

Planning Committee

A meeting of Planning Committee was held on Wednesday, 9th March, 2016.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lisa Grainge(Sub Cllr Mick Stoker), Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn

Officers: Andy Glossop, Barry Jackson, Peter Shovlin(DNS), Julie Butcher, Sarah Whaley(LD)

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

Apologies: Cllr Michael Clark, Cllr Mick Stoker

P Evacuation Procedure

103/15

The Evacuation Procedure was noted.

P Recording of Council Meetings

104/15

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

105/15

Cllr Sylvia Walmsley declared that she may be deemed to be pre-determined in relation to item 14/2876/OUT Land at Thornaby Football Club Acklam Road, Thornaby. Cllr Walmsley reserved the right to speak on the item however did not take part in the vote.

Cllr Tracey Stott declared a personal interest in relation to item 14/2876/OUT Land at Thornaby Football Club Acklam Road, Thornaby. Cllr Stott reserved the right to speak but did not take part in the vote.

P Minutes from the meeting which was held on the 27th January 2016.

106/15

Consideration was given to the minutes of the meeting which was held on the 27th January 2016 for approval and signature.

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

P 14/2876/OUT

107/15

**Land at Thornaby Football Club Acklam Road, Thornaby
Revised outline application for the erection of up to 60 residential dwellings, and the re-development of the existing football club facilities**

Consideration was given to a report on planning application 14/2876/OUT Land at Thornaby Football Club Acklam Road, Thornaby.

The planning application sought outline planning permission for a mixed development of residential and sports developments. The indicative details showed the relocation and development of 2 football pitches with a new club house and changing facilities and car park and the erection of up to 60 dwellings.

The application was an outline application with permission being sought for the principle of development and the site access with matters of Layout, Landscaping, Scale and Appearance being reserved matters which would require future submission and consideration were this outline permission to be granted.

The consultation exercise had resulted in a number of comments of objection and support being received which were detailed within the report. Main comments of support related to the beneficial improvements to sports provisions whilst the main objections related to highway safety, congestion, loss of open space, loss of access and impacts on wildlife.

The site was within the existing limits of development, partly on a site where previous housing applications were approved but were now lapsed and where there was existing development associated with the football club. Only a small part of the eastern tip of the site was within the green wedge as detailed by the Core Strategy Strategic Diagram.

Having considered all relevant matters, it was considered that the loss of existing pitches could be adequately re-provided on the lower part of the site and re-provided facilities such as car park, changing and club house were supported given the existing use of this area of the site. Development of the upper part of the site for a residential use would be in accordance with national planning policy given that Stockton Borough was unable to rely on its own housing policies due to being unable to demonstrate a deliverable 5 year housing supply. Notwithstanding this, the scheme was considered to result in the development of an area characterised by its openness, its landscaping and its tranquil nature and the proposed development as considered would unduly affect that character at a position away from the main urban area of Thornaby. It was further considered that the scheme would place undue pressure for protected trees to be removed to allow future residents to gain reasonable amenity and that this would in turn adversely affect the adjacent cemetery and its associated amenity.

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

Neighbours were notified and the comments received were detailed within the main 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 outline application had adequately demonstrated that adequate access could be achieved for the site and that there would be no notable adverse impacts on surrounding uses (excluding cemetery), wildlife, highway safety, sports provision and other similar matters. However, it was considered that there would be significant detrimental impacts on the character of the area and on the cemetery which would be contrary to the guidance within both local and national planning policy. It was further considered that insufficient information had been provided to address matters of flood risk from surface water.

It was recommended that the application be refused for the reasons detailed within the main report.

