

Planning Committee

A meeting of Planning Committee was held on Tuesday, 4th June, 2013.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Gillian Corr, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Tracey Stott (Vice Cllr David Rose), Cllr Steve Walmsley and Cllr David Wilburn.

Officers: C Straughan, B Jackson, G Archer, S Grundy, A Glossop, M Clifford, M Chicken, P Shovlin, C Snowden, J Hutchcraft (DNS); J Butcher, K Wannop, P K Bell (LD).

Also in attendance: Applicants, agents and members of the public.

Apologies: Cllr Paul Kirton and Cllr David Rose.

P **Evacuation Procedure**
19/13

The evacuation plan was noted.

P **Declarations of Interest**
20/13

There were no interests declared.

P **12/1990/EIS**
21/13 **Land South Of Green Lane, Yarm,**
Outline application for residential development for up to 370 dwellings,
additional railway station car parking, access, infrastructure, open space
and landscaping (all matters reserved except for access)

Consideration was given to a report on 12/1990/EIS - Land South Of Green Lane, Yarm - Outline application for residential development for up to 370 dwellings, additional railway station car parking, access, infrastructure, open space and landscaping (all matters reserved except for access).

The application was due to be considered at the 10th April 2013 Planning Committee but was deferred following the announcement by Tesco that they were no longer pursuing an extension to its store in Ingleby Barwick. The Tesco extension contributed significant funding towards road improvements in Ingleby Barwick which provided additional capacity on Ingleby Way and Myton Way (known as the Ingleby Barwick 'western improvements'). These improvements were taken into account in the assessment of traffic impact associated with the planning application and were included in the transport model which had been developed to assess the impact of this application.

The Head of Technical Services had now had an opportunity to assess the full impact of this loss of mitigation in Ingleby Barwick and his findings were detailed within report.

The application was originally submitted for outline planning permission for up to 735 dwellings, however a separate application for the relocation of Yarm School sports pitches (12/2568/EIS) was refused and therefore the applicant no longer proposes development on the sports pitches and the number of residential units had been reduced to up to 370 with associated expansion of Yarm Railway

Station Car Parking and associated open space and landscaping on land at Green Lane, Yarm. The application was in outline with all matters reserved except for access. The application proposal was, therefore 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.

A Design and Access Statement and an Illustrative Masterplan had been prepared to demonstrate the layout and design principles for the site with detailed plans submitted for the proposed means of access from the public highway.

The main planning considerations of the application were the compliance of the proposal with national and local planning policy, the principle of housing development, sustainability of the site, the impacts upon the character and appearance of the area, the impact on the privacy and amenity of neighbouring residents, the impact on the highway network and highway safety, flood risk, ecology and nature conservation, archaeology and other material planning considerations.

It was noted that the development was on an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise. Development was strictly controlled within the countryside beyond these limits and was restricted to limited activities necessary for the continuation of farming and forestry, contribute to rural diversification or cater for tourism, sport or recreation provided it did not harm the appearance of the countryside. The proposal did not fall within these categories and a judgement was required whether considerations in support of the proposed development were sufficient to outweigh rural restraint policies.

A significant material consideration was the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27th March 2012. The NPPF provided that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council cannot demonstrate a 5 year supply of housing land. The Council had recognised that because of changing economic circumstances and the reductions in the public funding available to support regeneration schemes, the housing strategy in the adopted Core Strategy would not deliver the housing requirement for the Borough. Although the Council retained very strong regeneration aspirations, it was firmly committed to achieving the housing requirement for the Borough to 2029. For this reason the Council decided to undertake a review of housing options. This review encompassed the housing spatial strategy and the housing distribution and phasing policy as well as aspects of the housing mix and affordable housing provision policy. This process formally began with the Core Strategy Review of Housing - Issues and Options, public consultation held over a 12 week period in summer 2011.

The results of the Core Strategy Review of Housing had been incorporated into the Regeneration and Environment Local Development Document Preferred Options draft. This document was formally consulted on over an 8 week period in summer / autumn 2012. The application site was identified as a part of a draft allocation. It was therefore, supported as such by professional officer opinion. However, this did not reduce in any way the weight that the Council attached to any significant policy or environmental constraints that were relevant to these sites. The Council attached great weight to ensuring that the process of site allocation was an open, transparent and participatory one which allowed full opportunity for comment to the wider public and other stakeholders. The preferred options stage cannot therefore, be legitimately viewed merely as a precursor to an automatic subsequent confirmation or endorsement of any draft policy including any draft site allocation policy.

There was clearly a tension between the site being released for housing development and the core principle in the NPPF that states that planning should be genuinely plan-led. However, decisions by the Secretary of State strongly suggested that this principle was being accorded less weight than the need to demonstrate a five year supply of deliverable housing sites. This was not withstanding the fact that the Core Strategy Review was housing - delivery led and the Council was seeking to put in place a five year supply of deliverable housing sites as quickly as possible through a plan-led approach.

One of the NPPF core planning principles included making every effort to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' The 1st bullet point of NPPF paragraph 47 stated that to boost significantly the supply of housing local plans should 'use their evidence base to ensure that their Local Plan met the full, objectively assessed needs for market and affordable housing in the housing market area, as far as was consistent with the policies set out in this Framework, including identifying key sites which were critical to the delivery of the housing strategy over the plan period'. As previously referenced the Council was not able to demonstrate a five year supply of deliverable housing sites and the Tees Valley Strategic Housing Market Assessment (TVSHMA) identified an annual deficit in the provision of affordable housing of 560 homes. It was a benefit of the application that it would contribute to the provision of market and affordable housing. This was notwithstanding the Council's preference for addressing these issues through a plan-led approach.

