

Planning Committee

A meeting of Planning Committee was held on Wednesday, 28th May, 2014.

Present: Cllr Robert Gibson(Chairman), Cllr Gillian Corr(Vice-Chairman), Cllr Jim Beall, Cllr Phillip Dennis, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Ray McCall (vice Cllr Mick Stoker) Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Steve Walmsley, Cllr David Wilburn

Officers: Carol Straughan, Barry Jackson, Simon Grundy, Richard McGuckin, Peter Shovlin, Helen Conti (DNS); Julie Butcher, Michael Henderson (LD)

Also in attendance: Members of the public, applicants and representatives

Apologies: Cllr Mick Stoker, Cllr Paul Kirton,

P Evacuation Procedure

14/14

The evacuation procedure was noted.

P Declarations of Interest

15/14

Cllr Gillian Corr and Cllr Jean Kirby declared a personal interest in relation to item no. 5, 14/0569/REV Land at Little Maltby Farm, Low Lane, Ingleby Barwick as they were both members of Ingleby Barwick Town Council. The item in question had been the subject of discussion at a recent meeting of Ingleby Barwick Town Council. Cllrs Gillian Corr and Jean Kirby were not present during the discussion of that item and expressed their intention to speak and vote on the item.

P Minutes

16/14

The minutes of the meetings held on 16 April 2014 and 7 May 2014 were confirmed and signed by the Chair as a correct record.

P 14/0569/REV

17/14

**Land at Little Maltby Farm, Low Lane, Ingleby Barwick
Revised outline application for residential development of up to 550 dwellings, local centre up to 2500m2 and means of access**

Consideration was given to a report relating to a revised outline application for the residential development of up to 550 dwellings, local centre and up to a total floor space of 2500m2 and means of access. In addition an update report was provided that included further information surrounding education provision and some additional comments from the Head of Technical Services

It was explained that the application site lay to the south-east of the existing settlement of Ingleby Barwick and was a series of open fields bounded by hedgerows. The site lay to the immediate north of the free school and 350 houses site. Outline planning consent was again sought for the creation of a residential housing development of up to 550 dwellings, with all matters being

reserved except for the means of access.

Members noted the background to the application and were provided with a brief overview of the previous application, which had been refused on grounds of insufficient information with respect to highways and archaeological features and an additional reason for refusal added by members in respect of the green wedge.

The Committee was informed of the consultation responses that had been received. It was noted that a total of 70 objections and 1 letter of representation had been received. A separate petition against 'new house building on our green wedge in Ingleby Barwick' had also been set up and had 289 online signatures.

The main objections to the scheme include;

- Loss of greenfield site/green wedge/open space.
- Exacerbate existing traffic problems/insufficient access points.
- It would lead to a shortage of school places particularly at primary level.
- A lack of facilities - doctors/dentists/leisure facilities - particularly for young people and older teenagers.
- The Ingleby Barwick estate had been over developed.

The Committee was informed of material planning considerations and the principle of development. Members were reminded that NPPF set out the government's objectives for the planning system and for achieving sustainable development, with Paragraph 47 of the NPPF detailing the importance the Government attached to boosting the supply of housing.

It was explained that the five year housing supply for the Borough with a 20% buffer was 4.08 years. Consequently, the Council could not demonstrate a 5 year supply of housing land. In line with paragraph 14 of the NPPF the application should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. In considering the views of both the Planning Inspector and the Secretary of State, in determining the recent appeal decision for the neighbouring site, it was clear that the lack of a five year housing land supply was a significant and strong material planning consideration, which weighed in favour of the application, although this had to be weighed against the harm that would occur to the development plan policies such as those which sought to preserve the green wedge.

In terms of Environmental protection and enhancement Core Strategy Policy CS10 sought to ensure that the separation between settlements was maintained and that the quality of the urban environment was protected. Saved Policy HO3 also sought to protect sites which had a recreational value and preserved the character of the locality. Given that the proposal introduced a level of built development into an undeveloped area of the green wedge, harm would occur to the site's openness, character and amenity value.

However, the Secretary of State's decision for the Free School and housing to

the south west of the current proposal set out that, whilst development of the appeal site would undermine the existing separation, sufficient land remained and that the appeal proposal would be seen as part of Ingleby Barwick. Furthermore, he considered that the harm that would be caused to the character of the area would be limited, particularly as the Council had sought to address their housing supply shortfall by granting or expressing a willingness to grant planning permission for housing on other similar sites on the edge of settlements.

