

Planning Committee

A meeting of Planning Committee was held on Wednesday, 28th September, 2016.

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

Officers: Kieran Campbell, Andrew Glossop, Simon Grundy, Barry Jackson, Joanne Roberts, Peter Shovlin, Sam Tidy(EG&D), Julie Butcher (HR,L&C), Sarah Whaley(AD&ES).

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

Apologies: Cllr Gillian Corr, Cllr Elsi Hampton, Cllr Wilburn

P Evacuation Procedure

62/16

The Evacuation Procedure was noted

P Recording of Council Meetings

63/16

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

64/16

Councillor Philip Dennis advised the committee in relation to item 16/1579/COU The Willows, Aislaby Road, Eaglescliffe as he was Ward Councillor for Eaglescliffe. Councillor Dennis explained that he had facilitated a meeting between Officers and the Applicant to ensure that a quality application was submitted and also to help build positive relationships with Officers of the Council to help in the process. Councillor Dennis was not pre-determined and reserved the right to speak and vote on the item.

Councillor Sally Ann Watson declared a pre-determination relating to item 16/0323/OUT Lowfield Farm Low Lane, High Leven. Councillor Watson had previously commented on the application. Councillor Watson reserved the right to speak but did not vote on the item.

P Minutes from the meetings which were held on the 27th July and 17th August 2016 for approval and signature.

65/16

Consideration was given to the minutes of the Meeting which was held on the 27th July and 17th August 2016 for approval and signature.

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

Chair.

P 16/1579/COU
66/16 The Willows, Aislaby Road, Eaglescliffe
Revised application for change of use from dwelling (C3) to children's home (C2).

Consideration was given to a report on planning application 16/1579/COU The Willows, Aislaby Road, Eaglescliffe.

Planning permission was sought for the change of use of an existing residential property located on Aislaby Road in Eaglescliffe to a care facility (C2 Use Class). The proposed facility was aimed at providing care for up to 5 children on a permanent basis, with the children residing there as their permanent home. Staff would be at the property 24/7 to provide care/support to the children and would operate in shifts.

16 objections had been raised by local residents which mainly related to concerns around the suitability of the site, its vulnerability to flooding; that children within the home would cause anti-social and criminal behaviour within the village, that this would change the feeling/character of the semi-rural area, that additional traffic would cause nuisance and highway safety issues. 21 letters of support had been received and considered objections based on anti-social behaviour to be unsubstantiated.

The principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme were all considered to accord with the National Planning Policy Framework and the Core Strategy. The site was an existing property and whilst it was within a semi-rural location, it was within the limits to development and was therefore considered to be sufficiently sustainable as a result. It was also argued that the site would provide a pleasant environment in which to bring up the children and this reasoning was accepted.

Whilst the site was located within Flood Zone 3, the proposed change of use from a residential property to a residential institution would not change the classification of vulnerability for the use within the environment agencies flood risk vulnerability classification and given there was no formal development works, the use in itself would not increase the potential for flooding at the site.

The concerns over the potential for anti-social behaviour were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was argued that this was more of a matter for the management of the facility and others such as the police were anti-social behaviour to occur. Notwithstanding this, it was considered necessary to ensure the property remained to be a children's home of a limited scale as was being proposed in order to prevent future uncontrolled change and prevent it being used in a different manner to that which was being considered. As such, a condition was recommended which limited the age of cared for residents as 18 and which restricted the number of cared for residents to 5, which was considered to reflect in part the number of children that could be accommodated within a large family home.

It was considered that there was no undue risk to highway safety, that adequate

parking could be provided and although the use of the site and comings and goings would intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings or amenity associated with nearby properties taking into account the property being a large detached dwelling, within its own extensive grounds on the edge of the settlement.

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

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

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme were all considered to accord with the National Planning Policy Framework and the Core Strategy.

The residents' concerns over the potential for anti-social behaviour were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was argued that this was more of a matter for the management of the facility and others such as the police, were it to occur. Notwithstanding this, it was considered necessary to ensure the property remained to be a children's home of a limited scale as was being proposed in order to prevent future uncontrolled change. As such, a condition was recommended which limited the age to which cared for residents could be and which restricted the number of cared for residents to 5, which was considered to reflect in part the number of children that could be accommodated within a large family home.

