

Planning Committee

A meeting of Planning Committee was held on Wednesday, 6th September, 2017.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Jean O'Donnell (Sub Cllr Mick Stoker), Cllr Helen Atkinson, Cllr Carol Clark, Cllr Nigel Cooke, Cllr Ken Dixon (Sub Cllr Gillian Corr), Cllr Lynn Hall, Cllr Julia Whitehill (Sub Cllr Elsi Hampton), Cllr Matt Vickers (Sub Cllr Tony Hampton), Cllr Paul Kirton, Cllr Eileen Johnson (Sub Cllr Tracey Stott), Cllr Marilyn Surtees, Cllr Ian Dalgarno (Sub Cllr Mrs Sylvia Walmsley), Cllr David Wilburn

Officers: Elaine Atkinson, Simon Grundy, Stephanie Landles, Emma Leonard, Chris Renahan, Joanne Roberts(DEGDS), Julie Butcher (DHR, L&C) Sarah Whaley (DCE)

Also in attendance: Cllr Andrew Stephenson

Apologies: Cllr Gillian Corr, Cllr Elsi Hampton, Cllr Tony Hampton, Cllr Mick Stoker(Vice-Chairman), Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley

P **Evacuation Procedure**
50/17

The Evacuation Procedure was noted.

P **Declarations of Interest**
51/17

There were no declarations of interest.

P **Planning Committee Procedure**
52/17

The Planning Procedure was noted.

P **17/0943/OUT**
53/17 **Land North Of Thorpe Thewles, Durham Road, Thorpe Thewles**
Outline application with all matters reserved except for access for up to 40 dwellings (Use Class C3)

Consideration was given to a report on planning application 17/0943/OUT Land North of Thorpe Thewles, Durham Road, Thorpe Thewles.

The application sought outline planning permission for up to 40 dwellings, with all matters reserved other than access on land to the north of Thorpe Thewles village and situated between Durham Road to the West and the A177 (Durham Road) to the east. Access was to be taken from Durham Road (to the west).

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were detailed within the main report.

The Planning Officers report concluded that the development was an unallocated site located outside the established village limits and such development would normally be resisted unless material considerations

indicated otherwise having regard to the development plan. However, the guidance in the National Planning Policy Framework made clear that the Local Planning Authority's existing housing delivery policies could not be considered as up to date as it could not demonstrate a five-year supply of deliverable housing sites given the limited weight that could be applied to emerging policy. Also housing applications were to be considered in the context of the presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Other material considerations had been considered in detail and the development as proposed was considered acceptable in terms of visual impact and highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

It was considered that in the planning balance, although this proposal was out-with the limits to development, there were no specific designations on site and the Council was unable to demonstrate harm which significantly and demonstrably outweighed the benefits of the development when weighing up the contribution of new housing against the visual impacts on the open character of the countryside.

For the reasons stated above and detailed in the report it was recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

Objectors attended the meeting and were given the opportunity to make representation. Except for those submissions already provided during the consultation period, and detailed within the report, objector's comments could be summarised as follows:

The site was an overdevelopment and outside the limits to development.

There would be a loss of community adhesion.

Stockton Borough Council (SBC) had now identified a five-year housing land supply, which was believed to negate any development which was outside the limits to development.

Thorpe Thewles had a lack of facilities including a shop, post office, school and reliable local transport, and had been identified as an unsustainable village because of this. The criteria for this had not changed.

Concerns were raised relating to the impact of additional traffic including road safety, increase in car emissions, access and egress to the village, and the impact of construction traffic.

Families with school children would require extra transport to travel to school.

Villagers were reliant on their cars as it was unsafe to walk or cycle to neighbouring villages or the nearest supermarket.

Footways were unlit and therefore unsafe.

Comparisons were made to nearby villages which had had previous developments refused due to lack of facilities and unsustainability.

The number of dwellings would increase by 32% if the development was given the go-ahead.

Current problems in relation to Durham Road being used as a carpark were highlighted.

Developers were taking advantage of the lack of a five-year housing land supply.

The finding of an iron-age settlement was brought to the committee's attention, and concerns were raised as to the loss of archaeological interest should the development go ahead.