The planning statement in support of the application also stated that 15% of the dwellings or 82 units would be affordable housing and in view of the existing shortfall across the Borough and Ingleby Barwick, this was also a significant material consideration in support of the application.

The scheme included a local centre with provision for retail and associated services up to a total floor space of 2,500sqm. It was noted that should the proposed housing come forward a total of 900 dwellings would be consented in the surrounding area and the retail provision within the site was considered acceptable provided the scale was appropriate, and such matters could be controlled via planning conditions.

In terms of education provision, several objectors had raised concerns in relation to the impact of the development on primary school provision, particularly given existing shortfalls in school spaces.

There was limited potential for the expansion of primary schools within Ingleby Barwick, to accommodate the anticipated primary school children from the proposed development and consequently an area of land would be required to provide a new primary school. Following discussions with the applicant an agreement had been reached to provide enough land to accommodate a single form entry primary school - 210 places adjacent to the eastern boundary of the site, thereby allowing the potential for expansion should the need arise out of any additional residential development, this would be secured through the Heads of Terms and a S.106 agreement.

With regard to the Visual Impact/Impact on the green wedge the site adjoined the northern edge of the development that was granted consent for a Free School and 350 residential dwellings. In considering the appeal for the Free School and housing the Inspector accepted that there would be conflict with green wedge policy aims although he later stated that the remaining land would be sufficient to enable them to be seen separately from one another and concluded that the harm was limited.

In terms of this proposal the application site would lie adjacent to existing housing within Ingleby Barwick and both behind and alongside the already consented housing and the free school development. The proposal would therefore be seen against the context of built development to the north, south and west, reducing the visual harm of the scheme.

Coupled with an appropriate level of screening to the eastern boundary, the visual impacts of the scheme were considered to be limited and the amount of green wedge which would remain to the east also made it difficult to conclude that there would be a coalescence of the settlements of Thornaby and Ingleby

Barwick and any associated harm would therefore be outweighed by the benefits of addressing the current shortfall in the 5 year housing land supply.

Members noted that considerations with regards to the Setting of grade II listed building, Little Maltby Farm. It was explained that the Historic Buildings Officer did not consider that any additional housing would have an adverse impact on the setting of Little Maltby Farmhouse, although these impacts would also need to be considered at the reserved matters stage.

In terms of the impact on Amenity the indicative housing parcels layout showed that the proposed housing would be a minimum of approximately 30m from rear of the properties along Priorwood Gardens although this distance varied greatly and reached a maximum distance of approximately 100m. The nearby properties to the south were also in excess of 130m from the site. Whilst the final details regarding site layout and the external relationships with existing properties would be a matter for consideration at the reserved matters stage the distances were considered to provide enough comfort that acceptable levels of amenity were provided.

In considering the impacts on Access and Highway Safety, both the Highways Agency and Head of Technical Services had examined the impact of the development on their networks and were satisfied that with appropriate mitigation there would be no objection to the scheme. Details regarding the mitigation strategy were provided to the Committee.

Members were informed of Archaeological Interest and noted that Tees Archaeology were satisfied that there were no archaeological remains that would prevent development from taking place. Appropriate mitigation could be secured through a planning condition and this overcame the previous reason for refusal.

Members were informed that there were no significant impacts on protected species, or flood risk and planning conditions could be imposed to secure the necessary mitigation and submission of appropriate details.

It was explained that as the Council could not demonstrate a five year supply of deliverable housing sites, the policies of the NPPF applied and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It was not considered that the harm associated with this development was so significant that it outweighed the benefits of boosting the supply of housing land, the provision of affordable housing and the associated economic benefits.

Previous issues relating to a lack of information being provided to satisfactorily demonstrate that the proposed development would not adversely impact on highway safety or features of archaeological interest had been resolved and whilst it was noted that members previously considered that there would be harm to the green wedge, however, officers were of the view that, as the proposal would be seen against the context of built development to the north, south and west, the overall visual harm of the scheme was limited and would not be significant enough to justify a refusal of the scheme. Therefore, any associated visual harm was considered to be limited and would be outweighed by the benefits of the proposal.

The application was recommended, by officers, for approval subject to conditions.

Councillor Kevin Fawkes was in attendance and objected to the application. He raised a number of points which are summarised below:-

- the accuracy of the 5 year supply calculation was questioned.
- the effect of the development, on highways in the area, would be significant. It was suggested that it would have a negative impact on the already congested road network, south of the borough and, in particular, Low Lane. Ingleby Barwick.
- there had been a lack of consultation relating to the hard standing/cycle path to connect the development site with Wellbrook Close
- there was no indication of who might build the primary school that had been identified as being needed.
- there was no support for the development by residents of Ingleby Barwick

A further objector, referred to the petition against the proposals and specifically raised concerns about the impact on the Green Wedge.

