

Planning Committee

A meeting of Planning Committee was held on Wednesday, 9th May, 2012.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Gillian Corr, Cllr John Gardner, Cllr Paul Kirton, Cllr Alan Lewis, Cllr Ken Lupton (Vice Cllr Chatburn), Cllr David Rose, Cllr Andrew Sherris, Cllr Michael Smith, Cllr Norma Stephenson and Cllr Steve Walmsley.

Officers: C Straughan, G Archer, R McGuckin, J Roberts H Smith, P Shovlin, J Hutchcraft (DNS); J Grant and P K Bell (LD).

Also in attendance: Cllr Philip Dennis (Ward Cllr for Eaglescliffe), Cllr Mrs Maureen Rigg (Ward Cllr for Eaglescliffe), Agents, Objectors, Members of the Public.

Apologies: Cllr Mark Chatburn, Cllr Jean Kirby and Cllr Mick Stoker.

P 6/12 **Declarations of Interest**

Councillor Lewis reported that he had put in a previous objection but that things had moved on since then and he came to the meeting with an open mind.

P 7/12 **Minutes**

The minutes of the meeting held on 14th March 2012 were confirmed and signed by the Chair as a correct record.

P 8/12 **11/2842/EIS Allens West, Durham Lane, Eaglescliffe Outline application for the erection of a residential development comprising 845 no dwellings (Class C3) and a 60 no. Bed Care Home (Class C2) with associated retail, creche and community facilities, landscaping, roads, parking and infrastructure.**

Consideration was given to a report on an outline planning application for a mixed-use development at Allen's West, Eaglescliffe. The application was in outline with all matters reserved.

The application proposal was to establish the principle of the development. In view of the scale of the proposal and the location of the development, an Environmental Statement (ES) had been submitted with the application. Also supporting the application was a Planning Statement, Statement of Community Involvement, Flood Risk Assessment, Pre-Development Arboricultural Survey, Master Plan Drawings, Transport Assessment, Travel Plan and Design and Access Statement.

Outline planning permission had previously been granted in 2009 for mixed use development on the site comprising warehousing, industrial, residential (500 dwellings), care home, retail and community uses plus associated parking, roads, landscaping and infrastructure.

The submitted illustrative master plan showed the proposed development including access, internal roads, indicative landscaping, and plot layout. The layout had been designed to account for constraints presented by planning

policies and zones (namely the HSE Exclusion Zone to the south western tip of the site), as well as through site characteristics such as the pylon zone which crosses the site from north to south on the eastern boundary, and the strip of protected Poplar trees which cross the site from east to south west.

The proposed development comprised 845 no. houses (248 no. 2-bed units, 384 no. 3-bed units and 213 no. 4-bed units) ; a 60-bed care home; a small local shopping parade (providing up to 250m² of retail floor space and a crèche); community facilities up to 500m² and associated landscaping, roads, parking and infrastructure.

Access to the site would be taken from the existing roundabout on Durham Lane. This would be complemented with a further new roundabout to be constructed near to Carter Moor Farm, towards the northern end of the Durham Lane frontage to the site. A Transport Assessment formed part of the application submission and provided a detailed analysis of the impacts of the proposed development, taking into account the existing permission for the site, upon the local transport network.

Pedestrian linkages would also be provided as part of the development proposal, including a new Toucan crossing point over Durham Lane.

Given the scale of the development, it was anticipated that construction will be undertaken in phases and would involve a number of construction companies and at least two house-builders. The applicant stated that predicting build out rates with any degree of certainty in the current economic climate was fraught with difficulty. Notwithstanding, due to the size of the development it was considered that the development would be completed over a 13-17 year period, unless market conditions changed significantly in the intervening period.

The main considerations of the application were whether it satisfied the requirements of National and Local Plan Policies, the impact of the proposed development on the locality in terms of residential amenity, vehicular access and traffic impact and highway safety, flood risk, ecology and nature conservation, land contamination.

The proposed development had been considered in the context of the Environmental Statement and its associated impacts. The impacts of the proposal had been considered against national, regional and local planning guidance and the development as proposed was considered by the Planning Officer to be in line with general planning policies set out in the Development Plan, was acceptable in terms of highway safety, did not adversely impact on the neighbouring properties and character of the area, ecological habitat, flooding and land remediation and was recommended that Members be minded to approve Planning application 11/2842/EIS subject to the confirmation that the Highways Agency had no objections to the application and agreed by the Head of Planning including the requirement for additional planning conditions and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms, conditions and informatives.

