

Planning Committee

A meeting of Planning Committee was held on Wednesday, 26th August, 2020.

Present: Cllr Norma Stephenson O.B.E (Chair), Cllr Helen Atkinson, Cllr Jacky Bright, Cllr Carol Clark, Cllr Luke Frost (Substitute for Cllr Sylvia Walmsley), Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, , Cllr Mick Stoker, Cllr Marilyn Surtees and Cllr Bill Woodhead MBE (Substitute for Cllr Andrew Sherris).

Officers: Julie Butcher (HR, L&C), Simon Grundy, Martin Parker, Rachel Powell (EG&DS), Peter Bell, Nigel Hart (MD).

Also in attendance: Cllr Sylvia Walmsley, Cllr Steve Walmsley, Cllr Andrew Sherris, Applicants, Agents and Members of the Public.

Apologies: Cllr Tony Hampton, Cllr Andrew Sherris, Cllr Steve Walmsley and Cllr Sylvia Walmsley.

P Declarations of Interest

10/20

Councillor Lynn Hall declared a personal prejudicial interest in respect of agenda item 3 - 20/0344/VARY - Tall Trees Development, Green Lane, Kirklevington - Section 73 application to vary condition no.2 of planning approval 15/2152/REM - Reserved matters application (appearance, landscaping, layout and scale) for planning approval 13/2568/EIS - Phase 2 for the erection of 149 dwellings and open space as her daughter lived on phase 1 of the development. Councillor Lynn Hall asked questions and made comment on the application but did not vote.

P 20/0344/VARY

11/20

**Tall Trees Development, Green Lane, Kirklevington
Section 73 application to vary condition no.2 of planning approval
15/2152/REM - Reserved matters application (appearance, landscaping,
layout and scale) for planning approval 13/2568/EIS - Phase 2 for the
erection of 149 dwellings and open space.**

Consideration was given to a report on planning application - 20/0344/VARY Tall Trees Development, Green Lane, Kirklevington - Section 73 application to vary condition no.2 of planning approval 15/2152/REM - Reserved matters application (appearance, landscaping, layout and scale) for planning approval 13/2568/EIS - Phase 2 for the erection of 149 dwellings and open space.

Outline planning consent was granted in 2014 for up to 330 dwellings on land located at the former Tall Trees site (13/2568/EIS). A previous reserved matters application (15/2125/REM) was approved in 2016 and the principle of the development was established.

This application had been submitted to vary the previous approval of reserved matters and to provide the delivery of a new range of house types from Broadacres and Yorvik Homes. The proposal comprised the same number of dwellings as previously approved.

The proposed scheme would increase the range of smaller housetypes across the site and would incorporate a mix of 2, 3, 4 and 5 bedroomed two storey

dwellings and would broadly following a layout which had already been approved.

The mix of affordable and market housing had changed from that initially approved and now incorporated market housing, affordable homes for rent alongside a shared ownership option. For clarity, the application had been assessed in terms of the amount, type and tenure and was considered to be an appropriate form of development.

A total of 66 objections had been received with the majority concerned over; the impact on the character of the new housing estate (as a result of smaller homes); the change to the demographics of the estate; this application being beyond the scope of section 73; disproportionate level of social housing above the requirement of local plan; and increases in traffic.

The variation of the reserved matters application had followed the principles of the indicative outline planning application proposals and previously approved reserved matters application.

The site already had planning approval for a residential development and change to the housetypes were not considered to fundamentally change the impacts of the development to existing infrastructure over and above that already approved.

The nature and scale of the development was considered acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and the layout was acceptable in terms of highway safety.

An update report had been circulated to Members and recommendations had been updated to reflect the update report. The additional information related to a number of issues that had been raised since issuing the officer report.

As the proposed development would alter the affordable housing mix from the previous section 106 agreement and would also introduce a Local Lettings Policy, there was a requirement for a deed of variation of the section 106 to be signed to secure these details. The recommendation of the proposed development was therefore subject to the signing of the deed of variation.