The proposal needed to be assessed in relation to the presumption in favour of sustainable development. Relevant Core Strategy policies include Policy CS2 - Sustainable Transport and Travel, Policy CS3 - Sustainable Living and Climate Change, Policy CS6 - Community Facilities, Policy CS8 - Housing Mix and Affordable Housing Provision and Policy CS10 - Environmental Protection and Enhancement. It was clearly a benefit of the proposal that it would boost significantly the supply of housing and responds positively to an opportunity for growth.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding.

Having carefully weighed all the above considerations in the planning balance, it was considered that the proposal would not be premature or prejudicial to the Local Planning Authority's work on the Regeneration and Environment DPD which sought to properly compare the long term sustainable alternative locations for housing developments and give local residents an opportunity to influence the planning of their own communities. It was considered that the application site was a sustainable development and the presumption in the NPPF that Planning should operate to encourage and not act as an impediment to sustainable growth must be applied. Significant weight was required to be placed on the need to support economic growth through the planning system. As indicated in the main report the Local Planning Authority's policies for the supply of housing cannot be considered up-to-date as it cannot be demonstrated that there was a five-year supply of deliverable housing sites. It was considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. It was considered that approval of the application was not so significant to the outcome of the Core Strategy Review of housing options that planning permission should or could be reasonably withheld.

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

With regard to publicity local residents had been individually notified of the application and it had also been advertised on site and in the local press. 344 letters of objection from residents were received in respect of the original submission and their addresses and a list of their main concerns were detailed within the report. 26 letters of support and 4 letters of representation were also received in respect of the original submission and their addresses and grounds of support were detailed within the report.

Following consultation on the revised proposal 87 objections were received from 70 addresses and their addresses and main concerns were 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

Section 143 of the Localism Act came into force on the 15 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 requires 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 detailed within the report.

Members were presented with an update report that outlined a response to SK Transport Planning Ltd as follows:-

1. Crathorne Interchange & A67/Worsall Road

An explanation as to why the Crathorne Interchange was not included in the model has been given previously. The model was built to assess the impact of the housing development on the local road network. The impact on Crathorne Interchange has been assessed separately and it has been demonstrated to the satisfaction of the Highways Agency and Stockton Borough Council that the improvements proposed adequately mitigate the impact of the development.

2. Introduction of the Off-Street Car Park

All developments that generate demand in Yarm High Street are asked to contribute towards car parking solutions for Yarm High Street. Yarm High Street is congested and therefore any increase in movements generated by a development is considered material and must be mitigated by a contribution towards off-street car parking. The Council have identified that the provision of an off-street public car park could relieve some capacity on the High Street by removing traffic queuing on the highway waiting for a car parking space.

The applicant has put forward the car park north of the River Tees as a proposed location to provide off-street parking within close proximity to Yarm High Street. This site was considered as part of a previous application.

The off-street car park has never formed part of the modelling exercise as the function of the car park; along with other car parking in Yarm would be difficult to model in AIMSUN. However, it has been recommended that an off street car park serving Yarm High Street would benefit the application by mitigating the direct impact of the identified additional highway trips generated from this application by travellers using Yarm as a destination.

The agents for this application have confirmed that the car parking area is in the control of the applicant and that the applicant has a right of access from the A67 to the car park.

If the applicant cannot deliver this car park then an alternative financial contribution towards a Local Authority operated public car park to serve Yarm High Street must be provided. The financial contribution has been calculated based on the findings of the Yarm High Street Parking Assessment that was undertaken for the Allen's West development. Using origin / destination surveys this assessment concluded that a ratio of 0.046 parking spaces per dwelling should be applied.

3. Yarm High Street Journey Time Increases

YIBAM Model and the Green Lane Roundabout Improvements

The sequence of events that has resulted in an acceptable level of mitigation at the Green Lane roundabout for a 370 house development is as follows.

Initially the applicant came forward with a proposal for a 735 house development with associated mitigation at the Green Lane roundabout. The YIBAM model demonstrated that the impacts were not acceptable due to the high level of congestion that resulted. Work then followed to test various sizes of housing development. 550 houses were tested but impacts were still too high. 370 houses were then tested and impacts were getting close to being at a point whereby they could be considered to be acceptable. However, there were still some minor concerns with the impacts at the Green Lane roundabout, specifically for the westbound entry where queues were still longer than could be accepted (although they never stretched back to Kirk Road). At this point the applicant was asked if he could do anything to enhance the improvements to get any more capacity out of the roundabout. The result of this work was a slightly re-modelled roundabout that mitigated the impact of the 370 houses to the satisfaction of the Council.

The 735 house scenario was never tested on the slightly revised mitigation because it would have been a fruitless exercise. The final mitigation scheme only just mitigated the 370 house scenario and therefore the Council would never accept a larger development with the mitigation as designed.

ARCADY model in the TA

Regarding the ARCADY model in the TA, this has been thoroughly checked by officers of the Council who are happy that the junction has been adequately modelled and that the mitigation designed would bring the improvements necessary to mitigate the development. This has been backed up by the fact that the YIBAM model has then been used to test the findings, right down to undertaking a small amount of design development towards the end of the process to maximize the impact of the improvements.

