

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 3rd December, 2014.

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

**Officers:** Colin Snowdon(PH), Darren Coulton, Simon Grundy, Joanne Hutchcraft, Barry Jackson, Martin Parker, Peter Shovlin, Carol Straughan(DNS), Julie Butcher, Rob Smithson(LD)

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

**Apologies:** Cllr David Rose

**P**            **Evacuation Procedure**

**83/14**

The Evacuation Procedure was noted.

**P**            **Declarations of Interest**

**84/14**

There were no declarations of interest.

**P**            **Minutes from the meeting which was held on the 22nd October 2014**

**85/14**

Consideration was given to the minutes of the meeting which was held on the 22nd of October for approval and signature.

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

**P**            **14/2291/EIS**

**86/14**

**Tithebarn Land, Harrowgate Lane, Stockton-on-Tees  
Application for outline permission for residential development (340 dwellings) including access**

Consideration was given to a report on planning application 14/2291/EIS Tithebarn Land, Harrowgate Lane, Stockton-on-Tees

The application site was a series of agricultural fields which lay on the western fringe of Stockton with the residential properties of Harrowgate Lane being situated opposite the site, further residential dwellings forming part of the Bishopsgarth estate lie beyond. To the west and south of the site lay further agricultural land and electricity pylons also situated to the west. To the North lay Bishopsgarth School and associated playing fields.

Planning permission was sought for outline planning consent for a residential development of 340 dwellings. All matters were reserved for future consideration except for the access arrangements into the site.

The application was accompanied by an Environmental Statement and also included an indicative plan demonstrating how the site could be laid out in terms of areas of built development, highways, landscaping and open space.

The application site was identified as a potential site for housing within the preferred options of the Regeneration and Environment Local Development Document. The site forming part of the wider housing allocation for Harrowgate Lane (Policy H1g) in which the wider site allocation was identified as being suitable for 2500 dwellings. The emerging policy did however seek to bring forward this development through a comprehensive masterplan detailing design, access arrangements and development phasing, this approach was also reflected under emerging policy H1(h) for the Yarm Back Lane site.

As highlighted within the report, the proposed development had some significant material planning consideration which weighted in its favour. These included the contribution to the 5 year housing supply provision of affordable housing and its economic and social benefits.

However, there were some significant concerns that the approval of this scheme ahead of the masterplan would have some significant consequences for the proper planning of the wider Harrowgate Lane and Yarm Back Lane sites and also for the delivery of the required social infrastructure, including highways, education and community/retail provision. The potential to undermine this essential infrastructure was therefore considered to carry such significant weight, that it would outweigh those benefits of the scheme and it was not considered that this development therefore represented 'sustainable development' the conflict with the wider definition set out in the NPPF (given its social and economic harm).

Notwithstanding the above, there were also a number of matters which were not considered to be satisfactorily addressed with regards to highway safety and flood risk. Without such matters being satisfactorily addressed it was not considered that the resultant impacts of the proposed development were either limited or that they could be satisfactorily remediated.

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

Neighbours were notified and the comments received were detailed within the report.

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.

The Planning Officers report concluded as highlighted earlier within this report, the proposed development had some significant material planning consideration which weighed in its favour. These would include the contribution to the 5 year housing supply provision of affordable housing and its economic and social benefits.

However, these must be weighed against the harm that approving the proposed development would have. The NPPF supported the inclusion of robust and comprehensive policies in local plans and collaborative work was being undertaken which was assisting in the formulation of policy. As had been highlighted there were some significant concerns that the approval of this scheme ahead of the masterplan would have some significant consequences for the proper planning of the wider Harrowgate Lane and Yarm Back Lane sites and also for the delivery of the required social infrastructure, including highways, education and community/retail provision.

The potential to undermine this essential infrastructure was therefore considered to carry such significant weight, that it would outweigh those benefits of the scheme and it was not considered that this development therefore represented 'sustainable development' the conflict with the wider definition set out in the NPPF (given its social and economic harm). Approval of this scheme could also set a precedent, which would likely lead to the remainder of the site coming forward as separate applications and acting as a catalyst for piecemeal development across the wider site.

Notwithstanding the above, there was also a number of matters which were not considered to be satisfactorily addressed with regards to highway safety and flood risk. Without such matters being satisfactorily addressed it was not considered that the resultant impacts of the proposed development were either limited or that they could be satisfactorily remediated

In view of the above, it was not considered that the proposed development fully accorded with the definition of sustainable development as outlined within the NPPF, or that it would not have an adverse impact on highway safety or flood risk. The proposal was therefore considered to be contrary to guidance within the NPPF and the Council's development plan and was recommended for refusal.

Members were presented with an update report which detailed that since the original report to Members of the Planning Committee the applicant's agent had issued a letter in response to the Officers recommendation, which was set out in full as an appendix to the attached update report. In summary it was contended that the Local Authority had no basis on which to dismiss the application on grounds of 'prematurity' or lack of infrastructure. That they would request the application be deferred to allow further time to address the highways matters and that matter relating to flood risk had been resolved.

Whilst the views expressed in rebutting the first reason for refusal were noted, Officers remained of the view the recommendation and first reason for refusal

was both sound and justified and rather than the matter be an issue of “prematurity” it was whether the proposed development constituted sustainable development. The benefits of the scheme were readily acknowledged within the Officers report, however, in this instance the proposal was not considered to represent sustainable development given the significant economic and social harm that would arise. All material planning considerations therefore remained as set out within the original officers report unless otherwise indicated within the update report.

The Head of Technical Services stated that they had no objection to the proposal subject to a condition regarding surface water discharge rates. The amended recommendation therefore removed the third reason for refusal, as detailed within the update report.

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

- Stockton's current Local Plan was not up to date and there was a lack of a 5 year affordable housing supply within the Borough, therefore the application should be approved as dictated by the NPPF.
- If approved the application would help boost the lack of affordable housing.
- There was a pent up demand for affordable housing within the Borough.
- The application was similar/the same as the application which had been approved for the nearby Summerville Farm site and therefore could not be refused on the grounds of prematurity.
- There was still much work to be carried out before houses could be lived in.
- There would not be any negative impact or increased traffic delays on the surrounding highways due to the proposed development.
- The proposed development was sustainable and was serviced by cycleways and bus stops etc.
- The development would not present any harm to the masterplan.
- In 2011 when housing development was first proposed for Harrowgate lane, Tithebarne was considered to be phase 1. It was now December 2014 and not one single house had been built.
- There were too many developments approved on the periphery of the Borough which did not support the economy in the Centre of Stockton.
- Members of the Committee were asked to be proactive and pro Stockton and approve the Tithebarn development as it was ready to go.

Ward Councillor Cherrett was in attendance at the meeting and was given the opportunity to make representation, her comments could be summarised as follows:

- Cllr Cherrett drew the Committees attention to the main report, in particular to the section which detailed that there were some significant concerns that the approval of the scheme ahead of the masterplan would have some significant consequences for the proper planning of the wider Harrowgate Lane and Yarm Back Lane sites and also for the delivery of the required social infrastructure, including highways, education and community/retail provision.
- Members were also asked to refer to the comments which had been submitted during consultation from Cllr Cherrett and Ward Cllr Elliot which were detailed in full within the main report.
- In relation to the applicants submitted 'Statement of Community Involvement' as a supporting document, consultation responses from residents could only be submitted online. There was no provision for those without internet access. Ward Councillors and the Chair of the Local Residents Association had requested the applicant offer a way for those residents without internet access to respond to the consultation, however no response was received.
- There were already 780 houses within the vicinity of the proposed development which lacked community facilities, and this did not help to build cohesive communities.
- Cllr Cherrett asked that the Committee refuse the application.

Officers addressed the Committee in response to some of the issues which had been raised by the Applicants and Ward Councillor Cherrett. Their responses could be summarised as follows:

- The proposed development was part of a comprehensive scheme in the West Stockton area which had a large scale transport model. As part of the large scale modelling work, the Highways Agency had put a cap of 2500 units on the West Stockton Site with a range of mitigation. If the proposed development was approved it would not fully address the wider masterplan. The Traffic Assessment(TA) as submitted was not considered to be acceptable as it failed to address the impact of the proposed development and was without mitigation on the highway network which was why recommendation was for refusal.
- With reference to prematurity the development was not considered to be sustainable in relation to local infrastructure.
- The Summerville Farm site had been agreed subject to a S106 agreement, which, as yet, had not been signed, therefore was not approved until this had been completed.
- Officers considered that the proposed development was a stand-alone scheme, and it must form part of the wider masterplan due to the location and not be piecemeal.