A representative of the applicant was in attendance and addressed the meeting. His comments could be summarised as follows;

- the Council needed more development sites as the 5 year housing supply was not being reached.
- the site was sustainable.
- officers had considered NPPF with regards to the supply of housing, and issues related to the Green Wedge and Highways considerations and had come to the conclusion to recommend approval. The Committee should approve the application,

Members were given the opportunity to comment and ask questions, these could be summarised as follows;-

- there were considerable concerns about the impact the proposed development would have on the Green Wedge and there should not be a detraction from the existing and emerging policy in this regard. The existing Green Wedge should be preserved.
- there were concerns about the impact on highways and whether the identified mitigations would be sufficiently effective.
- education provision had not been sufficiently mitigated.

A vote was taken and the application was refused.

RESOLVED that planning application 14/0569/REV be refused for the following reasons:

1. In the opinion of the Local Planning Authority the proposal will introduce development within the green wedge which will impact upon the openness and amenity value of the green wedge at this location and leave insufficient green

wedge to adequately maintain the separation between Ingleby Barwick and Thornaby contrary to point 3 of Core Strategy policy CS10 of the Adopted Stockton on Tees Core Strategy and saved Local Plan policy HO3.

2. In the opinion of the Local Planning Authority the proposal is also considered to be unsustainable, having an unacceptable impact on Education provision which is insufficiently mitigated against, having poor public transport links and an unacceptable impact on the highway network within the area contrary to policy CS2(1) of the Adopted Stockton on Tees Core Strategy and Paragraph 17 of the National Planning Policy Framework Core Principles.

P 14/0797/FUL
18/14 The Rookery, South View, Eaglescliffe
Demolition of existing dwelling and construction of 14 no. apartments
(one block of 9 apartments and one block of 5 apartments)

Consideration was given to a report relating to an application site that lay within an area of land known as 'The Hole of Paradise' and was bounded on three sides by Urray Nook Road (A67), Yarm Road (A135) and South View and formed part of the Egglecliffe Conservation Area. The immediate surrounding area had a mixture of architectures styles and as a consequence had no strongly defined character.

Planning permission was sought for the demolition of an existing dwelling and for the construction of 14 no. apartments. The apartments would be spilt across two blocks, the larger of the two occupying the front of the site (containing 9 apartments) and a second, smaller, building within the rear (providing 5 units). The scale of the buildings would be predominately two storey, rising to a maximum of three storeys in height, with the third storey being tiered on both buildings.

It was explained that the Head of Technical Services had advised that the proposed pedestrian access to block A was located opposite a junction where it would not be safe to encourage pedestrians to cross and had recommended that this be amended to lead pedestrians to use the footway to the east along South View. The amended plan for this was awaited.

In assessing all of the material planning considerations it was considered that the proposed development would boost the supply of housing and met with the definition of sustainable development, as set out in the National Planning Policy Framework. The site was also considered to be within a sustainable location which was capable of accommodating higher density developments. Whilst the scheme would result in the loss of the Rookery, the replacement structure was considered to be appropriate in its scale, massing and design and would not have a detrimental impact on the character of the conservation area or the setting of the adjacent listed building. The proposed development was also not considered to have a detrimental impact on the privacy or amenity of the neighbouring properties, or cause any significant harm to any features of archaeological interest or highway safety.

Consequently, the proposal was considered to be in accordance with guidance

contained within the National Planning Policy Framework and policies within both the adopted Core Strategy and Local Plan.

The consultees that had been notified and the comments that had been received were detailed within the report and it was noted that English Heritage's comments were awaited.

Members were provided with details of the publicity given to the application and noted the representations received.

A member of the public was in attendance and expressed concern at the drainage on the site and how foul and surface water would be dealt with. The Committee was informed that Northumbrian Water had not objected to the application but had requested a condition on consent relating to the management of foul and surface water from the development.

Members considered the application and their comments could be summarised as follows:-

- a member considered that the Rookery was an iconic building in Eaglescliffe and its replacement should be different to the one proposed.
- a member was concerned that the proposal of 14 units on the site would be an over development and the modern appearance of the building would be out of place in the area.
- there was some concern relating to parking problems in South View.
- there was a mix of buildings and the proposals would be an improvement on the existing site.

