

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 15th March, 2017.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Carol Clark, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Derek Brown (Sub Cllr Mick Stoker), Cllr Tracey Stott, Cllr Ian Dalgarno (Sub Cllr Mrs Sylvia Walmsley), Cllr David Wilburn

**Officers:** Simon Grundy, Barry Jackson, Emma Leonard, Joanne Roberts, Peter Shovlin, (DEGDS), Julie Butcher(DHR, L&C) Sarah Whaley(DCE)

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

**Apologies:** Cllr Mick Stoker, Cllr Sylvia Walmsley,

### **P Evacuation Procedure**

**112/16**

The Evacuation Procedure was noted.

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

**113/16**

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**

**114/16**

Councillor Ian Dalgarno declared a personal non-prejudicial interest in relation to item 16/3022/REV Land South Of Cayton Drive, Thornaby, as he was Ward Councillor for Village Ward and had participated in public consultation events. Councillor Dalgarno stated he was not pre determined and reserved the right to speak and vote. Cllr Dalgarno did not vote on the item.

Councillor Derek Brown declared a personal non-prejudicial interest in relation to item 16/3022/REV Land South Of Cayton Drive, Thornaby, as he was a member of Thornaby Town Council, Councillor Brown stated he was not pre determined and reserved the right to speak and vote on the item.

### **P Minutes from the Planning Committee Meeting which was held on the**

**115/16 22nd February 2017.**

Consideration was given to the minutes of the meeting which was held on the 22nd February 2017 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

**P 16/3022/REV**

**116/16 Land South Of Cayton Drive, Thornaby,  
Revised 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 16/3022/REV Land South Of Cayton Drive, Thornaby.

Prior to the meeting a site visit was held on Tuesday 14th March 2017.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that in view of the above considerations, the proposed development was considered to satisfactorily address the concerns of the Planning Inspector so that it now represented a suitable layout which was in keeping with its surroundings, while providing adequate access and levels of residential amenity for the nearby residential properties in terms of privacy and amenity. It was recommended that the application be approved with conditions for the reasons as specified within the main report.

Members were presented with an update report which highlighted that a revised plan had been submitted from the applicant detailing extensions to existing properties. The separation distances shown on the revised drawing were considered to be acceptable and accord with the guidance set out in SPD1-Sustainable Design Guide. The update report also referred to a briefing note which had been submitted by the applicant and was available at appendix 1 of the main report.

Additional objections had been received from local residents the majority of which had been addressed within the original report, however there were additional comments received in relation to separation distances not being shown between the proposed plots and Middleton Avenue. Reference was also made to the previous appeal for the site and the loss of green wedge. Additional guidance in respect of separation distances and the status of green wedge was contained within the update report.

The update report also included a report from the ELG relating to the second access and highway safety.

The Officers recommendation remained unchanged, that the application be approved in accordance with the recommendation within the main report.

Objectors attended the meeting and were given the opportunity to make representation. With the exception of those submissions already provided during the consultation period, and detailed within the report, objector's

comments could be summarised as follows:

- Had contact been made between the applicant and the owner of the ransom strip which had been confirmed as Places for People?
- Building should not commence on the site until all issues had been addressed.
- Reference was made in relation to advice received from James Whorton the local MP for Stockton South, that residents write to the Chief Executive of Stockton Borough Council in relation to comments made at a previous Planning Committee held on the 22nd February regarding Little Maltby Farm. Reference was also made to the Chief Executives response.
- The Planning Department were trying to apply the Tiviot Way appeal to the Cayton Drive application, however this had nothing to do with Cayton Drive.
- Much discussion took place regarding the previous land status of the site being identified as green wedge and the background history of events which had taken place which had seen the land status change.
- It was felt that the Planning department were bending over backwards for the developer.
- The Committee were informed that Thornaby Town Council were to seek legal advice in relation to a judicial review.
- The Planning Inspector had rejected the previous plan on the grounds of amenity however some plots within the new submission were still not in line with the Planning Inspectors findings.
- Concerns were raised in relation to localised flooding as the area was known for being extremely boggy.
- It was suggested that the number of proposed houses should be reduced which would allow the development to be realigned.
- The timing of the site visit was not appropriate as residents were still at work.
- Concerns relating to wildlife had been cast aside; the area was a vital grazing area for deer, badgers foxes and birds.

