

## Planning Committee

A meeting of Planning Committee was held on Tuesday, 30th April, 2013.

**Present:** Cllr Robert Gibson (Chair); Cllr Carol Clark (Vice Cllr Jim Beall), Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Eileen Johnson (Vice Cllr Norma Stephenson), Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Mrs Jean O'Donnell (Vice Cllr David Rose), Cllr Andrew Sherris, Cllr Mick Stoker, Cllr Steve Walmsley and Cllr David Wilburn.

**Officers:** C Straughan, B Jackson, S Grundy, R McGuckin, P Shovlin, J Hutchcraft (DNS); J Butcher, P K Bell (LD).

**Also in attendance:** Applicant and members of the public.

**Apologies:** Cllr Jim Beall, Cllr Mark Chatburn, Cllr Gillian Corr, Cllr Paul Kirton, Cllr David Rose and Cllr Norma Stephenson.

**P**        **Evacuation Plan**  
**1/13**

The evacuation plan was noted.

**P**        **Declarations of Interest**  
**2/13**

There were no interests declared.

**P**        **12/2517/OUT**  
**3/13**     **Land At Low Lane, High Leven, Ingleby Barwick**  
**Outline application for the erection of Ingleby Manor Free School and**  
**Sixth Form and residential development (350 dwellings) including means**  
**of access**

Members were reminded that at the Planning Committee held on 5th February 2013, planning application 12/2517/OUT was refused on the following grounds:-

Green Wedge/landscape character:

1. In the opinion of the Local Planning Authority the proposed development represents an unjustified incursion into the Bassleton Beck valley green wedge and by virtue of its scale and nature would have an unacceptable detrimental impact on the open character and visual amenity of the area and thereby harm the amenity value of the site and the separation that exists between the settlements of Ingleby Barwick and Thornaby, contrary to saved policy H03 of the Adopted Stockton on Tees Local Plan and policies CS3(8) and CS10(3) of the Adopted Core Strategy and paragraph 123 of the National Planning Policy Framework (NPPF).

Affordable Housing:

2. In the opinion of the Local Planning Authority the applicant has failed to provide any justification or viability assessment that to satisfy the Local Planning Authority that would reasonably justify a reduction in affordable housing provision, from the minimum 20% level identified within the Core Strategy, contrary to the requirements of Policy CS8(5) of the Core Strategy and paragraph 50 of the National Planning Policy Framework.

The applicants, Tiviot Way Investments Limited (referred to as “the Appellants” hereafter), had subsequently lodged an appeal against the decision to refuse the application, which would be heard at a Public Inquiry over 4 days starting on the 14th May 2013. Determination of the appeal had been recovered by the Secretary of State for Communities and Local Government to whom the appointed Inspector would report in due course following the close of the Inquiry.

During the course of the appeal preparations the Appellants had increased their offer of affordable housing from 10% to 15% of the housing component (53 of the proposed 350 dwellings) on the basis that this would comply with the lower end of the range set out in Core Strategy policy CS8(5), which gave a target of 15-20% provision on new housing sites.

Furthermore, as a result of Tesco’s recent announcement that it was no longer to proceed with its planned extension to the Ingleby Barwick store, resulting in the planned investment in the highway infrastructure being lost. As the acceptability of the Low Lane scheme, in highway terms, was based on the provision of the Tesco-funded improvements revised traffic modelling was taking place.

The original report to Members of the Planning Committee and the Council’s two submitted proofs of evidence were attached to the report for background and information purposes.

With regard to the amended proposal the Appellants had stated that they were willing to increase their offer of affordable housing from 10% to 15% in order to address and remove the second reason for refusal. They had asked Officers to seek the formal view of Members.

The Appellants’ increased affordable housing offer consisted of the following elements:-

- \* Provision of 15% of built units (in line with the lower end of the range identified within Core Strategy policy CS8), which equates to 53 units out of the 350 dwellings sought by the appealed application.

- \* The tenure offered would be at 70% rented and 30% intermediate as required by the Strategic Housing Market Assessment (SHMA) and the Head of Housing’s comments on the planning application.