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

- The site was purchased by the applicant when he was manager of the football team in the early 2000's. The site was purchased due to untold/extreme vandalism which was reported by the press during the years, 2002, 2003, 2005, 2006 and 2008. The vandalism caused the dereliction of the clubhouse, the loss of the bowling green and club and the changing rooms at the top of the site. There was also well documented vandalism in the cemetery. The site owner explained that the purchase of the site allowed for the site to become secure.
- The Football Club, Thornaby Town Council and the owners had done a great job in maintaining football at the site for the senior teams. The junior teams had struggled however and numbers had reduced from 7 to 2 teams. The Football Club had aspirations to increase the numbers of the junior teams including the introduction of ladies teams and sport for disabled users. The site development was proposed on that basis.
- The site owner explained that he had several years' experience in Dubai building world class developments such as the Montgomery Golf Club, the Atlantis Hotel, and the Ranchers Golf Club which stood him in good stead when realising what could be achieved in Thornaby.

The Applicants Agent for the development of the housing proposal, existing football club and facilities was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- In 2011 an application was approved for outline development of 48, two bedroom apartments and 16 one bedroom apartments with associated parking, landscaping and external works. Due to the economic downturn the approved development became unviable to proceed.
- The developers approached Thornaby Football Club Committee and local supporters and put together the current proposed development with the aim to provide a significant financial community benefit for the Club and for the Borough as a whole. It was explained that this would be fulfilled through the S106 agreement along with other mitigation and material benefits.
- Members were urged to consider the significant planning benefits of the application such as:
 - Helping to address the Councils 5 year shortfall of affordable homes.
 - Provide a flagship development for Thornaby.
 - Sport England had agreed to the relocation of the pitch and the replacement of the loss of the current playing fields.
 - The provision of a new clubhouse, changing facilities for adults, youths, ladies and disabled persons.
 - A 25 year lease which would secure the future of Thornaby Football Club and enable them to access further available grants which could not be achieved with a temporary or low year lease.
 - The RSPB had stated that new housing in the proposed location would in fact enhance the ecology as habitats would be provided from the new gardens, hedgerows and trees.
 - The new housing would provide security for the adjacent cemetery and community facilities.
 - Public right of way would be maintained throughout the housing site leading to the existing nature trail supported by the developer and the club.
 - There would be a provision of 15% affordable housing.
 - Financial contributions to education provision within the four local Thornaby schools.
 - A community use agreement would be agreed by an S106 which would control the funding and improvements of the football club itself.
 - In terms of the land currently, there were no changing facilities for the junior players.

- Arson, drug abuse, inappropriate paraphernalia were all present on the land.
- Members attention was drawn to a recent appeal decision at Cayton Drive, Thornaby which had been allowed on the 8th March 2016 by the inspectorate.

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

- A representative from the friends of Teesdale Park explained to the Committee that the friends of Teesdale Park did not have any objections to the outline plans as they would not be affected directly.
- The Secretary of Thornaby Football Club addressed the Committee and informed Members that when he joined the club approximately 7 years ago the club was facing relegation from the league. With the help of Stockton Borough Council and Thornaby Town Council the club was now in a better position, however if the proposal was approved there were still outstanding issues which needed addressing.
- Full consultation and a legal agreement was required on a number of items.
- In relation to junior players the club now had an academy which involved all youths, no one was turned away.
- There was uncertainty as to why the application was not two separate applications.
- It was felt the application for the 60 dwellings lacked detail.
- It was believed that local residents thought the development was for sports facilities and were unaware of the application for the houses.
- The development of the pitches would be a great facility for the children.
- Teesdale park was a sacred place to the people of Thornaby.
- Objections were raised by a representative of Thornaby Town Council against the proposed application on the basis of policy adopted by Thornaby Town Council which mirrored Stockton Borough Councils own policies and core strategy which sought to preserve green wedge. The land which had repeatedly been applied for development, was actually parkland and reinforced Thornaby Town Councils commitment to protect and preserve such places of leisure, recreation and natural habitat for current and future generations.
- Thornaby Town Council was pleased that the report picked up disingenuous claims and misleading computer generated graphics, presumably intended to lessen impact.
- The report omitted that the site was also habitat to an abundance of flora and fauna some of which were unique to the proposed site. The report did not make reference to the Thornaby Trail or nearby relic salt marsh or woodland where

rare grasses and wild orchids flourished.