Since the publication of the officer report, the Council had received a solicitor's letter acting on behalf of the Tall Trees Action Group. The submitted letter suggested that the proposed changes from the approved scheme for 4 and 5 bedroomed properties with studies to 2 and 3 bedroom dwellings was beyond the scope of a section 73 planning application and was susceptible to legal challenge by way of judicial review. The letter stated that a new planning application should be submitted with a full and transparent consultation taking place.

In response, the approved reserved matters scheme was for 149 dwellings and the current proposed scheme would be for the same number of dwellings. The change in housetypes, as described, was considered not to be beyond the

scope of the section 73 planning application. With respect to consultation process, the planning application had been processed in the same manner as any other major planning application, where it had been advertised through press notice, neighbour notification letter and through the display of site notice.

The letter referred to Policy H4 suggesting that it related to affordable housing which was incorrect. Policy H4 was set out in the main committee report but the pertinent section, H4(1), stated “Sustainable residential communities would be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflected local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.” This does not refer solely to affordable homes.

Paragraph 5.52 of the Local Plan then goes on to advise that the SHMA identifies a need for market housing focused heavily towards the provision of 3 bedroom homes followed by the provision of 2 and 4 bedroom homes.

The submitted letter suggested that the proposed development was in conflict with the adopted development plan in respect of insufficient evidence of the tenure of shared ownership; no robust evidence why the affordable housing target was beyond 20%; affordable homes being provided in an area of limited sustainability and that the proposed development should not have a negative impact on the area.

In response, with respect to the tenure of shared ownership, additional information was provided by the applicant in respect to the nature of the housing product as outlined in paragraph 33 of the main report. It was also noted that the occupants of the affordable homes would be subject to a Local Letting Policy that provided management controls over prospective residents that would not otherwise be possible through open market property sales.

With respect to the provision of affordable housing above the 20% housing target, this matter had been comprehensively addressed within paragraphs 22 to 31 of the main report. In response to the suggestion that the proposal provided affordable housing in a less sustainable location, the sites sustainability had been fully assessed and was considered to be an appropriate location for the housing proposed.

The letter referred to paragraph 5.53 of the Local Plan and suggested it states that “a higher density of affordable homes would only be provided where there was a higher level of public transport accessibility such as Stockton, Billingham and Thornaby town centres”. Paragraph 5.53 of the Local Plan did not relate just to affordable homes and actually referred to the density of housing developments in their entirety, being market housing and affordable housing. The proposed development did not increase the number of dwellings to be built and did not increase the density of the development. It related to Policy H4(2) which provided “Support will be given to higher density development within areas with a particularly high level of public transport accessibility. Elsewhere housing densities will be considered in the context of the surrounding area in accordance with Policy SD8.”

Concerns raised that the proposed development would create significant pressure on existing infrastructure such as schools and doctor's surgeries have also been taken into account within the main report, and it was considered that the impact of the proposal would not be dissimilar from the accepted approved scheme at the site.

The suggestion that the proposed scheme would have a negative impact on the area is considered to be an unsupported claim and the Local Planning Authority consider that the proposed scheme to provide a balanced mix and a cohesive residential scheme.

The submitted letter also claimed that the proposed development illustrates 119 Broadacres dwellings instead of 114, as set out within submitted planning statement. The Broadacres dwellings would provide 114 dwellings and 35 properties provided by Yorvik Homes, totalling 149 dwellings.

It was considered that the matters raised on behalf of the Tall Trees Action Group had been considered and addressed within the main report and through the additional clarification provided within the current update report and that no information had been provided that would alter the officer recommendations.

A neighbouring residents' name and address was missed from the list of contributors within the officer report. Mr Wallace Walton of 4 Ash Drive submitted letters of objection and a summary of the points raised were detailed within the update report. All of the issues raised had been taken into account within the main report.

The comments that had been received following consultation were detailed within the report.

With regard to publicity representation comments of objection were received from 66 households. The addresses and a summary of the comments received were set out within the report and the full details of the objections could be viewed on the SBC website.

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 the variation of the reserved matters application had followed the principles of the indicative outline planning application proposals and previously approved reserved matters application.

The site already had planning approval for a residential development and change to the houstypes were not considered to fundamentally change the impacts of the development to existing infrastructure over and above that already approved.

The nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and the layout was

acceptable in terms of highway safety and was in accordance with policies in the Development Plan identified above and therefore the recommendation was to approve the application subject to the conditions set out within the report.

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

- The major difference in the application was the high proportion of affordable homes and a new full application was now needed. The application fell outside of Section 73. The detail of the shared ownership had only been made available recently. The development would be out of character with the surrounding area and was not a cohesive form of development, which was significantly different to the already approved scheme. The smaller house types will be of poor quality and lack continuity with the first phase of the development.
- The shared ownership figures that had been supplied by Broadacres were confusing and very concerning. The shifting demographics of the proposed development would put significant pressure on existing infrastructure, such as the transport network, schools and doctor's surgery. The application should be refused as not enough information had been submitted to support the application.
- The application represents a departure from the Local Plan and was unlawful. There was a disproportionate level of social housing above the requirement of local plan. There was no robust evidence to justify accepting such an increase in affordable housing beyond the Local Plan requirements.
- The development would mean there would be approximately 165 extra children to school locally and the schools on the surrounding area were already over-subscribed.
- The proposed development would result in an increased level of traffic, the vehicular access was not suitable and there was not enough available parking, which would result in highway safety concerns. Emergency services would have difficulty accessing the site.
- The proposed development would prevent residents for working from home in the future due to limited wifi in the area.
- There was no provision of bungalows for older residents or people with disabilities.

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

- The Local Planning Authority and the Council's Chief Solicitor consider the Section 73 planning application as submitted to be a lawful planning application. The planning application had been processed in exactly the same manner as any other major planning application, where it had been advertised through press notice, neighbour notification letter and through the display of site notice.
- With regard the concerns that had been raised that the proposed development would create significant pressure on existing infrastructure such as schools and doctor's surgeries. The proposal would not increase the number of dwellings beyond the existing approved housing scheme and it was therefore considered that the impact of the proposal would not be dissimilar from the accepted

scheme at the site.

- Car parking for each dwelling had been provided in accordance with SPD3: Parking provision for Developments 2011 and it was considered to be acceptable.
- The principle of increasing the provision of affordable housing above the local plan target was considered to be an opportunity to significantly contribute to meeting the identified borough wide housing need and was not considered to be a departure from the Local Plan.
- The Crime Prevention Officer had been consulted with regard to application and had raised no concerns.
- There were no concerns raised from the Highways Transport and Design Manager on the application and in his opinion, there would be no increase in traffic.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

- The Committee must aim to create sustainable and cohesive developments.
- There will not be enough school places locally for the children of the development.
- The application is substantially different from the original application and therefore the Section 73 should not be used and a new application should be submitted.
- The letter from the objector's solicitors should be taken into consideration when Members vote on the application.
- Officers need to rigorously enforce paragraph 48 of the report that refers to vehicular movements during construction.
- Wifi would be an issue if residents were still having to work from home.

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

- The application was considered to be an appropriate form of development and was in accordance with policies in the Development Plan.
- In the opinion of the Planning Officer and Council's Chief Solicitor a new application was not needed, and they disagreed with the letter that had been provided by the solicitor representing the objectors.
- Wifi was an issue that was outside of planning control.
- School provision was considered as part of the original scheme and was considered to be acceptable.

A vote then took place and the application was approved.

RESOLVED that planning application 20/0344/VARY be approved subject to signing the deed of variation of the section 106 and subject to the following conditions and informative set out below:-

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number

Date Received

1774-01D (SHEET 1 OF 3)27 July 2020

1774-02D (SHEET 2 OF 3)27 July 2020

1774-03D (SHEET 3 OF 3)27 July 2020

SD-100.01 REVC27 July 2020

This document was classified as: OFFICIAL

SD-200-02 REV C12 June 2020

20 5377 – 10-10 February 2020

20 5377 – 20-10 February 2020

20 5377 – 21-10 February 2020

20 5377 – 24-10 February 2020

20 5377 – 25-10 February 2020

20 5377 – 26-10 February 2020

20 5377 – 27-10 February 2020

20 5377 – 28-10 February 2020

20 5377 – 29-10 February 2020

20 5377 – 30-10 February 2020

SD.100-03 REV D-12 June 2020

SD.100-04 REV B-12 June 2020

SD.100-06 REV B-12 June 2020

SD.200-01 REV B-12 June 2020

SD.200-03 REV D-12 June 2020

SD.200-04 REV A-12 June 2020

SD.200-05 REV C-12 June 2020

02 Limits of Consent

This approval relates solely to this application for the approval of the variation of Reserved Matters and condition 2 of 15/2152/REM. It does not in any way discharge conditions contained within the Outline Planning Approval reference 13/2568/EIS which still require the submission of specific details and the written approval of the Local Planning Authority.

