

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 27th July, 2016.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Eileen Johnson (sub Cllr Carol Clark), Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Mick Stoker, Cllr Tracey Stott, Cllr Sylvia Walmsley, Cllr David Wilburn

**Officers:** Julie Butcher (HR,L&C), Peter Shovlin, Joanne Roberts, Barry Jackson, Chris Renahan, Elaine Atkinson, Emma Leonard (EG&D), Colin Snowdon (DCS), Gayle Nertney (DCE)

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

**Apologies:** Cllr Carol Clark

## **P Evacuation Procedure**

**41/16**

The Evacuation Procedure was noted.

## **P Recording of Council Meetings**

**42/16**

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**

**43/16**

Councillor Elsi Hampton declared a personal and non prejudicial interest in relation to item 15/1643/OUT Land South Of Kirklevington, Thirsk Road, Kirklevington. Councillor Hampton informed the Committee that she was an unpaid church warden at the local church, St Martin and St Hilary, Kirklevington. The church had submitted comments in relation to the application; however the church had taken a neutral position in respect to planning issues. Councillor Hampton explained that she had not taken part in any discussions relating to the application and there were minutes to prove this. Councillor Hampton's husband's name did however appear within some documentation relating to discussion about the application however it was in respect to submitting the comments on behalf of the church as he was secretary of the local parochial church council, which was an unpaid position that Councillor Hampton's husband no longer held. Councillor Hampton was not predetermined and reserved the right to speak and vote on the item.

## **P Minutes from the Planning Committee Meeting which was held on the 25th May 2016.**

**44/16**

The minutes of the meeting held on 25th May 2016 were signed by the Chair as a correct record.

AGREED that the minutes were signed by the Chair as a true record.

**P 15/1643/OUT**  
**45/16 Land South Of Kirklevington, Thirsk Road, Kirklevington**  
**Outline application for the construction of up to 145 dwellings and**  
**associated community and sport facilities (all matters reserved)**

Consideration was given to a report on planning application 15/1643/OUT Land south of Kirklevington, Thirsk Road, Kirklevington.

Outline planning permission was sought for a residential development of up to 145 houses with all matters of Access, Layout, Appearance, Scale and Landscaping reserved which would be considered under separate application/s were outline permission to be granted. Being outline only, permission was only being sought for the principle of the development although it was expected for reasonable demonstration that what permission was being sought for can reasonably be achieved.

The site was on the southern side of Kirklevington and an indicative layout was provided which reasonably demonstrates 145 houses could be accommodated on the site along with internal roads, green infrastructure corridors, open space and community facilities including shop, Multi Use Games Area and car park. The village was viewed as being an unsustainable location for new development and the applicant had sought to provide sufficient services to address this matter, which included provision for funding a regular 7 day a week bus service for a 5 year period.

Objections had been received against the application, the main ones suggesting new development was not required in the village, that adequate access could not be achieved safely, that there was already too much congestion in the area, that the existing drainage system could not cope with additional demand and that the services proposed were not needed or wanted.

National planning Policy accepted the approach to supporting development in areas where it could be made to be a sustainable location and in view of the provision proposed by this application, it was considered that the development would represent sustainable development and would as a result; improve the sustainability credentials of the village for existing residents.

The Highways, Transport and Environment Team had confirmed that the additional traffic could be accommodated on the local highway network subject to works being undertaken to the Crathorne Junction and these would be provided by the developer. It was also confirmed that adequate safe access into the site could be achieved although detailed design would form part of reserved matters applications.

The indicative layout showed generous spacing of development from existing properties and a wide open area in front of the nearby listed church which demonstrated there would be no undue impacts on residential amenity and the setting of the adjacent church. The indicative plan showed strategic green corridors to the west and south of the site which would break up views of the development from the wider area.

Surface water was indicatively shown as going into the local watercourse which would be attenuated to an appropriate discharge rate and foul water would go to the existing Sewage Treatment Works.

