

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 23rd September, 2015.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Michael Clark, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr David Rose, Cllr Mick Stoker, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn, Cllr Norma Wilburn

**Officers:** Andrew Glossop, Barry Jackson, Joanne Roberts, Peter Shovlin, Sarah Wood(DS) Julie Butcher, Sarah Whaley (LD)

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

**Apologies:**

**P           Evacuation Procedure**

**39/15**

The Evacuation Procedure was noted.

**P           Recording of Meetings**

**40/15**

The Chair informed Members of the Committee and Members of the Public that the Planning Committee meeting was to be recorded as part of the Council's commitment to legislation permitting the public recording of public meetings, and in the interests of ensuring the Council conducted its business in an open and transparent manner. These recordings would be made available to the public via the Council's website. Members of the public present who preferred not to be filmed/recorded/photographed, were asked to make it known so that so far as reasonably possible, the appropriate arrangements could be made to ensure that they were not filmed, recorded or photographed.

**P           Declarations of Interest**

**41/15**

There were no declarations of interest.

**P           Minutes form the meetings which were held on the 1st July and 12th August 2015.**

**42/15**

Consideration was given to the minutes form the meetings which were held on the 1st July and 12th August 2015 for approval and signature.

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

**P           15/1466/OUT**

**43/15**

**Land South Of Cayton Drive, Thornaby,  
Outline planning application (all matters reserved) for residential  
development of up to 45 dwellings**

Consideration was given to a report on planning application 15/1466/OUT Land South Of Cayton Drive, Thornaby.

Outline planning permission was sought for the erection of up to 45 dwellings on

land to the west of Middleton Avenue in Thornaby, within the defined development limits and within the Tees Heritage Park. A similar planning application was refused in 2013 for housing on this site which had a slightly different layout and arrangement. That application was refused for 5 reasons relating to, the impact on the green wedge function, a poor highway layout, insufficient provision of affordable housing, impacts on an existing tree belt and impacts on future residents of the development. A further application was submitted to address these matters and was recommended for approval by officers although refused by the Planning Committee.

Objections had been received in respect to the application which were made mainly on the grounds that the site was in the green wedge and its development would reduce the strategic gap between Ingleby Barwick and Thornaby, that the site was well used by wildlife, that traffic in the area was already at congestion level and could not take any further development and that the development would have a detrimental impact on nearby properties and the Tees Heritage Park.

Although the site was previously considered to be within the designated green wedge which was a previous reason for refusal, this position had significantly changed following a High Court Decision. The Council were now only in a position to give weight to areas of green wedge within the Borough based on the 'strategic diagram' within the Core Strategy as detailed plans for the green wedge boundaries did not form part of the Development Plan. This application site lay outwith of the strategic Green Wedge area as detailed in the Core Strategy.

Officers had considered the scheme in the context of its layout, its relationship with existing housing and the landscape area to the south as well as matters of access and impacts on existing residents.

The Highways Transport and Environment Manager was satisfied adequate access and highway provision could be made and that properties could be adequately set away from the adjacent tree belt and ancient woodland to allow their long term retention.

Being outline, no site layout was detailed although based on the previous submissions; it was considered 45 dwellings could be achieved on the site whilst achieving suitable levels of amenity and privacy for existing and future residents.

Contributions were required via a Section 106 Agreement towards education needs, open space, recreation and landscaping in the local area, affordable housing and a traffic calming scheme on Middleton Road.

In view of all these matters, it was considered that the application was in accordance with the Local Development Plan and the National Planning Policy Frameworks presumption in favour of providing a 5 year deliverable housing supply and supporting sustainable development.

The consultees 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.

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 contained within the main report.

The planning Officers report concluded that the proposed development was on an area of land adjacent to the wooded section of the Bassleton Beck Valley, being an alcove of grass land adjacent to the existing urban edge of Thornaby. The site lay within the defined limits of development for the borough and within the Tees Heritage Park. Subject to an appropriate layout and scale of development it was considered that the scheme would not unduly compromise the character or appearance of the wider area and would be able to be undertaken without undue impacts to existing adjacent properties whilst achieving a suitable form of access.