Members were reminded that the Head of Technical Services had not raised any concerns over traffic and highway safety.

A vote was taken and the application was approved

RESOLVED that planning application 14/0797/FUL be approved subject to the following conditions:

Approved Plans;

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

Plan Reference Number	Date on Plan
1360/PL/01	25 March 2014
1360/PL/02	20 March 2014
1360/PL/03 "A"	19 May 2014
1360/PL/04 "B"	19 May 2014
1360/PL/05	25 March 2014
1360/PL/06	25 March 2014
MBGD1404/SLP	20 March 2014

Materials;

02 Notwithstanding any description of the materials in the application no above ground construction shall be commenced until precise details of the

materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.

Means of Enclosure;

03 All means of enclosure associated with the development hereby approved, including the boundary along the South View frontage, shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure shall be erected fully before the development hereby approved is occupied.

External lighting;

04 Notwithstanding the submitted information, full details of all external lighting of the buildings and car-parking areas together with its colour means of shielding and alignment shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is provided. The lighting shall be provided in accordance with the agreed details before the development is occupied and shall thereafter be retained in its approved form.

Site levels;

05 Notwithstanding the submitted information provided in this application, details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The development shall be carried out in accordance with those details thereafter.

Highway Works;

06 No development shall commence until a scheme has been submitted and approved in writing by the Local Planning Authority and has been fully implemented for works to realign the kerb line on the southern approach to South View, the provision of a pedestrian access/crossing point along South View and a revised kerb line and western entrance to the site.

Timetable for demolition and rebuild;

07 Prior to the commencement of development a scheme setting out the details of, and the timetable for, demolition of the existing building and the commencement of redevelopment, the latter to be begun within three months of demolition, shall be submitted to and approved in writing by the local planning authority. The timetable for demolition and redevelopment shall be adhered to at all times unless otherwise agreed in writing by the local planning authority.

Provision of temporary car park;

08 Prior to works commencing a scheme for a temporary car park for construction workers to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to commencement of development and shall thereafter be retained for the duration of the construction period.

Hours of construction/demolition activity;

09 No construction/demolition activity or deliveries shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after

6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).

Archaeological recording;

10 A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

No open burning;

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

Drainage;

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

Soft Landscaping works;

12 A detailed scheme for landscaping and tree and/or shrub planting (including details of all trees to be retained on the site), and a maintenance schedule for a minimum of five years, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved 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 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 unless the Local

Planning Authority gives written consent to any variation.

Tree protection measures;

13 Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

'No-dig' construction to parking bays;

14 The proposed access and parking bays in the north-east corner of the site shall be constructed using 'no-dig' construction methods. Full details of the construction materials and methods to be employed shall be submitted to and be agreed in writing with the Local Planning Authority prior to commencement of the development. Such an agreed scheme shall be implemented in accordance with these details.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority have implemented the requirements of the National Planning Policy Framework (NPPF).

**P
19/14**

14/0588/OUT

Glebe Farm, Darlington Road, Elton

Outline application for the construction of an eco-executive 4 bed detached dwelling including means of access

Consideration was given to a report presenting an application for outline Planning permission, with all matters reserved, other than the access, for the erection of a 4 bed detached eco-executive dwelling house on land west of Glebe Farm Elton.

Members noted that twelve individual letters of objection had been received from local residents and interested parties with the main objections relating to the principle of development and the sustainability of the area, impact of the development on the character of the area, impact on the setting of the Grade II* listed church and impact on privacy for those attending burials and visiting graves. Other concerns related to the adverse impact on traffic and the highway and impact on flooding and drainage.

Seven letters of support had been received from interested parties who lived outside of Elton. These letters of support related mainly to the lack of five year supply, that the scheme would help to increase the sustainability of Elton and other nearby Villages and the proposal would help to drive forward a zero carbon future in line with the Government's proposals for zero carbon buildings in 2016.

The site was located within a Tier 3 village which had been assessed as unsustainable in the recent study 'Planning the Future of Rural Villages'. A previous appeal decision in 2009 supported this view and dismissed the appeal.

The main material planning considerations were the principle of the development, including the sustainability of the site; the impacts on the character and appearance of the area, impact on the adjacent listed church, impact on residential amenity; archaeology, highway safety and drainage.

It was explained that whilst the Council was unable to identify a five-year supply of deliverable housing sites the proposal was for a single dwelling which would have limited impact upon addressing this issue and it was considered that this did not weigh strongly in favour of the development if the site was considered to be in an unsustainable location.

