

Planning Committee

A meeting of Planning Committee was held on Wednesday, 30th March, 2016.

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

Officers: Simon Grundy, Barry Jackson, Joanne Roberts, Peter Shovlin(EG&D), Julie Butcher(HR,L&C), Sarah Whaley(AD&ES)

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

Apologies: Cllr Nigel Cooke, Cllr Gillian Corr

P Evacuation Procedure

109/15

The Evacuation Procedure was noted.

P Recording of Council Meetings

110/15

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

111/15

There were no declarations of interest.

P 15/3136/FUL

112/15

**Land at Sandgate The Rings, Ingleby Barwick
Application for the erection of 12no. commercial units consisting of Retail and Non-Retail (Use classes A1, A2, A3 and A5) uses, to include a cafe/bistro (A3/A4 use with associated access, car parking and landscaping**

Consideration was given to a report on planning application 15/3136/FUL Land at Sandgate The Rings, Ingleby Barwick.

The application site was located on the eastern edge of village six, Ingleby Barwick. To the immediate east was the residential properties of Bancroft Drive, which lead round onto Magnis Close. To the east was a pedestrian footpath and an area of open space/highway verge with Sandgate roundabout and Myton Way beyond.

Planning permission was sought for the erection of 12no.commercial units with associated access, car parking and landscaping. The proposed uses would

consist of a mix which included shops (A1), Financial and professional services (A2); Restaurant and Cafes (A3); and, hot food takeaways (A5). This would include provision of a cafe/bistro (A3/A4) use. The proposal would allow for a combined floor space of 1,325sqm (14,262sqft), with the units being spread across 4 separate buildings and the majority of the proposed units were typically between 75-80sqm with the café/bistro and potential convenience store occupying larger floor areas. Since the original submission the applicant had revised the scheme to ensure that satisfactory levels of parking and servicing arrangements were provided.

Having considered the submitted sequential assessment and the main aim of delivering additional services and facilities for residents of villages 5 and 6 of Ingleby Barwick, it was accepted that this could only be achieved from developing this particular site. Whilst the number of commercial premises was higher than some of the other centres within Ingleby Barwick it was still considered to fall within the parameters of a neighbourhood shopping centre and would serve local shopping needs as opposed to competing with higher order centres such as the local centre in Ingleby Barwick. The proposal was considered to be acceptable in planning terms in all other regards and was recommended for approval subject to those conditions detailed within the report.

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.

National Planning Policy Framework

At the heart of the National Planning Policy Framework was a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this meant approving development proposals that accorded with the development without delay; and where the development plan was absent, silent or relevant policies were out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicated development should be restricted.

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 in view of the considerations detailed within the main report and the submitted sequential assessment it was considered that in this instance the main aim of delivering additional services and facilities for residents of villages 5 and 6 of Ingleby Barwick could only be achieved from this particular site. Whilst the number of commercial premises was higher than some of the other centres within Ingleby Barwick it was still considered to fall within the parameters of a neighbour shopping centre and would be to serve local shopping needs as opposed to competing with higher order centres such as the local centre in Ingleby Barwick.

In considering the NPPF and whether the proposal represented sustainable development it was recognised that the site was readily accessible to a range of surrounding residential dwellings and the provision of additional local facilities was considered to have significant social benefits in serving the local needs of the community of Ingleby Barwick. The proposal also had further social and economic benefits through the level of private investment, job creation both during and post construction. These considerations would weigh in favour of the proposal in terms of the overall planning balance.

The proposed development was also considered to be visually acceptable and would not have any significant or adverse impacts on the amenity of the neighbouring occupiers to justify a refusal of the application. The proposed access and parking arrangements were also considered to be acceptable and consequently the proposed development was recommended for approval subject to those conditions detailed within the main report.