It was considered that the site layout would be able to adequately take account of the surrounding woodland and residential development and would have no significant detrimental impacts on these adjacent uses and features. It was further considered that the scheme would be able to make adequate provision for the spacing of properties within the site, gardens, parking and the turning and manoeuvring of vehicles in accordance with relevant local development plan policy. It was considered therefore that the proposal on balance would provide Economic, Social and Environmental benefits

Subject to conditions as recommended and Section 106 contributions being made towards education, affordable housing, a highway scheme and open space, recreation and landscaping, the scheme was considered to be suitable for approval.

Officers informed the Committee that additional comments had been made since the main report was issued although these replicated comments already made.

With regards to access, the Highways Transport and Environment Manager was satisfied adequate access and highway provision could be made subject to a provision of 2 accesses into the site to serve the development. A condition was

required to achieve this which had not been detailed in the main report and in addition to the recommendation within the report, it was therefore also being recommended by officers that a condition be imposed requiring the provision of 2 vehicular access.

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

-It seemed that this was now becoming an annual event to protect and stop houses being built on this piece of green wedge land.

- The circumstances had not changed since the first application which was submitted in 2013 which was refused.

- It was farcical for the Council to even consider this application when no finalised plans had been submitted.

- The developers could not even be bothered to show plans detailing how they planned to obliterate the green wedge.

- By the Council allowing this to go ahead they were allowing developers a dangerously destructive carte blanche to destroy Thornabys green identity and reconstruct it in their repulsive concrete image.

- To paraphrase the Head of Technical Services when he rejected the 2013 application, 'the green wedge was a limited resource which would be virtually impossible to replace or increase and any plans to permanently reduce or detrimentally effect the green wedge should not be supported to provide for the limited short term gain of housing'.

- Absolutely nothing had changed over the last 2 years despite the tweaks and adjustments developers assumed would paper over this glaring fact.

- The application was totally unacceptable no matter what the number of houses were.

- The part of Thornaby where the development was proposed was one of the nicest friendliest aesthetically pleasing parts of Thornaby. The green wedge was an intricate part of what made this part of Thornaby so quiet, tranquil and relaxing.

- To destroy this irreplaceable asset the Council would be going against everything they had been trying to achieve by protecting it in local plans over the last 30 years. Developers tried in 2013 and 2014 and had failed. It was now time for 2015 where the same outcome would be expected. Only through the Council rejecting this ludicrous scheme ensuring this site remained part of Thornabys intrinsic green lungs for many future generations.

- In relation to the requirement for additional homes in the Thornaby area it was highlighted that in 2013 there were 135 homes for sale, in 2014 there were 141 houses for sale, 71 of which were in the affordable homes bracket. In 2015 there were 254 houses for sale in the Thornaby area 172 of which were homes under the £120k bracket (which in the objectors point of view could be

considered to be affordable homes). Since the original application three years ago the number of houses for sale in the Thornaby area had increased by 20%. It was felt that the applicant and Stockton borough Council had failed to demonstrate the need for this development and additional housing.

- The Committees attention was drawn to the fact that there was semi natural grassland on the site which was considered a scarce habitat. It seemed to have been omitted by the surveyor that there were early purple orchids and common spotted orchids on the site. The blue common butterfly had also been seen on the grassland and it had recently been reported on a national radio station that the common blue butterfly was in decline due to habitat loss.

- The lack of access to the proposed site made it a great habitat for wildlife.

- The site was a rich hunting ground for pipistrelle bats which fed on the grasslands.

- The surveyors report had also made reference to rabbit habitat on the proposed site however there were no rabbits, the land had in fact been over grazed by deer not rabbits.

- The landscape appraisal had no credibility.

- The land was green wedge and was part of the Tees Heritage Park, therefore the application must be rejected.

- During the time the Tees Heritage Park was established and the green wedge between Ingleby Barwick and Thornaby was officially sanctioned, it had been greatly appreciated by the residents of Thornaby. Residents felt that their local open space and wildlife havens were protected.

