

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 22nd July, 2015.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Michael Clark, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr David Rose, Cllr Mick Stoker, Cllr Mrs Sylvia Walmsley

**Officers:** Julie Butcher, Joanne Roberts, Barry Jackson, Colin Snowdon, Peter Shovlin, Gregory Archer, Simon Grundy, Matthew Clifford, Daniel Childs (LD)

**Also in attendance:** Applicants, Agents, Members of the Public

**Apologies:** Cllr David Wilburn, Cllr Norma Wilburn

## **1 Evacuation Procedure**

The Evacuation Procedure was noted

## **2 Recording of meetings**

The Chair informed Members of the Committee and Members of the Public that the Planning Committee meeting was to be recorded as part of the Council's commitment to legislation permitting the public recording of public meetings, and in the interests of ensuring the Council conducted its business in an open and transparent manner. These recordings would be made available to the public via the Council's website. Members of the public present who preferred not to be filmed/recorded/photographed, were asked to make it known so that so far as reasonably possible, the appropriate arrangements could be made to ensure that they were not filmed, recorded or photographed.

## **3 Declarations of Interest**

Cllr Sylvia Walmsley declared personal prejudicial interest in relation to 15/0373/FUL 82 Darlington Road, Stockton-On-Tees, as the applicant was known to her.

## **4 Minutes of the meeting which was held on the 10th June 2015**

RESOLVED that the minutes of the meeting which was held on 10th June 2015 be approved and signed as a correct record by the Chair.

## **5 14/3008/OUT**

**Land Adjoining Approved Phase 1 Scheme, South Of Kirk Hill, Carlton, Outline application for the construction of 25 residential dwellings comprising 8 affordable dwellings and 17 open market dwellings, with all matters reserved except access**

Consideration was given to a report on planning application 14/3008/OUT Land Adjoining Approved Phase 1 Scheme, South Of Kirk Hill, Carlton.

Outline Planning permission was sought for the erection of 25 dwellings (8 affordable and 17 open market) with all matters reserved other than access, on land at Carlton Village. The site was accessed off Kirk Hill and would develop an existing open field south of the previously consented phase 1 development for 36 dwellings (14/0637/FUL), a landscape buffer would be planted on the southern, eastern and western boundaries.

The site lay outside of the defined limits of development where housing would not normally be supported however, the council was unable to demonstrate a deliverable 5 year housing supply and, in accordance with the National Planning Policy Framework, the Council's own housing policies within the Local Development Plan were unable to be afforded weight. The principle of development on this site was acceptable on this basis.

The village was classed as a Tier 2 sustainable village as detailed within the council's rural villages study, suitable for infill housing and there was a need for rural affordable houses on both Carlton and Redmarshall. The scheme would accord with the principles of these requirements, although of a scale which was beyond what would normally be considered as infill village development. Notwithstanding the scale of the proposal, the development was supported and will be able to support the housing requirements of the surrounding smaller, unsustainable settlements.

50 objections had been received, from 37 residents, which revolved mainly round the principle and amount of development, visual impact of the development and impact on the character of the area, the impacts of additional traffic, flooding issues and the unsustainable nature of Carlton. Objections had also been received from Carlton Parish Council and Redmarshall Parish Council and the Ward Councillor.

It was considered that on balance, although the proposal was out-with the limits for development, there were no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing and the scheme would provide the affordable housing requirement for Redmarshall as identified in the Stockton Rural Housing Needs Assessment and the scheme was considered to be able to be undertaken whilst being in accordance with all other relevant development plan policies.

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

Neighbours were notified and the comments 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 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 contained within the main report.

The Planning Officers report concluded that the proposed scheme was an unallocated site located outside the established urban limits and, as such, development would normally be resisted unless material considerations indicated otherwise having regard to the development plan. However, the guidance in the National Planning Policy Framework made clear that the Local Planning Authority's existing housing delivery policies could not be considered as up to date as it could not demonstrate a five year supply of deliverable housing sites. Also housing applications were to be considered in the context of the presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of visual impact and highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

It was considered that in the planning balance, although this proposal was out-with the limits for development, there were no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing and the scheme would provide the affordable housing requirement for Redmarshall as identified in the Stockton Rural Housing Needs Assessment.