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

- Concerns were raised in relation to the size of the development and the devastating effect it would have on the nearby Myton Park retail development, which was considered the designated local centre of Ingleby Barwick.
- There was no objection to a smaller scheme of a neighbourhood size in this instance as previously recommended by the Councils development plan and policies on previous advice.
- There were well established Council and National development planning policies in place to ensure that such retail development should not affect the vitality or viability of an existing Centre.
- The responsibility fell on the applicant to demonstrate that there would be no effect on Myton Park, however the proposed development was only 400 metres away from Myton Park was bigger than Myton Park and therefore would have a significant effect. The new proposed site had a larger retail area and a total of 14 units against 11 at Myton Park.
- It was understood that one of the established units at Myton Park was already proposing to move, and others could follow.

- Under the present policy the Council had the responsibility to protect local centres from such development. This was not a neighbourhood centre which would provide day to day shopping. It was another local centre close to the existing one.
- It appeared that the decision in relation to the size of the proposed centre was mainly based around money. The report stated that the centre had to be large enough to obtain a return on investment because of the residential value of the land. Why the development could not be part residential and part retail was not explained. It had nothing to do however with good planning or the long term interest of neither the community nor the harmful effects on the nearby local centre which policy was meant to protect.
- The Lowfield Centre at 635sqm which was less than half of that proposed was only that size because the local centre as now was not built. The Lowfields Centre would not have been that size if the local centre had been built. Similarly the Backfields had the same situation.
- The Committee were asked to support the Councils retail policies as extant, particularly the local plan policy S1, S2, chapter 2 of the NPPF on the vitality of retail centres.
- A resident whose home would directly face the proposal expressed concerns in relation to the consultation which had taken place and also issues relating to access to the site.
- Where the consultation was concerned the closest neighbours that were consulted directly were actually several streets away from the proposed site. It wasn't until a local resident with the help of his Local Councillor raised it on Facebook that it was brought to the attention of the Residents of Magnis Close and Bancroft Drive which was where the main thrust of the objections had come from.
- The majority of the objections related to the access. As a resident of the access road, residents felt that regardless of extending it to 5 metres, this would still not be adequate with the amount of ingress and egress going into the development considering the amount of shops that had been proposed. It would not be sufficient for a resident living on that street.
- Currently there was no provision for visitors and other residents to park in the area. Visitors would have to park out on the road, resulting in HGV's and construction traffic not being able to fit should they need to use the road.
- It had been acknowledged that the developer had taken into account some of the residents concerns however it was felt that the development was not going to be satisfactory.

Councillor Ross Patterson Ward Councillor for Ingleby Barwick West was in attendance at the meeting and given the opportunity to make representation. His comments could be summarized as follows:

- Ingleby Barwick was the largest approved private housing estate in Europe

approved by the Planning Inspectorate without any conditions. There was a Masterplan which had included 6 villages. Each village was to have a local centre.

- There were currently a local centres in Lowfields and Beckfields.
- There were 3 villages to the west which included Sober Hall, Roundhill, The Rings and Broomhill none of which had a local centre as the sites were given up for housing.
- Discussion had taken place with the Principal Planning Officer in 1992 who had stated that if nothing was done, Ingleby Barwick would become a middle class ghetto.
- IBIS were elected in 2005 to try and sort out the lack of facilities in Ingleby Barwick. All of the land was privately owned and most of the land was being sold for housing as the land was worth up to £1 million per acre.
- In 2009 IBIS discussed a masterplan with the Directors of Persimmon Homes for what was left of the Rings. A set of shops were asked to be provided. Persimmon Homes came back with an alternative site which would serve both Broomhill and The Rings.
- Eventually the proposed planning application came forward.
- Currently there were 3 sets of shops in Ingleby Barwick which had 35 units in total, 10 were takeaways. The proposed site was to provide the kind of units which should have been provided in the first place and which were badly needed in the area such as; butchers, bakers, corner shop, restaurant, wine bar and coffee shop etc. different to those found at the Myton retail development.
- The developer was trying to provide a high class development and this was possibly the last chance to get something which was greatly needed in Ingleby Barwick.

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

- The proposed development would provide a local service for residents for village 5 and 6 and meet there daily needs.
- It would provide additional services which were not provided at the moment within Ingleby Barwick.
- Prior to the submission of the application extensive discussions had taken place with Officers, Ward Members and Highway Engineers to ensure that all matters of principle development, scale, design and highway access were addressed.
- The application submitted a detailed sequential assessment which had been extensively looked at to identify the location and scale of units and to highlight that every unit within Ingleby Barwick was fully occupied and trading.