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

Councillor Lupton asked for clarification as to whether the applicant had asked

for the proposed application to be deferred. The Planning Officer confirmed that the applicant had asked for the item to be deferred. Councillor Lupton felt that the application should therefore be deferred.

The motion was moved and seconded that the application be deferred. A vote took place and the motion was not carried.

- The application was likened to those which had been approved in the south of the borough.

- Some Members were of the view that a precedent had been set to look at applications on their own merit in a piecemeal way.

- By refusing this application it felt like the Committee were going against the emphasis which had been placed on the NPPF in the past and the lack of 5yr affordable housing.

- Officers were merited with sticking to the masterplan.

- Generally much in favour of the idea of 2000 plus houses in Stockton West, however infrastructure and traffic model needed to be in place, therefore would refuse the application.

- It made more sense to wait for the masterplan and not develop the site with a piecemeal approach, to ensure that community facilities were in place.

- Members raised questions as to when the western masterplan would be available.

Officers explained to the Committee that the masterplan was currently being worked on with landowners in parallel with the LDD and would be ready to view between August and September 2015.

A vote then took place and the application was refused.

RESOLVED that planning application 14/2291/EIS be Refused for the following reason(s);

Development does not represent sustainable development

01 In the opinion of the Local Planning Authority the proposal in coming forward ahead of an established masterplan, could lead to an unfair distribution of uses and another developer coming forward later being asked to provide more than is justified by their own development. This could make some parcels unviable and risk necessary infrastructure not being provided for the proper planning of the area, resulting in significant social and economic harm which would be contrary to the definition and aims of sustainable development as set out in the NPPF (paragraph 7, 9 and 14).

Highway Safety:

02 The applicant has failed to provide sufficient information to satisfactorily demonstrate that the proposed development would not have a detrimental

impact on highway safety and the free flow of traffic to both the Local and Strategic Highway Networks or that the impact could be satisfactorily mitigated to the reasonable satisfaction of the Local Planning Authority and is therefore contrary to guidance within policy CS2 of the Core Strategy (1&2) and paragraph 32 of the National Planning Policy Framework (NPPF).

**P**  
**87/14**      **1. Appeal - Frank Andrew - Land off Poplars Lane Carlton Village Stockton**  
**- 14/0956/OUT - ALLOWED WITH CONDITIONS**  
**LATE APPLICATION FOR COSTS NOT ACCEPTED**

RESOLVED that the appeals be noted.

**P**  
**88/14**      **1.Appeal - Mr. Lee McStravick -Highbridge Paddock Uray Nook Road**  
**Eaglescliffe - 13/2588/VARY AND 14/0193/FUL**  
**BOTH ALLOWED WITH CONDITIONS**  
**COSTS DECISION - COSTS AWARDED FOR APPLICATION 13/2588/VARY**

RESOLVED that the appeals be noted.

**P**  
**89/14**      **Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 5 of Part 1 of Schedule 12A of the Act.

**P**  
**90/14**      **14/0562/OUT**  
**Land at Little Maltby Farm, Low Lane, High Leven**  
**Outline application for residential development (circa 70 homes) with**  
**associated means of access from Low Lane**

Members were updated with regard to planning application 14/0562/OUT Land at Little Maltby Farm, Low Lane, High Leven. The applicant had submitted an appeal against the decision and the Planning Inspectorate (PINS) had confirmed that the appeal was to be heard at Public Inquiry.

RESOLVED that in view of the evidence before Officers, primary school place demand generated by the development could reasonably be accommodated within the existing primary schools of Ingleby Barwick and that a contribution towards primary school places in line with the SPD would be sought, for these reasons, refusal reason 3, should be withdrawn from the pending appeal and the appellant and the Planning Inspectorate informed accordingly.