The proposed change of use to a residential institution would not increase the environment agencies classification of vulnerability and given there was no formal development works, the use would not increase the potential for flooding at the site.

It was considered that there was no undue risk to highway safety, that adequate parking could be provided and although the use of the site and comings and goings would almost certainly intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings or amenity of nearby residents taking into account the property being a large detached bungalow, within its own relatively extensive grounds.

In view of all of the above, it was considered that the proposal was in accordance with the Development Plan and the National Planning Policy framework and there were no material planning considerations which indicated otherwise. It was recommended that conditional planning permission be granted.

Members were presented with an update report which since the main report it had been noted that an additional letter of support had been received from a mother of a severely autistic child, details of which could be found as an update to the main report. The additional comments of support were noted and they did not alter the recommendation of the main report however Officers agreed to recommend an additional condition relating to access onto the site and the repositioning of the entrance gates should it be necessary. The recommendation was to enable mini buses to pull into the bell mouth at the front of the gates and should they be closed could do so without any hang over onto the highway. The buses would then be able to enter the site in a safe manner. All other conditions remained unchanged as detailed within the main report

The Planning Officer presented the Committee with the report and associated diagrams, photographs and slides.

A representative objecting on behalf of his clients was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The many letters of support showed the application was much needed and a great idea if it was located in a safe area.
- They were many parents who were desperate for this type of facility however it was suspected that they had not lived at or seen the site during flood.
- The clients who were neighbours to the site were not looking at this from a NIMBY perspective but as concerned local residents who understood the issues of the site. The clients had a beck running across their back garden, which was a water course which would rise and fall from time to time and nothing could be done to prevent it from happening. When the beck did flood it did so in spate, it was not just calm level water. It was highlighted that the photographic evidence which was showing flood water at the proposed site was not considered severe; however it was easy to see the consequences. There had been at least 3 events in the last few years which were similar.
- The report stated that a children's home was in the same flood category as a dwelling and therefore this was not considered an issue. It was felt that this was lacking in common sense. The same advice required a flood risk assessment for a second floor office in the centre of Yarm that was 10 feet above the highest flood level which was marked on the Town Hall wall. Clearly some human

discretion was required and the advice needed proper understanding otherwise it gave bizarre results.

- No one had tried to look at the scheme from a practical perspective. The applicants themselves highlighted how important routines, stability and certainty were to autistic children. They could be highly disturbed by unscheduled changes. No one had commented upon how an emergency evacuation would be achieved, of very upset and disturbed children at 3o'clock in the morning, what additional strain this may put on emergency services, or the health and wellbeing of the children. There were no comments within the report from the Fire Service or clinical child psychology and such advice was needed to approve this type of scheme.

- The clients objecting to the proposal had carried out their own speed survey where it was found that cars travelled at an average speed of 44mph with some vehicles travelling at well over 50mph, which was not in keeping with the 30mph speed restrictions. The required visibility splay was not achieved as it was 5mtrs short. The clients could not understand how it could be ok to have a 5mtr short visibility splay when children were being considered.

- If the scheme was a genuine proposal it could take place at another site, which didn't flood and where speeds were lower or visibility was better. The proposed scheme did not have to be on the proposed site.

- Members were asked to refuse the scheme or alternatively defer the scheme for expert advice on evacuation from both the fire and medical services.

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

- The Applicant informed the Committee that the idea for the proposed scheme came about due to his own circumstances as he himself had an autistic child and there was a lack of facilities available within the area for autistic children.

- In relation to flooding, the applicant had owned the property for over 10 years and it had only ever been in flood once during that time, which was detailed on the photographic evidence presented to the Committee. The drive was elevated towards the house so the water ran towards the gated entrance. The flood water had only reached 6 inches high at the front gates and therefore the applicant did not consider this to be an issue.

- Where concerns were raised in relation to speeding traffic, any vehicles exceeding the speed limit should be dealt with within the remit of the law not the Planning Department.

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 objections received stating the presence of giant hogweed which was a dangerous poisonous plant.

- Questions were asked as to whether the flood assessment within the officers report was a desk or site based assessment.

