

Planning Committee

A meeting of Planning Committee was held on Wednesday, 10th September, 2014.

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

Officers: Andrew Glossop, Joanne Hutchcraft, Barry Jackson, Daniel James, Peter Shovlin, Carol Straughan, Julie Butcher, Sarah Whaley(LD)

Also in attendance: Applicants, Agents and Members of the public

Apologies: Cllr Alan Lewis, Cllr David Rose.

P 62/14 **Declarations of Interest**

Cllr Andrew Sherris notified the Committee that he had submitted representation during statutory consultation in relation to item 2, 14/0807/OUT Land off Busby Way, Mount Leven, Yarm, details of which were contained within the main report. Cllr Sherris indicated that he would not vote on the item.

Cllr Andrew Sherris Also declared a personal interest in relation to item 3, 14/1997/REV 4 Farm Lane, Ingleby Barwick, Stockton-On-Tees, as he was a member of Yarm Town Council who had made comments on the application but he took no part in the Town Council debate.

Cllr Gillian Corr and Cllr Jean Kirby declared personal interests in relation to item 3, 14/1997/REV 4 Farm Lane, Ingleby Barwick, Stockton-On-Tees, as both Cllr Corr and Cllr Kirby were both members of Ingleby Barwick Town Council who had made comments on the application but they had taken no part in the Town Council debate.

P 63/14 **14/0807/OUT Land off Busby Way, Mount Leven, Yarm Outline application for residential development of 14no. units with associated access from Busby Way**

Consideration was given to a report on planning application 14/0807/OUT Land off Busby Way, Mount Leven, Yarm

Outline planning permission was sought for a residential development on land off Busby Way in Yarm. Being outline, the application only sought permission for the principle of development for 14 dwellings and for the access into the site. Other matters of Scale, Appearance, Layout and Landscaping were reserved for later submission and consideration. The development would require the demolition of an existing dwelling off Busby Way through which the access would be gained.

A number of objections had been raised against the application which related mainly to there being no need in Yarm for further housing in view of recent permissions, the likely impact on the green wedge and on the Tees Heritage Park, the impacts of the additional traffic, the impacts on wildlife movement and

the impacts on the privacy and amenity associated with nearby properties.

The Head of Technical Services had considered the point of access for the scheme and the anticipated impacts of traffic on the surrounding area and considered that these were both limited and satisfactory.

The proposal to carry out a residential development in the green wedge and within the Tees Heritage Park was contrary to Local Plan policy, however, the Local Authority was unable to demonstrate a deliverable 5 year supply of housing and the proposed development needed therefore to be considered against the presumption in favour of residential development in such circumstances. The proposal of 14 dwellings was of limited benefit to the 5 year supply requirement and in its own right, being a development beyond a clearly defined boundary between the urban area of Yarm and the green wedge, it was considered that the benefits of this development were of insufficient weight on their own to justify the incursion to the detriment of the green wedge. However, taking into account the position, impact and scale of the approved Mount Leven retirement village scheme on the adjacent site, it was considered that this would result in a greater and more intrusive incursion into the green wedge at this point. The approved Mount Leven scheme was a material planning consideration and was considered to be sufficient to justify the approval of this scheme. However, should the Mount Leven scheme not be commenced then arguably, this scheme should similarly not be commenced. The Section 106 Agreement was intended to prevent this scheme being constructed before the Mount Leven scheme was commenced, thereby limiting the wider visual impacts of this development. Without the completion of a Section 106 agreement, the proposed development could be considered to have an unacceptable impact on the green wedge and Officers would not be in support of the proposals.

The outline application had adequately demonstrated that 14 properties could be constructed on site whilst achieving adequate spacing for privacy and amenity for existing and future occupiers of properties, providing adequate access, parking and private garden areas.

There was no evidence of any notable ecology or wildlife associated with the site although precautionary conditions were recommended in respect to nesting birds and bats. Tees Archaeology considered there to be no likelihood of impacts on archaeological remains whilst matters of drainage, levels, affordable housing, renewables would all be dealt with by condition. Contributions would be made in line with supplementary planning guidance requirements in respect to Open Space, Recreation and Landscaping as well as Education.

The Senior Planning Officer highlighted to the Committee that although the application was recommended for approval, it was subject to the S106 agreement being signed no later than the 24th October 2014 and conditions which differed from the main report.

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

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

With regards 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

Section 143 of the Localism Act came into force on the 15 Jan 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 Planning Officers report concluded that the proposal to carry out a residential development in the green wedge and within the Tees Heritage Park was contrary to policy, however, in view of the recently approved Mount Leven scheme, it was considered that this scheme would not add any notable further detriment to those designations beyond that which would occur as a result of the approved Mount Leven scheme.