An Environmental Impact Assessment (EIA) had been prepared on behalf of the applicant to accompany the outline application. The Environmental Statement (ES) had regard to the following environmental considerations and identified the

means by which significant adverse effects could be remedied:-

- Landscape and Visual Impact
- Ecology
- Transport
- Ground Investigation
- Archaeology
- Flood Risk Assessment
- Noise & Vibration
- Air Quality
- Socio-Economic

The findings of the ES were summarised within the report.

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

With regard to publicity it was noted that the applicant had undertaken consultation in accordance with the adopted Statement of Community Involvement. This involved a range of activities including; meeting with local stakeholders and residents, a public exhibition held in an exhibition trailer at the nearby Orchard Shopping Parade, a newsletter delivered to nearby households, a dedicated website, a questionnaire, media briefings and meetings with key groups and individuals.

Local residents/businesses had been individually notified of the application and it had also been advertised on site and in the local press.

42 letters of objection from residents were received and their addresses and main concerns were detailed within the report.

There was also an objection from Inbond Ltd, Eaglescliffe Logistics Centre and a summary of their objection was 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 indicate 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 (STLP).

Section 143 of the Localism Act came into force on the 15th January 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 shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

Members were presented with an update report that outlined that a consultation response had been received from the Highways Agency. The response outlined that the Highways Agency had no objection in principle to the development subject to a condition relating to the agreed Residential Travel Plan. The update report detailed the amended recommendation and conditions. The recommendation was now for full approval and not for minded approval.

Councillor Dennis (Ward Councillor for Eaglescliffe), Cllr Mrs Rigg (Ward Councillor for Eaglescliffe), the agent for the applicant, representatives from Inbond Ltd and Egglescliffe & Eaglescliffe Parish Councillor Alex Lamond were in attendance at the meeting and were given the opportunity to make representation.

The agent (Peter Wibraham) for the applicant spoke in favour of the application and made the following points:-

- * The development would be a success for the Borough and would be a major contribution to the 5 year housing supply.
- * 3 house builders had already indicated they would like to build on the site.
- * Jobs would be created into 2020.
- * The development would have an effect on the jobs already on-site but they would have a lease until 2017. Other land on the site would be developed first so that the present occupiers would have time to find new accommodation.
- * There would be benefit to the area as a whole through a Section 106 agreement.

Councillor Dennis as a Ward Councillor for Eaglescliffe Ward made the following points:-

- * The scale of the development was too large.
- * The development would be a strain on the local infrastructure.
- * It would be short sighted to build on employment land as although there was a surplus of employment land at the moment, in the future this could quickly turn into a shortfall of employment land.
- * The site should remain a mixed use site.
- * People like to work where they live and this would also reduce carbon emissions.
- * Local schools have not got the capacity to deal with a development of this size.
- * The site contains contamination hot spots.

Alan Hayes (A Director of Inbond Ltd) was in attendance at the meeting and made the following points:-

- * Inbond Ltd occupy several Allens West buildings and object on the strongest possible terms to the application.
- * Inbond Ltd are a source of employment for the area.
- * The Allens West buildings are good value accommodation and do not need heating.
- * Virgin Vie have already moved to Germany as the landlord would only give them a limited lease and there was no opportunity to grow the business.

Phil Lyons (Director of Inbond Ltd Document Management) was in attendance

at the meeting and made the following points:-

- * J Shed is very unique and is used for storing NHS documentation.
- * The specification required to run the high bay operation doesn't exist in the local area.
- * It is not economically viable to erect new replacement buildings.
- * The NHS patient files need to be stored within 25 minutes of the hospital as they are often needed urgently.
- * Inbond Ltd has recently recruited staff and other possible work is in the pipeline.

Mark Winton (A Director of Inbond Ltd) was in attendance at the meeting and made the following points:-

- * The report from the applicant has a number of inaccuracies.
- * The landlord has given Inbond Ltd no possible relocation sites.
- * Inbond Ltd supply local firms and to move away from the site would cause problems.
- * There are a record number of unsold houses on estate agent books and there is no need for more new housing.
- * The site has been called dilapidated but it is not.