- The scheme was a welcome and much needed facility which was required throughout the borough. Eaglescliffe itself had a longstanding tradition of looking after vulnerable people. There was already a home for adults with various disabilities which were fully integrated within the community. There were a high number of residents in the area that provided foster homes for children with various disabilities and specific needs. The site location was however a concern, there was flooding at Seymour Avenue and the playing fields and the actual site itself as demonstrated by the photographic evidence. It was a concern that children with autism or specific needs required continuity and a sense of security without drama.

- It was highlighted that there was no footpath access to the proposed site It was important that there was a safe access point. It was also a known road for speeding traffic and although this was to be dealt with as a separate issue as it was a matter for the law, it should not be ignored as it was a real safety issue for the children.

- There was a footpath close to the river however was unlit and prone to flooding.

- Hogweed was in the vicinity however not on the proposed site. It was sprayed regularly each year however was still a problem.

- Where concerns had been raised in relation to flooding there was an action plan contained within the officers' report which satisfied those issues. There would be autistic children living at home with their families who were residing in high flood risk areas, going on country walks along riversides. Children with or without conditions were used to living in close proximity to roads and spending time in close proximity to riverbanks where there may be toxic plants. It was everybody's duty to ensure safety for children and it was felt that these concerns were a diversion from the main point of the proposed scheme.

- It was felt by some Members that a more detailed condition mitigating flood risk was required within the recommendations, otherwise the scheme was welcomed and any scheme trying to bring children with difficulties into a family environment should be encouraged.

- It was highlighted that the summary of the Officers report at page 3, mirrored that of a previous planning application, 14/1211/COU Red Plains, which had been a Spark of Genius and Stockton Borough Council joint venture application, however it was noted that this one wasn't.

- The class 2 change of use was not just for autistic children and neither was it just for respite, it was for residential care.

- The summary of the Officers report stated that it was difficult to predict anti-social behaviour, but not impossible. Vulnerable people were not those just in the residential home but also existed within the community. In Hartburn where the Red Plains children's home was, a young family who lived close by and were vulnerable had to move out of their home due to anti-social behaviour from the Red Plains home.

- There had been no letter submitted with the proposed application from Steven Davis representing the Police and neither was there a report from the Fire Service.

- The final paragraph of the proposal at page 34 made reference to 10 parking spaces available on the proposed site; however in reality at Red Plains there were often 14 vehicles at one time. There was no provision in Aislaby for more cars to park on the main road.

- A Member highlighted that an exact copy of part of the Red Plains application had been used for the proposed application that the Committee had been asked to consider today. It was suggested that this could be considered as plagiarism as the applications were different.

- Once the 10 year lease on the Red Plains site had been signed, an industrial sized red bin had been installed on site which brought with it concerns in relation to large collection vehicles coming in and out of the site.

- Reference was made to the Core Strategy Development Plan Policy CS8 – Housing mix and affordable housing where it stated that; ‘The Council will support proposals that address the requirement of vulnerable and special needs groups consistent with the spatial strategy’. One Member felt that this did not support the vulnerable groups within the village, the elderly and the young and how they would cope with the proposal should it be approved.

- Concerns were raised relating to community safety implications where it was stated within the report that; ‘Issues of anti-social behaviour had been considered’. There was one Member who felt that this had actually been discounted.

- Some felt that Aislaby was not a suitable location as it was far too rural for teenagers and that teenagers would be better off as part of a bigger community.

- Many Members supported the application and felt it was a much needed facility in the area and hoped to see more in Stockton Borough.

- Questions were raised as to whether there was a need for signage to alert motorists to the possibility of children crossing.

- in relation to the change of use to a C2, clarification was sought as to what would happen if the applicant decided not to use it for autistic children as this seemed to be the main focus.

Officers were given the opportunity to address the Committee in relation to issues/concerns raised. Their points could be summarised as follows:

- In terms of concerns relating to giant hogweed, Officers explained that the plant had been referred to in terms of the wider area rather than the actual application site.

- It was confirmed that the flood risk assessment had been a desk based assessment. Advice had been received from the Environment Agency stating that the sequential exception test which would normally be applied to a new use

in the proposed location did not apply due to the property being an existing residential dwelling which was being replaced by another type of residential use.