Members noted that the application site lay within the village of Elton, which had particularly restricted services and provisions in regard to schools, shops, leisure uses and employment. In order to establish the levels of facilities available within the Borough's rural villages and assess their sustainability, the Local Planning Authority had recently updated the Planning the Future of Rural Villages study as an evidence base for the Local Plan. Members' attention was pointed toward the comments of the Spatial Planning Officer, contained in the report to Committee.

It was explained that the outlying villages had been grouped into tiers based on their sustainability, with tier 1 being the most sustainable and tier 4 being the least, only those villages falling within either tier 1 or 2 had been considered sustainable enough to accommodate further infill housing. Elton Village was within tier 3 and was therefore not considered to be suitable for any further housing. Despite the status of the Core Strategy and supporting documents at the time of consideration of a previous appeal at the site, the inspector had found 'the analysis persuasive, even allowing for the projected improvements in bus services'.

The Committee was informed that the Agent, acting for the applicant, had stated the 'Planning for Rural villages study' contained anomalies. The Agent had provided additional information on this and this was reviewed by the Spatial Planning Team who had confirmed that there were no anomalies in the document and the scoring as a Tier 3 village was correct but in the forthcoming review this village could score even lower due to the removal of the bus service making it a possible Tier 4 village.

Residential development in this location would require its occupants to rely heavily on the private motor vehicle for the vast majority of trips associated with education, leisure, employment and shopping uses. This dependence on private cars was contrary to the guidance contained within the National Planning Policy Framework, which effectively required new housing development to be located within sustainable locations. It was explained that the removal of the bus services had further reduced the ability for residents to access services and facilities by sustainable means. The Planning Inspectorate in 2009 stated 'Overall, I find that Elton has a paucity of facilities, including a pub some way outside the built up area of the village. Despite the bus connections, the occupants of the proposed dwelling would almost certainly rely on the private

car to a great extent' and the appeal was dismissed with the Inspector concluding 'The proposal would conflict with the national policy guidance on sustainability noted. I conclude that the site is not in a sufficiently sustainable location for residential development, and that the proposal is unacceptable'.

The appeal decision referred to above was dismissed due to the unsustainable location of the development. Whilst the site was outwith the limits to development the Inspector commented 'I consider that the vast majority of trips, which would be made from the appeal site for work, shopping, leisure and educational purposes would be made by private car. The nearby village of Elton seems to be totally devoid of local services and I am advised that, in recently updating its Planning for the future of rural villages in Stockton as part of its evidence base for the preparation of its Local Development Framework, the Council has concluded that Elton should be considered as a tier 3 settlement, not suitable for further housing development. In my view, the appeal site is not in a sustainable location'.

The Agent had attempted to quantify the 'harm' caused by the development as the carbon emissions that would be associated with the development in this unsustainable location and that by the use of vibration sun technology this would overcome the harm. It should be noted that the previous application refused at the site (08/2318/OUT) also proposed the use of methods to offset carbon emissions with the Design and Access Statement detailing 'The use of Ground Sourced Heat Pumps, Solar Panels, Wood Burning Stoves for cooking and heating will be employed. Additional insulation will be added to the fabric of the structure. A system of Rain Water Harvesting will be used'. Nonetheless, that application was dismissed on appeal with the inspector stating 'the stated intention of incorporating sustainability features within the building is commendable. However these features could be put in place in a more sustainable location and they do not overcome the harm identified'.

Members noted that in the opinion of the Head of Planning sustainability could not be defined and quantified by just carbon emissions. In fact this was further demonstrated by the Governments commitment to achieve Zero Carbon homes in all areas (by 2016) and the incorporation of such features to achieve this would not be sufficient to outweigh local planning policy and one of the core principles of the National Planning Policy Framework which was that planning should 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which were, or could be made sustainable'. It was considered that whilst the provision of a code 6 home was commendable, it did not justify the erection of a dwelling in an unsustainable location where a non-driver could live, leaving them isolated and unable to access services in a sustainable manner.

To support this view a recent appeal decision stated 'it is anticipated that the building could thus not only achieve Code Level 6 of the Code for Sustainable Homes, but exceed it. I have no reason therefore to conclude that the proposed building would not achieve its design objective of using a combination of available technologies to create a carbon negative dwelling' However, the building would use materials and employ technologies that were now well established, and often used in combination. A number of houses had been built to Code Level 6 standard and by 2016 this would be required for all new dwellings'.