For the reasons stated above and those detailed in the report it was recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

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

- The Applicant and representatives of the applicant had continued to work with the Council.
- The application had received no objections from Council officers or statutory consultees.
- The location of the development was appropriate, that the development provided a natural extension to Approved Phase 1 Scheme, South Of Kirk Hill,

Carlton, and maintained a village atmosphere.

- The development met affordable housing requirements and would provide more than double the minimum affordable housing required for a development of its size.
- The development would not merge with Redmarshall, as it was roughly 400m away.
- The existing public transport provision in the area would be supported by a financial contribution by the applicant.
- The scheme represented sustainable, rural housing.

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

- The development would represent a large expansion of Carlton village, increasing residential capacity by between 25-30%.
- The development extends housing into the rural setting, reducing green space in the Borough, which was an asset for all the Stockton community, not just village residents.
- It was stated that granting permission for a further 25 new homes would not make significant progress to meeting the Council's 5 year housing supply programme.
- The houses were suburban in character, were not in keeping with the character of the village, and would have a high visual impact on the area.
- The new development would be built on an area of greenfield land while a number of brownfield sites were available for development in the area.
- Referring to Phase 1 (14/0637/FUL), a resident stated that no bricks had been laid on-site.
- Carlton was not a sustainable village: the Post Office could not be sold; the pub was desperate for outside trade; and the bus service had to be rescued by Stagecarriage.
- The condition of paths and roads was said to be worse than stated in the Officers' report.
- Bus services in the area were limited and services into and out of Stockton town centre terminated at 16.56 and 17.20, respectively. This would limit the possibility for residents of the new development to commute into Stockton via public transport.
- Concerns were raised about the possibility of pollution of watercourses and potential flooding issues.

Andrew Stephenson, Councillor for Western Parishes, was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The village environment was threatened by the development.
- The scheme was one of many developments in the area, and approval for the scheme could lead to further development.
- Residents of the area strongly opposed to further development. The issue of development had been a prominent issue with residents during the May 2015 election. Residents had attended the meeting and explained their concerns about flooding, sustainability and the environmental impact, and those concerns should be taken into account.
- The proposed development would result in Carlton and Redmarshall being very close together, which would compromise character of the villages. Carlton residents wished to live in a green, village environment, and such an environment added to the quality of the Borough.
- Councillor Stephenson asked Members to consider whether it was appropriate to build on greenfield land when there were a number of Brownfield sites available for development.

Officers addressed the Committee and were given the opportunity to respond to some of the concerns and issues raised by the objectors. Their comments could be summarised as follows:

- The Chair asked Officers if they could clarify the level of flood risk associated with the site. Officers had investigated on-site flooding issues but had not investigated wider flooding issues in the area. Officers were unaware of any earlier requests that Officers conduct visits to surrounding areas. However, Officers had assessed the application on its own merits, in consultation with the Environment Agency and Northumbrian Water, and works could be controlled by condition: works would not be allowed to increase surface water run-off beyond greenfield run-off rates of 5 litres per-second, but the means of achieving that had yet to be determined. Water would have to be attenuated from the site within the boundary of the site, and the development would not increase the flood risk off the site.
- Officers researched the Highway Impact of the development and found it to be similar to the impact of Phase 1 (14/0637/FUL), and therefore applied a similar calculation to the developer's contribution to offset the impact. Officers entered into negotiation with the developers to use the contribution to subsidise bus services in the area, which will be use to sustain current services or to increase provision in the area.

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

- Members asked what level of flood risk would be and what protection residents would have from flooding. The final decision on which flood protection system would be used on site had not been taken but residents the mitigate against a 1

in 30 year impact or a 1 in 100 year impact.

- Members asked if the developer's Highways contribution could support bus services by any provider. They were informed that any provider could benefit from the fund.

- Members raised the concern that the application was outside of the limits of development, as was Phase 1. The Officer's assessment had placed great importance on the 5 Year Housing Supply. However, no bricks had been laid on-site at Phase 1 and there were concerns that applications were reaching further into the future while building rates were low. While the Council could not control build rates, the Council was able to control permissions. Members suggested that consideration should be given to permissions already granted and the current, relatively high provision in the Borough's housing market.

- Members raised concerns about provision of education, with particular regard to school places. Members were informed that sufficient capacity was available in schools and that a Section 106 contribution would support schools in meeting challenges that arose from the development.