- In relation to the question raised relating to signage to alert motorists of children crossing, Officers confirmed to Members that this kind of signage would normally be used around schools where there would be a lot of children movements. With the proposed facility it would be expected that there would be a safeguarding policy and risk assessment associated with that to manage those kinds of movements. In this particular instance it was not recommended that signage be necessary.

- The site was an existing property, and the size of property was one which could already house 5 children and adults comfortably. The proposal was to change the use to a residential home where there would be a maximum of 5 children and staff that would have a responsibility for the children. Officers did not feel that the Council needed to control the management responsibility and this would be the applicants responsibility which was why there was an informative on such aspects as, evacuation for flooding etc. It was possible to impose a condition to impose a flood evacuation scheme to be submitted and agreed however the Environment Agency who normally look at this had not raised any requirements for such a scheme to be submitted.

- There were comments received from the Police and these were detailed within the report which stated the need for effective management.

- Where reference had been made to the report mirroring a previous application at Red Plains, Officers explained that there had been other reports to Committee for children's homes and whilst Officers looked at every site on its own merits, at the same time Officers had to take consistent decisions if there were consistent arguments.

- Issues surrounding anti-social behaviour were covered within the report; however Officers stated that this was an issue for the management of the site. It could be something that did or did not happen and the level of that could be anywhere in between. There had been a limit put on the site as to the number of children which was a maximum of 5 with a maximum age of the children being 18.

- Officers informed the Committee that a C2 use was for a children's home and autistic children would be a group of children that could live there. From a planning point of view you would only restrict it to a specific type if there was a specific need to do so. Officers were not of the view that the proposed home should only be for autistic children and the C2 use was acceptable in this location.

A vote then took place and the application was approved with the Officers recommendation for an additional condition relating to access onto the site and the repositioning of the entrance gates should it be necessary for the safe entrance of mini buses onto the site as detailed below.

RESOLVED that planning application 16/1579/COU The Willows, Aislaby Road, Eaglescliffe be approved subject to the following conditions and informatives;

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plan;

Plan Reference Number Date on Plan
SBC0001 16 June 2016

Limitations of Use

02 The use hereby approved shall be limited to serve to care for persons aged 18 and under and shall be limited to care for no more than 5 persons at any time.

Visibility Splay

03 Prior to the proposed care facility being brought into use, the boundary hedge to the western side of the property access onto Aislaby Road shall be cut back to achieve a visibility splay of 155m x 2m, in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to the proposed care facility being brought into use and thereafter shall operate solely in accordance with the agreed scheme for the lifetime of the development hereby approved.

04) Prior to the proposed Children's Home hereby approved being brought into use, the vehicle access gate at the entrance of the driveway shall be set back from the road in accordance with a scheme which has first been submitted to and agreed in writing by the Local Planning Authority. The use shall operate in accordance with the approved scheme in perpetuity.

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.

Informative 2: Effective Management

The operator is advised to work alongside Cleveland Police and other safeguarding partners and to comply with the requirements of the multi-agency protocol on runaways and children missing from home or care. Effective management, staffing and procedural arrangements should be in place to prepare for potential missing episodes and management should take all possible measures to protect those at risk and work with the police to ensure a quality early risk assessment takes place. The operator should also work with the police and their residents on effective interventions to prevent children repeatedly going missing from care.

Informative 3: Flood Risk Measures

The applicant should consider measures to limit the effects of any future flooding of the property to make the building more flood resilient and to minimise any disruption. An action plan should be in place with regular testing of the plan to move the residents in the event of a flood, and the operator should sign up to

the environment agencies flood warning service, so that they can receive early flood warnings and activate the flood action plan.

P 16/0323/OUT
67/16 Lowfield Farm Low Lane, High Leven
Outline application for some matters reserved for residential development comprising of 40no dwellings (Custom build and Self Build) to include new access and alteration/relocation of junction.

Consideration was given to a report on planning application 16/0323/OUT Lowfield Farm Low Lane, High Leven

The application site was situated to the north of Low Lane and south of Ingleby Barwick, with Maltby cricket club to the east and the grade II listed Little Maltby Farm to the west. At present the site consisted of a series of agricultural fields with associated hedgerows and tree planting to its boundaries. To the west and north lie two large housing sites which were granted on appeal by the Secretary of State, these related to developments for 350 houses and the Ingleby Manor free school development (ref; 12/2517/OUT & 13/3077/VARY) and the more recent approval of 550 dwellings and provision of a local centre (ref; 13/3107/OUT).