Reference was made to Stockton Borough Councils Strategic Housing Land Availability Assessment, and Assessing the Suitability of Sites Broad Locations for Development. It was highlighted that paragraph 4.7 stated (in very broad policy terms) that sites were considered suitable if they were within the conurbation capable of being a sustainable urban extension. The proposed site did not meet that criteria. Reference was also made to paragraph 4.9, 'Suitability'. The following factors were to be considered when assessing suitability; the amenity impact which would be experienced by would be occupiers on neighbouring areas, the infrastructure capacity, and the ability to access services and facilities by sustainable travel modes. Consideration should therefore be given to how those factors would relate to inhabitants' quality of life and their ability to live more sustainable lives. Thorpe Thewles was not in a sustainable location.

One objector explained to the Committee that he had recently moved to the village after making enquiries to Stockton Borough Council where he was told it was unlikely that a development would go ahead in Thorpe Thewles.

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

The Agent endorsed the planning Officers report.

There was little weight which could be given to the emerging Local Plan in particular, the newly identified five-year housing land supply.

It was highlighted by the Agent that case law had made it clear that having a five-year housing supply did not mean an end to granting planning permission it simply gave the Council greater authority when it came to development which failed to meet the required tests set out in the Councils adopted Local Plan or NPPF.

The Scheme was consistent with the Councils guidance and the NPPF and all technical issues had been fully addressed within the planning submission.

Sustainability issues had been addressed at a previous Planning Committee for a similar development within the village of Thorpe Thewles.

The site was a good site which would round off the village and included a large amount of open space, new links into Castle Eden Walkway and much needed affordable housing. The development would be well screened on all sides and there was to be additional buffering around the site to limit the impact to existing residents.

The proposal was less than 15 homes per hectare which was low.

Where access had been highlighted as a concern and at the request of the local authority's engineers the Agent confirmed that further details had been provided and the developer had demonstrated that the access was acceptable.

Officers were given the opportunity to respond to comments/issues raised by Objectors. Their responses could be summarised as follows:

In relation to the newly identified five-year housing land supply in the emerging Local Plan, it was confirmed that current policies were out of date and did not conform to the NPPF, therefore very limited weight could be given to this as the Local Plan was still to be adopted.

It was explained to the Committee that Officers looked at the NPPF to weigh up the harm of the development against the benefits and the policies which it was considered against. Policy CS10 was largely consistent with the framework where policy EN13, as part of the housing constraint supply was not.

With regards to the sustainable location, it was highlighted that a lot of appeal decisions were giving significant weight to bus services, which in other areas had been a lot less frequent than the bus service in Thorpe Thewles. There was alternative means of travel such as cycling which had been assessed by Highways and considered acceptable. It was accepted that in some rural areas there was less choice to get about than in urban areas. It was accepted that a substantial proportion of travel in rural areas would be by car. Appeal decisions also gave weight to car journeys which were not very long and as Thorpe Thewles was close to an Urban area it was considered that car journeys to the nearest urban area would not be long.

Where Objectors had referred to appeal decisions, those which had referred to bus services had already been noted. In relation to open space it was expected that the open space would be provided on the site of the proposed development therefore not using contributions towards Wynyard Woodland Park

Regarding the percentage increase of the village there was no appeal decisions which stated that you could not increase a village, there was just a need to weigh the harm against the benefits, which had already been done.

Where concerns had been raised regarding the archaeological site, the applicant had submitted an archaeological assessment and Tees Archaeology were satisfied subject to a condition being implemented.

In relation to the sustainability of the village going back to the criteria that was used in the rural assessment, that was part of the evidence base and could only be given limited weight.

Where concerns had been raised in relation to sustainable travel modes this had to be proportionate to the development. 40 homes had been proposed and there was frontage to existing bus stops where there was an existing bus service. There were also links to existing cycle routes which was a proportionate level of mitigation.

In terms of traffic impact, there were low levels of traffic congestion in Thorpe Thewles Village and with the current accident rate the highways safety risk was not considered to increase and the levels of congestion were in line with the NPPF.

Traffic travelling through the village was an existing situation. The village did have several accesses in and out of the village, the routes were adopted highway and deemed acceptable in traffic terms.