- Bassleton Close in Thornaby which was adjacent to the proposed site was the closest part of Thornaby to Ingleby Barwick. To move it closer, threatened Thornaby's identity and quality of life by bringing noise, disruption and light pollution, not just during construction but forever.

- Objectors felt that the Officers report was describing a brownfield site, not a site that had any ecology on whatsoever.

- Members attention was drawn to page 95 of the report relating to Environmental implications, where it was stated that there would be no undue impacts on wildlife and ecology and the heritage park. The report did not make any reference to the fact that the site had deer, foxes and butterflies, the site had some of the most important wildlife and ecology in the area. Why should this be spoilt just for a developer to pocket money for his own benefit.

Councillor Dalgarno and Councillor Moore for Village Ward, Thornaby were in attendance at the meeting and given the opportunity to make representation. Their comments could be summarised as follows:

- Councillor Dalgarno asked the Committee to reject the application as the land was part of the green wedge and the Tees Heritage Park.

- The Land was unique and attracted various wildlife.
- The area should be maintained allowing residents a good quality of life.
- There were plenty of houses for sale in the area therefore an additional 45 was not needed.
- If the application was approved it would allow developers a free for all to develop anywhere.
- The application went against every policy that Stockton Borough Council had in place for its environment.
- The Green Wedge was important to everyone and this piece of land had been part of the Green wedge since 1986. If this one intrusion was allowed it would go right across the Borough.
- Traffic issues would increase as roads were already busy.

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

- Two previous applications had been submitted, one in 2013 and one in 2014 which were for 54 houses and then revised to 50 houses, the applications had been refused and had not been appealed. The revised application was being made by a new applicant where the number of units had been revised to 45 houses.
- The previous application was at detailed consent and the reasons for refusal were as follows:
  - 1) Impact on the green wedge
  - 2) Concerns relating to highway layout
  - 3) Impact on existing trees
  - 4) The amount of amenity space within the scheme.
- The new application was an outline application and only the principal could be assessed, therefore three of the previous reasons for refusal were no longer relevant.
- As the application previously considered and refused was at detailed stage, three of the reasons given for the previous applications' refusal were no longer relevant. What was left was whether the principal of development was acceptable in the proposed location. Previously the Council had taken the view that the development would cause irreparable damage to the green wedge, however Members were now aware that the high court ruling by Mrs Justice Patterson, determined that policy EN14 of the previous plan could not be used in decision making, therefore the key diagram used in the core strategy now defined the geographic extent of the green wedge. The Land at Liverton Crescent was not within the green wedge, as a result policy CS10 could not be applied to the site, and any attempt to do so if an appeal was required, in the Agents opinion, would result in unreasonable behaviour. The Land was not publicly accessible green space, it was in fact private land. It was fundamentally

different to many other green field sites that remained protected by planning policy. For the purposes of decision making this was white land within the urban area and by the Councils own admission did not have a 5 year supply of housing land.

- The scheme had been reduced in size to acknowledge the concerns about traffic and amenity from residents.

- Full ecological surveys had been carried out and no protected species had been identified. There was therefore no credible reason to withhold planning consent and therefore it was requested that Members follow Officers recommendation detailed within the report.

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

- This was another example of a developer trying to use the Governments NPPF to force another development through, and just changing the number of houses from 54 to 45 was not acceptable.

- It was clearly part of the green wedge, and as stated on page 88 at point 7 of the report, it was part of the emerging policy that the site would fall outside of the limits of development and was an area which should not be considered for development.

- The development would be negligible to the five year housing supply.

- The site was also part of the Tees Heritage Park which had been successfully defended in the past.

- In relation to the high court judgement, it was stated that the high court judgement had not been tested as yet in a further planning application.

- The proposed application was a step too far.

- There were plenty of material planning considerations which could be used to refuse the application. It was the wrong houses in the wrong place which were not required and the site was part of the green wedge.

- The Tees Heritage Park was a flag ship policy delivered in partnership with the residents of the entire borough and the Committee should stand side by side with those residents and defend that asset.

- In relation to the bats was there any protection for bat feeding habitat?