- The development was a well thought out contemporary design in terms of appearance, scale and layout which would provide a high quality development and would enhance the local area.
- Opening hours, planning conditions and related noise and service matters would all be controlled by condition to ensure no impact on amenity to local residents.
- Where concerns had been raised from local residents in relation to highway, all had been taken on board by the Applicant. Many hours had been spent with residents, engineers and the Ward Councillor to revise the access regarding the HGV vehicles. The access would have barrier control and the final layout would ensure that no highway matters would arise.
- The project would bring new jobs, provide day to day services and financial benefit for the Borough. On that basis Members were asked to approve the application, in line with the Officers recommendation.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- Where issues had been raised in relation to the scale of impact, viability and vitality of the development, it was made clear that the information contained within the main report looked at the Myton Park Centre in terms of the retail units only which formed only one aspect of the Myton Centre. The whole of the Myton Park Centre included not only the retail shops but a supermarket, gymnasium, doctors surgery, nursery and public house and was over 6 hectares, therefore the Myton Park Centre was a much larger centre and functioning in an entirely different way than just the local shops which had been referred to in the proposed application and by the Planning Consultant.
- It was believed that the proposed development would serve local retail needs and it would not compete with the Myton Park Centre, as it would serve a much wider array of needs. It was considered that there would be no impact on the viability and vitality of the main local centre of Ingleby Barwick as a whole and that the proposal would meet the day to day needs of the residents of villages 5 and 6 and the Lowfields and Beckfields shops would meet the needs of villages 1 and 2.
- In terms of concerns raised in relation to consultation, local residents that surrounded the site had been written to. Officers felt that the level of consultation carried was appropriate. In addition the wider public had been made aware via the local ward councillor and a resident using social media.
- Where access was concerned a lot of work had been carried out in relation to this. Bancroft Drive was the current access and was 4.8 metres wide which was sufficient to serve the development as proposed, however an offer had been made to increase the width to 5.5 metres as recognition from the applicant that residents did park on Bancroft Drive. 5.5 metre access was sufficient for two way traffic and HGV movement. If people were to park on Bancroft Drive they would be able to overtake as they would normally and gain free passage to the new retail development. The access had been auto tracked and also complied

with the Stockton Borough Councils design guide and manual for streets which included any exceptional vehicles such as an articulated lorry.

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

- There was a lack of facilities in Ingleby Barwick and the increase in variety and diversity of outlets on offer was welcomed.

- Concerns were raised in relation to parking, there was a condition detailing waiting restrictions on the Rings adjacent to the junction with Bancroft Drive. Members concerns were with the layout and the number of cars which would park offsite and in the roadway. Clarity was sought as to what the waiting restrictions and parking was projected to be outside of the site and the lack of parking spaces on site. Members also asked if there were any comparable sites to indicate what the number of required parking spaces per retail unit should be. Would the type of use of each unit impact on the number of spaces required, for instance if some units were predominantly to be open during the later hours and be part of a night time economy, as this may reduce the number of spaces required during the day.

- The slides which were presented to the Committee were showing the retail units to be in a green and open environment. It was highlighted that this was not representative of what the development would look like as there were houses situated all around the proposal and therefore the artists impression was misleading.

- Members considered the number of units to be high in relation to the plot size and in relation to its close proximity to Myton Park Centre. Due to the size of the plot being limited, this also meant that the amount of car parking spaces were compromised. With a proposal of 12 units and 50 parking spaces it would average out at only 4 spaces per unit which the Committee did not feel was adequate to accommodate shoppers or staff.

- Residents families and friends were already using the road side to park on Bancroft Drive when visiting. It was felt that this could cause traffic to be waiting if the development was to get the go ahead. Members asked if the proposed exit for HGV vehicles could also be used as an entrance to help alleviate any waiting traffic on Bancroft Drive.

- Although there was a consensus that there was a need for retail facilities within Ingleby Barwick it was felt that the proposal was overdeveloped.

- If the width of the Road was to be extended would there be a removal of the footpath on the east side which would impact those people who would want to walk to the shops?

