sought for the construction of a 56 apartment extra care housing development with communal and support facilities, external landscaping and parking. The development would provide fifty-two, two bedroom and four, one bedroom apartments along with ancillary space for a café/dining area (c.124 sq m) & hairdressers (c. 20 sq m) over 2,3 & 4 storeys. The proposed development would use the existing access from The Causeway that served the existing car park and community centre.

The site was considered to be both sustainable and suitable for a development of this nature and would provide extra care housing within the Billingham area. Although the proposed building was large in scale, its design was considered appropriate and visually acceptable. It was not considered that the scheme would result in any significant detrimental impacts on residential amenity or pose any significant harm to highway or public safety.

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

Neighbours had been notified by letter, press advert and a site notice. Comments had been received and were summarised within the report. A total of 2 letters of support and 21 objections had been received.

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 saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

The applicant, architect for the development and objectors were in attendance at the meeting and were given the opportunity to make representation.

The objectors comments could be summarised as follows:-

- * The building will be overbearing on surrounding properties
- * The facility is not needed
- * There will be a loss of trees
- * There will be a loss of privacy for the surrounding properties
- * Members should go on a site visit to see the full impact the building will have
- * The building has a poor choice of materials and design
- * There will be an issue of the white part of the building reflecting
- * The building is too close to the footpath
- * The proposed location is not suitable for a development of this size
- * What level of housing needs assessment has been carried out
- * The size and shape of the building is out of character with the area
- * 1000 people have signed a petition against the development
- * There is a covenant on the development land
- * There are no lifts in the proposed building

The applicant and architect for the development comments could be summarised as follows:-

- * There are two lifts in the proposed building
- * There is a need to use different materials in the building to break up the appearance
- * The development is located on a roundabout and is open space at the moment
- * The trees that are lost will be replaced

- * Housing needs have been identified and there is a need for this type of accommodation
- * Two consultation events have been held
- * The different type of materials can be discussed

Members were then given the opportunity to ask questions and make comment on the application and these could be summarised as follows:-

- * There is a need for this type of development but the size of the development is an issue
- * There is a similar development in Hartlepool that Ward Councillors visited and was very impressive
- * The proximity to the town centre does help to absorb the size of the building
- * The land slightly to the north would be a better place for the development
- * There will be a loss of 23 car parking spaces
- * The development is close to the town centre facilities

The Head of Technical Services reported that with regard to the car parking situation once other developments in Billingham have been completed further in car parking spaces will be achieved.

A vote then took place and the application was refused.

RESOLVED that planning application 12/2500/FUL be refused for the following reason:-

In the opinion of the Local Planning Authority the proposed development is contrary to Core Strategy Policy 8 (CS8) 3 - Housing Mix and Affordable Housing Provision in that the specific higher density proposed for this development is not considered appropriate having regard to the impact on the character of the area, the loss of residential amenity due to the overbearing nature of the development and the loss of public car parking.

P 12/2580/FUL
90/12 Land to the Rear of 71 Forest Lane, Kirklevington, Yarm
Erection of 3 bed dormer bungalow with integral garage and creation of associated access, parking and landscaping

Consideration was given to a report on planning application -12/2580/FUL - Land to the Rear of 71 Forest Lane, Kirklevington, Yarm - Erection of 3 bed dormer bungalow with integral garage and creation of associated access, parking and landscaping.

Approval was sought for the erection of a detached dormer bungalow on the land which formed part of the large rear garden serving 71 Forest Lane which is a Grade II listed building. There had been seven objections from neighbouring residents and an objection had been received from the Kirklevington and Castle Levington Parish Council. These were largely relating to the principle of the development in relation to backland development, proximity to boundary hedges and neighbouring properties, impact upon the amenity of neighbouring properties in terms of loss of light and privacy, amenity value of hedgerows, character of the village and listed building to the front of the site, setting a

precedent for further development, visual impact of the proposal, archaeology, traffic, drainage and flooding of the application site and the surrounding residential properties.