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 in view of the considerations detailed within the main report, the proposal was considered to be suitable and sustainable in principle in view of the lack of a deliverable 5 year supply of housing and in view of the proposal providing a number of community / service related provisions which would improve the sustainability of the village sufficiently for it to be considered as a settlement suitable to accommodate residential development. The proposal was therefore considered to have significant economic, social and environmental benefits.

The proposal would not unduly impact on heritage assets, existing amenity and privacy or adjoining land uses to degree which would warrant refusal whilst would provide green space and green corridors and landscaping via reserved matters applications which would support ecology and bio-diversity. It was also considered that the scheme could achieve adequate access and mitigate its impact on the highway network and would not increase risk of flooding and would therefore be in accordance with the National Planning Policy Framework and constitutes sustainable development.

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 how it would treble the size of the rural parish.
- The development would not fit in with the local plan, the core strategy development plan, the updated planning for the future of rural villages or the guidelines laid out in the NPPF.

- Kirklevington was a level 3 unsustainable development, and was listed as 'not suitable for development'.
- There is currently no public transport serving Kirklevington.
- Within the planning application, the developer has committed to funding a 5 year bus service once the 60th house had been occupied. Will this make the village sustainable? Concern was raised at how long into the development this would be, and what would happen to the bus service after the 5 year funding. It was felt that it would cease due to not being profitable, and therefore pushing the village back into the unsustainable category (predicted at only 2 years after completion of development).
- Information was out of date relating to flow of traffic, capacity and volumes on the A67, as well as other adjacent routes to and from Yarm.
- Recent consultation document states that Green Lane roundabout and Leven Bank are almost at maximum traffic capacity, and that there should be no further developments south east of Yarm.
- How long can SBC use the fact that there is a minimal shortfall of housing to pass developments – what is the shortfall? And when was the shortfall last calculated?
- This proposal is contrary to EN13 – Countryside Protection Policy.
- Local roads were already at their maximum traffic capacity, and cannot take on any more traffic.
- Concerns over accuracy of ecological survey commissioned by the developer. More ponds in locality, barriers to newts as suggested in report not believed to be barriers. Changing the flow of surface water will result in areas drying out thereby affecting habitat.
- The ecology report of bird species utilising the site notes only 2 red and 1 amber category species. Local observations in 2015 have shown 5 or more red and 3 more amber species. The report sidesteps any mitigation and biodiversity enhancement measures, thus leaving these requirements (Section 11 of the NPPF) to some future unspecified detailed design. Loss of habitat of certain Red Category farmland species cannot be mitigated by the customary soft landscaped plantings. The requirement for open farmland for breeding is crucial – eg Grey partridge, Linnet and Yellowhammer which utilise the site. The so called "Wildlife Corridor" proffered is merely a strip of land around a public right of way, used by people exercising their dogs. A proper wildlife corridor joins habitats. This is not one, as it ends in St Martins Way. Any future housing plans, given the density proposed, leaves little scope for any meaningful mitigation – merely some cosmetic soft landscaping, which is not the same thing.
- Concerns were raised over the history and heritage of the proposed development site, as well as the Grade II listed church which is currently protected in a rural setting.
- Overdevelopment of housing in the area. Recently approved applications include: Green Lane 370; Tall Trees 330; Mount Leven Farm 350; Low Lane 350; Morley Carr 350 Totalling 1750. Include the 145 units on this application, as well as a further application by Theakstons for a further 100 units this is almost 2000 additional units in the area. The impact of this would be a further 8000 people and 4000 cars.
- Concern was raised over the current demand on services including healthcare and education, and how a potential additional 8000 people would impact on these services.
- Walk, drive or cycle along the A67 to access services such as Doctors, Dentist, School etc, which are outside the recommended walking distances.

