

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 8th May, 2013.

**Present:** Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr Carol Clark (Vice Cllr Paul Kirton), Cllr Michael Clark (Vice Cllr Mick Stoker), Cllr Gillian Corr, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E and Cllr David Wilburn.

**Officers:** C Straughan, B Jackson, P Shovlin, J Hutchcraft, K Campbell, C Snowdon (DNS); J Butcher, P K Bell (LD).

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

**Apologies:** Cllr Paul Kirton, Cllr Mick Stoker and Cllr Steve Walmsley.

**P**            **Evacuation Plan**

**4/13**

The evacuation plan was noted.

**P**            **Declarations of Interest**

**5/13**

There were no interests declared.

**P**            **Minutes**

**6/13**

The minutes of the meeting held on 8th May 2013 were confirmed and signed by the Chair as a correct record.

**P**            **13/0575/VARY**

**7/13**

**Summerhill, High Lane, Maltby  
Application to vary condition No. 2 (Approved Plans) of planning approval 10/1536/FUL - Alterations and extensions to dwelling including sunroom to side and attached garage to allow removal of chimney detail, replacement of sunroom roof with tiled pitched roof and replacement of external wall with pitched roof**

Consideration was given to a report on planning application 13/0575/VARY - Summerhill, High Lane, Maltby - Application to vary condition No. 2 (Approved Plans) of planning approval 10/1536/FUL - Alterations and extensions to dwelling including sunroom to side and attached garage to allow removal of chimney detail, replacement of sunroom roof with tiled pitched roof and replacement of external wall with pitched roof.

In 2010 planning permission was granted for alterations and extensions to the dwelling including sunroom to side and attached garage (planning reference 10/1536/FUL). This followed three refusals of planning permission for extensions to the dwelling and the subsequent appeals to the Planning Inspectorate were dismissed.

Approval was sought for a variation to the approved plans previously approved under planning application 10/1536/FUL. The revisions to the approval consist of the replacement of the glazed roof sunroom roof with a tiled roof to match the approved garage roof, with 2 No. roof lights, the replacement of a wall at first

floor level with an extension of the approved roof slope and detail of the chimney to be removed from the western elevation to be constructed internally.

Eight letters of objection had been received from and on behalf of neighbouring residents and an objection had been received from the Parish Council largely on the grounds that given the history to the site the approved plans should have been adhered to, that the change of materials would add to the overall bulk, would appear overbearing and be of a poor design, out of keeping with the character of the area. Objectors also raised concerns that the development results in over development of the plot, was too high and close to boundaries and resulted in a loss of privacy for the surrounding neighbouring properties.

The application had been considered with regard to the impact upon neighbouring properties, character of the surrounding area and highway safety. Taking into account the nature of the proposed variations and the relationship with neighbouring properties the proposals were considered to be acceptable. Therefore the application was recommended for approval subject to conditions.

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

With regard to publicity neighbours had been notified and the comments that had been received 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 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 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 Planning Officer's report concluded that having regard to all material planning considerations in light of what had previously been approved at the application site, it was not considered that the proposal would result in a detrimental impact upon the amenity of neighbouring properties, be out of keeping with the character of the surrounding area or result in an adverse impact upon highway safety. As such the proposal was considered to be in accordance with policy CS3 (8) of the adopted Core Strategy, saved policy HO12 of the Local Plan and guidance within the NPPF.

Members were presented with an update report that outlined that further

correspondence had been received from one of the objectors but the correspondence did not give rise to any additional planning representations.

Further correspondence had taken place in relation to concerns raised by neighbours that future changes could take place at the property. Specific concerns related to the potential that further windows could be installed or the flat roof area could be used as a balcony / seating area without requiring the prior approval of the Local Planning Authority.

Following further correspondence with Prism Planning an additional planning condition was considered reasonable to address those concerns raised by neighbours to ensure that residential amenity was protected.

The proposed wording of the condition was as follows:-

8. The development hereby permitted shall only be carried out in complete accordance with the approved plans and no additional fenestration or doors shall be installed in the extensions during the life of the extensions and the altered flat roof area hereby approved adjacent to bedrooms 3 and 4 and above the snug as shown on the drawings hereby approved shall not be used as a balcony or sitting out area or similar amenity area.

The recommendation of the main report remained unchanged, which was that the application be approved with conditions along with the additional condition 8 as set out above.

The agent for the applicant was in attendance at the meeting and detailed the proposed amendments to the original scheme and how they would be beneficial to the applicant and the neighbouring properties.

An agent for an objector was in attendance at the meeting and outlined that it had been difficult to look at the scheme as there had been so many revised plans. He also outlined that there was concern that the new conditions would not be adhered to and if the applicant departed from any of the conditions prompt enforcement action should take place.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0575/VARY 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
(03)001	18 March 2013
(03)006 REV C	12 April 2013

2. The development hereby approved shall be completed from 65 mm LBC Tudor Facings brick and Marley Modern Grey 42 0 mm x 330 mm roof tile and render in a colour of V10 Stone By Parex Monorex.

3. The proposed 2 no. roof lights serving bedroom 2 facing towards the rear garden serving No.3 Dunsmore Close and 1 no. roof light serving bedroom 3,

facing towards Wayside, shall be obscurely glazed with level 4 obscured glass and provide an opening no greater than 45 degrees as shown on plan number 110/01 (03)006 Rev C dated Mar 2013. The details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before development commences. The windows shall be installed before the building hereby permitted is brought into use and retained for the life of the development.