- Members re-iterated concerns that the village setting of Carlton would be adversely affected. Members asked how many houses per hectare would be on the development and how that compared with houses per hectare within the limits of development within the village. Officers stated that they were unable to provide detailed density figures, but added that the national Government was preparing new guidance for Local Authorities, which would encourage Local Authorities to accept higher density developments. Furthermore, Officers did not believe the density of the development to be excessive.

- Members stated concern that Phase 2 be granted when work on Phase 1 (14/0637/FUL) was far from complete. Following discussion, Members agreed to amend condition 12 - Phasing to ensure that work should not commence on Phase 2 until Phase 1 had been completed, by removing the wording "unless otherwise agreed in writing by the local planning authority"..

A vote then took place and the application was approved as detailed within the main report with the amendment of condition 12 to reflect discussion and as detailed below.

RESOLVED that planning application 14/3008/OUT be approved subject to the following conditions, informative(s);

01. Time Limit

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

By virtue of the provision of Section 92 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

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

Plan Reference Number    Date on Plan  
RES341 200-21        18 November 2014

03 Approved Plans

Notwithstanding the submitted plans the access as shown on plan RES341 200-20 REV 7 is hereby approved, the remainder of the plan is for indicative purposes only.

04 Reserved matters;

Details of the appearance, landscaping, layout, and scale of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

05 Time limit for submission of the reserved matters;

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

06 Reserved matters Application

The reserved matters application shall ensure the development complies with the guidance contained in Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

07 Materials

Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) including any details of render and finish have been approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

08 Affordable Housing

Notwithstanding the details hereby approved, the 8 dwellings as illustrated on the indicative layout plan RES/341 Rev 7 shall be affordable housing, of the type and design as detailed on the plan. Properties shall remain as such in perpetuity unless an alternative method of affordable provision is agreed in writing by the Local Planning Authority.

09 Existing and proposed site levels;

The development hereby approved shall be built in accordance with a scheme of finished floor levels which has been submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. The scheme shall detail existing land level and levels of nearby properties as

necessary as well as the finished floor levels of the proposed properties.

#### 10 Ecology

The development shall be carried out in strict accordance with the recommendations as detailed in the Habitat and Protected Species Risk Assessment dated October 2014 by Penn Associates.

#### 11 Ecology

Site clearance works should not take place during the bird breeding season (March to end of August). If site clearance is necessary during this time there should be a site walkover by a suitably qualified ecologist to check for the presence of breeding birds.

#### 12 Phasing

Work shall not commence on the construction of Phase 2 until Phase 1 (approved under 14/0637/FUL) is substantially completed.

#### 13 Renewables or Fabric First

Prior to the erection of the buildings a report shall be submitted to the Local Planning Authority by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

#### 14 Foul Drainage

Development shall not commence until a detailed scheme for the disposal of foul 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. Any drainage scheme submitted to the Local Planning Authority should be in line with Northumbrian Waters comments made in the pre-development enquiry response.

#### 15 Discharge of Surface Water

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to



accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

#### 16 Discharge of Surface Water

No works shall commence until a surface water construction management plan has been provided and approved by the Local Planning Authority, the plan should include the following;

Timetable for the construction of the key elements of the surface water management scheme which are (a) The outfall structure (b) The control structure (c) The storage structure

(ii) The arrangement for controlling silt levels during construction

#### 17 Discharge of Surface Water

None of the dwellings shall be occupied until a SuDS

Management/Maintenance Plan has been provided and approved by the Local Planning Authority, the plan should include details of the following;

A description of the SUDS scheme, how it works and a explanation of how it should be managed in the future.

A Schedule of Work to set out the tasks required to maintain the site and the frequency necessary to achieve an acceptable standard of work. A spillage control procedure should also be included.

A site plan (drawing) – showing maintenance areas, access routes, inlets, outlets and control structure positions, location of any other chambers, gratings, overflows and exceedance routes.

Health and safety issues

Funding arrangements for the long term maintenance of the SuDS elements.