- In relation to the site entry it was highlighted that England and Lyle had sent letters to residents on behalf of the client detailing that if all parties were happy to have the entrance adopted then this would be maintained by the Local Authority. This would mean that all land owners would have to agree to the entrance being adopted and if this was not agreed then the works would continue and the maintenance of the road would be passed to a management firm and then passed to residents. The letter however stressed that it was preferable for the road to be adopted and a payment was offered to each land owner of £4000. It was reported that residents had expressed that they felt they were being put under pressure.

- There was also discussion in relation to the intimidation of the football team where they also felt under pressure to sign an agreement.

Councillor Sonia Bailey, Ward Councillor for Mandale and Victoria was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:

- Cllr Bailey had visited the site and reported that it was quite sadly neglected. There was evidence of fly tipping, drug use and other unsavoury activity.

- The area was in need of some investment to make it fit for purpose for both the football club and also as valuable green space and a haven for wildlife for local people.

- There had been a number of issues identified which required addressing by the developers. Some of those issues had been addressed satisfactorily and some still had outstanding questions.

- There were still concerns from residents in relation to traffic on Acklam Road especially at peak times.

- There was also encouragement for residents on the estate to use more sustainable transport, however Cllr Bailey believed that this would do little to stop people using their cars, as it was human nature that people would use the most expedient methods to get to where they needed to be.

- Cllr Bailey applauded the developers intentions to help Thornaby Football Club, however there was already extensive housing development in Thornaby including the Mandale Park development and in nearby Ingleby Barwick. Cllr Bailey questioned the need for the homes. Although residents would welcome the redevelopment of the site they did not want it to create an additional burden on the current infrastructure.

Cllr Paul Rowling, Ward Councillor for Mandale and Victoria was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The plans for Thornaby Football Club were impressive and would be very unique to the region and would probably be the best facilities in the region.

- The area did need significant work and had the potential to be a beautiful area, however there was a lot of fly tipping and therefore investment was required.
- After consulting with local residents on the proposals, there was a wide range of viewpoints, however the majority objected due to loss of green space, increased traffic on Acklam Road, doubts regarding the safety of the access lane and impact to views and character of the cemetery.
- Despite the impressive plans for the Football Club Cllr Rowling was representing local residents, the majority of which that he had consulted objected to the proposals, therefore Cllr Rowling requested that the Committee refuse the application.

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

- The land in question was Teesdale Park and had been parkland for generations. The parkland had been paid for by subscriptions from local people. It was not known however how it had landed in private hands.
- The impact of the character and openness of the site was a main concern.
- It was an area which was enjoyed by many dog walkers and families.
- The footpaths formed part of the Thornaby Trail which must be preserved.
- There was an abundance of birdlife and wildlife on the site.
- The top pitches currently provided 24 hours access to anyone who wanted to have a kick about free of charge.
- New pitches would be fenced resulting in restricted access which would have to be paid for.
- There would be overwhelming impact on the cemetery which was 3rd in 'Cemetery Of The Year', a few years ago. The cemetery was an oasis of calm without being overlooked. The trees along the boundary of the cemetery were mature specimens with extensive canopy and which would overshadow the proposed development. The trees must be protected at all costs.
- The site access was completely unsuitable with a dedicated turnoff from Acklam Road. Traffic would queue at a blind spot due to the summit of the bank down to the little boy park. This was a known accident black spot where there had been fatalities in the past.
- There would be severe constraints upon the flow of traffic from the proposed 60 houses where it was estimated the majority of which would be 2 car families.
- The nearest bus stop was 15 minutes' walk away on Mitchell Avenue which had a very limited service and would increase the reliance on cars.
- The previous development in 2011 was for apartments and a lot of conditions

were placed on the developer to improve the facilities of the club. None of them were delivered.