Outline planning consent was sought for a self and custom build residential development of up to 40 dwellings. All matters were reserved for future consideration except for the means of access. As part of the proposed development, the existing junction of Low Lane and High Lane would be realigned.

With regard to publicity, a total of twelve objections had been received which included; impact on existing traffic problems; insufficient infrastructure in Ingleby Barwick; that the realigned junction would affect highway safety; loss of greenfield site and impact on flooding. A total of five letters of support had also been received which included support for a different housing approach; improve highway safety; and, offer economic benefits to small businesses and tradesmen.

With regard to the material planning considerations, the Local Authority was unable to demonstrate a five year housing land supply and as a result of opportunities for self and custom build housing being strongly encouraged by government (to provide an alternative housing product), both the nature of the proposal and its contribution towards housing delivery therefore weighed in favour of the proposed development.

In terms of the green wedge, part of the site lay within the green wedge as identified on the Core Strategy diagram. The key test therefore was whether the proposed development would harmfully undermine the existing degree of separation between Ingleby Barwick and Thornaby and whether it would adversely affect the openness and amenity value of the site. The site would sit on the southern edge of an already consented area of residential development and its purpose as green wedge was further undermined by the fact that Low Lane formed the limits to development, beyond which was the open countryside

where a significant degree of separation existed to the outlying villages of Hilton and Maltby and consequently it was not considered to have any significant impacts on the visual amenity of the locality that would justify a refusal of the proposal.

The proposal was also only an outline application and the final details regarding the layout, scale, external appearance and any associated landscaping would be considered at the reserved matters stage. However, it was considered that sufficient space existed to accommodate a development of this scale and the associated infrastructure and to ensure that sufficient amenity was provided for existing neighbouring and the proposed residents.

The Highways, Transport and Environment team had assessed the application and the associated trip generation was considered to be relatively limited. In the opinion of the Highways, Transport and Environment team, given the recent and on-going highways improvements within the Ingleby Barwick area they were satisfied that there was sufficient capacity to accommodate this proposal without further mitigation to the surrounding highway network. However, highway re-alignment/reconfigured works would be required to High Lane/Low Lane junction in order to achieve the proposed access and protected right turn, which was also considered to be acceptable.

In weighing up all the considerations including the objections from local residents it was considered that the associated benefits of the proposed development would outweigh any resultant harm from the development proposals and consequently the scheme was recommended for approval subject to those conditions and Heads of Terms within the main below.

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

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

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that as the Local Authority was unable to demonstrate a five year housing land supply the proposed development and its contribution towards the Borough 5yr housing land supply weighed in favour of the proposed development. In addition the proposal would also provide the opportunity for self and custom build housing which was being strongly encouraged by government to assist in the delivery of an alternative housing model/product.

As outlined within the report the scheme was not considered to undermine the role and purpose of the green wedge in this instance nor was it considered to have any significant impacts on the visual amenity of the area or highway safety. While matters regarding the final design and impacts on the neighbouring residents would have to be considered at the reserved matters stage.

In view of all these considerations and despite the objections from the local residents it was considered that the associated benefits of the proposed development in providing additional housing would offer some significant economic and social benefits which would outweigh any resultant harm from the development proposals. As a consequence the proposed development was recommended for approval subject to those conditions and Heads of Terms identified within the main report.

Members were given a letter of support from Maltby Cricket Club for information, which had been submitted with the application.

The Planning Officer presented the Committee with the report and associated diagrams, photographs and slides.

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

- The Applicants were brothers who were raised in the adjacent bungalow to the site. Their Father was still resident in the bungalow and they were living in Ingleby Barwick. The family had a long continuing association with Maltby Cricket Club of which one of the brothers was groundsman and a long standing Committee Member.
- Maltby Cricket Club Chairman supported the application as detailed within the letter that had been submitted along with the application.
- The Applicants were in agreement with the assessment of the policy and technical implications of the development as detailed within the Officers main report.
- The Applicants were looking to offer local small builders and individuals the opportunity to cooperate in producing a distinctive housing product whilst creating a quality housing environment. Custom and self-build opportunities were in demand however few sites were available. Contemporary design would be encouraged, duly and collectively the houses would be examples of quality architecture whilst minimising the impact on the environment by reducing energy demand and maximising the benefits of energy from renewable sources.