There are some slight differences between the findings of the ARCADY model and the YIBAM model in that some of the RFC values and the Mean Max Queues do not reduce in the ARCADY model as a result of the mitigation whereas in the YIBAM model some of the journey times do reduce. This is not an unusual result as you would never expect the findings of two totally separate modelling tools to provide exactly the same answer. What the work that has been done, utilising both modelling tools, does however is satisfy the Council that the roundabout improvements adequately mitigate the impact of the 370 houses that are proposed.

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

- * Traffic is already a problem around the Yarm area and more housing would add to the problem
- * Emergency services will have problems attending due to the traffic
- * The preferred options paper is still not available
- * The Localism Act encourages local people to get involved
- * Unjustified application into the green wedge
- * This application is not in the interest of local people
- * Financial benefits should not be the driver for the application
- * Urbanisation of the countryside
- * Brownfield land should be delivered before green areas
- * The traffic modelling has been provided too late to be reviewed properly

- * There will be a 14% to 15% increase in journey times
- * The northern A67 roundabout has a 40 to 400 metre queue
- * There is significant problems with the traffic modelling
- * Parking in Yarm will continue to be a problem
- * 1000 houses have been agreed recently
- * Air quality and pollution is a problem in the Yarm area
- * Air quality needs to be monitored and the current monitoring station at Eaglescliffe is inaccurate and misleading
- * Sustainability has not been considered
- * Species on the site have not been monitored for long enough
- * Contrary to SBC strategies
- * There is flooding on Green Lane
- * Applications are being driven by housing numbers
- * Rural housing isn't needed
- * Concerns over road safety
- * Quality of life in the Yarm area will be reduced
- * Banks are not lending to house buyers
- * Housing demand is not what the report stated

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

- * Highways Officers and the Highway Agency have both been consulted
- * All the issues that have been raised have been addressed
- * Introduction of mitigation measures would mean there would be no major impact on the area
- * The application should not be refused on traffic grounds
- * There will be no adverse effect on the area
- * It is an urban fringe development
- * There will be no privacy issues
- * The strategic gap between Yarm and Kirklevington would still be 1km

Members were then given the opportunity to make comment and ask questions on the application. These could be summarised as follows:-

- * The traffic mitigation measures within the report are not believable
- * 14% to 15% increase in journey time is called insignificant, what is significant?
- * Parking is already a problem in Yarm
- * Housing is getting approved in the Borough where it is not needed
- * If the Free School doesn't go ahead there will be capacity issues on secondary schools
- * There will a knock on effect of traffic on the A19, Yarm area, Thornaby and all of Stockton
- * Villages in Ingleby Barwick can't be identified and Kirklevington and Yarm will end up like this
- * There will be an impact on the appearance of the area
- * There should be a challenge to the Secretary of State and the Planning Inspectorate
- * Planning applications should be determined on planning policies
- * Green wedge should not be built on
- * Years have been spent on the Local Plan so why not use it
- * 370 houses in Yarm will cause traffic problems in Eaglescliffe as well as Yarm

- * The traffic modelling does not add up
- * Who did the traffic modelling and who paid for it
- * Support for the application
- * Threat to wildlife and birds

It was reported that ARUP had carried out the traffic modelling and they were a professional consultancy company.

A vote then took place and the application was approved.

RESOLVED that planning application 12/1990/EIS be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions and informatives:-

In the event of the legal agreement having not been signed by 4th August 2013 that the application be refused.

SECTION 106 AGREEMENT

Heads of Terms

Education

The rate of contribution required from developers for school places would be $\text{£}8,000 \times 0.26 = \text{£}2,080$ per family home (i.e., homes with two or more bedrooms).

Payment of developer contributions should be made in four equal tranches at the occupation of the 50th dwelling, the occupation of the 100th dwelling, the occupation of the 150th dwelling and the occupation of the 200th dwelling.

The calculation to reflect a discount of £8,000 per vacant place in Kirklevington Primary and Saint Cuthbert's RC Primary Schools as recorded within the Annual School Census current at that time of the occupation of the relevant dwelling, subject to a pro-rata allocation of this discount amongst other committed development within the local area. Local Authority to provide within one month of a request being made its confirmation of the applicable discount by reference to the Annual School Census and specific details of other developments to benefit from the discount.

Contribution to be held in an interest-bearing account. Payment to be used for the purposes identified within 5 years of payment being made or otherwise returned together with the interest accrued.

Conyers School

A commuted sum of £500,000 by way of a contribution towards community sporting facilities at Conyers Secondary School to be payable in two equal tranches (£250,000 upon completion of 150th dwelling and £250,000 upon completion of 300th dwelling). Monies to be held in an interest bearing account to be refunded if they are not spent within 5 years of payment.

Affordable Housing

The development shall not begin until details have been submitted to and approved in writing by the local planning authority of a scheme for the provision of affordable housing on site to comprise 20% of all units.

The submitted scheme shall include details of the following, as appropriate:-

- i) The delineation of the area or areas of the site upon which the affordable dwellings will be constructed;
- ii) the type, tenure and size of affordable dwellings to be provided;
- iii) The arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iv) The phasing of the affordable housing provision in relation to the provision of open market housing on the site;
- v) Occupancy criteria and nomination rights in relation to identified housing need.