- There appeared to be a lack of detail in the plans relating to signage, types of materials used on such things as the edge of the flat roof trims.

- Due to the land estimated to be worth £1 million per acre, would this make the units expensive to rent and if so, would this impact on the number of units occupied?

- It appeared to be fairly obvious that there were elements of the design of the development which weren't ideal due to historical events however what was to be considered now was whether or not the proposal was a safe and sustainable development which would add to the economic vitality of what was still a growing community. The development would bring new shops and jobs to the area and there did not seem any justification to refuse the application.

- Members asked if there was any discretion to require a full impact statement on the site.

- Clarity was sought in relation to alternative sites. A small Sainsbury's had been discussed during the meeting, however this was not detailed within the main report.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- With regard to the number of car parking spaces the site was in accordance with SPD3. There was to be 56 car parking spaces which included the uses for the proposed units, staff and delivery vehicles. A lot of the trips made would be link trips and therefore the car parking was considered to be sufficient to meet its purposes.

- Access for HGV's could not be given via the proposed exit route onto the Rings due to the close proximity of the junction at Bancroft Drive and the proposed signalised junction of Myton Way as it would be unsafe to do so. The exit route was only to be used for exceptional vehicles, all other vehicles such as refuse trucks would use Bancroft Drive.

- Suggestions had been made that the footpath be taken away to allow for the increase in width of Bancroft Drive however this had been resisted by the Local Authority and the extra 700mm was to be taken from the site itself, therefore the footpath remained.

- Where concerns were raised relating to waiting restrictions, there were waiting restrictions proposed from the junction with Myton Way along the Rings. The waiting restrictions were to be introduced as part of a scheme which was currently onsite at the moment to protect the traffic signal loops so that the traffic signal would work. In terms of the shops themselves Officers explained that the area of Bancroft Drive and the Rings were not yet an adopted highway. Traffic Regulation Orders(TRO) would normally only be processed on adopted highways however, with the permission of the land owner the Local Authority were able to process a TRO if necessary which would be implemented through the Road Traffic Regulation Act, therefore under highway legislation it was possible to implement waiting restrictions offsite if required. Officers reassured Members that the local centres in Ingleby Barwick had no particular parking issues and that there was sufficient spaces available.

- Officers informed Members that there would be differing opening hours depending on the type of business and some of these businesses would predominantly be open on an evening creating a night time economy, however the actual opening hours would be down to each individual business to propose.

There was a condition which would limit the opening hours of units, allowing some flexibility for the convenient store and bistro to open later however this was not considered to adversely affect residential amenity and meant that there would be a spread of activity throughout the daytime and it would not just be focussed on the core period of 6pm to 8pm.

- In terms of the misleading visuals, it was acknowledged that the visuals were an artist's impression to show the development in the best possible light to give an idea of what the scheme may look like. Whilst it may not be a true representation it did give an idea of what the development would look like with and without landscaping.

- In terms of the design of the scheme it was felt that a more modern/contemporary scheme was reflected and was part of the time. On the elevations there were indications where signage would go and this would be down to each individual operator to come forward with a future advertisement application.

- Where Members had raised issues regarding the level of development and the financial implications, the whole site did have residential permission and therefore Persimmon Homes would only give up the site at a value that was equivalent to the residential land value, which in turn was what was driving the number of units. The developer had also stated that this was the only viable development to them. The scheme worked and in planning terms was acceptable. Officers were happy to support the application.

- In terms of the Impact Statement, the NPPF required that all information provided as part of an application was proportionate and this scheme fell below the 2500 metre threshold and therefore it could not be insisted that an impact assessment be provided. The developer had looked at the impact of the scheme and had carried a health check assessment on other local centres which had confirmed that there were no vacant units in any of the centres within Ingleby Barwick.

- Where questions were raised in relation to alternative sites, Officers explained that the alternative site was adjacent to a new church which had just been built in Ingleby Barwick and had been considered by the developers however it was not seen to be suitable for the developer's needs.

Following Officers comments regarding the visuals it was proposed by Members that an item be brought back to Planning Committee to discuss the future of more accurate visuals being used for proposed developments going forward.