Where it was highlighted that cars were currently parking both sides of the road, this was also an existing situation.

In relation to the construction of the proposed development there was a condition for a construction management plan. In terms of the access to the site itself this would be delivered through a S278 agreement if the application was supported.

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

Clarity was sought in relation to links to cycle routes as a member of the public had highlighted that the cycle routes were in fact through a field

Members raised concerns in relation to the loss of open space. The options seemed to be that the development may contain green space, however if this was not the case then a S106 agreement would be entered into to contribute to the Woodland Park. Members felt this was a concern due to the density of the number of houses proposed.

Cycle routes were not reported within the submission in relation to connectivity, or new cycle routes which were going to be included.

The report detailed that there were to be 11 additional vehicle movements which seemed modest for a development of 40 houses and therefore raised the question as to whether this was in fact the number of construction vehicle movements rather than residential?

Out-with the limits to development, the village would increase by 30 to 33% if added to a previously approved planning application which clearly changed the nature of the village.

Infrastructure was not in place, including the lack of Wi-Fi. Members asked if anything could be done to improve the provision of this to keep villages up to

date as they increased in size.

Wi-fi should be an issue of sustainability.

Separation distances were highlighted in relation to whether open space would be included on the site, this could be then considered an overdevelopment of the site and what would the impact then be on public right of way? The report detailed no lighting which seemed reasonable however this appeared to be at odds with the Ramblers Association comments contained within the main report, and against the police advice which was also contained within the main report.

What changes needed to be made if any to the speed chicane as this had not been mentioned anywhere within the report?

Concerns were raised in relation to contamination of the site as the site had previously been a quarry and there were reports that a large pond had been filled in during 1956.

Questions were raised as to whether sites should be being looked at which were outside village envelopes creating a sprawl, when brown field sites were available elsewhere according to the emerging Local Plan which could cater for the number of homes the Authority needed.

There was a lack of detail within the report as to how many mature trees would be lost at the entrance of the development.

The cycle routes to the local supermarket were not safe.

The application site was outside the limits to development.

Discussion took place in relation to the level of sustainability relating the bus service.

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

In response to the query relating to cycle routes, it was explained to Members that there was a cycle link from the proposed development through the underpass of the A177 to Wynyard Woodland Park heading in a northerly direction which was a leisure route. In a southerly direction, the cycle route was along old Durham Road towards where the Battery plant had been approved, and there was a further cycle link which linked to the Castle Eden Walkway heading towards the Hardwick development.

In relation to open space, Officers confirmed that the masterplan indicated the open space was north of the church, however at this moment it was only indicative and would be part of the reserved matters application. If this did not come forward at the reserved matters stage then a contribution would be sought.

In terms of access, this was included as part of the proposal which would involve removal of some trees as indicated on the presentation slides. The trees had been assessed as category B trees. There was to be significant planting

and landscaping around the development which would offset the loss.

Officers confirmed that the provision of Wi-Fi was not a material planning consideration.

In relation to comments made about the Ramblers Association, they had asked if there would be lighting, they did not ask for lighting.

Regards contamination, the land had been assessed by the authorities land contamination officer where a stage 1 investigation had been carried out, which had resulted in a stage 2 assessment being recommended which was quite common on many applications. The findings of stage 2 could suggest some form of remediation if required and if so would be covered by condition.

Where clarity was sought relating to sustainable bus services, rural locations did not usually have the same level of sustainability as urban locations as long as there was an alternative, and in this case there was a bus service which had to be given the weight it deserved.

RESOLVED that planning application 17/0943/OUT Land North of Thorpe Thewles, Durham Road, Thorpe Thewles be refused for the following reasons:

Sustainability;

In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the scale of the proposed development and limited services within the area which would require occupants to travel via the private car for employment, schools, retail and recreational purposes and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in the National Planning Policy Framework and saved Core Strategy Policy 2(1) (Sustainable Transport and Travel).

Character of the village;

In the opinion of the local planning authority, the proposed development comprises a substantial residential development on a greenfield site and due to the scale of the proposal in relation to the village would have an adverse impact on the character of the village of Thorpe Thewles contrary to chapter 7 (Requiring good design) of the National Planning Policy Framework. This harmful impact upon the character of the village and the supporting infrastructure will be exacerbated by the number of new dwellings proposed on this application site as well as other nearby sites where similar new housing development has been approved.