Highway Mitigation

Contribution (£117,000) towards highway improvements on the western side of Ingleby Barwick to be paid on occupation of the 150th dwelling.

Contribution (£2,000) towards the introduction of a Traffic Regulation Order (TRO) on Green Lane to reduce the speed limit from 40 mph to 30 mph;

Contribution (£2,000) towards the introduction of a Traffic Regulation Order (TRO) on Green Lane to prevent vehicles parking around the site accesses and railway station entrance;

The provision of an off-street car park of at least 34 car parking spaces close to Yarm High Street (or a financial contribution of £280,000 towards improvements to car parking in Yarm prior to occupation of the first dwelling) laid out and equipped in accordance with the operational requirements of SBC including the provision of 2 no. double Electric Vehicle Charging Point chargers (4 no. total charging points). This car park must be fully operational as a long-stay car park prior to the occupation of the first dwelling on the site

Enter into a S278 for the following works:-

- Two new access junctions into the site from Green Lane;
- Junction improvements at the A67 / Green Lane roundabout junction;
- Junction improvements at the A67 / Worsall Road junction;
- Junction improvements at the A67 / Crathorne Interchange junction;
- Speed reduction works to reduce the speed limit on Green Lane from 40 mph to 30 mph. To include street lighting and signing;

New footways, dropped kerbs and tactile paving at both new junctions providing access into the site from Green Lane to connect the development to the existing pedestrian network; and improvements to the pedestrian crossing to the west of Davenport Road.

Provision of an off road (lay-by) bus stop and shelter on Green Lane;

Travel Plan

Prior to commencement of development, submit a Travel Plan for approval by the Local Planning Authority including:

- (a) a proposal for the appointment of a person or body appointed through the Development to administer and co-ordinate implementation of the Travel Plan a Travel Plan Co-Ordinator (TPC) for a minimum of 5 years;
- (b) the provision of contact details of the TPC to the Council;
- (c) modal split targets and measures to achieve these targets which must be SMART (Specific, Measurable, Achievable, Realistic and Timebound);
- (d) details of an exit strategy of how the Travel Plan will be continued once the TPC has left the site (eg a community travel plan forum/group established);
- (e) details of the welcome/marketing pack to be given to buyers/occupiers of the Dwellings, including any electronic media;
- (f) an incentive payment of £100 per Dwelling on the Site (up to a maximum of £37,000.00) and measures to allocate the balance of the £37,000.00 in the event that all Dwellings not take up the incentive payment.

Employment and Training

To use reasonable endeavours to ensure that ten per cent (10%) of the Jobs on the Development are made available to residents of the Target Area; to use reasonable endeavours to ensure that ten per cent (10%) of the total net value of the services and materials used in the Development are provided by Businesses within the Target Area; The Owner shall take reasonable steps to procure that any contractor and/or sub-contractor nominate an individual to liaise with the Principal Project Officer Employment. The Owner shall liaise with the Principal Project Officer Employment in order to produce the Method Statement to be submitted to the Council prior to the Commencement Date. The Method Statement shall demonstrate the reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and Businesses within the Target Area and shall include details regarding the provision of monitoring information to be provided to the Principal Project Officer Employment.

CONDITIONS:

1. The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
305-BEL-GL SD.00.01B	Feb 2013
305-BEL-GL SD.10.02E	Feb 2013
305-BEL-GL SD.10.10B	June 2012
JN0621-Dwg 0005D	July 2012
JN0621-Dwg 0020C	June 2012
JN0621-Dwg 0021C	June 2012

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.
4. Prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, landscaping, public open space, accesses and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme.
5. Approval of details of the appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details to be submitted to and approved by the Local Planning Authority before the development commences.
6. The development shall be implemented in general conformity with the approved Design and Access Statement and Illustrative Masterplan submitted with the planning application.
7. Within each phase, details of all external finishing materials including roads and footpaths and all hard landscaped areas shall be agreed with the Local Planning Authority before that phase of the development is commenced. Thereafter the development shall be implemented in accordance with the approved detail.
8. Within each phase, all means of enclosure, public art and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before that phase of the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.
9. The total amount of residential units as authorised by this permission shall not following the issue of the permission hereby granted exceed 370 dwellings (C3 Use Class).
10. Within each phase development shall not be commenced until details of the lighting columns, light colour and luminance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
11. Within each phase, no development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

12. Within each phase, no Development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space and play facilities by the developer in accordance with the Open Space, Sport and Recreation Supplementary Planning Document as part of the development, and such arrangements shall address and contain the following matters:-

- A) The delineation and siting of the proposed public open space
- B) The type and nature of the facilities to be provided within the public open space including the provision of play equipment for all age groups including young children and teenagers which shall be supplied and installed to a specification as agreed by the local planning authority.
- C) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development
- D) The arrangements the developer shall make for the future maintenance of the Public Open Space
- E) The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed by the local planning authority.

13. Within each phase, no development shall occur until the design and layout of the road, footpaths and cycleways has been agreed with the Local Planning Authority. Thereafter the roads, footpaths and cycleways shall be implemented as agreed unless otherwise agreed with the Local Planning Authority

14. Within each phase, a detailed scheme for landscaping and tree and/or shrub planting and grass including planting and construction techniques for pits in hard surfacing and root barriers shall be submitted to and approved in writing by the Local Planning Authority before the commencement of that phase of the development. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.

