

DELEGATED  
UPDATE REPORT

AGENDA NO 5  
PLANNING COMMITTEE

5 FEBRUARY 2014

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

13/3077/VARY

Land at Low Lane, High Leven, Yarm

Section 73 application to vary wording of condition no.6 (Open Space Strategy), 8 (Renewable Energy), 14 (Construction Method Statement) and 15 (Surface Water Management Scheme) of planning approval 12/2517/OUT - Outline application for the erection of Ingleby Manor Free School and Sixth Form and residential development (350 dwellings) including means of access

Expiry Date: 7 March 2014

#### SUMMARY

Since the original report to members of the planning committee, the applicant has requested a further change to condition 14. Given that these minor amendments follow the essence of the amendments to the other planning conditions and seek to separate out the housing and school pre development requirements, it is not considered that they are significant nor do they alter the planning considerations set out within the original report. The amended wording to condition 14 is therefore considered acceptable and is set out in full below, with the additional amendments underlined.

Additional comments have also been received from the Local Ward Councillors (Cllrs Dixon, Patterson and Harrington) and Ingleby Barwick Town Council. An additional comment has also been received from a member of the public. These are set out within this update report below;

In view of the above, the recommendation remains for approval subject to those conditions set out within the original report except for the additional amendment to condition 14, as set out below;

#### RECOMMENDATION

That planning application 13/3077/VARY be approved subject to the following conditions and informative and subject to a Unilateral Undertaking in accordance with the Heads of Terms detailed within the original report;

- Construction Management Plan:**
14. ***No development shall take place on the separate school, housing or infrastructure elements of the development until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element***

*of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.*

*Reason: In the interests of the occupiers of adjacent and nearby premises*

## **PROPOSAL**

1. The applicant is proposing further amendments to condition 14 as show underlined, below;

### Construction Management Plan:

14. No development shall take place on the separate school, housing or infrastructure elements of the development until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of the occupiers of adjacent and nearby premises

## **CONSULTATIONS**

2. The following additional responses were received and are set out below:-

### **Local Ward Councillors Dixon, Patterson and Harrington**

Whilst recognising that this application has been approved by the Secretary of State Mr Pickles MP and that this is a variance on the granted original application.

I would point out that I have already objected to this application in its original form and continue to object to proliferation of housing on this site, as I regard this application as the preverbal Trojan Horse concealing more housing to follow!

There is nothing in the application to change my views that it still leaves a huge amount of unanswered questions that greatly affect our residents, such as, No mitigation proving any semblance of traffic negativity! Or future educational needs in particular Primary Schooling. There is the glaring lack of reasons as to why this housing was taken out of the category of being an enabling development with the school, to a stand alone housing only issue. Where is the openness by Government and Developers?

## **Ingleby Barwick Town Council**

Ingleby Barwick Town Council has no comments to raise in respect of this planning application.

### **PUBLICITY**

3. The following additional comments have also been received from the general public in relation to the planning application.

#### **Louise Baldock – 8 Cribyn Close, Ingleby Barwick**

Residents and neighbours have made it clear to me they do not want any housing development to go ahead on Low Lane sites and we are campaigning to urge both SBC and Ingleby Town Council to continue to stand with us in our fight. Personally, I am appalled that Tory Minister Eric Pickles and his Government Inspector decreed that 350 houses can be built on Green Wedge in Ingleby Barwick, irrespective of whether a new Free School 'ever materialises'. However, whilst I would fully support Stockton Council if you tried to oppose the changes to the conditions as before you today, I can see that paragraph 11.29 of the inspector's report makes it clear the decision has already been taken out of your hands. However if you can identify any mechanism that you could legally use then you will have my full support.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Simon Grundy Telephone No 01642 528550**

### **WARD AND WARD COUNCILLORS**

**Ward Ingleby Barwick East**  
**Ward Councillor Councillors Jean Kirby, K C Faulks and Gillian Corr**

### **IMPLICATIONS**

#### **Financial Implications.**

Section 143 of the Localism Act and planning obligations as set out in the report. The Council may also be liable for any costs in defending an appeal such the application be refused

#### **Environmental Implications.**

As report.

#### **Community Safety Implications.**

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

#### **Human Rights Implications.**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

#### **Background Papers.**

Regional Spatial Strategy  
Stockton on Tees Core Strategy  
Stockton on Tees Local Plan

Stockton on Tees Regeneration and Environment DPD (Preferred options)  
National Planning Policy Framework (NPPF)  
Planning Applications; S1626/74; S1629/75; S1389/88; 90/1965/P, 94/0385/P, 97/0884/P,  
00/1063/P, 00/1064/P, 03/1976/P, 03/1977/P & 06/2593/OUT & 12/2517/OUT.