- There was only one access point currently into the Bassleton estate which was from the roundabout with the spitfire on, how would the second access be attained?

- The application should be refused on exactly the same grounds as the two previous applications such as impact on green wedge and Tees Heritage Park which was already under threat by a contentious decision previously for a development within the Leven Valley.

- The development would reduce the strategic gap between Ingleby Barwick and Thornaby which was against core strategy policies.
- The Basselton estate was a cul-de-sac estate and more houses would have an enormous impact on highways. There would be detrimental impact on the Tees Heritage Park and wildlife with an unacceptable loss of amenity. It was not sympathetic to the locality.
- It was marked clearly on every single map within the Borough that the proposed site was within the Tees Heritage Park and therefore should be protected.
- Members had been given a gift to go against Officer recommendations if they felt it went against local residents and had no significant material benefits. The residents views were clear. Any benefits of the application were far outweighed by the detrimental impact it would have.
- Members needed to make up their own minds as to whether the local plans or core strategies meant anything or whether they should be binned, in which case the Committee was pointless.
- To approve the application would mean that nothing was sacred including more green wedge and country parks.
- If the application was approved could the number of houses be changed?

Officers addressed the Committee and were given the opportunity to respond to some of the issues/concerns raised. Their comments could be summarised as follows:

- In relation to queries raised about bats, at paragraph 31 of the report the submission had highlighted post development impacts from increases in light noise and general disturbance for foraging and commuting bats likely to use the woodland to the south and mitigation in the form of bat boxes installed into some of the properties was recommended.
- Officers explained that where concerns had been raised regarding access to the development, there was no access highlighted on the application as that would be considered at reserved matters however it was suggested one point of access would be off Cayton Drive and the other would be off Middleton Avenue.
- It was confirmed that although the site was within the Tees Heritage Park the site was the furthest point within the Park. It was not one of the core areas.
- Where Members had raised concerns regarding green wedge allocation the Principal Solicitor explained to the Committee that the high court judgement had been issued and the Council were bound by the decision. It did not need to be tested and Stockton Borough Council could not test it. If the Committee wanted to test it, it would have to go to the court of appeal, however there were not any grounds to go to the court of appeal to challenge the decision. Until the Regeneration and Environment DPD was adopted the Council was stuck with the decision. The application was excluded from green wedge and therefore the



Committee could not rely on any green wedge reasons to refuse the application. CS10 could not be applied to the proposed land, the authority would not be allowed to challenge the decision as it was case law now until the RELP was adopted.

- Regarding the question raised in relation to the possibility the number of houses could change if the application was approved, it was confirmed that the current application was for up to 45 houses which would be the maximum and therefore if more houses were requested a separate application would be required.

Discussion took place around the possible reasons that the application may be refused.

A vote then took place and the application was refused.

RESOLVED that the application be refused for the reasons as detailed below:

In the opinion of the Local Planning Authority the benefits of the proposal are significantly outweighed by the harm to the visual amenity and character of the area which includes the Tees Heritage Park and would change the built boundary of Thornaby contrary to the adopted Stockton on Tees Local Plan Saved Policy HO 3 (iv) and (v) and adopted Core Strategy Development Plan Policy CS3 (8). It is considered that the lack of a 5 year housing supply within the Borough is insufficient reason to outweigh this policy of restraint

**P**            **14/2780/COU**  
**44/15**      **Thompson 71 High Street, Yarm**  
**Change of use from A1 unit to A3 Use and associated external alterations**

The Chair explained to the Committee that item 14/2780/COU Thompson 71 High Street, Yarm would not be considered at the meeting as it had been withdrawn.

RESOLVED that the item be withdrawn.

**P**            **14/2781/LBC**  
**45/15**      **Thompson 71 High Street, Yarm**  
**Listed Building Consent for a change of use of an A1 unit to A3 Use and associated external alterations**

The Chair explained to the Committee that item 14/2781/LBC Thompson 71 High Street, Yarm would not be considered at the meeting as it had been withdrawn.

RESOLVED that the item be withdrawn.