#### 18 Construction Management Plan

A Construction Management Plan shall be submitted and agreed, prior to the commencement of development, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

#### 19 Means of Enclosure

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

## 20 Street Furniture

Prior to the commencement of development, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

## 21 Scheme for Illumination

Prior to the commencement of development full details of the method of external LED illumination including Siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

## 22 Landscaping Softworks

No development shall commence until full details of Soft Landscaping, following the principles of plan C1112-02 Revision F received 15 May 2015, has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following Commencement of the development; or agreed phases; or prior to the occupation of any part of the development; and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

## 23 Retention of Existing Trees Shrubs and Hedges

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans a plan shall be submitted identifying the trees to be retained on the site all trees indicated for retention shall be retained and maintained for a minimum period of 25 years from practical completion of the development. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans. Any tree, shrub or hedge or any tree, shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

## 24 Tree Protection

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority. Such protection shall comply with BS 5837:2012 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection),

which is available upon request.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

#### 25 Maintenance Softworks

No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan prior to the occupation of the Development; or approved phases. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the local planning authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

#### 26 Land Contamination Assessment

No development shall be commenced on site until the following has taken place and written agreement to these being carried out has been provided by the Local Planning Authority;

- a. An intrusive phase 2 investigation is carried out and the results are submitted in writing to the Local Planning Authority;
- b. Should any contamination be present then a scheme of mitigation be provided in writing to the Local Planning Authority;
- c. The development be undertaken in accordance with the approved scheme of mitigation.

Investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 27 Removal of permitted development rights for extensions

Notwithstanding the provisions of classes A, B, C, D, E, and F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority

28 Removal of permitted development rights for boundary treatments to the front of properties

Notwithstanding the provisions of class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), other than as shown on the approved plans there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front and / or side elevation and a public highway or public footpath adjacent to the properties boundary without the written approval of the Local Planning Authority.

29 Construction activity;

No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

30 Unexpected Land Contamination

If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

## INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Highways, Transport and Environment Manager

Sustainable Travel: It is recommended that the developer provides welcome packs for new occupants which provides details of sustainable travel options (bus timetables/cycle route map) to encourage sustainable travel behaviour from the outset of the development.

Construction of highways for new developments: As part of the new Development you may wish the Council to adopt highways (including carriageways, footways, verges, cycleways, highway drainage and street lighting) which would then be maintainable at public expense. In order to

achieve this the Developer will be required to enter into an agreement with the Council as Highway Authority under Section 38 of the Highways Act 1980. The Council would only consider adoption provided any highways are designed and constructed in accordance with the 'Design Guide and Specification for Residential and Industrial Estates' which can be downloaded from the Stockton Council website. It is important for Developers to appreciate that obtaining a planning consent does not imply that a layout is suitable for adoption or give permission to work on an adopted Highway. It is recommended that the Council is consulted about any of the above at an early stage as the Council are unlikely to adopt the highway without the Developer entering into a Bond with the Council for inspecting the construction and short term maintenance of the proposed highway at regular intervals. If you require any further information please do not hesitate to contact: Highway Asset Manager, Highway Network Management, Stockton-on-Tees Borough Council, Technical Services, PO Box 229, Kingsway House, Billingham, TS23 2YL Telephone: (01642) 526739 Fax Number: (01642) 361690 Email: technicalservices@stockton.gov.uk

## HEADS OF TERMS

- A Sustainable Transport Contribution for a period of 5 years.
- Precautionary Education Contribution to provide primary/secondary school places should they be required at the appropriate time.
- 10% Local Labour and services requirement
- Highways Agreement.

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**15/0373/FUL**

**82 Darlington Road, Stockton-On-Tees, TS18 5EY**

**Erection of 1.no detached two-storey dwelling-house**

Consideration was given to a report on planning application 15/0373/FUL 82 Darlington Road, Stockton-On-Tees, TS18 5EY, Erection of 1.no detached two-storey dwelling-house.

Planning permission was sought for the erection of a single detached 2 storey dwelling within the front garden of an existing property on Darlington Road, Hartburn. Permission had been previously refused in 2011 for the erection of a dwelling on the same site.

A number of objections and support comments had been received mainly revolving around the impacts on the character of the area, on residential amenity and access and the benefits brought by the provision of new housing.

The proposed dwelling was located in a residential area in the limits of development and the principle of development was established under those circumstances. The site was also defined under Emerging Policy as being within a character area.

Although adequate access and parking was provided to the site as agreed by the Highways, Transport and Environment Manager, and although the scale and style of the property were generally in keeping with the surroundings, the property would be positioned in a manner which would dominate the frontage of the site, would be in close proximity to adjacent properties would suffer from a

degree of overlooking and would have an awkward relationship with an existing boundary to the front of the site.