15. Within each phase no development shall take place until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of that phase of the development, Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

16. For each phase, no development shall take place until details of the means for the storage and disposal of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

17. Prior to the commencement of each phase of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

18. No construction / building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

19. No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection).

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

20. Any part of the development which is to be used for residential purposes shall achieve a minimum of Code Level 4 or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters and shall be agreed in writing with the Local Planning Authority before development commences and implemented in accordance with the approved details.

21. All ecological mitigation measures within the Environmental Statement Ecology, E3 Ecology Ltd, August 2012 (relevant to the redline area shown on plan ref: 305-BEL-GL SD.00.01B, Feb 2013) shall be implemented in full in accordance with the advice and recommendations contained within the document.

22. A) No demolition / development shall take place / commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA - final report August 2012 and the following mitigation measures (relevant to the redline area shown on plan ref: 305-BEL-GL SD.00.01B, Feb 2013) detailed within the FRA:

Limiting the surface water run-off generated by the site to a maximum of 56 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

24. No development permitted by this planning permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Details of the drainage during the construction phase;
- Details of the final drainage scheme, including sustainable drainage measures proposed;
- Provision for exceedance pathways and overland flow routes;
- A timetable of construction;
- A construction quality control procedure;
- A plan for the future maintenance and management of the system and overland flow routes.

25. Notwithstanding details hereby approved, there shall be no part of the dwellings constructed within Flood Zone 3 as defined in the FRA dated 15 August 2012.

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

27. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock

piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

28. No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

29. Before any property is occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

30. Before any property is occupied, any living rooms or bedrooms with windows affected by railway noise levels in excess of 65 dB(A) (LAeq) (measured at a point 1 metre from the facade of any dwelling) between 07.00 and 22.00 hours or 60 dB(A) (LAeq) between 22.00 and 07.00 hours, the developer shall insulate the dwellings in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from rail traffic noise.

31. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

32. Prior to construction of any development on the site, details of improvements to the A19/A67 Crathorne Interchange (as seen on ref: SAJ Transport Consultants Ltd drawing JN0621-Dwg-0027B) shall be submitted to and approved in writing by the local planning authority, following consultation with the Highways Agency.

33. Prior to occupation of any dwellings on the site, the required improvements to the A19/A67 Crathorne Interchange (as set out in the preceding condition) shall be completed to the satisfaction of the local planning authority, in consultation with the Highways Agency.

34. Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in the preceding conditions) become operational. The audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority following consultation with the Highways Agency.

35. Development shall not commence until a detailed scheme for the extension of Yarm Station Car Park including the provision of disabled parking bays and cycle parking and the replacement and upgrade of the Electric Vehicle Charging

Point (4 no. total charging points) plus an additional rapid charger has been submitted to and approved in writing by the Local planning Authority. Thereafter the development shall take place in accordance with the approved details.

36. Car parking for each phase shall be in accordance with Supplementary Planning Document 3: Parking Provision for New Developments.

INFORMATIVES

The Proposal has been considered against the policies below and the Local Planning Authority's policies for the supply of housing cannot be considered up-to-date as it cannot be demonstrated that there is a five-year supply of deliverable housing sites. It is considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. It is considered that approval of this application is not so significant to the outcome of the Core Strategy Review of housing options that planning permission should or could be reasonably withheld.

The Council has had regard to all relevant environmental information, including that contained within the Environmental Statement consultee and consultation responses. The impacts of the development that the Council has considered in that context include: impact on the landscape, heritage, residential properties and settlements, archaeology, ornithology and ecology, highway safety, noise and disturbance, flooding and the environment in general including the cumulative impacts of the scheme.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Core Strategy Policies CS1, CS2, CS3, CS6, CS7, CS8, CS10 and CS11 and Saved Local Plan Policies EN4 and EN13.

Car Parking Areas Draining to Ground

The development proposal involves the expansion of Yarm Railway Station from 48 to 88 car parking spaces. Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.

Sustainable Drainage Systems

Support for the use of SUDS approach to ensuring development does not increase flood risk elsewhere is set out in paragraph 103 of the National Planning Policy Framework.

Further information on SUDS can be found in:

The CIRIA C697 document SUDS manual

HR Wallingford SR 666 Use of SUDS in high density developments

CIRIA C635 Designing for exceedance in urban drainage - good practice

The Interim Code of Practice for Sustainable Drainage Systems.

The Interim Code of Practice provides advice on design, adoption and

maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on our website at: www.environment-agency.gov.uk and CIRIA's website at www.ciria.org.uk

Open burning

No waste products derived as a result of carrying out the business hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority. The applicant will be required to enter into a Section 278 agreement with the Highways Agency under Section 278 of the Highways Act 1980. The proposed improvements would require Stage 2, 3 and 4 Road Safety Audits, carried out in accordance with DMRB HD19/03, which should be completed to the satisfaction of the Highways Agency.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.

All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

The provision of two balancing ponds is noted to the east of the railway. Provision should be made to ensure the ponds do not interfere with the railway drainage and as such we would request that the following monitoring condition be put in place should the drainage modelling turn out in reality to be incorrect:

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments Network Rail consider that

there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its

infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Network Rail

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request from Network Rail.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Street Trees

The Street Trees shall be planted at a maximum of 10m centres and shall be of a stock size of 20 - 25cm girth, root balled stock type. Trees in grass verges shall be triple staked with wire tree guards. Trees in hard surfaces would require tree grills and guards. Such details would be agreed as part of the Hard Landscape proposals submitted as part of any reserved matters application. Details of the area required for the planting of avenue trees shall be agreed as part of any reserved matters application. The construction details and planting establishment and maintenance specifications for the trees and surfaced pits would be agreed as part of the S38 Agreement for adoption.