A vote then took place and the application was approved

RESOLVED that planning application 15/3136/FUL be approved subject to the following conditions and informative(s);

Approved Plans;

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

TPS001 rev C

18 March 2016

TPS006	18 March 2016
TPS005	18 December 2015
TPS004	18 December 2015
TPS003	18 December 2015
TPS002	18 December 2015

Highway access arrangements/works;

2. The commencement of the development authorised by this permission shall not begin until:

a.the local planning authority has approved in writing a full scheme of works and improvements to enable:

- (i) the widening of Bancroft Drive to 5.5m;
- (ii) the provision for the entrance and egress onto Bancroft Drive;
- (iii) Provision of the HGV loading and HGV exit only onto the Rings including control mechanisms to prevent regular usage
- (iv) the introduction of waiting restrictions on the Rings adjacent to the junction with Bancroft Drive.

and

b. the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Materials

3. The external walls and roofs of the building(s) shall be constructed of the following materials;

Walls;

Marley Eternit Cedral Lap Cladding (Light Oak) Hathaway Brindle Equitone (tectiva) Mineral Black Anthracite grey or similar window/door frames

Roof;

GRP membrane colour grey

Existing and Proposed Site levels;

4. Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Soft landscaping details;

5. Notwithstanding the submitted information, a detailed planting scheme shall be submitted approved in writing by the Local Planning Authority prior to the completion of the hereby approved retail store. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall

be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance;

6. Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Hard landscaping;

7. Prior to the occupation of the hereby approved store a scheme for all hard landscaping works shall be submitted to and be approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme and implemented in full prior to the development being brought into use.

Means of Enclosure;

8. Notwithstanding the submitted information all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority prior to the occupation of the hereby approved store. Such means of enclosure as agreed shall be erected before the hereby approved store is brought into use.

Cycle parking;

9. Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

Lighting;

10. Details of the external appearance of any lighting to the building and car park area, along with the colour and luminance level shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation of the hereby approved car park.

Hours of demolition/construction Activity;

11. No construction/demolition activity or deliveries shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).

Foul and Surface water drainage;

12. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any surface water drainage scheme shall include details of discharge rates with sufficient storage within the system to accommodate a 1 in 30 year and a 1 in 100 year event without surcharging the drainage system or a watercourse; micro Drainage design files; and, any flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event. Thereafter the

development shall take place in accordance with the approved details.

Opening times;

13. The hereby approved premises shall not be open for business outside the hours of 08:00- 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays unless otherwise stated below;

- Unit 10 (convenience store) – 06.00 to 23.00hrs Monday to Sunday
- Unit 12 (Bistro) – 09.00 to 22.00hrs Monday to Thursday, 09.00 to 23.00hrs Friday and Saturdays and 09.00 – 20.00 on Sundays.

Loading/Delivery bay - no storage;

14. Notwithstanding any details submitted as part of this application there shall be no storage of any materials, including any associated waste materials, within the delivery bay.

Servicing, refuse and recycling;

15. Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of the servicing arrangements, refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

Fat/grease trap;

16. Prior to the commencement of any food uses hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.

Odour nuisance;

17. Notwithstanding any of the submitted details, before any hot food use(s) commence, details of a ventilation and fume extraction system shall be submitted to and agreed in writing with the Local Planning Authority for approval. Such details shall include a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises. Such a scheme shall also detail that any flue is provided no less than 1 metre above the eaves of the main building and positioned at least 2 metres away from any window that is able to be opened. The agreed extraction system shall be installed before the development is brought into use and be in full accordance with the agreed details. Thereafter the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Noise disturbance from plant/machinery

18. Prior to any plant or machinery being installed and being brought into use, details shall first be submitted to and be approved in writing by the Local Planning Authority. Where any plant is expected to increase background noise levels, it shall be enclosed with insulation or other appropriate sound control measures which must also first be agreed in writing with the Local Planning Authority. Thereafter the plant and agreed sound control measures shall be

maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any acoustic screening or vibration mounts.