- The development would achieve balance between individual creativity and expression and the need to secure an element of unity across the whole development. This was to be achieved by the adoption of a design code which would be arrived at during discussion with appropriate Council Officers.

- The Applicants believed the development would achieve the following positive outcomes;

1) additional dwellings helping to address the current under supply in the Borough

2) a site dedicated to the provision of self-build and custom-built homes.

3) opportunities for local enterprises

4) a sensitively designed spacious and characterful urban townscape

5) energy efficient and sustainable homes.

6) a financial contribution to offsite affordable housing and to primary and secondary education.

7) improvements to the local highway network

8) opportunities for habitat creation and the encouragement of wildlife.

9) a complimentary relationship with the cricket club allowing the club to realise its greater aspirations of integration within the local community.

The development would be achieved without threatening the distinctive character of Thornaby, any adverse impact on valued landscape any harm to protected species or habitats, any harm to heritage assets or features of archaeological significance, or the loss of residential amenity, or privacy of neighbouring properties.

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

- Highways Officers were congratulated on the proposed access to the site. It was felt that the proposed improvements to the local highway network had been worked out really well and offered improvement to the current scheme in terms of safety.

- Attention was drawn to the conditions within the proposal. Condition 9 which was 'Tree assessment protection and retention' only mentioned trees. It was suggested that the hedges be included also as although some of the hedges were fairly new there was some existing hawthorn which should be retained as part of the design concept.

- In relation to condition 7 the 'Design Guide', it was not very often that the Committee were presented with such distinctive houses, this was a very good opportunity to create something distinctive, different and of a very good quality

design.

- Questions were raised in relation to the types of materials to be used in the build and design of the properties and when considering the reserved matters should the application be approved, that the distinctiveness and the indication which had been given remained as it had been presented today. This was a fantastic opportunity to increase the design standard in the area.
- The individual designs proposed were complimented and considered a welcome break from the same style houses being put forward by the volume builders.
- As the proposed properties were to be self builds questions were raised as to the eco standard of the homes and if they were to be the same standard as all other new builds in the area.
- It was recognised that there was to be no affordable housing on the site although there was to be a contribution for affordable homes, Members were keen to know where those houses were to be put and what sort of homes were intended.
- Clarification was sought as to what the plans were for the perimeter of the Cricket Club, as there was a statement from Sport England which stated that cricket clubs did not make good neighbours. The photographic evidence provided was showing a small hedge to the perimeter of the club which should be kept, however would additional trees be planted to make sure the perimeter of the club was as secure as it could be.
- Members sought clarity in relation to where it was stated within the report that the developer would not be connecting to the public sewerage network for foul or surface water.
- Assurance was sought as to the timeliness of the build and what would be put in place to minimise self-build purchasers running out of cash and leaving empty properties blighting the rest of the area as had been seen in Ingleby Barwick with the possibility of harming the reputation of the Applicant.

Officers were given the opportunity to address the Committee in relation to issues/concerns raised. Their points could be summarised as follows:

- In relation to the comments Members raised to include the protection of the hedges within condition 9, Officers informed the Committee that they would be happy to include an amendment as part of the condition should Members be minded to agree the proposal. It would be down to Officers to agree which trees and hedgerows would be kept, and where necessary they would be supplemented and protected accordingly.
- Where comments were raised in relation to condition 7; 'Design Guide' and the desire for something different and attractive this was also the views and intentions of Officers which had set out a number of requirements that the Applicant would have to agree with Officers to ensure the development was successful and that it worked as a whole and the types of material used formed part of that aspect. Following discussions with the Applicant, Officers explained

that it was an architect led scheme which was why the Committee were looking at quality images. There was a contemporary range of materials intended to be used on the development and Officers would be looking for those materials as part of the development going forward and would be agreed as part of the condition rather than a standard volume house builder approach.