**P
22/13**

12/2047/OUT

**Field at Grid Reference 440817 514442, Urlay Nook Road, Eaglescliffe
Outline application for residential development (C3) and creation of new
highways access.**

Consideration was given to a report on planning application 12/2047/OUT - Field at Grid Reference 440817 514442, Urlay Nook Road, Eaglescliffe - Outline application for residential development (C3) and creation of new highways access.

Outline planning permission was sought for a residential development on land to the west of Hunters Green, Eaglescliffe. The site was split by the A67 with the northern part being proposed for housing and open space and the southern part being utilised for a sustainable urban drainage scheme (surface water holding basin). Having initially been submitted as an outline application for up to 159 houses and seeking detailed approval for the access / spine road (with other matters being reserved), the application now left all matters reserved with only approval for the principle of development being sought. Notwithstanding this, with all outline applications there was a requirement to indicatively demonstrate the development was achievable. The indicative details as revised showed the development site being accessed off Urlay Nook Road, with landscape buffers to the north, south and east, an area of open recreational space to the south

west corner and 145 dwellings within the developed part of the site.

The site was located within the Defined Limits to Development, within the Yarm, Eaglescliffe and Preston Housing sub division area as detailed in the Core Strategy and an area indicated within the Core Strategy as being suitable for industrial uses. It lay adjacent to housing at Hunters Green (to the east), an approved industrial estate site to the west (subject to S106 being signed) and an approved housing site of Allens West (also subject to S106 being signed) to the north, beyond Uray Nook Road and a railway line.

Significant objection had been raised against the application, the main thrust of which related to the proposal being premature to the democratic process of site allocations via the development plan, the impact of traffic, the lack of services and resultant pressure on services including schools, the impact on wildlife and the overall sustainability of the proposal.

Consultation responses had been received from the Highways Agency, Natural England, the Environment Agency, Tees Archaeology, Tees Valley Wildlife Trust, the Head of Technical Services, The Head of Housing, Environmental Health and others. No objections were raised from statutory consultees subject to the imposition of conditions and agreements requiring mitigation and further investigative work to be undertaken at a later stage. This included for works to the highway to mitigate traffic impacts, contaminated land survey work, ecological mitigation, demonstration of a suitable surface water drainage scheme and provisions / contributions to be made towards highway related matters / education / affordable housing as detailed within the Heads of Terms.

As the site was within the limits of development its development for housing was generally in accordance with the principles of saved Local Plan Policy HO3. Notwithstanding this, Core Strategy Development Plan Policy CS7 indicated that no additional housing sites would be allocated before 2016 and land for only 50 – 100 dwellings (approximate) would be allocated between 2016 and 2021 in this area. The proposal would therefore be contrary to this policy; however, guidance contained within the National Planning Policy Framework (NPPF) advised that authorities adopted housing policies should be considered out of date where the authority cannot demonstrate a 5 year supply of housing land. The Council had demonstrated a 4.08 year supply of housing land. In view of the advice within the NPPF, the site being an unallocated greenfield site within the Limits of Development and within the Yarm, Eaglescliffe and Preston Housing Sub Division area, the principle of residential development was considered to be acceptable.

Being outline with all matters reserved, the main considerations of the application beyond the principle of development related to sustainability, traffic, indicative layout, contributions / provisions, ecology, archaeology, contamination. These had all been considered in detail within the report. It was considered that the impacts of additional traffic could be adequately mitigated as can impacts on archaeology and ecology, being limited likely impacts. The site was considered to be within reasonable distance of a range of services including education, retail, employment, leisure etc. and a bus service existed near to the local centre. It was therefore considered to be sufficiently sustainable in locational terms. Contamination and drainage along with other matters were recommended to be dealt with in detail by condition.

In view of all of the above it was considered that although contrary to the housing policies within the Core Strategy, the scheme would be in accordance with relevant saved policies of the local plan, the NPPF and other remaining core strategy policies.

Consultees had been notified and the comments that had been received were summarised within the report.

With regard to publicity neighbours had been notified initially followed by a re-consultation due to the submission of revised details. A total of 381 communications were received, 378 objecting and 3 making comment. Due to the extent of correspondence the report summarised the comments made and listed the addresses. Full versions were available to view on line or in the planning office.

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.

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 requires 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 detailed within the report.

Members were presented with an update report that outlined that the title to the application was referred to within the main report as:-

- Outline application for residential development (C3) and creation of new highway access

In view of the applicant removing the detailed consideration of the access from the proposal the description should read:-

- Outline application for residential development (C3)

A condition to limit the impacts of dust on surrounding residents from the site needed to be included as detailed within the pollution section of the material planning considerations of the main report.

For the sake of clarity, an additional condition was recommended which would prevent any development on the southern site area other than that which was associated with the creation of a SUDS scheme.

The precise wording of the education condition as detailed within the Heads of Terms of the main report was being questioned by the applicant's legal representatives, in respect to the trigger point for payments and the timing for the assessment of the amount payable.

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

- * The application will have a detrimental impact on the traffic situation in Eaglescliffe
- * The Council should look at all the applications together and their cumulative effect on the road network
- * ARUPS omitted - the timing of the study, A67 / Urray Nook Road were omitted from the study, ARUPS work directly with developers so this brings into questions their impartiality
- * There are not many empty places left in local Primary Schools
- * Children using a taxi service for schools is not sustainable
- * There is not enough detail in the application
- * People are forced to use cars as amenities are so far away
- * Vouchers for travel are useless
- * A complete unbroken cycle network is needed
- * The traffic impact assessment needs to be re-assessed
- * There is series congestion at the Cleveland Bay
- * Journey times around Eaglescliffe will increase
- * There are Great Crested Newts on the site
- * If the application is approved it will be in breach of the Wildlife Act
- * Core Documents are not outweighed by government policy
- * In light of the recession how many houses make a 5 year housing supply
- * There will be a shortage of secondary school places in Eaglescliffe
- * The Great Crested Newt study was carried out at the wrong time
- * Sympathy for Members of the Planning Committee as they have to make central government policy work
- * The site is not designed or designated for housing
- * There is no demand for new housing
- * Executive housing is not needed
- * Affordable housing is needed
- * Urray Nook is a land grab
- * Stockton has large areas of brownfield sites that should be developed first
- * Make localism work
- * Stop speculative development
- * The development will cause more rat runs through Eaglescliffe
- * Serious concerns over road safety
- * Where will pedestrians cross the road
- * There will be an increase in car pollution
- * There will be an increase of flooding
- * Biodiversity should be encouraged not destroyed
- * The RSPB use the site for bird ringing
- * Hunting and feeding grounds for birds will be lost forever
- * If the application is approved hedgerows should be kept
- * There will be an impact on Long Newton village
- * Have the housing figures been adjusted as the last application on the agenda was approved

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:-

- * Central government policy should be adhered to
- * There is a shortfall in the Council's 5 year housing supply
- * The application is not an attempt to circumvent the planning process
- * The development will have economic and social benefits
- * The development is sustainable and this is shared by Planning Officers

It was reported that with regard to the 5 year housing supply it is not the number of houses that have been granted but the percentage that will be delivered.

Members were then given the opportunity to ask questions and make comment on the application and these could be summarised as follows:-

- * Even though the application is in outline there is still not enough detail
- * The Great Crested Newts needs to be investigated further
- * The site is in the limits to be developed and is identified for industrial use
- * Concerns over education provision
- * The traffic impact assessment needs to be re-assessed
- * There are lots of scare tactics by central government
- * There must be some sort of impact on highway safety

A vote then took place and the application was refused.

RESOLVED that planning application 12/2047/OUT be refused for the following reasons:-

1. Transport

In the opinion of the Local Planning Authority, as a result of the limited nature of public transport serving the site and the cumulative impact of the additional traffic generated by the development, the impact of the development has not been satisfactorily mitigated. The proposed development would therefore be contrary to Stockton on Tees Core Strategy Development Plan Policy CS2 'Sustainable Transport and Travel' which seeks to ensure that all new development is well serviced by an attractive choice of transport modes including public transport

2. School Places

In the opinion of the Local Planning Authority, there is a significant degree of uncertainty in ensuring the provision of adequate places within local schools to support the anticipated demands from the proposed development.

3. Wildlife: Great crested Newts

Taking into account known populations of Great Crested Newts in the surrounding area, in the opinion of the Local Planning Authority, insufficient detailed information has been provided based on limited survey work, to satisfactorily detail the proposed impact on wildlife and therefore enable the Local Planning Authority to gain a proper understanding of the scale of impacts to Great Crested Newts, including impacts in terms of quantity and quality of habitat.

P
23/13

13/0651/VARY

**Bettys Close Farm, Ramsey Way, Ingleby Barwick
Section 73 application to vary condition No.2 (Approved Plans) of
planning approval 09/1340/REM - Reserved matters application for 17 no.
self-build housing plots and the creation of a country park/local nature
reserve to reduce the length and width of the adopted road**

Consideration was given to a report on planning application -13/0651/VARY - Bettys Close Farm, Ramsey Way, Ingleby Barwick -Section 73 application to vary condition No.2 (Approved Plans) of planning approval 09/1340/REM - Reserved matters application for 17 no. self-build housing plots and the creation of a country park/local nature reserve to reduce the length and width of the adopted road.

The application site was a large area of former agricultural land situated to the south-west of Ingleby Barwick, residential properties were situated to the east of the application site while the River Leven and River Tees bound the site to the south and west.

The application site had been subject to several applications in recent years all which had included the provision of a country park and housing development. More recently this included an application for the erection for 19 no. self build properties (ref; 05/3047/OUT) which was withdrawn. A further application for a housing development of 17 no. executive style self build plots and the country park was subsequently approved by the Planning Committee in June 2006 (ref; 06/1064/OUT). An application for reserved matters approval then followed in 2009 (ref; 09/1340/REM) and finally two applications to discharge the pre-commencement planning conditions for these two applications (refs: 11/0790/APC and 11/0792/APC). The applicants had subsequently implemented this consent by implementing the footings for one of the dwellings (plot 6) and the permission therefore remains extant.

This application sought to vary the previously approved plans (condition 2) of planning approval 09/1340/REM. The scheme remained for 17 no. self-build housing plots and the creation of a country park / local nature reserve with the changes affecting the road layout and widths. An amended plan had recently been received which re-positions plot one in the approved location and changes to the road layout to address the concerns of the Head of Technical Services.

Although concerns had been raised from local residents regarding the need for further housing land and the impact on the green wedge, it was important to recognise that there remained a valid and extant planning permission for development on the site. This was capable of being implemented regardless of whether planning permission was granted for these amendments.

The design and layout of the proposed development replicates that previously approved in terms of the position of the housing, with the modification affecting the highway design and layout. The scheme was not considered to have any significant impacts on visual amenity or highway safety and the provision of the Country / Riverside Park accorded with the aims of the saved policies of the

Local Plan. In view of these factors the scheme was considered to be acceptable.

A total of 9no. objections had been received to the proposed application to vary the implemented planning permission.

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

With regard to publicity neighbours were notified and the comments that had been received were detailed within the report, a total number of 9 objections had been received.

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.

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 requires 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 detailed within the report.

The Planning Officers report concluded that although concerns had been raised from local residents regarding the need for further housing land and the impact on the green wedge, it was important to recognise that there remained a valid and extant planning permission for development on the site. This was capable of being implemented regardless of whether planning permission was granted for the amendments.

The design and layout of the proposed development replicated that previously approved in terms of the position of the housing, with the modification affecting the highway design and layout. The scheme was not considered to have any significant impacts on visual amenity or highway safety and the provision of the Country / Riverside Park would help achieve the aims of saved policy REC 8 of the adopted Local Plan and CS6 of the Core Strategy by providing an excellent community resource and by bringing a scheduled ancient monument back into public ownership.

The proposed development was therefore judged to remain acceptable and was in accordance with policies CS2, CS3, CS6, CS10 and saved policies HO3, REC8, REC20, REC21, EN4, EN7, EN29 and EN30 of the adopted Local Plan. The proposed development was therefore recommended for approval subject to the applicant entering into a section 106 agreement in line with the Heads of

Terms.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0651/VARY be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with Heads of Terms below:-

Approved Plans;

1. The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
HS70017-D-111R	14 March 2013
HS70017-D-110R	14 March 2013
HS70017-D-109-S	24 May 2013
14	14 March 2013
13	14 March 2013
HS70017-D-104	14 March 2013
HS70017-D-105	14 March 2013
HS70017-D-115	14 March 2013
HS70017-D-116	14 March 2013
11 REV C	14 March 2013

Variation of approved plans only;

2. Nothing in this permission other than the variation of condition No. 2 with respect to the site layout of application 09/1340/REM shall be construed as discharging the conditions attached the previous permissions 06/1064/OUT and 09/1340/REM.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Summary Reasons and Policies

The proposed development is considered to be visually acceptable and will not have any detrimental impacts on the character of the area, residential amenity or highway safety. The scheme is also considered to provide significant community benefit through the provision of the riverside / country park. The development has been considered against the policies below and it is considered that there are no other material considerations that indicate a decision should be otherwise.

Core Strategy Policies;

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

Core Strategy Policy 6 (CS6) - Community Facilities

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

Core Strategy Policy 11 (CS11) - Planning Obligations

Saved Local Plan Policies;

Saved Policy HO3 – Development on unallocated sites

Saved Policy REC 8 – Country Parks

Saved Policy REC 20 – Footway/cycle links along the Tees

Saved Policy REC 21 – Footway/cycle links along the Tees
Saved Policy EN4 – Sites of Nature conservation Importance
Saved Policy EN7 – Special Landscape Areas
Saved Policy EN29 – Sites of Archaeological Interest
Saved Policy EN30 - Sites of Archaeological Interest

HEADS OF TERMS

Transfer of land for provision of country park to the Council
£5,000 towards the provision of an informal kickabout area
£5,000 towards grassland management
£15,000 towards fencing and barrier to control access onto the site
£10,000 towards additional tree planting
£15,000 towards the provision of interpretation facilities on site
£15,000 towards footpath provision
£15,000 towards the provision of woodland management
£15,000 towards site maintenance
£40,000 towards the provision of a mooring jetty
£50,000 Contribution toward potential future footbridge over the River Tees

P 24/13 **DRAFT SUPPLEMENTARY PLANNING DOCUMENT 8 – PROVISION OF AFFORDABLE HOUSING AND THE NEED FOR VIABILITY EVIDENCE**

The Council's affordable housing requirement is set out in Core Strategy Policy CS8. The Core Strategy (2010) recognised that the Council's Planning Obligations SPD (2008) would require updating to reflect the new Core Strategy policy. This Supplementary Planning Document would provide clear planning guidance on determining appropriate 'affordable housing' contributions.

SPDs must be subject to public consultation prior to their adoption as part of the Borough's Development Plan. It was intended that the draft SPD would undergo public consultation between July and September 2013. At a recent public inquiry the appellant put forward an interpretation of Policy CS8 which differed from the Local Planning Authority's (LPA) interpretation of that policy. This SPD would assist in clarifying the correct interpretation. The SPD was attached to the report, and was accompanied by a Habitats Regulations Assessment (HRA) Scoping Report and an Equalities Impact Assessment. The HRA Scoping Report concluded that a full HRA was not required for the SPD. These documents were also available in the members' library and on the Council agenda system.

RESOLVED that:-

1. The contents of the report be noted.
2. The 'Draft Supplementary Planning Document 8 – Provision of Affordable Housing and the need for Viability Evidence' for public consultation be agreed.
3. Any minor amendments to the contents of the document be delegate to Officers prior to the public consultation period.