Officers were given the opportunity to respond to comments/issues raised by Objectors. Their responses could be summarised as follows:

- Responses were given in relation to plots 1 and 45 regarding overshadowing.
- In terms of issues raised relating to the land status of the site and that it was no longer green wedge, Officers explained in detail the historical background of how the status of the land had changed through a High Court Judgment and how the Council had fought to retain green wedge status.
- Officers explained that the proposed layout met with all guidance and separation distances were within the minimum requirement.

- Any issues raised in relation to drainage/flooding would be addressed with a condition.
- In terms of wildlife, only protected species could be considered.
- Highways Officers explained the situation relating to the access point and although it would have been desirable to have two access points the scheme would work with the one proposed access. There were many examples across the borough where a development with 45 houses was served by one access.

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

- It was considered that plots 1 and 45 were too close to vegetation which were not fixed in height and would continue to grow impacting on amenity. It was therefore suggested that plot 1 and 45 be removed from the proposal.
- Plots 6, 18, 19, 20 and 41 were very close to neighbouring properties and although the separation distance accorded with guidance, it was not desirable and out of character with the rest of the estate.
- Questions were raised in relation the accuracy of traffic surveys on Bader Avenue.
- The site visit had highlighted the extent of flooding.
- Reference was made to the ELG report which stated that 2 access points would create a 'rat run' effect on the proposed site. Members were of the opinion that the estate was already a succession of rat runs and loops and that the proposed 1 access would change the character of the area.
- With regard to the ransom strip it was hard to believe that Places for People would refuse money for a very small piece of land.
- The layout and number of properties were still not satisfactory. There were issues raised in relation to 2 trees in front of the line north of plot 20.
- The proposed houses looked poor quality and did not integrate with the existing estate.
- The site was overdeveloped.

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

- In relation to the plots which had been identified as having shorter separation distances from neighbouring properties, the majority of the properties had gable elevations and one had an end elevation and was still within the minimum separation requirement.
- Plot 20 protruded in front of the fence line of plot 33 however this was a standard layout which could be seen across many estates in the borough.

- Officers were not of the view that the proposed application was out of character with the area.
- The proposed access had been fully assessed and it worked, however Officers were not of the opinion that 2 access points would create a 'rat run', as indicated in the ELG report.
- Officers agreed to initiate speed and traffic surveys on Bader Avenue however it was explained to Members that this was outside of the process for this application.
- If Members were minded to refuse the application in terms of overshadowing then a light and shade assessment would have to be produced for the appeal although in the opinion of Officers overshadowing was not considered an issue.
- Members were reminded that any refusal by Members would have to determine what significant harm there would arise from the proposed development.

A vote took place and the application was refused.

RESOLVED that planning application 16/3022/REV  
Land South Of Cayton Drive be refused for the following reasons:

Impact on residential amenity;

In the opinion of the Local Planning Authority the proposed development by virtue of its layout and close proximity to the neighbouring residents of no.'s 35 & 37 Lockton Crescent, 33 Liverton Crescent and 24 Middleton Avenue would be overdeveloped and cumulatively combine to harm the existing levels of residential amenity of these properties, contrary to saved policy HO3 of the Local Plan paragraph 17 of the National Planning Policy Framework.

Overshadowing from the woodland;

In the opinion of the Local Planning Authority the proximity of plot no.'s 1 and 45 to the woodland adjacent to the southern boundary of the site would cause significant overshadowing to these plots adversely affecting the living conditions and residential amenity of these future occupiers, contrary to saved policy HO3 of the Local Plan and paragraph 17 of the National Planning Policy Framework.

Highways;

In the opinion of the Local Planning Authority the proposed development by virtue of its single access from Cayton Drive would significantly increase traffic through the residential estate, adversely affecting the free flow of traffic and harming highway safety, contrary to policy HO3 of the Local Plan, when there is a suitable alternative means of access to the site which would not have the same detrimental effect .