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

Neighbours were notified and the comments 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 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 contained within the main report.

The proposed dwelling would result in a noticeable addition within the front garden of an existing property within close proximity to surrounding properties, which is out of character with the surroundings and which would result in a permanent perception of being overlooked by future occupiers. The proposed development is therefore considered to be an overdevelopment of the site and provides inadequate levels of privacy and amenity for future occupiers.

It was recommended that the application be Refused for the reasons above and those specified in the report.

An objector was in attendance at the meeting and given the opportunity to make representation. Their Comments could be summarised as follows:

- The application was the third application for a dwelling on the land.
- The objector had moved to his address, which neighboured the plot, to improve the quality of his life, and that the proposed building would have a detrimental effect to his quality of life.
- The planned dwelling would have a negative impact on the western entrance to Stockton, which contained aesthetically pleasing properties, one of which would be obscured by the dwelling.
- The property represented an overdevelopment of the plot of land.

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

- The roof would be hipped on all sides, so that massing would be greatly reduced. Only one small part would match the high line of the ridge of the previous scheme.
- The scheme is narrower than any of the previous schemes that had been rejected on the same plot of land. The impacts on massing were not so great as previously, and there would be larger, wider buffer distances between existing neighbours.
- The character of the area would be maintained, the impact and vistas on the street scene were greatly minimised, in comparison to the previous applications. The scheme achieved or exceeded all minimum privacy distances.
- Access was acceptable, parking was achievable, and all to standard. The justifications for refusal in the report were subjective and design-based.
- The footprint of the dwelling was not particularly large in comparison to other plots that had been developed in the area.
- There were objections to the open-faced nature of the dwelling. However, the dwelling would be set back 11.4m from the back edge of the pavement.
- The scheme did not have sufficient adverse effects, as stated under the NPPF and the current policy framework, to substantiate a refusal. There remained a shortfall in housing supply in the Borough, which would be a strong factor in any appeal against refusal. The Agent stated that he hoped that Members would question whether the Officer was confident that the Council would win an appeal against rejection of the scheme.

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

- The development was within the permitted development zone.
- The Council was unable to demonstrate a deliverable supply of housing.
- The scheme would probably be approved on appeal.
- The sycamore tree ought to be retained and the proposed garage should have the condition of remaining a garage, and construction should be controlled, as proposed.
- The street-scene illustration showed that the view would be enhanced. The scheme does not block out the rear period property.
- The property is set 3.5m further back than a neighbouring property.
- All privacy distances had been achieved.

Officers were given the opportunity to address some of the issues raised by Members. Their comments could be summarised as follows:

- Officers stated that, as stated in the Officer's report, the proposed dwelling would not unduly affect privacy on surrounding properties. However, it was considered that the scheme would be unable to provide future occupiers with reasonable levels of privacy and would result in a permanent perception of being overlooked.

A vote then took place and the application was rejected.

RESOLVED that planning application 15/0373/FUL refused for the reasons as set out in the report.

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**15/0762/FUL**

**30 Fir Tree Close, Hilton, Stockton-On-Tees**

**Raising of existing roof height by 0.6 metres, installation of 1.no roof light in front elevation, 2.no roof lights in rear elevation to facilitate loft conversion, single storey extension to front and side of existing garage and new pitched roof, erection of two storey to rear including juliet balcony and erection of oak framed canopy to front entrance**

Consideration was given to a report on planning application 15/0762/FUL 30 Fir Tree Close, Hilton, Stockton-On-Tees.

The application site was a detached bungalow situated at 30 Fir Tree Close in Hilton. The property had residential properties located to the north, east and west with open fields located along the southern boundary, with Fir Tree Close located along the northern boundary of the site.

Planning permission was sought to allow for the increase in the roof height of the existing bungalow and garage, for a two storey extension to the rear and for extensions to the existing garage. The scheme also included a 'Juliet' balcony, oak framed canopy to the entrance and the introduction of roof lights.

Six objections had been received to the application and an objection comment had been received from Hilton Parish Council. In summary, the main issues raised included the negative impact on standards of living, the impact on views from neighbouring properties, the overdevelopment of the site, impact on drainage and potential subsidence and the impact of the development on the character and appearance of street scene.