P 17/0511/OUT
54/17 Land At 18A Braeside, Kirklevington, Yarm
Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development comprising of upto eleven dwellings, including two affordable homes.

Consideration was given to a report on planning application 17/0511/OUT Land At 18A Braeside, Kirklevington, Yarm.

The application was an Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development comprising of up to eleven dwellings, including two affordable homes.

Members recalled that this application was presented to the Planning Committee on the 16th August with a recommendation for approval. The application was deferred to allow further consideration in relation to the impacts of the Sewage Pumping Station on human health. The Planning Officer recommended that the section 106 be signed within 6 months and that an additional condition be added to ensure that work did not commence until the Jomast/Story homes development had commenced to ensure the bus service was provided.

In addition, as Members could see from the Agenda Item in relation to the Publication Draft Local Plan, the local planning authority could demonstrate a five-year housing supply with the 20% buffer and implication of this was considered in more detail within the update report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the original planning committee report.

The Planning Officer concluded that overall it was considered that on balance the proposed application was acceptable and the additional information supplied within the update report did not change the recommendations in the original planning committee report in that the application should be approved with conditions and subject to the completion of the Section 106.

Members were presented with a number of photographs of the proposed site which had been supplied by an objector with the permission of the Chair.

Objectors attended the meeting and were given the opportunity to make representation. Except for those submissions already provided during the consultation period, and detailed within the main report, objector's comments could be summarised as follows:

Ad hoc developments like this one unplanned by the authorities Planning Officers should not be accepted.

The application site was outside the limits of development. The planning which decided the limit was still valid and the emerging Local Plan reiterated the boundary around Kirklevington.

The proposed site would encroach on the strategic gap between Kirklevington and Yarm.

It was felt that the Local Plan should be put in place as a matter of urgency as reported recently in the local press to protect the borough against inappropriate developments from aggressive and irresponsible developers.

The proposed development was inappropriate in relation to its position in a quiet cul-de-sac.

11 homes added to the current 16 amounted to an increase of 70%.

Smells and fumes from the sewage pumping station was an obvious material planning consideration.

The additional traffic from the development would only add to the already acknowledged highways issues.

Kirklevington was not a sustainable village.

The application was developer led against the guidelines of the NPPF.

The sewage works were outside of the village envelope edging into the strategic gap.

In terms of sustainability, there was no longer a bus service, although one had been promised following the 60th house of the Jomast development being completed and occupied. The bus service had been promised to operate for 5 years.

Walking and cycling was hazardous into Yarm and there was no cycle path.

The nearest parade of shops was a shopping parade at Healaugh Park, Yarm. Opening a shop in Kirklevington did not seem viable due to the nearby competition and that there had not been a shop in the village for 15 years which had closed prior to the shops at Healaugh Park.

Various elements of the NPPF were highlighted which objectors felt had not been addressed by the developer to benefit the village such as the social, economic and environmental aspects.

Following the deferral on the 16th August 2017 to obtain additional information for the reasons given for referral, nothing appeared to have changed. The submission was outside the village envelope, the houses appeared cramped with no room for trees and children to play. Where would visiting cars, delivery vans, utility vans etc park. Concerns in relation to the proximity of the houses to the sewage treatment works and the odour and noise issues highlighted at the time.

The submitted Northumbrian Water consultee letter had stated that the proposed development was to be located within 10 metres of Kirklevington Sewage Treatment Works and by nature of its function the works could produce odour and noise during daily operation.

One resident who lived 90 metres away assured the committee that she experienced smells and noise at times. Occasionally residents were also disturbed by the sites audible alarm system which would go off if the plant was experiencing excess sewage. When this would occur, an officer would visit the site which could be done in the middle of the night and if this was the case flood lights would be operated. The new houses would be much nearer and downwind of the treatment works.

Environmental Health had visited the sewage works and reported that during a recent visit on the 17th May 2017 they did not experience noise or odour. Met data for the 17th May stated that the wind was between 4 and 8 miles per hour from the South, therefore any smells from the works would be carried North and away from the development area. The prevailing wind was from the West from the sewage works and towards the development.