- Concern was raised that due to the small narrow roads and footpaths along the A67 which has a 60mph speed limit, there is no safe walking or cycling to and from the village.
- There is no lighting along half a mile of the A67, which has large articulated vehicles travelling at 60mph. In the winter months, children walk this route home from school in almost darkness.
- Improvements to A67 have previously been stated as not viable or justifiable.
- How will the need for travel be minimised in accordance with the NPPF?
- The added sustainability options that were added to the application are not required by the village, including sports developments and a second village green.
- No employment opportunities within the village.
- House sales are slow at Kirklevington indicating no demand.
- 3 roads to boarder the proposed village green – Concerns raised over children’s safety and security.
- Footpath is not wide enough – if people walking in opposite directions, somebody would have to step onto the road. Too narrow for a mother with a pram and a small child to walk along without stepping onto the road.
- Existing junction between the A67 and The Crown is already busy and dangerous, and traffic is set to increase with other granted planning developments.
- No crossing on Greens Lane – Existing concerns over school children walking to Conyers School.
- Application includes affordable housing, however Kirklevington already had an existing number of affordable homes built – many of which remain unsold or available to let, as no demand within the location.
- Consultation document states roads are already at their capacity before the additional homes have been built.
- Previous village shop closed down 25 years ago, and it is felt that due to competition from nearby Aldi and Yarm High Street, the shop would close due to not being sustainable.
- There is an existing problem with the stench and sewer vent at the junction of Pump Lane and Forest Lane. The additional proposed homes would make this problem worse.
- The area suffers with surface water running from the fields onto roads – it is expected that this would worsen following the development.
- A sturge storage system would be required, having a capacity of 970 cubic meters in order for flooding to be managed.
- Area suffers with persistent standing water up to a depth of 250mm/10 inches, in particular over the winter months – worst area affected is the proposed new recreation area/green/church parking zone.
- Flooding is not a short term problem, it lasts for weeks/months every year.
- Path to school in impassable during winter.
- Drainage on fields is not connected to sewerage system – was intended to take water from the school.
- The application does not highlight the narrow blind bend at Pump Lane which is immediately before the proposed new link road between the site & the village, nor does it highlight the extremely narrow footpath which is a main concern for pedestrians.
- A67 is already a busy road as main access to the A19 – traffic is to increase following the 700+ planning applications that that have been granted, and there were concerns over traffic joining this busy road from the development.
- This development would mean worse lives for future generations, as indicated

in the NPPF as not being in a sustainable location.

- High end housing is not in short supply in this area, as stressed in the Inspectors report in 2010.
- Concern raised over the capacity of the existing sewerage works which were already operating at its maximum capacity, and further properties leading to further discharges of untreated sewerage into the local beck at times of heavy rain.
- Tanker traffic – The current de-sludging of units involves a minimum of 5 tanker visits every week - this development will increase the number of tankers required. Tankers struggle with the tight turns, and often drive over kerbs, pavements etc. causing damage.
- Foul drain pipes – unknown condition but fears over further flooding if in poor condition.

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

- Officers have recommended approval of this application.
- Application would add quality & improve community.
- School, Church, Community, pub and car garage contribute to sustainability.
- Bus service – 60th plot was just a suggestion, advised that this can be changed to be implemented sooner.
- All issues regarding ecology drainage have been addressed by Officers.

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

- It was stated within the report that the area was regarded as unsustainable on the basis of the Village Study. There had been a number of recent planning appeals where Planning inspectors had stated that the village study had no status, and cannot be considered as a local plan document as it has not gone through the process and therefore bears no weight. What the Inspectors have done in the decisions (in particular at Redmarshall), was they looked at the situation, and the presumption was in favour as the council does not have a 5 year supply, and what does the developer need to do in order to make the area sustainable in terms of the NPPF, and that is why the report, presentation and the application have centred around the bus service.
- Stockton do not have a 5 year supply, and in accordance with the NPPF, then the Local Plan is considered to be out of date. The policies that would be used to prevent this development going ahead cannot be applied as there is no 5 year supply.
- Ecology and archaeology – Comments from Tees Valley wildlife & Tees Archaeology are included within the report, following their assessment of the application and they had no objections.
- Access – now a reserved matter. Unable to consider the details as they are only indicative at this time.
- In response to comments made about affordable housing, the policy requires 15% of the proposed development. The application states 'up to 145 dwellings', so the number of affordable homes would be calculated from the final agreed number of dwellings.
- Highway comments – Highway Impact Assessment had been carried out in accordance with accepted methodology, and that had shown to demonstrate severe congestion. No highway safety objections in relation to any other aspects.