4. The proposed rear gable windows serving bedroom 3; shall be glazed with level 4 obscure glass and have fixed openings as shown on plan number 110/01 (03) 006 rev C dated March 2013. The details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before development commences and installed before the building hereby permitted is brought into use and shall be retained for the life of the building.

5. The proposed 1 no. roof light serving bedroom 3 facing towards properties fronting onto Dunsmore Close shall be obscurely glazed with level 4 obscure glazing and fixed non-opening as shown on plan number 110/01 (03) 006 Rev C. The details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall be installed before the bedroom is brought into use and retained for the life of the building.

6. A detailed scheme for landscaping, tree and hedge planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall include a detailed planting plan and specification of works, indicating types and species, numbers, densities, planting methods, layout contouring and surfacing of all open space areas and shall include a long term management plan and maintenance schedule. 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 and 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.

7. No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

8. The development hereby permitted shall only be carried out in complete accordance with the approved plans and no additional fenestration or doors shall be installed in the extensions during the life of the extensions and the altered flat roof area hereby approved adjacent to bedrooms 3 and 4 and above the snug as shown on the drawings hereby approved shall not be used as a balcony or sitting out area or similar amenity area.

#### 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.

Adopted Stockton on Tees Local Plan (June 1997)  
HO12 Householder Extensions

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

Supplementary Planning Guidance Number 2: Householder Extension Design Guide  
Supplementary Planning Document Number 3: Parking for New Developments

The Local Planning Authority have implemented the requirements of the NPPF.

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

**P  
8/13**

**13/0566/RET  
Ground Floor, 4 - 6 Yarm Lane, Stockton-on-Tees,  
Retrospective change of use from Hot Food Takeaway (A5) to Taxi  
Booking Office (Sui Generis)**

Consideration was given to a report on planning application 13/0566/RET - Ground Floor, 4 - 6 Yarm Lane, Stockton-on-Tees - Retrospective change of use from Hot Food Takeaway (A5) to Taxi Booking Office (Sui Generis).

The application sought retrospective planning permission for a change of use from a hot food takeaway (A5 Use Class) to 24-hour operating taxi booking office (Sui Generis Use Class). The applicant had advised in writing that the use operates two vehicles only; a licensed Hackney cab and a licensed private hire car.

The application site related to the ground floor of No 4-6 Yarm Lane that is located within both the defined Stockton Town Centre boundary and Conservation Area.

8 letters of objections had been received. These objections primarily related to the exacerbated impacts on highway and pedestrian safety and that there are too many taxis in the area. These and other objections were detailed within the report.

The Head of Technical Services had assessed the application and considered that an additional 2 vehicles would not create a highway safety issue. The Environmental Health Unit had raised no objections in principle to the use.

The use was considered to satisfy the provisions of Core Strategy Policies CS2,

CS3, CS4 and CS5, saved Policies S6 and EN24 and the NPPF in terms of creating a sustainable form of development.

The application was therefore recommended for approval.

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 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.

Members were presented with an update report that outlined that a further two letters of representation had been received (dated 02.05.13 and 07.05.13) to the application from Mr David B Wilson of A2Z Licensing (acting on behalf of Tees Valley Cabs Ltd who operate from No 8-10 Yarm Lane). The additional representations had asked the Head of Technical Services to clarify whether there was a specific number of taxis that could be operated from the premises without compromising highway safety, and if so, can such numbers be controlled by way of a planning condition. The representations also stated that more than 2 cars were operating from the site and without the above requested information the application should be deferred by Members.

The Head of Technical Services (HoTS) had assessed the additional representations received and continued to raise no objections to the use. With respect to controlling the number of taxis operating from the site, the HoTS had commented that "the surrounding highway is protected by Traffic Regulation Orders (TRO) and the enforcement of those TROs and licensing prevents taxis waiting for fares in the highway".

As detailed within paragraphs 27-32 of the main Committee Report, it was considered that the imposition of a planning condition to prevent drivers returning to the site, waiting on Yarm Lane or requiring a system for pick ups etc, fails the tests of Circular 11/95 (Planning Conditions), notably being relevant to planning, not being enforceable and not being reasonable in all other respects, taking into account the existing restrictions on the adjacent highway network where illegal parking is controlled by separate legislation.

In view of the above considerations, it was considered that the scheme was acceptable in terms of highway and pedestrian safety in this instance. The recommendation of the main report therefore remained unchanged and the

application was recommended for approval.

The applicant was in attendance at the meeting and outlined that the application satisfied planning criteria and that any issues had been addressed so the application should be approved.

An objector was in attendance at the meeting and outlined that the application was acceptable as long as there was only 2 cars that operated out of the premise. If there was more cars than 2 cars operating out of the premise an accident could happen on Yarm Lane.

The Planning Officer reported that there was no basis under planning regulations to regulate how many cars operate out of a premise.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0563/FUL be approved subject to the following conditions and informatives below:-

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

Plan Reference Number	Date on Plan
SBC0001	6 March 2013

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

##### General Policy Conformity

The use is considered to be acceptable as it is considered that the use would not result in an adverse impact on the character of the surrounding area and poses no unacceptable harm to the amenity of neighbouring residents. It is further considered that the scheme would not adversely affect highway or pedestrian safety. It is considered that the development accords with the relevant policies as set out below and that there are no material planning considerations which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 2 (CS2): Sustainable Transport and Travel  
Core Strategy Policy 3 (CS3): Sustainable Living  
Core Strategy Policy 4 (CS4): Economic Regeneration  
Core Strategy Policy 5 (CS5): Town Centres

Saved Policy S6 of Alteration No 1 to the Adopted Local Plan

National Planning Policy Framework

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