Construction Management Plan;

19. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development. The construction plan shall detail the routing of all HGVs movements associated with the construction phases; set out how dust emissions and dirt from the site works will be controlled including earth moving activities, control and treatment of stock piles, wheel cleansing and sheeting of vehicles; show parking areas for use during construction; including measures to protect any existing footpaths and verges; and, offsite dust/odour monitoring and communication with local residents.

Travel Plan;

20. Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

External roller shutters

21. Notwithstanding the submitted details, the full details of any external security shutters or grilles shall be submitted to and be approved in writing by the Local Planning Authority prior to any installation. Such a scheme shall include and make allowance for any shutters and grilles being of a perforated, punched or open mesh style and the shutters roller mechanism and casement box shall be colour powder coated. Any security shutters or grilles shall be installed in strict accordance with those agreed details and the shutters, mechanism and any casement box shall be retained in the agreed style and colour unless otherwise agreed in writing by the Local Planning Authority.

10% Renewables;

22. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with

Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Retail floor space restriction:

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order the hereby approved development shall have a maximum net retail floorspace (net sales area) of 1,233sqm.

No subdivision:

24. The premises shall not be sub-divided into independent units without the prior written consent of the Local Planning Authority.

Control over extent of convenience shop;

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, the convenience store (unit 10) hereby approved shall not exceed a net retail sales area of 280sqm.

Control over uses;

26. Upon implementation of the hereby approved development, no more than a total of five units shall fall within use classes (A2, A3, A4 or A5) with a maximum of two uses falling within use class A5 as defined by the Town and Country Planning Use Classes order 2006 with the remaining seven units falling within use Class A1.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

P 15/2977/REM
113/15 Land South Of Green Lane, Yarm,
Reserved matters application (appearance, landscaping, layout and scale)
for planning approval 12/1990/EIS for 148 houses with associated
landscaping.

Consideration was given to a report on planning application 15/2977/REM Land South Of Green Lane, Yarm.

Outline planning consent was granted in 2013 for up to 370 dwellings, additional railway station parking, access, infrastructure, open space and landscaping on land south of Green lane, Yarm (12/1990/EIS). 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 148 dwellings with associated 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 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.

At the heart of the National Planning Policy Framework was a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this meant approving development proposals that accorded with the development without delay; and where the development plan was absent, silent or relevant policies were out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicated development should be restricted

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 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 the layout 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 main report.

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

- Concerns were raised in relation to the layout of the site and issues surrounding the proposed ponds on the SUDS. The same issues were raised at the time when the principal of development was being sought and members of the public had raised concerns relating to ponds and the effect it would have on

the natural environment. There were no ponds or watercourses on or near to the site however by introducing ponds, this could change the nature of the environment which was essentially a wildlife corridor. Questions were raised as to whether or not assessments had been carried out in order to determine if the nature of the environment would be affected. If the environment was to change this could have an impact on the current wildlife and species on the site.

- Members raised concerns relating to the position of the affordable housing. It appeared from the plan that the houses were cramped and close together. The size of the affordable homes was also a concern as they were extremely small. There were two property types of affordable homes on offer which were 52sqm and 59sqm. Comparisons were made to houses considered to be in an affordable area in relation to size and those houses were 89sqm and 90sqm. Members felt that the affordable houses on offer were second class and not suitable. In addition it was highlighted that the charitable organisation Shelter had recently issued a report detailing concerns they had where small properties which were affecting people's mental health. It was felt that due to the types of houses and the position on the site a ghetto was being created due to the separation from the larger houses creating a 'them and us' situation. Affordable housing needed to be good quality housing of a good quality size offering people a good quality of life. Could the developer not look at examples in Thornaby and Ingleby Barwick where affordable homes had been scattered within developments?

- Considering the aging population the site made no provision for bungalows.

- The design of the houses were not new or innovative.

- The site was said to be on the South Western edge of the built up area of Yarm, but the site was in the Parish of Kirkclevington. The main report stated that properties would be predominantly 2 storeys in height, Members asked whether some properties may exceed this to 2.5 stories? The report also stated that there would be a varied range of density across the whole development, in addition to the affordable housing being all lumped together they were to be located right next to the power line at a much greater density than the other homes on the development. There was no visuals of what the affordable homes would look like contained within the report.