There had been previous refusals at the site for a dwelling with the most recent being in 1989. That application was refused on the grounds of the impact upon the character of the surrounding area and impact upon the amenity of the host dwelling. This was considered at appeal and subsequently dismissed however this was based on a document titled Development Control Policy Note 2 "Development in Residential Areas" (DCPN 2) which generally resisted backland development on the grounds of disturbance and lack of privacy for the house to the front. This document was not longed adopted guidance and as such was not material when assessing this application. National Planning policy had also changed since the appeal decision; the NPPF now stated that there was a presumption in favour of sustainable development.

Paragraph 53 of the National Planning Policy Framework (NPPF) stated that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst concerns were raised, by objectors, regarding backland development, the local Authority did not have a planning policy relating directly to development of back garden areas however guidance within the NPPF (March 2012) stated that there was a presumption in favour of sustainable development, therefore the principle of the proposed development was considered to be acceptable subject to other material planning considerations.

It was considered that the proposal did not detrimentally detract from the setting of the listed building and was therefore in accordance with Save Local Plan Policy EN28 and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

It was considered that the proposal would not result in a significant impact upon the amenity of existing or future residents of the host dwelling or have an unacceptable impact on the amenity of adjacent neighbouring properties or have a detrimental impact upon the character and appearance of the surrounding area.

There were no objections from the Head of Technical Services or Tees Archaeology and Residual matters did not give rise to any material planning considerations which would outweigh the planning merits of the planning application.

Members were advised that a condition regarding water drainage had been omitted from the report and would be included on the permission if granted to reflect the concerns of the Head of Technical Services.

Therefore having regard to all the material planning considerations, the proposed dwelling was considered to be in accordance with the Development Plan policies and was acceptable. The application was therefore recommended for approval.

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

the report.

With regard to publicity neighbours had been notified and their comments were detailed 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 indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

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Planning Listed Buildings and Conservation Areas Act 1990

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 provided that in considering whether to grant permission for development which affects a listed building or its setting, the decision maker should pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses.

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

Members then discussed the application and agreed that there should be additional conditions with regard to drainage and a revised landscaping condition retaining the existing trees and hedges as well as a scheme their protection during construction

A vote then took place and the application was approved.

RESOLVED that planning application 12/2580/FUL be approved subject to the following conditions and informatives:-

1. The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
1262/LP	30 October 2012
1262/04	30 October 2012
1262/02	30 October 2012
1262/03A	5 November 2012
1262.05A	5 November 2012

2. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the

structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

3. No waste products derived as a result of carrying out the construction hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

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

5. 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.

6. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no hard landscaping works (excluding base course for access roads and car park) shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

7. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, Prior to the commencement of the erection of any permanent fencing , details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

8. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

9. The dwelling shall not be occupied until the proposed vehicular access and visibility splays have been constructed in accordance with the plan number 1262 / 02 received 30 October 2012 and the visibility splays shall remain unobstructed at all times with no structure or planting being placed or positioned between the line of visibility splay and the highway.

10. The dwelling hereby permitted shall not be occupied until hard landscaping and surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Such details shall provide for the use of permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling
To ensure a satisfactory form of development

11. The existing trees and hedges on site shall be retained and prior to site works commencing, provision shall be made for the protection of the trees and hedges to during construction works in accordance with a scheme to be agreed with the Local Planning Authority. Any trees or hedge damaged as a result of site works shall be replaced with a size and species as may be agreed with the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and the proposal is in keeping with the property and the street scene in terms of style, proportion and materials and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties or have any significant implications for highway safety. The proposal is not considered to have a detrimental impact upon the character of the area and there are no other material considerations which indicate a decision should be otherwise.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990

Adopted Stockton on Tees Local Plan (June 1997)
HO3 Development on unallocated sites
EN28 Setting of a Listed Building

Adopted Core Strategy (March 2010)
CS3: Sustainable Living and Climate Change
CS2: Sustainable Travel and Transport

Supplementary Planning Document Number 3: Parking for New Developments

Refuse storage should be provided within 25m of the highway.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework