

Planning Committee

A meeting of Planning Committee was held on Wednesday, 18th December, 2013.

Present: Cllr Robert Gibson(Chairman), Cllr Gillian Corr(Vice-Chairman) Cllr Carol Clark(Vice Cllr Norma Stephenson), Cllr Michael Clark(Vice Cllr Paul Kirton), Cllr Jim Beall, Cllr Phillip Dennis, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr David Rose, Cllr Andrew Sherris, Cllr Mick Stoker, Cllr Steve Walmsley, Cllr David Wilburn

Officers: Greg Archer, Barry Jackson, Peter Shovlin, Colin Snowdon, Carol Straughan, Bill Trewick(DNS), Julie Butcher, Jenna McDonald, Sarah Whaley(LD)

Also in attendance: Applicants, Agents, Members of the Public

Apologies: Cllr Norma Stephenson O.B.E, Cllr Paul Kirton

P 84/13 **Declarations of Interest**

Cllr Andrew Sherris declared a personal non prejudicial interest in relation to item 4 'Morley Carr, Allerton Balk, Yarm', as he was a member of Yarm Town Council.

P 85/13 **Minutes**

Consideration was given to the minutes from the meeting which was held on the 13th November 2013 for approval and signature.

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

P 86/13 **13/2568/EIS Tall Trees Hotel Worsall Road, Kirklevington Construction of a Housing Development comprising approximately 330 dwellings and associated roads, landscaping and public open space (Demolition of the existing hotel facilities).**

Consideration was given to a report on planning application 13/2568/EIS Tall Trees Hotel, Worsall Road, Kirklevington, Stockton on Tees.

Outline Planning Permission was sought for the construction of up to 330 dwellings and associated roads, landscaping and public open space and demolition of the existing hotel facilities. The application was in outline with all matters reserved except for access.

The site benefited from an extant planning permission for 62 detached dwellings and 81 apartments together with an extension to the hotel complex.

The applicant stated that due to the downfall in the financial market and especially within the leisure industry; this had led to the closure of Tall Trees nightclub with the resulting demise of the associated hotel business, which ceased operations in June 2013. Therefore, in order to produce a more viable option than the present use as a hotel and leisure complex, the applicant had put forward a residential proposal.

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 this 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, health and safety and other material planning considerations.

It should be 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, contributed to rural diversification or catered for tourism, sport or recreation provided it did not harm the appearance of the countryside. The proposal did not fall within those categories and a judgement was required whether considerations in support of the proposed development were sufficient to outweigh rural restraint policies.

In addition a further material consideration was that a significant part of the site benefited from extant consents 04/3905/EIS and 08/0613/REM (Hotel extensions and apartment developments) and 11/0549/OUT (62no.dwellings and 81no. apartments and Hotel expansion). The application site was part brownfield/part greenfield and the principle of residential development on the brownfield element of the site had been accepted in the recent past albeit support was given to the application for the redevelopment of the site based on the delivery of a 5* prestigious hotel and conference facility and the regeneration and economic benefits the scheme would bring to the Borough and the wider area. In terms of the consent it was accepted by the Council that in order to facilitate the provision of a 5* hotel, investment from residential development would be required. As such it was considered the regeneration and economic benefits outweighed the policy objections, which would otherwise have applied to the housing scheme.

As stated above the applicant contended that the current financial market and demolition of the associated Tall Trees nightclub severely affected the applicant's day to day running of the hotel business and increasingly personal financial burden, which led to the recent closure of the hotel in June 2013. Furthermore the applicant stated that due to the current land values and amount of development allowed under the extant consent 11/0549/OUT (62no.dwellings and 81no. apartments), this would not have been viable to proceed with, to ensure the hotel expansion and provide a competitive return to the landowner.

Another significant material consideration was the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF provides 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.” (Para 49).

The five year housing supply assessment for Stockton-on-Tees is updated annually using a base date of 31 March. The Council had produced a report entitled Five Year Deliverable Housing Supply Final Assessment: 2013 – 2018. The Report concluded that the Borough had a supply of deliverable housing land of 3.96 years.

The five year supply assessment was also being updated every 3 months on a trial basis. The second quarterly update used a base date of 30 September 2013. The report entitled Five Year Deliverable Housing Supply Final Assessment: 1st October 2013 to 30th September 2018 (2nd quarterly update report) concluded that the Borough had a supply of deliverable housing land of 4.23 years.

The Council could not demonstrate a 5 year supply of housing land. The policies in the development plan that dealt with housing supply were therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Having carefully weighed all the above considerations in the planning balance, 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. It was clearly a benefit of the proposal that it would boost significantly the supply of housing and responded positively to an opportunity for growth. As indicated in the main report the Local Planning Authority’s policies for the supply of housing could not be considered up-to-date as it could not 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 this 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.

Other matters had been considered in detail and the development as proposed was acceptable in terms of highway safety, it did not adversely impact on neighbouring properties or archaeology or the ecological habitat and flooding and subject to compliance with Health and Safety Executive and National Grid requirements, on balance it was considered that, the development could be supported and the application was therefore recommended for approval subject to conditions and a Section 106 agreement.

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

Neighbours had been notified and the comments received 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 indicated 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 Jan 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 which outlined that additional comments had been received from the following:

- . Yarm Town Council
- . Local resident
- . The Health and Safety Executive (HSE)

The additional comments received from Yarm Town Council and a resident at Saltergill Park, Low Worsall, were summarised in the report. The issues raised were addressed in the main report and therefore did not alter the recommendation.

The Health and Safety Executive(HSE) submitted additional correspondence to Stockton Borough Council confirming that on the 1st November 2013 HSE advised against the granting of planning permission on safety grounds because of the presence in the vicinity of a major accident hazard pipeline (ref 2110-FM06 Elton/NZ609021). The original HSE advice was obtained through PADHI+ on 16 October 2013.

Full details of the correspondence were contained within the report which included HSE suggested draft conditions for outline planning consent and details of a revised proposed layout from the applicants agent. The drawing entitled 'Indicative Site Layout'; Drawing No 1017/011M; Last plotted 11/12/2013 showed that no dwellings would be sited within the joint inner/middle consultation zone. HSE stated that based on the draft consultation zone map and the Indicative Site Layout Drawing, HSE would not advise against the granting of planning permission, however until the thick-walled section of the pipeline was in place, HSE would continue to advise against the granting of planning permission in this case unless suitably worded conditions were attached to the permission which would limit the occupation of the proposed

development site until the pipeline was modified.

The update report recommended that the main report remained unchanged, which was that the application be approved with the additional conditions, changes to the HoTs and extended period for completion of the S106 as set out below.

Condition A - Scheme of Upgrade Works

Prior to the commencement of any development within 135 metres of the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021) , a scheme for the upgrade of that pipeline to thick wall pipe (minimum 22.2 mm thickness) , in accordance with IGEM/TD/1 Edition 5 Communication 1735 'Steel pipelines and associated installations for high pressure gas transmission' (or any superseding guidance), .between grid reference 441294,510785 and grid reference 441400,510661 , shall be submitted to and approved in writing by the local planning authority in consultation with National Grid Gas pic and the Health & Safety Executive.

Reason - In the interests of public safety

Condition B - Location of Development Prior to Upgrade Works

'Until such time as the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021) has been upgraded to thick wall pipe (minimum 22.2 mm thickness) in accordance with a scheme agreed under Condition A, any development within 135 metres of the pipeline may proceed at the developer's risk, but shall not be occupied until such time that the proposed pipeline modifications are completed and notified as such to the Health & Safety Executive'.

Reason - In the interests of public safety

Condition C - Development Following Upgrade Works

Upon completion of the pipeline upgrade works agreed under Condition A , no residential dwellings or play area shall be constructed within the Inner Zone as identified on HSE's consultation zone map for the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021), in the vicinity of the Tall Trees Hotel site (HID CEMHD 5 Ref #2110a Rev.1 dated 11 December 2013 - a draft of the map was attached for information - the final version would be produced after the scheme under Condition A is approved).

HSE stated that if the planning authority decided to grant planning permission in this case, HSE should be consulted on any changes to the wording of these, and any other relevant conditions before a decision was formally issued.

Should the planning authority be minded to grant permission without any conditions requiring appropriate improvements to the pipeline, then HSE should be given the opportunity to consider requesting that the Secretary of State call-in the application for his own determination, as detailed in HSE's letter of 16 October 2013.

The Indicative Site Layout had been amended to reflect the revised consultation zones.

Heads of Terms

For clarification, in the Heads of Terms section of the main report under 'Highway Mitigation' the Pelican Crossing and 3m wide footway/cycleway should be included in the list of S278 works.

Extension of time period

In order to allow sufficient time for the S106 to be concluded with all relevant signatories and given the Christmas holiday period it was recommended that should the application be approved then the time period for completion of the legal agreement was extended to the 31st January 2014 rather than the 10th January 2014 as recommended in the main report. Furthermore in the event that the legal agreement having not be signed, or there still being outstanding matters on the 31st January that the application be delegated to the Head of Planning to be refused.

The Planning Officers report concluded that the development was an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan. However the guidance in the NPPF made it clear that the Local Planning Authority's existing housing delivery policies could not be considered as up to date as it could not demonstrate a five year supply of deliverable housing sites. Also housing applications were to be considered in the context of the presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

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 or the ecological habitat and flooding and confirmation was anticipated that the development complied with Health and Safety Executive requirements as previously agreed in the case of the Morely Carr Farm development which was to the North of the application site.

It was considered that in the planning balance, 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 and therefore pre-empt the proper operation of the Development Plan process.

The application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and delivery and therefore the application was accordingly recommended for approval.

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

- . That Stockton Borough Council appeared to be the Council who wanted more traffic, pollution, houses and a strain on public services just to increase revenue from the amount of Council Tax they would receive.

- . Why was this application being considered ahead of the 'Preferred Options' which was still under consultation?

- . That the previous application was approved based on rural enablement due to the proposed five star hotel and leisure facilities which had been considered a boost for the local economy by increasing tourism and employment opportunities. Residents expressed that the new proposal no longer supported those reasons as the revised proposal no longer included the Hotel and leisure facilities.

- . Residents stated that Green Lane was currently at 94% traffic capacity which raised concerns regarding grid lock status.

- . Residents expressed they were already shopping elsewhere due to the build up of traffic getting in and out of Yarm High Street.

- . Yarm High Street was the most congested on Teesside.

- . Stockton Borough Council had still not demonstrated that additional parking in the High Street could be provided.

- . Bus services could not be maintained.

- . The current travel plan was inadequate and there was nothing indicated to extend the current bus service to the new development site.

- That the proposed site was unsustainable due to additional pressure on Doctors, Dentists and local Schools .

- . Out of the 1050 houses that had been given planning permission in the area, 700 of these were within the rural parishes.

- . The land was outside the limits of development and should be refused as Stockton Borough Council had accepted that the gap between Yarm and Kirklevington had already been breached.

- . That the site had recorded contamination and that a Gas Pipeline close to the proposed development had already previously split and still had not been repaired.

- . That the site was a designated wildlife corridor and wildlife site.

- . The developer had failed to commence with the demolition of what was currently on the site.

- . Residents expressed that the developer was relying on an existing pond to

prevent flooding on the proposed site which was in flood zone 3.

. It was indicated that the pylons on the site posed a potential electrical hazard, for example, if Kite flying was to take place.

. A resident handed a copy of a document which the Committee were informed detailed a list of mistakes in relation to the application and highlighted why the development should not be approved. Members were asked to take time to read the document following the meeting.

. Residents stated that the site was not in Low Worsall township but was in North Yorkshire.

. The original Tall Trees building was a 1920's building and this had not been taken into account.

. That the A67, Green Lane to Kirklevington was classed as Flood Zone 3B which residents felt made it unsuitable for emergency evacuation.

. Adjacent roads to the site were not suitable for large vehicles.

. Arable land which could provide food was being developed for housing.

. Residents asked the Committee to resist turning Yarm into an Ingleby Barwick type development.

. The Vice Chairman of Yarm Parish Council questioned whether the facts contained within the report were correct and if there was an extant permission should the applicant be submitting a new application for a greenfield site?

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

. The proposal was a more viable option than the original application.

. That the new application met with the NPPF and included 15% affordable homes.

. Highway safety had been checked with highway services and met with requirements.

. The applicant had agreed to pay contributions to improve, roads, pathways and car parking.

. Members were asked to take into consideration the Saltergill School site sports facilities for younger children in the area of Yarm and surrounding area which had already received support from Sport England.

. Members were asked to approve the application in accordance with the Planning Officers recommendation.

Members were given the opportunity to ask questions/make comments on the

application and these could be summarised as follows:

. Further clarification was sought in relation to whether there was an extant permission. It was confirmed that the site did benefit from an extant permission. Members were reminded that the site was not wholly a greenfield site but partly brownfield site and partly greensfield site.

. Members explained to members of the public that contrary to what had been published in the local press Members had not been influenced by officers but were governed by government policy and this was what their decisions would be based on.

. That although 15% of the homes developed on the site would be affordable housing, this was at the lower end of the scale recommended by the government.

. The original application included a hotel and leisure facilities with the hope that the area would prosper. As this was now not the case, it was suggested that the applicant should re visit the fundamental benefits outlined in the original proposal.

. That this application was no different to any other that had been put forward in and around the same area, however Members were routinely being told that there would be no impact on roads, schools, infrastructure, flora and fauna. It was noted that the RSPB had argued otherwise claiming that numerous species of wildlife were being ignored.

. It was difficult to refuse the proposal as the application did not differ from three other recently approved sites close to the application.

. Long term sustainability of bus service could not be guaranteed.

. Concerns were raised as to the impact of traffic especially at the single access bridge which was managed by traffic lights on Green lane and would be considered a main road servicing the new development.

. Members expressed concerns regarding the gas pipe close to the proposed site.