- \* The proposed housing bedroom mix would also be in line with that identified within the SHMA i.e. that 91% of the offered units would be 2 bedroomed and 9% 3 bedroomed units.

- \* The affordable housing would be provided across the site ‘in step with the provision of market housing’. i.e. for each of the 50 market houses provided the equivalent 15% of affordable housing would also be provided.

If Members were satisfied with the above offer, this offer would need to be secured through a Section 106 agreement.

No specific Affordable Housing Provider had been identified and any Section 106 agreement would need to make provisions to ensure that a suitable affordable housing provider was in place prior to the start of development.

The Head of Technical services was in attendance at the meeting and verbally reported that a transport model had been developed to assess the traffic impacts of a number of proposed developments in the Yarm and Ingleby Barwick area. The model was referred to as the Yarm and Ingleby Barwick AIMSUM Model (YIBAM) and this model was used to inform the decision making for this planning application.

Following the removal of Tesco funding for highway works in Ingleby Barwick, the model needed to be updated to remove the network improvements from the model. The improvements created capacity on the highway network on the west side of Ingleby Barwick and therefore it was necessary to test the impact of the Free School development without these highway improvements. The model was considered to be the most appropriate tool for assessing the highway impact because it models the cumulative effect of traffic from this development and other committed developments on the future network. Therefore as the network becomes more congested in future years, the model outputs demonstrate the impact of this increased congestion on journey times and queue lengths at junctions.

Initial results from the model were extracted and shared with the applicant. This initial work confirmed that the development would have an impact on the highway network on the west side of Ingleby Barwick. Given the timescales it was acknowledged that the draft results and model needed further refinement to confirm the outputs were robust. This refinement of the model was on-going and the updated outcomes from the transport modelling would be discussed with the applicant.

It was therefore requested that agreement be obtained from the Planning Committee that authority be delegated to the Head of Planning to agree with the applicant the mitigation required to alleviate the highway impact of this development.

Members were presented with an update report that had an additional rebuttal Proof of Evidence of Rosemary young attached to it. The update report also contained an amendment to recommendation 3 as a result of the ongoing traffic modelling.

An objector was in attendance at the meeting and made the following comments:-

- \* The core planning principle is sustainability for any development
- \* The applicant has blurred the issues between the school and the housing
- \* The children of Ingleby Barwick already go to good schools - All Saints, Conyers and Eggescliffe
- \* Not everyone in Ingleby Barwick would like another secondary school
- \* Roads in Ingleby Barwick are already busy without further housing
- \* The petrol station / store near the application site is already very busy
- \* 6th Form college students often have cars and this isn't taken into consideration

\* The roads around the school will still be busy even with staggered times at the school

\* A school on it's own may help Ingleby Barwick but more housing is unacceptable

Members were then given the opportunity to ask questions / make comment on the application. A Member asked if any response had been received from the applicant regarding the affordable housing financial issues that had been raised by the Council. The legal adviser to the Committee reported that the applicant had responded that they would not be providing any further financial information to the Council regarding the percentage figures of affordable housing.

Members then agreed the recommendations as per the report and update report.

RESOLVED that:-

1. The stance taken by officers in the submitted appeal proofs in respect of the impact on the Green Wedge be reaffirmed.
2. The Appellants' offer of 15% affordable housing provision be rejected, and, the requirement for 20% affordable housing provision (given the greenfield nature of the appeal site) be maintained and consequently that the second reason for refusal stands.
3. The Head of Planning be delegated authority to agree any highway mitigation that may arise out of the on-going transport modelling and that the Planning Inquiry Inspector be informed of the final agreed outcomes. Should any mitigation measures not be agreed and as a consequence the Head of Planning considers this to be an unacceptable impact on the highway network then an additional reason for refusal be added and defended at appeal.
4. Officers be authorised to proceed with the presentation of the Council's case at the appeal upon the basis of those arguments identified within the submitted proofs of evidence and to conduct the appeal thereafter as they deem reasonable in the best interests of the local planning authority.