It was therefore considered that the development was in an unsustainable location and even with the erection of a zero carbon home, which would become a standard requirement in the coming years, this would not outweigh the concerns over the siting of the dwelling in a village with limited services and facilities and the development was therefore contrary to one of the core principles in the National Planning Policy Framework.

The Agent and supporters of the scheme stated that this development would assist in supporting local services, however with limited services in the village it was considered that this did not justify a single dwelling for this reason.

In terms of the five year supply of deliverable housing sites members noted that it was considered that the provision of a single dwelling in a location that was considered to be unsustainable was not acceptable despite the lack of a five year supply and there were no material planning considerations that would outweigh this.

Officers were of the opinion that the development would have an adverse impact on the character and appearance of the area and considered the scheme to be a cramped form of development, however, given the appeal decision in 2004 that dismissed this view, the opinion would not warrant refusal of the current application on these grounds.

With regards to the impact on the listed church it was considered that the development would have a degree of harm that would be less than substantial and the development had no public benefits that would outweigh this harm, however it was considered that should the application be approved this would be on the basis that the proposed dwelling was similar in height to the host dwelling and the footprint would be reduced to allow landscaping to be planted on the boundary

Overall it was considered that a development could be achieved that would not have a significant adverse impact on residential amenity; however this would be subject to further consideration of plans showing a detailed design and layout.

The proposal has the potential to have an impact on the significance of archaeological remains relating to the medieval settlement at Elton and its churchyard. In this case it was recommended that the developer secures a programme of archaeological work to take place during ground disturbance in order that any archaeological deposits (including human remains) could be properly recorded prior to their destruction. Should the application be recommended for approval, a scheme of work could be made a condition of approval.

The Head of Technical Services had viewed the proposed scheme and from a highway perspective considered the access to be sufficient to allow 2 cars to pass and adequate visibility was available. The proposed access which formed part of this application was therefore considered acceptable

Concerns had been raised by a number of objections regarding flooding and drainage. The application site was within flood zone 1 and should the

application be approved, with the use of permeable materials it was considered that this development would not increase any problems with flooding.

Northumbrian Water had confirmed it had no objections to the proposed scheme. There were no mains sewers within the vicinity of Glebe Farm, or Elton, which could be used for a connection for the proposed new dwelling. The applicant had confirmed that the development would use a septic tank

Overall it was considered that drainage could be adequately managed should the scheme be approved.

It was considered that that development was in a location that was considered to be unsustainable and as a consequence the proposed development was considered to be contrary to the guidance set out in the National Planning Policy Framework, and there were no overriding factors that could deem the application to be acceptable. It was therefore recommended that the application be refused.

Members heard from supporters of the application. Comments could be summarised as follows:-

- the Council could not demonstrate that it was meeting the five year supply of deliverable housing sites and this application should therefore be granted.
- there was a possibility of the bus service returning
- sustainability could be determined in a different way to what Council officers were suggesting and the problems cited by officers did not take account of this or the sustainability of the whole development into consideration. A newspaper report of a development, similar to the proposals in front of members had been circulated, and supporters pointed to this as evidence of the carbon saving technology that would be used.

During Members' consideration of the application the following matters were raised:-

- the site was within the limits of development, was on a cycle route and an additional house could be advantageous to the village.
- other developments had previously been approved where the use of a car was important.
- the visual impact of the property, on the village, would be negative.

Members were reminded that the Council had agreed that it wouldn't allow such developments in Tier 3 or 4 villages, Elton was a Tier 3 village.

A vote was taken and the application was refused.

RESOLVED that Planning application 14/0588/OUT be Refused for the following reason(s)

In the opinion of the Local Planning Authority the proposed site was in an

unsustainable location for residential development by virtue of the limited services, which would require occupants to travel via the private car for employment, schools, retail and recreational purposes and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in the National Planning Policy Framework and it is considered that there are no special circumstances relating to the proposal as defined in paragraph 55 of the National Planning Policy Framework to override the National Planning Policy Framework when taken as a whole.

P **14/0003/COU**
20/14 **Change of use to increase number of bed and breakfast letting rooms**
 from two bedrooms to four bedrooms
 Thorpe Thewles Lodge, Durham Road, Thorpe Thewles

Members considered a report that detailed an application for planning permission for the change of use of a residential dwelling (with ancillary two rooms available for let) to a bed and breakfast, offering four letting rooms with ancillary living accommodation for the applicant.