Foul slurry continued to be taken away twice a week by large tankers travelling along Ash Grove and Forest Lane and commenced at 7.00am. Deep cleaning of the plant required even larger tankers which took place every few months

One resident opposed the application on NPPF environmental grounds of harm to exposure to unacceptable levels of air pollution i.e sewage smells which would affect the quality of life of new residents.

Plot 6 on the development plans was just over the fence from the treatment works.

Reference was made to the Defra code of practice for odour from sewage treatment works which stated that 'Planning Authorities should consider resisting development close to works where there was significant risk of likely statutory nuisance from odour'.

The Applicant had not submitted a transport assessment in respect of the application. Stockton Councils Highways Transport and Design report had raised many questions previously submitted by the Kirklevington Action Group in writing to the relevant Officers. The Parish Council had requested a response to these on the 6th August and today the questions remain unanswered.

1. Why was the Pump Lane, Thirsk Road Junction with the A67 not assessed, or any data for its current and projected use provided? This junction was the route of choice for traffic leaving the village heading for the A19 interchange. With the already approved Jomast application the revised junction layout would see additional increased volumes of traffic in the order of 600 plus vehicle movements per day.

2. It was already accepted that a new roundabout was required at the A67/A19 interchange. The volume of traffic using the enhanced junction was no different to that which would be seen at the new Pump Lane /Thirsk Road Junction with the A67. A ghost right turn was proposed at the A67 into the new development. How would traffic turning right out of the village on to the A67 do so safely?

3. One of the 3 junctions which was assessed as part of the proposed application was the A1044/A67 roundabout. Data from Highways reports confirmed that after mitigation measures had been applied, a.m. peak flows would result in flow to capacity factor of 1.21 and a car unit queue length of 86 vehicles. The term peak spreading which was a traffic reality accepted by Highways entailed both the staggering of journey times and the use of alternative routes. Highways had been presented with reliable data from the Kirklevington Action Group showing that this is already taking place on Forest Lane to the extent of 600 additional vehicle movements in an Eastbound direction per day. The number would only increase and the proposed

application would add further to the ever-increasing traffic flow along Forest Lane, the clear majority of which would be heading to the A19 interchange. Traffic volumes may vary, constrained road geometry and the inherent hazards therein do not.

Highways had still not addressed or responded to those outstanding concerns, therefore the completeness of the application was brought into question.

Sustainability was raised as an issue and reference was made to the sustainability appraisal where there had been no allocation for the proposed site within the Local Plan. It concluded that it was proposed that no further allocations were proposed within the rural area. However recent approvals had recently been given which represented a 40% increase in the size of the village. Reference was then made to the SHLAA which was the Strategic Housing Land Availability Assessment where it stated in paragraph 617 that in relation to the total number of available sites within the Borough 'Not all sites in Kirkelvington could be developed and in order to be completely rigorous the 376 units identified within Kirkelvington had been deducted before arriving at a total 6011 dwellings', i.e. no further homes in Kirkelvington were ever allocated within the Local Plan. In paragraph 618 it further stated that 'when this figure is added to the net supply from existing sources in the Borough it would produce a surplus of 3019 dwellings for the planned period of 2032'. This was born out by a report from the Director of Economic Growth and Development which in paragraph 28 concluded that the conclusion of the SHLAA demonstrated that sufficient sites had been identified to meet housing needs over the plan period and that a five-year supply of deliverable housing could now be demonstrated.

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

The development was of a small scale up to a maximum of 11 properties.

There would be 2 affordable houses.

The site could be developed as 9 detached bungalows or dormer bungalows reflecting the current housing on Braeside and Ash Grove. The developer was not suggesting 2 storey houses but a smaller scale development. There was to be 2 semi-detached houses which would be the affordable units.

It was highlighted that there was a shortage and high demand for bungalows across the Borough.

The site could be developed without any adverse impact upon the amenity of the occupiers of nearby properties. The development would not have adverse impact on the character or appearance of the surrounding area and the proposed access arrangements were acceptable as accepted by Stockton Borough Councils Officers. All material planning considerations had been satisfied and any issues raised by the case officer had been addressed and resolved.