03 Tree Pit Details

No development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the planting of trees within the adopted highway to ensure a suitable tree pit package and soil volume will be provided for each tree, and that the adopted highway is protected from future tree root damage.

04 Trees adjacent to the adopted highway

No development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the protection of the adopted highway, from tree root damage where trees are planted within 2 metres.

05 Permitted Development Rights means of enclosure

Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling which the curtilage of the dwelling fronts or abuts.

06 Removal of PD Rights – Class A Householder

Notwithstanding the provisions of class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) 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.

07 Hedgehogs Fencing

Notwithstanding the submitted information, prior to the erection of any fencing details of the specification for holes in boundary walls and fences at ground level to allow for the movement of hedgehogs shall be submitted to and be approved in writing by the Local Planning Authority. The agreed works shall be implemented in accordance with the agreed details and be retained thereafter for the lifetime of the development.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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: Secure by Design Gold Standard

The applicant should consider working alongside the Crime Prevention Officer to reach the gold standard for secure by design principles. Secured by Design details are available at the following website

<https://www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#cleveland-police>.

**P
12/20**

18/0409/OUT

**Land South Of Thornaby Football Club, Acklam Road, Thornaby
Outline application with all matters reserved save for access, for the
residential development of up to 10 dwellings**

Consideration was given to a report on planning application 18/0409/OUT - Land South Of Thornaby Football Club, Acklam Road, Thornaby - Outline application with all matters reserved save for access, for the residential development of up to 10 dwellings.

The application site related to an area of land to the north of the residential dwellings on Acklam Road and to the south of Thornaby Football Club. The site comprised an area of hardstanding as part of old football club as well as an area of woodland that links up to the football pitch to the east of the site.

As Members were aware, there was a procedural error whereby Officers determined the application when in fact it should have originally been determined by the Planning Committee. As a result, the original decision was quashed in the High Court and the application has therefore reverted back to

the Council to make a decision. A further round of public consultation had been undertaken and all associated comments had been taken into account when reconsidering this decision.

This application sought outline consent with all matters reserved except for access, for the residential development of up to 10 dwellings.

In terms of background, the application site and the neighbouring parcel of land had both sought planning approvals in the past with the application site having been granted permission for residential development in the form of apartments in 2006 and 2008.

A larger site which incorporated the application site was however refused due to the impacts on the character of the area and cemetery, this was also dismissed on appeal with the inspector agreeing that the larger development site would have affected the character of the area and the Cemetery.

With regards to the merits of this application, the site was the same as that with gained residential permission back in 2006 and 2008. It lay within settlement limits, had no specific planning policy designation and was within a sustainable location. As it was an unallocated site there was no direct conflict with any Local Plan Policies which would mean the site would be unsuitable for residential development.

Whilst the site was large, the level changes and presence of mature trees mean it was heavily constrained and following concerns raised by Officers the applicant had revised the proposals down to 10 dwellings. Nevertheless, it was considered that 10 dwellings could be accommodated on the site although much will depend on dwelling size and location which would be fully considered at the reserved matters stage.

The comments that had been received following consultation were detailed within the report.

With regard to publicity neighbours were notified and wider publicity had been given to the application via press advert and site notices. A total of 8 objections had been received, the objectors and the associated comments were set out within the 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 the site lay within settlement limits, had no specific planning policy designation and was within a sustainable location. As it was an unallocated site there was no direct conflict with any Local Plan Policies which would mean the site would be unsuitable for residential development.