Members noted that eight letters of support were originally received from local residents, employees and businesses. The letters mainly related to the need for the facility, the impact the closure of the facility would have on the employees and general support.

One additional letter of support had been received from The Old Mill Bed and Breakfast, Barwick Lane. It was not considered that the additional support letter raised any new material planning considerations that had not been considered within the main Committee Report.

One letter of objection had been received from a Solicitor acting on behalf of a neighbour, the objections related to the scale, unsuitable location, and unsafe access.

Members noted that the site lay outside the limits to development and was within close proximity to a group of existing dwellings (a farmhouse and three barn conversions).

It was explained that, based on background information and evidence the scale of the development and the limited private facilities used by the owners, the use of the premises had changed and had the character of a bed and breakfast establishment, rather than that of a family dwelling house.

The Environmental Health Unit objected to the proposal on the grounds that, as a commercial undertaking, this was likely to cause additional noise at night from cars and guests, which would lead to undue noise and disturbance to the adjacent residential properties. The Environmental Health Department had received two complaints about noise from guests at the premises. An additional concern was that, although management controls may be implemented, there was no assurance that such measures would be complied with as this was not a licensable premises. Also, in practice, noise from access and egress of vehicles and guests outside of the property was difficult to mitigate

The main material planning considerations related to the principle of the development and the sustainability of the site, impact on neighbours and pedestrian and highway safety. Whilst the Council was of the opinion that the site had been operating as a bed and breakfast and had authorised enforcement action, the applicant claimed it had been operating as a single dwelling with ancillary bed and breakfast facilities (no more than two rooms at any one time).

When considering whether a development was acceptable national and local policies and government guidance was taken into consideration and this gave an indicator on whether a development would be satisfactory, or whether there were reasons that would outweigh local policy.

There was a need for accommodation for business visitors but given the size of the rooms it appeared that the facilities catered more for large groups with no single rooms available. The Head of Regeneration and Economic Development did not object to the proposal but stated that a more central location with good transport links was preferable.

There were no local tourist attractions nearby and there were a limited number of public rights of way nearby to claim that this facility catered for those seeking to enjoy the natural environment through walking and outdoor recreation. The proposal was not linked to farm diversification and was not a rural building that would be supported by saved policy EN20.

Thorpe Thewles Lodge was located to the north of Stockton on Tees. The nearest services would be approximately 0.4km away (Tesco), however, this would involve walking along an unlit 50MPH carriageway. Thorpe Thewles was approximately 1.5 km north of the farm and, again, was accessed by walking along an unlit road with no footpaths. There was an hourly bus service into Stockton, Middlesbrough and Peterlee (Bus 21A) from the main Durham Road. On plan the proposal was close to the edge of the existing conurbation, however, it was considered that whilst there were some pedestrian links; these were unattractive unlit routes, walking along major roads that would not be used by the patrons, who instead would rely on the private car, making this an unsustainable location for the provision of a bed and breakfast facility, however, it was considered that given the scale of the development (an additional two rooms) that this in itself would not be sufficient to warrant refusal of the application.

Members noted that three letters had been received, which suggested that refusal of the application would result in job losses. It was explained that the National Planning Policy Framework stated 'The Government is committed to securing economic growth in order to create jobs and prosperity' and 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system'. The potential loss of jobs should be given significant weight when reaching a decision on the application and if there were no other overriding concerns the application could be supported.

There were four residential properties within close proximity to the bed and breakfast facility. Several complaints had been received regarding noise and disturbance and the local police force had investigated complaints of anti-social behaviour, which led to the local planning authority investigating the use. Despite the applicant indicating that he retained rooms for his own use, previous evidence had shown that the bed and breakfast was operating without a full time on-site presence and therefore nobody was managing the property, with only a contact number for residents. The property, when full, could accommodate up to 18 persons.

The National Planning Policy Framework stated that local planning authorities should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Guests needed to drive past Plots 1, 2 and 3 Drummoyne and in particular the main living accommodation windows of Plot 1 (known as Stable View), the resident of which had written in to support the application. Whilst the applicant had erected a large fence around the application site, which offered an element of protection from noise and disturbance it was considered that the use of the property and level of activity that this brought would have an adverse impact on the residents of neighbouring properties who should expect a reasonable level of peace and quiet in this rural location. Whilst it was acknowledged that two letters of support had been received from the occupiers of these plots the local planning authority had to protect the amenity of any future residents.