. Additional car parking spaces were needed in Yarm High Street.

. Members expressed they understood Officers position on this matter however it was time for this authority to challenge these types of planning applications even if costs to the authority were incurred.

Officers explained to the Committee that the report was clear and that the site did not fall into green wedge category. Officers were satisfied that the applicant had satisfied all issues surrounding ecology and the gas pipelines.

Members were also informed that the model used to assess the impact of traffic usually overestimated how many trips would occur and that actual trips were more likely to be less than what was assumed using the model.

The Committee heard that regards the extant permission this was granted despite the site being outside the limits to development because of the enabling development, namely the provision of the 5* hotel. The NPPF had been introduced since then which indicated, that where, a local authority could not demonstrate a five year supply of deliverable housing sites then local planning authorities had to determine applications in accordance with the NPPF. Officers reiterated that the application was compliant with the NPPF.

A vote then took place and members voted to refuse the application.

The Head of Planning Services and the Principal Solicitor reported that if Members were minded to refuse the application then the Planning Protocol for Decisions Contrary to Officers Recommendations would be invoked to give further consideration to those reasons for refusal. The application was therefore deferred as the Protocol required the application be reported back to the Planning Committee for Members to give due consideration to any further advice from Officers on the soundness and reasonableness of the reasons for refusal before making a final determination.

RESOLVED that the determination of the application be deferred and recorded as members being minded to refuse planning application 13/2568/EIS for the following reasons, pending further consideration of those reason by the Head of Planning and Principal Solicitor:-

In the opinion of the Local Planning Authority the proposed development should not be permitted due to being outside the limits to development contrary to saved policy EN13

In the opinion of the Local Planning Authority the development was unsustainable due to the lack of proximity to public transport, in particular a bus service, contrary to policy CS2.

P 13/2487/REM
87/13 Morley Carr, Allerton Balk, Yarm
Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 350.no dwellings, provision of associated open space, recreational/community facilities and landscaping.

Consideration was given to a report on planning application 13/2487/REM, Morley Carr, Allerton Balk, YArm.

Outline planning consent was granted in 2012 for a residential led development, with associated community facilities at Morley Carr Farm, Yarm (12/0980/OUT). The principle of the development had therefore been established; all matters were reserved except for access as part of the original approval.

The application was a reserved matters application for the appearance, landscaping, layout and scale for the erection of 350.no dwellings, provision of associated open space recreational/community facilities and landscaping.

The proposal was considered to be in line with general planning policies as set out in the Development Plan and was recommended for approval with

conditions.

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

Neighbours had been notified and the comments received 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 indicated 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 Jan 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 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.

Planning Officers concluded that the nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and was acceptable in terms of highway safety and was in accordance with policies in the Development Plan identified above and therefore the recommendation was to approve the application subject to the conditions set out in the report.

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

- . Concerns were raised in relation to the additional traffic which would be created as a result of the Morley Carr Development and the adjacent Tall Trees Development.

- . That the traffic lights on Green Lane only allowed for 5 or 6 cars to go through at a time, and with the increased number of residents anticipated with the new developments in the area this would only make traffic congestion worse.

- . It was stated that currently it could take up to 20 minutes on some journeys from Green Lane to Yarm High Street. Residents expressed that they felt this could only be expected increase.

- . Residents felt that there would be strain on local Doctors surgeries, Schools and Dentists to provide the services required for the additional residents expected.

. That the developments were unworkable in relation to the increase in traffic until a bypass was created.

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

. Detailed discussions had taken place with Officers of Stcokton Borough Council and Local Councillors.

. Taylor Wimpey would ensure that all conditions of S106 would be complied with.

. Construction was due to commence in the first quarter of 2014.

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

. Although some Members were originally against the development credit was given to Taylor Wimpey due to the fact they had taken on board comments and were now including a bowling green and club house which were more than welcome on the site.

. Issues surrounding the Gas pipeline were still of concern.

A vote then took place and the application was approved.

RESOLVED that:

Planning application 13/2487/REM be approved subject to the following conditions and informatives:

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

Plan Reference Number	Date on Plan
To be agreed	

2. Notwithstanding the submitted landscaping details, a scheme for the soft landscaping works to the gas main easement and the Suds Basin shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following commencement of the development or agreed phases and the scheme completed to the satisfaction of the Local Planning Authority.

3. Notwithstanding the submitted details, prior to the commencement of the

development hereby approved precise details of the provision of the bowling green area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be completed in accordance with an agreed programme and to the satisfaction on the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

4. Notwithstanding the submitted details, prior to the commencement of the development hereby approved precise details of the formation, operating capacity and discharge control/flows of the Suds Basin shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be completed in accordance with an agreed programme and to the satisfaction on the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

5. Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.