- In terms of highways, transport and environment, the report, stated that 'The Transport and Environment Manager considers that the proposal submitted, although less than desirable, are acceptable in terms of access, appearance, landscaping, layout and scale. The report also stated that there was the inclusion of a rising gas main at a late stage in the estate landscape development near the affordable housing which had deleted most of the landscaping creating a less than desirable layout. This was two things which were less desirable. Members asked why should proposals be accepted which were less than desirable, and what exactly did that mean? Could the deletion of the landscaping be addressed by reducing the number of houses on this particular development?

- Members highlighted the offsite highway works which were required including an additional pedestrian crossing on Green Lane. There were currently no pedestrian crossings on Green Lane. Where would the crossing be located, and

would it be east of the railway station? There was no crossing for children attending Conyers School from the south of Green lane and there was a significant number of children who used the local train to get to school from Thornaby. Children who walked to school had to negotiate traffic on an extremely busy road.

- Members sought clarity as to what the highway mitigation works were as stated within the main report.

- Officers were asked to confirm where the proposed allotments were to be on the site as they were not identified on any of the plans.

- Concerns were raised as to whether the developer would come back and ask to build additional houses on the areas which had been identified as green space within the development such as the allotments.

- At Outline planning consent had initially been given for 135 dwellings on the part of the site which was being considered today however the number of dwellings had now increased to 148. Members raised concerns as to whether there would be an increase in the number of dwellings for the remainder of the site which had obtained Outline planning approval.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- Officers did not disagree with Members concerns relating to affordable homes, however the Government had decided that affordable housing was too big, too expensive and therefore had set standards which, the HCA had to follow. Housing colleagues had been consulted and confirmed that the proposed affordable housing on the site was in line with Government guidance.

- It was explained to Members that there wasn't anything within the schedule to say that any of the dwellings would be above 2 storeys.

- Where the term 'less than desirable' had been made by the Highways and Transport Manager, Planning Officers confirmed to the Committee that the scheme was acceptable in planning terms.

- It was confirmed that all of the Landscaping met the authorities standards including sustainable drainage areas in terms of ecological potential. The SUDS areas had been designed to accommodate water in times of flooding in terms of a 1 in 100 year event. The open space area would be amenity type grassland suitable for play provision. All planting would be of native species appropriate to the area.

- Comments raised in relation to the gas main, Officers were confident that the gas main could be relocated as part of the adopted works. If so then Officers would work with the applicant to reinstate the landscape. Officers did confirm however that the layout was to a general standard

- In terms of pedestrian crossings on Green Lane, as part of the outline application the proposals included offsite highway works such as car parking both at Yarm Rail Holt and to serve Yarm High Street, they were still to be

required, however in terms of Green Lane, crossings were proposed to allow for safe passage from residents from the proposed development to the estate on the other side and further into Yarm.

- In terms of a pedestrian crossing, Officers explained that a crossing would be provided however not a signalled crossing but a traffic island in the middle of the road to allow pedestrians to cross in two stages, that was known as a pedestrian refuge which had been agreed at the outline stage.

- Officers were aware of the current situation in relation to children crossing to get to Conyers School, however it was outside of the proposal but Officers were looking at it separately.

- Where the report had stated that the access was less than desirable, this was confirmed as an error within the report.

- In relation to the location of the allotments Officers explained that the allotments were to be located on the western edge of the site which would be to the rear of the affordable homes. A condition was to be attached detailing how they would come forward and be managed, to be used by community groups.

- The proposed scheme was in line with what was considered to be a reasonable development.

Following Members concerns and comments and a suggestion from Members to defer, Officers agreed to change their recommendation to defer to a future Planning Committee meeting and provide additional information to enable Members to make a more informed decision.

A vote took place and Members agreed to defer the item to enable the developer to be made aware of Members concerns and respond accordingly.

RESOLVED that application 15/2977/REM Land South Of Green Lane, Yarm be deferred to enable the developer to be made aware of Members concerns and respond accordingly. Outcome to be reported back to a future meeting of Planning Committee.