

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 6th July, 2016.

**Present:** Cllr Norma Stephenson O.B.E (Chairman), Cllr Stephen Parry (Vice-Chairman), Cllr Helen Atkinson, Cllr Sonia Bailey (Sub for Cllr Tracey Stott), Cllr Carol Clark, Cllr Eileen Johnson (Sub for Cllr Nigel Cooke), Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Mick Stoker, Cllr David Wilburn

**Officers:** Greg Archer, Sarah Wood, Joanne Roberts, Andrew Glossop, Sam Tidy (EG&D), Julie Butcher (HR,L&C), Gayle Nertney, Sarah Whaley(AD&ES).

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

**Apologies:** Cllr Nigel Cooke, Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley,

### **P Evacuation Procedure**

**35/16**

The Evacuation Procedure was noted.

### **P Recording of Council Meetings**

**36/16**

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.

### **P Declarations of Interest**

**37/16**

Councillor Elsi Hampton declared a personal and non prejudicial interest in relation to item 15/1643/OUT Land South Of Kirklevington, Thirsk Road, Kirklevington. Councillor Hampton informed the Committee that she was an unpaid church warden at the local church, St Martin and St Hilary, Kirklevington. The church had submitted comments in relation to the application; however the church had taken a neutral position in respect to planning issues. Councillor Hampton explained that she had not taken part in any discussions relating to the application and there were minutes to prove this. Councillor Hamptons husbands name did however appear within some documentation relating to discussion about the application however it was in respect to submitting the comments on behalf of the church as he was secretary of the local parochial church council, which was an unpaid position that Councillor Hamptons husband no longer held. Councillor Hampton was not predetermined and reserved the right to speak and vote on the item.

### **P 15/1643/OUT**

**38/16**

**Land South Of Kirklevington, Thirsk Road, Kirklevington  
Outline application for the construction of up to 145 dwellings and associated community and sport facilities (all matters reserved except for access)**

The Chair informed the Committee that a number of Committee Members had approached her raising concerns in relation to the lack of information surrounding transport and the movement of vehicles. A deferral had been requested by those Members.

In addition Planning Officers were in receipt of correspondence from the Office of National Case Work Planning Unit who advise on behalf of the Secretary of State. They had advised that they had received a third party request to call in the application for determination by the Secretary of State. The Local Planning Authority has formally agreed to not issue a decision on this application if it is minded to approve in order to allow the secretary of state to consider whether or not they want to call in the application. The Secretary of State will only seek to call in the application if the application conflicts with National Planning Policy in important ways or if it is nationally significant.

A motion to defer the item was made and seconded. A vote took place and the motion was carried to defer the item.

RESOLVED that the item be deferred to the next Planning Committee meeting to be held on the 27th July 2016.

**P 16/1024/REM**  
**39/16 Land South Of Cayton Drive, Thornaby,**  
**Application for reserved matters approval (appearance, landscaping,**  
**layout, access and scale) for the erection of 45 No. dwellings, access from**  
**Cayton Drive and ancillary works pursuant to outline planning consent**  
**ref:15/1466/OUT**

Consideration was given to a report on planning application 16/1024/REM Land South Of Cayton Drive, Thornaby.

Planning permission was sought for the reserved matters of Scale, Access, Layout, Appearance and Landscaping associated with the approved outline planning permission for up to 45 dwellings on the site at Thornaby which was approved on appeal.

A number of objections had been received in respect to the application, the main ones being about the principle of development on the site, the additional traffic, the proximity of new dwellings to existing dwellings and the impacts on privacy and amenity as well as impacts on wildlife. A single submission of support was received.

The principle of development had already been established under the earlier application and could not be re-considered as part of this application. The proposal showed 2 storey dwellings in a street layout, having front and rear gardens and private drives all of which was generally in keeping with the existing residential area to the north. The proposed dwellings had been positioned to prevent any direct overlooking with existing dwellings and would maintain a degree of openness. Landscaping within the site would largely be within defined gardens and private curtilages and would support the existing tree belt to the south. Properties had been positioned away from the maturing tree belt to the south which would ensure adequate levels of amenity for the

future occupiers.

The Highways, Transport and Environment Team had accepted the access into the site and the internal road layout and parking provision.

The development was approved under an earlier outline application. Matters of ecology, impact on green wedge and the Tees Heritage Park were all considerations of the earlier application and did not have a bearing on the detailed considerations of this application for reserved matters.

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

Neighbours were notified and the comments received were detailed within the main 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 development was considered to represent a suitable layout which was in keeping with its surroundings, provided adequate access and which would not unduly impact on nearby residential properties in terms of privacy or amenity. It was recommended that the application be approved with conditions for the reasons as detailed within the main report.

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

- Concerns were raised in relation to there now only being one access road into the proposed new development, and the impact of additional traffic that the access road would endure. Previously, 2 access roads were included into the design however there was now just a single proposed access road which was a narrow street. This had raised concerns as to whether additional traffic would be able to pass through easily, especially at peak times, and including when residents were home and cars were parked on the road.