In addition to this, there were ongoing problems with guests disturbing neighbours looking for the accommodation, as most people tried to access the site from the main Durham Road which was a private vehicular access for High Middlefield Farm. This had led to the owner of High Middlefield Farm erecting signage to try and deter this from happening but, as had previously been stated, guests still knocked and disturbed them.

Overall it was considered that the use of the property, as a bed and breakfast on the scale proposed had an adverse impact on the amenities of neighbouring properties through noise and disturbance and the use would be considered as unacceptable in this rural location so close to neighbouring residential dwellings

It is considered that the bed and breakfast accommodation in this location would not have an adverse impact on highway safety.

Comments had been made regarding the illuminated signage at the site. Retrospective advertisement consent was sought for the retention of the sign and the application was refused. The applicant resubmitted a scheme with no illumination which was subsequently approved. The Enforcement Team was investigating the unauthorised illumination of the sign.

Taking into account the material considerations, should the application be refused then this may lead to job losses which are contrary to the aims of the National Planning Policy Framework which promotes sustainable growth and this impact should be given significant weight.

It was suggested that whilst it was regrettable that refusal of the application could potentially lead to job losses this fact did not outweigh the concerns and harm over the noise and disturbance to adjacent neighbouring properties. The

application was therefore recommended for refusal and that enforcement action should be taken to ensure the site operated as a C3 dwellinghouse.

The applicant and a number of supporters were present to speak in favour of the application. Their comments are summarised below:-

- Stockton had lots to offer but there was a lack of accommodation. There was unmet demand from tourists and businesses for this type of accommodation.
- one neighbour reported that they were never disturbed by the operation of the bed and breakfast.
- a current employee of the bed and breakfast business explained that she was afraid she'd lose her job if the application was not granted, she also explained that she considered that the accommodation was not out of the way and a supermarket was only 6 minutes walk away, a local bus route was also close by.
- a local bed and breakfast proprietor indicated that he supported the application as there was a need in the area. His own business was always very busy and he often spoke to petro chemical workers, engineers etc who explained that they struggled to find somewhere to stay in the area.

A representative of Duell Farming Partnership explained his clients objections to the application:-

- the farm suffered from customers and potential customers of the hotel turning into the lane from the A177. The farm receives persistent enquiries from visitors about the hotel.
- there had been a number of incidents at the hotel, some requiring the attendance of the police and ambulance services.
- the establishment was not a bed and breakfast, it was a hotel, sleeping about 18 people and was used by large party groups at weekends.
- there was nothing in the application that indicated that the disturbances to the farm could be managed.

Members considered the application and the information they had received. A vote was taken and the application was refused.

RESOLVED that planning application 14/0003/COU be refused for the following reason and authorise the Head of Law and Democracy to proceed with the previously agreed enforcement action to ensure the property reverts back to a residential dwellinghouse (C3);

In the opinion of the Local Planning Authority, the unauthorised use would have an adverse impact on the living conditions of the occupiers of surrounding residential properties through the increase in noise and disturbance from the patrons of the bed and breakfast, contrary to the provisions of the National Planning Policy Framework (para.123) and Core Strategy Policy CS3 (8).

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21/14 **Five Year Housing Supply 1st April 2014 to 31st March 2019**

Members considered a report relating to the completion of the Five Year Deliverable Housing Supply Final Assessment.

The report showed that the authority had a deliverable housing supply of 4.08

years with a 20% buffer added, which was a shortfall of 669 dwellings. This meant that the authority was not able to demonstrate a five year supply of deliverable housing sites.

RESOLVED that the content of the report be noted.

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22/14**

- 1. Appeal - Mrs S Gilbert - 100 Wolviston Road Billingham - 13/2001/X - DISMISSED**
- 2. Appeal - Mr H Singh - Former Wolviston Court Butchers 2 Clifton Avenue Billingham - 13/2653/COU - ALLOWED WITH CONDITIONS**
- 3. Appeal - Linthorpe Interiors - Ross Road Stockton - 12/2939/COU - DISMISSED**
- 4. Appeal - Mr C Teasdale - Beckside Livery Thorpe Thewles - 13/2703/REV - DISMISSED**
- 5. Appeal - Mrs Plews - 13 Greens Grove Stockton - 13/2522/RET - DISMISSED**
- 6. Appeal - Mrs C Mundy - 28 Crosswell Park Ingleby Barwick - 13/2071/FUL - ALLOWED WITH CONDITIONS**
- 7. Planning and Enforcement appeal for Stockton Cycling and Running Bowsfield Crescent Stockton - WITHDRAWN**

RESOLVED that the appeals be noted.