- In terms of the standards of the build where energy efficiency was concerned, that was covered by building regulations as the government took away the code for sustainable homes and introduced that aspect into the building regulations. There was a regulation within the report for a 10% renewable energy requirement which the Council could control however the other aspects would be controlled by the individual builder as long as they met with the building regulations.

- Members were correct there was no affordable housing on the proposed site. Those residents in need of affordable housing were unlikely to afford to build their own home therefore Officers took the view that it would be a more sensible approach that an off-site contribution be made and focussed within Stockton which was yet to be agreed. Housing colleagues were working to bring schemes forward within sensible places. If the proposal was approved and once the contribution had come forward it would be placed into a central pot and used to deliver the affordable housing strategy within the Borough.

- The perimeter fence of the cricket club was a concern and was picked up by Sport England who had requested condition 16 which was the 'Prevention/minimisation of ball strike', to prevent cricket balls causing damage to properties. The final solution would be considered at a later date as part of the reserved matters application.

- Where issues were raised in relation to the drainage of foul and surface water, this would be something that would be worked out with the builders. There were a number of options available for instance for surface water it may be that there was attenuation on site. The images presented to the Committee indicated that there would be SUDS Ponds therefore in theory the surface could drain into that pond. Those details would be agreed at the reserved matters stage. In terms of the foul water that was still to be agreed. The foul water may not go to the mains drains however there could be a treatment package plant which would store the foul material which would be filtered out via a biological process or it could go into septic tanks which would be required to be emptied on a regular basis. This was also to be agreed at reserved matters and was covered by building regulations. There was a condition for the drainage of surface water to be agreed. If Members felt it necessary Officers were happy to add a condition in relation to the drainage of foul water.

- In terms of the timeliness of the build and the possibility of buyers running out of funds thus leaving a shell of a house, unfortunately this would be an issue between the developer and the buyer. Planners were not able to put on any controls to enforce when a development should be completed. Controls could enforce implementation of a scheme and time periods for the submission of details in relation to reserved matters.

Members agreed to accept an amendment to condition 9 to protect trees and hedgerows and acknowledged that it would be down to Officers to agree which

trees and hedgerows would be kept, and where necessary they would be supplemented and protected accordingly.

Members requested that a condition be added for the drainage of foul water. Officers explained there was some standard wording they could use to add a condition if Members were happy to agree to this.

Members also requested that a condition be added in relation to affordable housing as it was felt that the contribution for affordable homes should be kept within the vicinity of the proposal which was Thornaby/Ingleby Barwick. The area was also an area which was low on the amount of affordable housing available to local residents.

Officers explained to the Committee that it wasn't possible to put a condition on which specified where the contribution for the affordable housing from this development would go however Planning Officers agreed to liaise with housing colleagues to express Members desire to see that the contribution was used in the Thornaby/Ingleby Barwick area and to investigate if there were to be any schemes which could pick up that contribution. Members were also informed that there was no guarantee at this stage as the affordable housing scheme was still very much in its infancy.

A vote took place and the application was approved with an amendment to condition 9 to include the protection of hedgerows and to add a condition relating to foul water drainage as detailed below.

RESOLVED that planning application 16/0323/OUT be approved subject to the following conditions and informative and subject to a Section 106 Agreement in accordance with the Heads of Terms below;

Approved Plans;

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

Plan Reference Number	Date on Plan
S205 PL001	
TSC315/01	8 February 2016
	9 February 2016

Time limit for submission of the reserved matters;

02 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reserved matters;

03 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Time limit for commencement;

03 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Dwelling numbers;

05 The total number of dwellings authorised by this permission shall not exceed 40.

Ecological mitigation;

06 All ecological mitigation measures shall be carried out in accordance with the submitted ecological appraisal for 'Land at Lowfields Farm, Ingleby Barwick' prepared by Naturally Wild (June 2015) and shall be implemented in full in accordance with the advice and recommendations contained within the document.

Design Guide;

07 Notwithstanding the submitted details, prior to the submission of details relating to the reserved matters, a 'design guide' document shall be submitted to the local planning authority for its approval. The Design Guidance document shall indicate:

The position of the individual plots

The maximum development zone for each plot

Phasing of infrastructure and services

Finished floor levels

A detailed design code to include; palette of wall and roof materials; range of fenestration and door types; types of means of enclosure; and, a palette of hard surfacing materials

Key principles of all soft landscaping including any public areas i.e. SuDs pond.