Councillor Mrs Rigg as Ward Councillor was in attendance at the meeting and made the following points:-

- * The Planning Officer should be thanked for his report as he has worked tirelessly with the applicant.
- * Traffic in Eaglescliffe is very unpredictable and what the Engineers have suggested may not alleviate the problems this development may bring.
- * Disappointed with the loss of employment land.
- * This type of employment accommodation at the price it is at can't be found elsewhere.
- * Can a reduction of housing in the development be looked and therefore keeping some employment buildings.
- * Can something be included in the conditions regarding a local labour agreement.
- * The Borough already has a surplus of care home places and therefore can we have an extra care facility instead of the care home.

Egglecliffe & Eaglescliffe Councillor Alex Lamond was in attendance at the meeting and reiterated points that Egglecliffe & Eaglescliffe Council had made and that were detailed in the report. They included:-

- * The development would cause increased traffic leading to more problems to an already poor situation.
- * Rat runs already exist and the development would make them worse.
- * Traffic lights at the Cleveland Bay should be linked with other traffic lights in the vicinity.

Officers then responded to issues/questions that had been raised and their responses included:-

- * With the £1.6 million commuted sum there is capacity in the current school

system for the development.

- * Cabinet would be looking at the school issues in the Borough in the near future.
- * With regard to contamination an initial survey had been carried and the land is basically safe for industrial use but further investigations would be needed for residential use.
- * A local labour agreement can be included in the Section 106 Agreement.
- * Eaglescliffe and Yarm have their own unique traffic problems but the traffic measures that would be introduced if the development takes place would make a "no worse off" situation.
- * Public transport would be subsidised for the development for a two year period until the route becomes profitable.
- * The Allens West Level Crossing would be updated if the scheme is given approval.

Members were then given the opportunity to ask questions and make comments on the application. Members spoke both in favour and against the application. Their comments / questions could be summarised as follows:-

- * Why has the developer now asked for 845 dwellings when he already has approval for 500 dwellings?
- * the development would be good for the Borough.
- * The commuted lump sums are welcomed but £155,833 towards car parking in Yarm is a paltry amount and how was that figure arrived at.
- * People would be made redundant if the application is approved.
- * The development would bring much needed jobs to the Borough.
- * The developer has agreed to pay large commuted sums.
- * A care home now seems obligatory to help ease a large scale development through the planning stage.
- * The scale of the development is too large.
- * The development would require policing.
- * Even with the commuted lump sums the development would not be traffic neutral.
- * The care home is not required and not the direction of travel the Council is looking for and it should be removed from the application.
- * Will the existing primary schools be enlarged or will new ones be built.
- * The development would overload Yarm and Eaglescliffe with traffic

Officers then responded to issues/questions that had been raised and their responses included:-

- * The developer had indicated that 500 dwellings on the site was no longer viable and that was why he had asked for 845 dwellings.
- * The manoeuvres that take place on Yarm High Street are one of the issues that cause traffic problems around Yarm / Eaglescliffe.
- * The commuted lump sum figures for the traffic have been arrived at to produce "no worse off" situation.
- * The commuted lump sum figures must be proportional and are worked out on a pro-rata basis.
- * The existing primary schools would be enlarged.

The agent for the applicant also confirmed that discussions could be held with the Planning Officer on removing / replacing the care home from the application

and that a local labour agreement can be included in the heads of terms.

A vote took place and Members were minded to refuse the application however the Legal Officer and the Head of Planning were of the opinion that a refusal on the grounds suggested may be unsustainable and that the application be deferred under the Planning Committee Decisions Protocol to enable further consideration and advice by Officers.

RESOLVED that the Planning Committee Decisions Protocol be invoked and therefore planning application 11/2842/EIS be deferred for further consideration by Officers and subsequent advice to Members when the application returns to committee.

P 9/12 1. Enforcement Appeal - Mr Scott Donaldson 1 Moor Park Eaglescliffe. Erection of a 1.8 metre high close boarded wooden boundary fence to the side of the property and Sunningdale Drive and adjacent to the public highway. APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHELD

RESOLVED that the appeal be noted.

Chair.....