The outline application had adequately demonstrated that 14 properties could be constructed on site whilst achieving adequate spacing for privacy and amenity for existing and future occupiers of properties, providing adequate access, parking and private garden areas.

It was considered that there would be no undue impacts on ecology, archaeology, drainage or other matters subject to the imposition of conditions and contributions would be made in line with supplementary planning guidance requirements in respect to Open Space, Recreation and Landscaping as well as Education.

The Agent for the Applicant was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:

- The Agent fully supported the officers' recommendation.
- The main issues raised during consultation was that the proposed properties were too high. Those concerns had now been addressed by reducing the height from 2.5 storeys to 2 storey homes.
- The scheme had been amended to take into account objections from local residents and the Council.
- The development would sit alongside the Mount Leven Retirement Village which had gained approval at a previous Planning Committee, and would

contribute to the authorities 5 year housing supply.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- Although the Mount Leven Retirement Village had been approved previously, many residents felt it had been a grave mistake. It did however seem that since then, Planning Committee Members were respecting green wedge within the borough as similar applications to the current proposal had been refused.
- The application site was part of the Tees Heritage Park, which needed preserving on the Leven estate.
- Concerns were raised in relation to the 2 storey homes having access to the current bungalows adjacent to the proposed site.
- This was opportunist development.
- There was no reason/excuse to approve this application on the back of the approved Mount Leven Retirement Village.
- The Planning Committee would be showing a lack of consistency if this application was approved. A similar application had been refused where the site was considered to be too close to Ingleby Barwick and Thornaby, reducing the corridor which separated the two areas.
- The houses would be at odds with the bungalows proposed on the Mount Leven Site.
- Issues were raised in relation to flooding risks to existing properties, and the possibility that the proposed development could exacerbate risks to those properties in lower lying areas.

In response to some of the concerns raised by objectors, officers were given the opportunity to address these as follows:

- In relation to the issues raised regarding flooding, Officers confirmed they would consult further with Technical Services and Northumbrian Water specifically in relation to surface water and foul water. There were no known issues currently.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- Consistently voted against applications on green wedge, and would vote against this application.
- The proposed development was an infill and plugged the gap between the Mount Leven Retirement Village and the Leven estate, eliminating any corridor separating the two sites.
- A development with 14 homes would not make any significant difference to the 5 year housing plan.

- The Tees Heritage Park and green wedge needed protecting.
- This was an opportunist development on green wedge and the Tees Heritage Park, if approved it would only encourage other people to seek planning approval for small developments on small pockets of land for profit.
- Clarification was sought regarding the S106 agreement in relation to the commencement of the Mount Leven retirement Village and the current application.
- Concerns were also raised in connection to the landscape buffer which could be reduced when considering reserved matters.
- Members who had been persuaded to vote for the Mount Leven Retirement Village had done so for many reasons however one of the reasons was that there would be no impact on the surrounding roads. This development however would impact on surrounding roads and therefore should not be approved.

A vote then took place and the application was refused.

RESOLVED that planning application 14/0807/OUT
Land off Busby Way, Mount Leven, Yarm be refused for the following reasons:

1. Impact on the Green Wedge

In the opinion of the Local planning Authority, the proposed development is contrary to Adopted Core Strategy Development Plan Policy CS10(3) in that, by introducing more built development within that part of the green wedge left undeveloped as part of a consented scheme (Mount Leven Retirement Village), this further impacts on the quality of the urban environment for the existing residents, particularly of Busby Way and Battersby Close, and detract from the openness and amenity value of the green wedge remaining and increases the perception of a more obvious and detrimental built environment reducing the perception of separation between the settlements

2. Impact on the amenity of existing residents.

In the opinion of the Local Planning Authority, the proximity of the development to the existing dwellings and the proposed access through the existing residential cul-de-sac, including the close proximity of that access road to number 16 Busby Way, would, due to the increase in traffic and resultant noise, light and fumes etc, change the character of the street to a degree which would lead to an unacceptable reduction in the level of amenity enjoyed by existing residents, contrary to saved Local Plan Policy HO3.

P **14/1997/REV**
64/14 **4 Farm Lane, Ingleby Barwick, Stockton-On-Tees**
Revised application for increase in ridge height, installation of
3no.dormers to front and dormer window to rear and single storey rear
extension

Consideration was given to a report on planning application, 14/1997/REV 4 Farm Lane, Ingleby Barwick, Stockton-On-Tees.

Members were advised of additional comments which had been received from Ingleby Barwick Town Council and a further letter of objection which had been received from 7 Tanner Close. There were no new issues raised to those that had been addressed within the main officer report.

The revised application sought planning permission for a proposed increase in ridge height, the installation of 3 dormers to the front, a dormer window to rear, and the erection of a single storey rear extension to No 4 Farm Lane.