- Emergency vehicles needing to gain access to the proposed site had raised particular concerns, as previously there had been problems getting through whilst servicing the fire hydrants.
- Residents raised issues relating to the fact that the Developer had used out of date maps, which did not show the many number of extensions that the houses backing onto the proposed new development had. One objector informed the Committee that an extension that he had completed on his home in 1987 was not showing on the developer's plans, and therefore it was felt the developer had been misleading.
- In addition to the lack of detail contained within the maps resident's also felt that the maps made the gardens of the existing homes look longer than they actually were, therefore making the distance between the proposed new development and the existing houses seem further away. One objector stated that there was 7.5m from the rear of his home to his rear fence where a gable end was proposed to be built, this raised issues over the close proximity of the existing and proposed homes and the loss of natural sunlight, in particular during the winter months.
- The Committee were informed that Bader Ave, was the only access/exit road for 3 existing estates (Bader Estate, Bassledon Estate and the Brims Estate). Bader Ave was also part of the local bus route, and was the only access road to a parade of shops and popular Public House where many deliveries were made throughout the day by Heavy Goods Vehicles. Sporting events on The Harold Wilson Sports field also brought with it additional traffic. Issues were raised that Bader Ave was already a busy road and could not possibly take any additional traffic, including heavy duty vehicles whilst the proposed development was being built.
- Residents were concerned as to the impact the additional traffic would have on local children walking to the Primary School at the end of Bader Ave.

Councillor Ian Dalgarno, Ward Member for Village Ward in Thornaby was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- The original plan had an access road in Middleton Avenue and Cayton Drive. If the access road was not put in on Middleton Avenue it would lead to chaos on Cayton Drive. It would mean a cul-de-sac development on what was already a cul-de-sac estate in Bassleton Court. It was understood that the reason which had been given for the second access not going ahead was that the developer did not own the land, a small strip which was known as a ransom strip, however the owners of the ransom strip were known to be Thirteen, a partner of Stockton Borough Council. Surely Stockton Borough Council could negotiate with Thirteen to buy this land, to enable a second access point.
- Councillor Dalgarno felt the figures which had been calculated to determine the increase in traffic were greatly underestimated.
- Councillor Dalgarno requested that the Committee defer the decision until the Developer agreed to put in the second access road.

- It was felt that if the Inspector had the current plans which had been submitted the application would not have been won on appeal.

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 outline application was granted at appeal, following refusal against its Officers recommendation. The Inspector granted full costs against the Council, due to unreasonable behaviour that was found in relation to that appeal.

- The appeal decision established that the site was in the urban area, and was not part of the green wedge, any visual impact to the heritage park would be very small. The Inspector concluded that the scheme met all 3 tests of sustainability and that the benefits of delivering housing far exceeded the concerns raised.

- The Inspector was judging the appeal on a matter of principle and was not judging the layout of the scheme or the ability of access to the site.

- Since moving on with more detailed design and further land searches it had been established that one of the access points was difficult to deliver due to land ownership issues. The Agent believed the land was owned by Places for People and not Thirteen. There was a ransom strip situation which was not something which could be proposed within the scheme. The Agent explained to the Committee that a second access was not possible and urged them not to defer the item further. The Developers Engineers and the Highways Engineers were perfectly comfortable with the single access and felt that it was adequate.

- A 15 metre buffer against the tree belt was included in the scheme. The Developer had done everything to stay as far away as possible from nearby properties. The proposed properties were to be gable side on to the existing properties to minimise any impact in relation to privacy. Hip rooves had been introduced to minimise the impact from sunlight and daylight. Minimum distances had been complied with as set out within the Councils own guidance.

Officers were given the opportunity to address the Committee in relation to issues/concerns raised. Their points could be summarised as follows:

- There seemed to be a lot of concern relating to the density of the scheme. Some of the earlier applications for the site had more units proposed, starting with 54 in 2013. The 2014 application saw a reduction to 50 and the current application was now 45. The Appeal Inspector when considering and allowing the outline permission talked about the loss of view, privacy and amenity. The Officer read out a statement from the Inspector which stated that ' The loss of a view is not a matter which can be afforded weight in land use planning terms so long as the impact of the development does not make an existing dwelling an unacceptable place to live. There are no details of the development before me and I have regard to the fact that gardens backing on to the site are relatively short, even so I am satisfied that it would be possible to design and locate dwellings which would not unacceptably detract from the living conditions of neighbouring occupants. In other words I would consider existing houses to the north, west and east will still provide attractive places to live'. The Developer

and Officers looked at the application submitted with the view that the wooded tree belt to the south was a maturing tree belt which would grow. A lot of residents had put a lot of value on the tree belt and the wider area to the south, as had Officers. Houses clearly had to be separated from that tree belt to prevent a long term undue pressure of overshadowing which would result from a continuous band along the entire southern edge from the trees. Therefore if the houses were too close then there would be unreasonable amenity for those occupiers and those trees would get a lot of pressure for them to be removed. That had led to the current layout. The majority of the built form of the development was on the southern side furthest away from the existing houses. Were the development to be flipped, if it could be flipped, then you would end up with a long linear row of houses on the northern edge which would be closer to the existing residential properties. Clearly they would be slightly further away from where the existing ones were shown, but currently there were large gaps between the rear elevations of the northern row of properties. Officers were satisfied that it met the normal distances expected, in fact it went slightly beyond that in the majority of cases.