Whilst the site was large, the level changes and presence of mature trees mean it was heavily constrained and following concerns raised by Officers the applicant had revised the proposals down to 10 dwellings. It was considered

that in principal 10 dwellings could be accommodated on the site although much will depend on dwelling size and location which would be fully considered at the reserved matters stage.

In all other regards the proposal was considered to be acceptable in planning terms and it was recommended that the application be approved subject to the conditions outlined in the report.

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

- Endorse the officers recommendations contained within the report
- The application site was within a sustainable location
- The previous application was granted but then subsequently quashed.
- There were no objections from the statutory consultees

Councillor Mick Moore, Councillor Steve Walmsley and Councillor Sylvia Walmsley were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- The number of dwellings on the proposed application site had been reduced to 10 dwellings but the SBC Planning Portal still showed 20 proposed dwellings
- As outlined by officers the previous application had been subject to a procedural error
- The original application was rejected at appeal due to the impact upon the open aspect, proximity to Thornaby Cemetery and the impact upon established trees
- The tree survey did not take into account that the trees on the site now covered a greater aspect of the site
- There would be an impact upon the established trees and their roots on this site
- Concerns over the access into the site including concerns regarding a sewage interceptor
- The report didn't take into account the Planning Inspectors comments
- The application would erode Thornaby's Green Wedge

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

- Officers appreciate the objector's frustration and officers had considered the Planning Inspectors comments
- The site could contain 10 dwellings without having an impact of the trees
- A protected right turn from the highway could be achieved
- The applicant doesn't need to own the road that gives access to the site

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

- Concerns over the access to the site
- Concerns over the loss of trees on the site

- The application would have a detrimental impact on the area
- Disagree with officers regarding the access

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

- The Planning Inspector had reported that the access to the site was acceptable

A vote then took place and the application was refused.

RESOLVED that planning application 18/0409/OUT be refused for the following reason:-

1. Impact of Character of Area;

In the opinion of the Local Planning Authority, the proposed development would result in new built development within a green area which is currently characterised by mature landscaping features, the resulting harm to the character of the area would not be outweighed by the benefits of the scheme and is therefore contrary to the requirements of Local Plan Policies SD5(1) and SD8(1) and (2).

**P
13/20**

20/1076/FUL

2 Garth Close, Carlton, TS21 1EQ

Construction of a detached double garage to front (conversion of existing garage)

Consideration was given to a report on planning application 20/1076/FUL 2 Garth Close, Carlton, TS21 1EQ - Construction of a detached double garage to front (conversion of existing garage).

The application site was 2 Garth Close, Carlton, a detached two storey dwelling located at within an end plot within a cul-de-sac. The surrounding properties on Garth Close are predominately 2 storey detached dwellings.

The application sought planning permission for the erection of a detached double garage located within the front garden area of the property.

The comments that had been received following consultation were detailed within the report.

Neighbours were notified and the comments that had been received were detailed within the 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 the scale, design and location of the proposed outbuilding was appropriate for the property and would not adversely impact upon the street scene.

The outbuilding would not impact on neighbouring properties or give rise to any potential highway safety matters.

It was therefore recommended the application be approved for the reasons set out in the report.

A vote took place and the application was approved.

RESOLVED that planning application 20/1076/FUL be approved subject to the following conditions and informatives below;

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
BM-2020-06-0001	19 June 2020
BM-2020-06-0002	19 June 2020

02. Materials

The external finishing materials shall be carried on in full accordance with the details provided on the 29.07.2020 (detailed within the submitted email).

03. Outbuilding Restriction

The hereby approved detached outbuilding for use as garage for the storing of vehicles and shall be used for purposes, incidental to the enjoyment of the occupants of the dwellinghouse and no other purpose.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

**P
14/20**

1. Appeal - Mr And Mrs Hodgson, Adjacent To Low Forest Barns, Forest Lane, Kirklevington

19/2655/PABRE - DISMISSED

2. Appeal - Mr Robinson - 2 High Newham Road, Stockton-On-Tees

19/2633/FUL - ALLOWED WITH CONDITIONS

COSTS - ALLOWED

3. Enforcement Appeal - David McBride - 7 Emsay Close, Ingleby Barwick, Stockton-on-Tees

DISMISSED

The Appeals were noted.