The application site was a detached bungalow located along Farm Lane, Ingleby Barwick. To the north was No 6, a detached two storey dwelling/house. Residential properties were present to the front (west), south and to the rear (east).

Planning application 14/1001/FUL which related to a 'proposed increase in ridge height (with Dutch hip design), installation of 3no.dormers to front and dormer window to rear and single storey rear extension' was refused by the Local Planning Authority on 29th May 2014 as it was considered to result in an unacceptable adverse impact on the amenity and living conditions of existing and future occupiers of No 6 Farm Lane (in respect of the resultant impacts on a first floor bedroom window in the side elevation of No 6).

The main revision to the previously refused scheme related to the omission of the previously proposed 'Dutch hip end' roof design. The revised proposal would increase the existing ridge height by approximately 550mm (from approx. 5.25m to 5.8m in height) for the full length of roof (approx. 11.7m). The eaves would remain at the same height as existing (approx. 2.8m). The roof would maintain a dual pitched roof design, with the main ridge line set off-centre (further towards the front of the bungalow).

The 3 proposed pitched roof dormer windows to be installed in the front elevation were of a pitched roof design. The proposed dormer window to the rear would feature a flat roof design. The single storey extension to the rear would measure approximately 1.5m in projection x 6.185m in length x 3.3m in height with a lean to roof.

The Head of Technical Services had raised no objections to the scheme.

An objection had been received from Councillor Kevin Faulks. 7 objections had also been received to date from 5, 6, 8 and 12 Farm Lane, 2 and 5 Farrier Close and 8 Tanner Close. Those objections were set out in full within the main report but included comments that the previous scheme (that was refused) was preferable and resulted in less impact on neighbouring properties, the current proposal would result in an impact on the amenity and privacy of surrounding properties, over development of site, impact on the street scene and the proposal resulted in an increase on street car parking.

The revised scheme as proposed was not considered to have an unacceptable adverse impact on the character and appearance of the existing property or street scene, or lead to an unacceptable loss of amenity for neighbouring properties or have an adverse impact on highway safety.

The application was recommended for approval accordingly.

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

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

With regards 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

Section 143 of the Localism Act came into force on the 15 Jan 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 main report.

The Planning Officers report concluded that the application be Approved with Conditions for the reason(s) specified within the main report.

The Applicants agent was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The Agent explained to the Committee that this application was not a welcome decision as it was a resubmission to a previous application which had not received any objections, however had been refused.
- The original plan included a Dutch roof and the applicant was still in disagreement with the Council as to its decision.
- The proposed application was that of a family residence which was well sought after in the area, it would maintain the character of the surrounding properties and have no adverse impact on local amenity. Neither would it create any highway issues.
- The applicant would however prefer the Committee to consider the original design if possible.

It was explained to the Applicants Agent that the original application could not be considered at the meeting and members could only continue with considering the proposal which was presented to them on that day.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- If the original roof was the preferred roof by surrounding neighbours then why was it refused?

Officers explained to the Committee that the original design had an unacceptable impact on the adjacent property which was illustrated in the appendices by the position of the roof lines against the bedroom window of the adjacent property. Planning decisions were required to be consistent and if the refused scheme were to be approved it would set an undesirable precedent for future applications and result in developments which would be detrimental to neighbouring properties.

A vote then took place and the application was approved.

RESOLVED that planning application 14/1997/REV be approved subject to the following conditions and informatives below;

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

Plan Reference Number	Date on Plan
TPS001-2014 REV B	22 July 2014

Conditions to be Implemented

02. The external finishing materials shall match with those of the existing building

Informative 1: National Planning Policy Framework

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

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**14/1839/FUL
Hedgeside, Leven Bank Road, Yarm
Erection of fencing, walls, gates with pillar and retrospective application
for brick pedestrian archway**

Members were informed that application 14/1839/FUL Hedgeside, Leven Bank Road, Yarm, had been withdrawn by the Applicant.

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**Department of Communities and Local Government Technical
Consultation**

Members were asked to consider and comment on a report presented by the Development Services Manager which detailed a published Government consultation, which ran for 8 weeks from 31 July 2014 until 26th September 2014. The consultation covered a wide range of planning proposals, which were summarised within the main report as part of the Government's drive to reduce red tape and support housing and growth.

Members attention was drawn to the main key issues within the report and also to a copy of a letter which had been prepared by Sefton Council in response to the proposals. The letter detailed a motion that was fully supported by all Members of Sefton Council relating to the changes the current coalition Government had made to the current planning system. Details of the motion were set out in full within the main report.

Members agreed to endorse the report and the views of Sefton Council and agreed that the report be referred to the Cabinet Member for Regeneration and Transport for signing off.

RESOLVED that the information be noted and the report be referred to the Cabinet Member for Regeneration and Transport for signing off.