Thereafter, the development shall be carried out in accordance with the approved design guide document.

Site and floor levels;

08 Notwithstanding the information submitted as part of the application details of the 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.

Tree and hedge assessment, protection and retention;

09 Notwithstanding the submitted information and prior to the commencement of development, a tree and hedgerow survey and assessment shall be submitted to and be approved in writing by the Local Planning Authority. The survey/assessment shall include for the following information:

a) A scaled plan and tree/hedgerow schedule showing the position of every tree and hedgerow on and adjacent to the site. All trees with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas shall be identified.

b) A schedule of all works to be carried out identifying those trees and hedges to be removed, those trees/hedges which need works to be carried out and those trees/hedges to be retained. (including any specification for any ground level changes of trees within 5 metres of the Root Protection Area).

c) Details of all domestic service routes where tree routes are encountered

service runs shall be designed to be in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Nov 2007).

d) A scheme of tree and hedrow protection measures for all trees/hedgerows identified to be retained in accordance with the requirements of BS 5837:2012.

Thereafter, the hereby approved development shall be carried out in full accordance with the agreed details, with all tree/hedgerow protection measures being implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Foul and Surface Water drainage;

10 Prior to the commencement of development, a scheme for the discharge of foul and surface water drainage and management shall be submitted to and be approved in writing by the Local Planning Authority. Such a scheme shall make provision for;

- i. Detailed design of the foul and surface water management system
- ii. A build program and timetable for the provision of the critical surface water drainage infrastructure
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
- iv. The arrangements for the future maintenance and management of the foul and surface water system, including:
 - a. identification of those areas to be adopted and
 - b. arrangements to secure the future operation of the system throughout its lifetime

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Construction Management Plan;

11 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

Construction activity;

12 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

Unexpected land contamination;

13 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

10% Renewable energy requirement;

14 No development shall take place until details of how the hereby approved development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources or other alternative measures such as a fabric first approach, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Play area/open space;

15 Prior to commencement of the development hereby approved, a detailed scheme for the provision of a children play area and open space provision shall be submitted to and be approved in writing by the Local Planning Authority. Such a scheme shall include the location of the play area/open space; provision of soft landscaping; position, type and design of any play equipment; and, details for how the play area/open space will be managed, maintained and made available for public use in perpetuity. Thereafter the development shall be carried out in accordance with the approved scheme and the open space shall remain open to the public at all times.

Prevention/minimisation of ball strike;

16 Prior to the commencement of development, a risk assessment carried out by a suitably qualified person or company shall be submitted to and approved by the Local Planning Authority (following consultation with Sport England). The risk assessment shall identify suitable measures to minimise the risk of ball strike to persons or property associated with the residential development. The approved measures shall be completed and brought into use prior to the occupation of any dwelling identified within the assessment as being at risk.

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

HEADS OF TERMS

- Highway infrastructure improvements for a junction realignment works for Low Lane (A1044)/High Lane and closure of existing cricket club access
- Contribution towards primary and secondary education in line with Council's adopted formula
- Employment and Training - best endeavours for 10% local employment and materials
- Offsite contribution of £369,576 towards affordable housing provision

**P
68/16**

- 1. Appeal - 1 Auckland Way, Stockton on Tees, TS18 5LG - 15/0828/FUL - DISMISSED**
- 2. Appeal - 22 Birchfield Drive, Eaglescliffe, Stockton on Tees, TS16 0ER - 15/2585/FUL - ALLOWED WITH CONDITIONS**
- 3. Appeal - 98 Longleat Walk, Ingleby Barwick, Stockton on Tees, TS17 5BZ - 16/0018/COU - DISMISSED**

The Planning Development Services Manager highlighted to Members the Appeal for 22 Birchfield Drive. The Inspector had allowed the appeal taking the view that the site was in keeping with the character of the area. To enable Members to understand better why the Inspector had made this decision the Planning Development Services Manager provided Committee Members with a plan of the area as Officers originally felt the area was too cramped for the application.

This highlighted how different Inspectors viewed applications with the possibility of differing outcomes. Officers would need to be mindful of this view when assessing applications going forward.

The Appeals were noted.