- Surface, ground water & sewerage issues – No objections from Northumbrian Water or Highways Transportation and Environment as the Lead Flood Authority. Conditions would be imposed, which would then have to be satisfied to be discharged.
- Model was fully up to date, including all new developments and mitigation. Output of modelling exercise was that the impact of this development would not be severe.
- A19 being closed would not be classed as normal conditions when carrying out the Highway Impact Assessment, so would not be taken into account.
- The proposal for the bus service operating after completion of the 60th house was flexible, and was proposed in order to get the balance in order to make it a successful commercial service.
- A67 was not deemed to be unsafe, and did not have any causation factors. This development would not be deemed as increasing highway safety risks.
- Safe access/exit to the site is now a reserved matter, but members were advised that this would be Officers would ensure sufficient visibility for motorists
- Road Safety Audit – Not a legal requirement for this development, but would be built into the 278 agreement if development approved..
- Pedestrian/cycle route had previously been deemed safe for secondary school students. Previous requests for a formal crossing, but did not qualify for funding – will continue to monitor. Cycling movements are not proportionate for this development due to the safe pedestrian route and the proposed bus service.
- Construction Management Plan was already a condition of the outline application, and suitable routes for construction vehicles would be addressed under this condition.
- Surface Water Management would be covered under condition 13. Proposed development site was not in flood zone 1 and therefore not at risk, however officers are aware that there is standing water within the site. Members were advised that the Developer was working on their Flood Risk Assessment of the site, and that all conditions would need to be met. Discharge limit has been set of 39.6l/s. A pumping station was a possibility. Any drains exposed during excavation would need to be investigated.

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

- Confirmation was asked on whether the proposed bus service would be hourly or half hourly.
- What times would the bus service operate? Would it facilitate times of travel to and from places of work, and would it link to other services?
- What was the time anticipated for the 60th house to be completed and the introduction of the bus service?
- What would happen when the 5 year funded service ceased? Would the bus service stop and the village be pushed back into unsustainable category.
- Concern over education/school places, and what would happen if places weren't available for children, given the number of permitted developments within the area?
- Members supported a condition stating that no construction traffic, personnel access the site from St Martins Way if permission was granted.
- Concerns over access to site, and members were keen for this to be considered as a full application, and not looked at a later date.
- Members would also like drainage included within the full application.
- 5 year housing supply – if all properties were built that have been given permission for, 5 year supply would be exceeded.

- Shop – Concern over whether this would be sustainable and would remain open.
- 35% increase on the village is deemed to be too large, and would change the whole character of the village. No need for a second village green.
- Members were concerned that ATS didn't score the request for a crossing high enough to take forward.
- Concerns on whether the road network would cope with the additional cars
- Footpath is narrow and dark on Green Lane, and concerns were raised on safety of pedestrians.
- What is the definition of severe with regards to traffic?
- Members requested that the Traffic model be examined for the capacity of each junction.
- Could the bus be utilised to take children to and from school?
- Confirmation required on what the speed limit was on the section of the A67 where access was proposed.