- All of the electrics for the existing club were routed through the old clubhouse which should have been demolished and rebuilt.
- The access road to the bottom pitches was meant to be resurfaced and lit and had not been carried out.
- There were objections raised to the loss of the 2 pitches at the top field with the open aspect.
- The works to the access road was not in the ownership of the developer.
- Acklam Road was known to flood and be dangerous in icy conditions. There was a submerged beck under Acklam Road which flooded with even the smallest amount of rain.
- Access to the local Golf Club also created traffic problems.
- The access road was very small and led to a smaller track which would prove difficult for service vehicles to negotiate.
- The report indicated that there was the possibility of the presence of bats and water voles both which were protected species. The ancient salt marsh which had protected species on it should not be endangered at all by building within the area.
- The Cemetery was an award winning cemetery and was one of the nicest in Stockton Borough. Building houses near to the cemetery would be extremely detrimental to it.
- Concerns were raised in relation to the new pitches being fenced off stopping regular public access when people already had access at all times.
- The right of access and the doubts of ownership required clarity.
- Half of the site would be in shadow due to the mature trees which had preservation orders and were part of the character of the area, however there would be a lot of pressure to remove, change or thin those trees due to the overshadowing in the future.
- The site was a park and it belonged to Thornaby.
- Concerns were raised in relation to flooding and the sustainability of future housing developments.
- The application seemed to be in two parts, recreational facilities and housing development, and whilst some Members supported the application for the recreation facilities they could not support the housing element of the application in a protected area.

Officers were given the opportunity to address the Committee in response to

some of the concerns raised. Their comments could be summarised as follows:

- In terms of sustainability of the site, the site was within the limits to development and was close to education and leisure type uses and from a planning perspective was considered to be in a sustainable location.
- In relation to the footpath through the site, the smallest pitch on the site would potentially effect the exact route to that but the applicant had demonstrated that the path could be retained through the site and officers felt that were the application to be approved then a condition could reasonably deal with that.
- In relation to the S106 agreement and achieving benefits, adequate replacements for the pitches and lost facilities such as the clubhouse, any S106 agreement would set all the triggers that would be required to prevent the loss of pitches until adequate replacements were made. The football club would most likely be a signatory to that S106 agreement.
- In terms of flooding the pitches themselves were at a low point next to the course of the old River Tees however where the housing was proposed that was at the highest point within the site. The highest point of the site was not within flood zones 1,2 or 3 and were the application to be approved then conditions would be able to deal with surface water from discharge from the houses and the road etc.
- Where concerns were raised in relation to ecology the site linked through to a wider more open site and the whole site probably had some value in terms of ecology however neither Tees Valley Wildlife Trust nor Natural England had objected to the application.
- In terms of the free use of the current pitches versus the proposed fenced pitches, Officers could not differentiate between formal or informal recreation facilities however should the application be approved a community agreement could be introduced as a condition.

A vote then took place and the application was refused.

RESOLVED that:

Planning application 14/2876/OUT be refused for the following reasons

Impact of Character of Area

In the opinion of the Local Planning Authority, the proposed development would result in a significant intrusion of new built development within an area which is currently characterised by its green space, landscaping and open areas, being a detrimental change in the character of the area, contrary to the requirements of saved Local Plan Policy HO3(iv), Core Strategy Development Plan Policy CS3(8) and National Planning Policy Guidance (para's. 58 & 64). In the opinion of the Local Planning Authority, the detrimental impacts of the proposed development on the character of the area are not outweighed by the benefits of the scheme.

P 1. Appeal - 25 Victoria Road Stockton - 15/2177/FUL - DISMISSED

- 108/15**
- 2. Appeal - 75 Harrowgate Lane Stockton - 15/2095/RET - DISMISSED**
 - 3. Appeal - 69A Darlington Road Stockton - 15/2106/FUL - DISMISSED**
 - 4. Appeal - 10 St Johns Close - 15/1966/RET - DISMISSED**

The Appeals were noted.