The proposal was considered to be a sustainable form of development which fits in with the mixture of property design within the street scene and is considered to be entirely consistent with both National and Local Planning Policy context. Despite the concerns of the local residents, the proposal is considered to have no impacts on highway safety and there are considered to be no adverse impacts on residential amenity or any flood risk implications.

Since the original report to Members, four further objection comment had been received along with additional comments from the Flood Risk Management



Officers. These comments were detailed in an update, which was circulated to Officers. With regards to the objection comments, now new issues had been raised. The recommendation and material planning consideration therefore remain as detailed within the original 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 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 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 contained within the main report.

The planning officer's report concluded that the proposed development was visually acceptable and had no significant impacts on amenity or highway safety. The proposal accorded with policies CS2 and CS3 of the Core Strategy and saved policy HO12 of the local plan and was recommended for approval subject to the conditions within this report.

It was recommended that planning application 15/0762/FUL be approved subject to conditions and informatives.

An objector was in attendance at the meeting and given the opportunity to make representation. Their Comments could be summarised as follows:

- The objector had bought the property in large part because it afforded privacy, which the plan would threaten.
- The plan represented an over-development of the site. The dwelling had originally been a one bedroom bungalow and would become a four bedroom property with the extension.
- The plan would see the height of the property doubled across the plot.
- The proposed works would change the character of the area.

- The proposed works would affect lighting in the kitchen and second bedroom of the objector. It would also impact upon the properties of other neighbours.
- The patio and rear of the objector's house would be overlooked by the 'Juliet' balcony, as would areas of other, adjoining properties. The original plans for the close were designed with the intention of ensuring that the rear aspect of no properties were 'overlooked' by other properties.
- The applicant had originally planned to include a chimney in the designs, although it had since been removed. The objector was concerned that applicant would seek to add a chimney to the plans.

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

- The applicant stated that he was mindful of the proximity of his neighbours' properties and that the extension would not invade his neighbours' privacy. The centre section of the building would be between 18ft and 20ft from the boundaries of the neighbours either side.
- The rear of the extension would be the same level as the houses on either side. The patios of the neighbouring properties would, therefore, not be visible from the proposed balcony.
- The roof height had been reduced from that of earlier plans the wood burner had been removed due to neighbours' concerns and comments. The wood burner would not be added in future.
- Though two spare bedrooms had been used as a dining room and a music room, respectively, the property had never been a one bedroom bungalow.
- A number of properties in the close had had extensions, many were considerably larger, and one property had a balcony.

Members were given the opportunity to ask questions/make comments on the application. A Member made comment, which could be summarised as follows:

- The extension would not be in keeping with the area and, in accordance with Saved Policy HO12 of the adopted Stockton on Tees Local Plan, and would be disproportionate to the size of the original property, and permission ought not be granted.

A vote then took place and the application was approved as detailed within the main report as detailed below.

RESOLVED that planning application 15/0762/FUL be approved subject to the following conditions, informative(s);

Approved plans;

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

Plan Reference Number    Date on Plan

003B 2 July 2015  
004B 7 July 2015  
001A 7 May 2015  
002 30 March 2015

Materials;

02 The materials used in the construction of the walls and roof of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed by the Local Planning Authority.

#### INFORMATIVES

Informative; Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

### **8 Five Year Housing Supply - 1st April 2015 to 31st March 2020**

Members were asked to note the content of the report - Five Year Housing Supply - 1st April 2015 to 31st March 2020.

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

- The Council had consistently missed Five Year Housing Supply targets and it was time to reassess housing need in the area. Not meeting the target was not an aberration, and the Council was asking that too many houses be built considering the economic climate.

- Approval was being given for a large number of properties but few were being built. Members raised concerns that developers were 'land banking' and asked whether there was anything that the Council could do to ensure that homes were built.

- It was stated that developers were holding the Council to ransom, buying land, receiving approval and then building much later.

Officers were given the opportunity to respond to the Members' contribution. The response could be summarised as follows:

- While the Council had the power to grant planning permission, it was a matter for the market as to when to build houses. The Council does an assessment as to when they will be built, in order to ensure that the Council is as informed as possible, but the Council had no means of influencing the lead-in period to development or rate of development.

RESOLVED that the report be noted.

### **9 1. Appeal - Mr P Evans - 1A Cameron Street, Norton - 14/2906/FUL - DISMISSED**

RESOLVED that the appeal be noted.