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

- A previous appeal decision was referred to where the Highways Authority objected to a development.
- The model looked at the impact of the development, not of each junction. Officers did not believe that the impact of this development would be severe at any of the junctions.
- Heads of terms stated that the bus services would run hourly.
- Officers were unable to confirm how long into the development the 60th house would be completed in order for the developer to commence the funded bus service.
- Education is addressed within the report, using a standard formula. School year places differ year to year and cannot be predicted. 106 agreements can be used to address situations at the time, possibly increasing the size of schools. This is not justified as a reason for refusal.
- Confirmed that speed limit was 60mph, dropping to 40mph just after the proposed access road to the proposed new development.
- The Government support 'land banking' (where developers are granted planning permission but delay starting work), as it significantly increases the supply of housing
- Access to and from the site is a reserved matter and not part of this application.

A vote took place and Members were minded to refuse the application however the Legal Officer and the Head of Planning were of the opinion that a refusal on the grounds suggested may be unsustainable and that the application be deferred under the Planning Committee Decisions Protocol to enable further consideration and advice by Officers.

RESOLVED that the Planning Committee Decisions Protocol be invoked and therefore planning application 15/1643/OUT be deferred for further consideration by Officers and subsequent advice to Members when the application returns to committee.



## **Proposed extension to rear, raising of roof height, installation of retaining wall and 1.8m high timber fence to northern and western boundary**

Consideration was given to a report on planning application 16/1029/FUL Fairfield Garage, 318 Bishopton Road West, Stockton-On-Tees.

The application sought permission for the erection of an extension to the rear and raising the roof height of the commercial garage building at Fairfield Garage, 318 Bishopton Road West, Stockton on Tees. It was also proposed to install a new boundary enclosure.

The Highways, Transport and Environment Team raised no objection to the proposal in highway or landscape and visual terms. The Environmental Health Unit had no objections subject to the construction hours being restricted.

Following neighbour consultation there had been 11 letters of objection. The objections principally related to an increase in the working hours, however this was not for consideration as part of this application. Other concerns related to noise and parking issues.

In view of the material planning considerations and the commercial nature of the existing site, it was considered the proposed works would not lead to an unacceptable loss of residential amenity, would not have a detrimental visual impact and was acceptable in highway terms.

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.

It was recommended that the application be Approved with Conditions for the reason(s) specified above.

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

- Not a commercial location, garage is within a residential area.
- Concern over existing noise from the garage, and fears that this noise will increase.
- Spray from car washing area blowing over fence into neighbouring gardens.
- Not all neighbouring properties were informed of the proposals.

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

- All adjoining neighbours have been consulted.
- It was accepted that the areas was residential, but this application was considered as alterations to an existing repair garage, not a request for a new premise/change of use.
- No works were allowed to be undertaken outside, and doors must be kept closed in order to minimise noise.
- Car wash is already in operation, in an adjacent premises, not this garage and any requests to amend working hours would be dealt with as a separate issue.

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

- Concerns over noise, and the relocation of the door. Members were concerned that doors would not be kept close during working hours, in particular for ventilation.
- Clarification required over the increase in staff as it was originally 12 and reduced to 6.

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

- The condition of the doors being closed was included, because of the noise relating to this type of business. Should the business not comply with this condition, then appropriate enforcement action would be taken.
- Ventillation would need to be considered by the business in order to protect their employers, and it was stressed that should adequate ventilation not be achieved then opening the doors would not be permitted. It would be up to the business owner to find alternative ways of providing adequate ventilation.
- 3 existing employers, and it was initially to increase to 12, but this has reduced to a maximum of 6 employees.

A vote then took place and the application was approved.

RESOLVED that planning application 16/1029/FUL be approved subject to the following conditions and informatives below;

#### 01 Approved plans

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

Plan Reference Number	Date on Plan
SBC0001	19 April 2016
PLAN/4	13 May 2016
PLAN/5	13 May 2016

02. Materials

Notwithstanding any description of the materials in the application no development shall be commenced until samples of materials to be used in the construction works hereby approved have been approved in writing by the Local Planning Authority.

03. Hours of construction

No construction works or delivery/removal of materials on/off the site shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