- There was no tree planting of any significance on the northern boundary.
- Properties on the northern edge were side on to existing properties therefore the views would be at right angles therefore only oblique overlooking not direct overlooking if it was rear to rear situation.
- In relation to traffic comments made. The traffic impact of the development was considered as part of the principle at the outline stage therefore was not something which could be revisited at this stage. The traffic was looked at as part of that and it was accepted that up to 45 dwellings would not have an adverse traffic impact on the highway and was not used as a reason for refusal by Members. Outline permission had now been given which included the impact of up to 45 dwellings.
- In terms of the access, at outline stage there was an indication that there were potentially 2 locations where access could be achieved. That was possibly a combination of 2 accesses or an either or access which had been accepted and agreed. There was no minimum number of dwellings which could be served by a single access.
- Where issues had been raised relating to parked vehicles on the access route, this was something which happened all over the borough and all over the country. Stockton Borough Council spoke regularly with bus operators and emergency services and this location had not been identified as a problematic area. On that basis there could be no objection to the single access.

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

- Members raised concerns in relation to the access. It was felt that even though it may be adequate to have a single access to the proposed development, maybe it was the wrong single access and that Middleton Avenue was the correct one and this required further investigation.
- Cayton Drive was an area where there was double parking, and as yet the Fire

Brigade would not have looked at this road as an access road as the development was not yet built, therefore it was not part of their route for checking.

- In terms of the layout, Members felt that a gable end at the end of existing resident's gardens was not acceptable. A back to back approach was a much friendlier option.
- Concerns were raised in relation to the fact that the plans were out of date and lacked the detail of existing resident's extensions going back as far as 1987 nearly 40 years ago. The site may get a development on it however it had to be the right development that fit in with the current nature of houses which were already there.
- The diagrams shown seemed to show the development in the best possible light for the developer and not a true reflection of what was actually there. It was felt the Committee should not be presented with out of date inaccurate plans, if google maps was laid over the top of the plans it would give a truer picture of how close the development was to existing homes.
- Members felt that on appeal the Inspector was looking at a different scheme compared to the one which was being presented today. A scheme with two not one access road and the belief that there would be wider spaces between the new development and the existing houses due to the out of date drawings.
- In relation to the ransom strip, although this was a problem to the property developer it was felt that this should be explored further for local benefit and until this had been done the application should be deferred.
- Questions were raised in relation to whether any conversations had been had with the developer and the owners of the ransom strip? Could the strip be adopted by the Council or sold to the developer? Had any of this been properly explored?
- There didn't seem to be any garages indicated on the plan which in turn indicated that there would be a considerable amount of on-street parking.

Officers were given the opportunity to address the Committee in relation to issues/concerns raised. Their points could be summarised as follows:

- In terms of the issues raised relating to garages and on-street parking, it was confirmed that some property types would have integral garages and some would not have any. The development did meet the supplementary planning document 3, car parking and new developments standards; therefore there was adequate car parking on site.

A motion to defer the application was made and seconded. A vote then took place and the deferral was approved.

A request was made by Members that more accurate and detailed plans were submitted when the applications was to be resubmitted.

RESOLVED that the application be deferred to a future meeting of the Planning Committee.

**P  
40/16**

**1. Appeal - Land at Harrowgate Lane, Bishopsgarth, Stockton-On-Tees,**

**TS19 8TF - 14/2291/EIS - ALLOWED WITH CONDITIONS**

**2. Appeal - Car Park to Rear of 51 Mandale Road, Thornaby, Stockton on Tees, TS17 6AE - 15/1771/COU - DISMISSED**

**3. Appeal - The Farmhouse, Ingleby Hill Farm, Ingleby Barwick, Stockton-On-Tees, TS17 0HU - 15/0900/OUT - DISMISSED**

- Concerns were raised in relation to the Appeal – Land at Harrowgate Lane, Bishopsgarth, Stockton On Tees and the impact on the surrounding area relating to increase in traffic etc. The Chairman explained that the developer had agreed to a number of requests by the Committee prior to the appeal and it was therefore felt that the development would not adversely impact as much as anticipated. It was confirmed that the development was part of the Masterplan.

- In relation to the Appeal – Car Park to Rear of 51 Mandale Road, Thornaby, Stockton on Tees, a question was raised as to how long the applicant would have to remove the catering trailer? Officers believed enforcement had already been issued for the trailer to be removed however would confirm this directly with the Member raising the issue.

RESOLVED that the appeals were noted.