In terms of issues surrounding the sewage treatment works, the developer had contacted Northumbrian Water in relation to those concerns and were advised that there was no open sewer and that it was in fact an overflow channel which

only comes into use during flooding.

Where concerns had been raised in relation to odour problems, the information provided by objectors was incorrect and misleading. General odour impacts from the treatment works had been modelled and assessed by a qualified environmental consultancy and checked by Stockton's own environmental health officers and there were no concerns raised. Where prevailing wind had been highlighted the Agent explained that prevailing wind in the part of the country of the proposed site was from the South West, and if there were to be any odour issues on the odd occasion of overflow then that would take odour away from the site.

Although the site was outside the limits to development other than the proposed access it immediately joined the Northern development boundary of Kirklevington. In that regard, the development must be considered in the context of a sustainable development.

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

Officers acknowledged that the development was outside the limits to development, however policy EN13 could only be given limited weight.

With regards to the open space and strategic gap, this had been assessed by the Landscape Architect and it was considered that the development would integrate well into the village, whilst still retaining open character to the North.

Where concerns had been raised relating to sustainability, Kirklevington had been assessed previously and was sufficiently sustainable. Should the application be approved then a condition would be recommended that the development did not commence until the 60th house of the Jomast development was complete to allow for the bus service to become more viable.

In relation to open space and trees, the layout was indicative to show how Kirklevington could be assessed which could be considered at reserved matters.

Northumbrian Water had responded to say that it was expected the applicant assess the sewage treatment works in terms of suitability when assessing sites for development, and in fact the applicant had done so, and following that further assessment was carried out by Environmental Health.

The Team Manager for Environmental Protection explained to Members that the audible alarm and lighting was part of a national procedure that any Northumbrian Water pumping station site was required to have to protect residents in any neighbouring area from any significant sewage flow. The alarms and lighting were also there to protect the pumping station during storm conditions which could overflow and knock over the pumps putting them out of commission.

There was a 7-metre section that was grated and was part of the emergency overflow outlet, therefore if the treatment works had reached its emergency capacity it provided additional action to enable raw sewage to be suctioned out.

The tankers which operated 2 days a week for maintenance had always done that and there had not been any complaints received from residents in a statutory capacity.

It was acknowledged that the treatment works would have smells as there was contamination contained within it, however this site was very clean. There were no records to show there had been any issues where an investigation was required.

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

The development site formed part of the open countryside, was outside the limits to development and was within the strategic gap. There was also a danger of creating an urban sprawl with no distinction between villages and existing conurbations.

If dormer bungalows were to be the developers choice of building this would be going against the original character

There were access and environmental issues.

Many issues had been raised in relation to Forest Lane which did not have a continuous footpath and therefore no wheelchair access. Any new development needed to comply with the Disability Act.

A major problem was the sewage plant, it appeared to be obvious that complaints would not have been received when the nearest property was 90 metres away. New complaints would be expected when the new homes were only 10 metres away.

The Agent had suggested that the Committee had been given a distorted picture in relation to the smells from the treatment works, and there had been contradictory reports in relation to prevailing winds. If this was the case it was suggested a site visit take place.

Did the Defra report need updating?

In the event there was a flood what would happen to the raw sewage, would it creep onto the development?

There was a 24ft open section although gridded, could contain raw sewage in the event of excess rain fall which did happen in this part of the country. The smell alone would be off putting.

Northumbrian Water had acknowledged that the works did produce smells and noise during daily operation.

If we continue to allow these developments there would no longer be any small villages.

Was a five-year bus service given the same weight as an unsubsidised

established bus route as this could have a big impact on sustainability?

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

The character of the development had been assessed. Regarding bungalows, domer bungalows, and houses, the scale was not to be considered at this stage as this was just indicative. If the Planning Officers felt that bungalows were most appropriate on the site this could be brought to the reserved matters stage should the outline application be approved.

Where concerns were raised regarding sewage, the Planning Officer had had a detailed conversation with Northumbrian Water where it was confirmed that it was up to the developer to assess, which they had done. Environmental Health themselves had no objections to the development. Defra guidance was available to say that the nuisance shouldn't be caused to statutory undertakers doing their duty and Stockton's Environmental Health Team had considered that and concluded that there would not be any nuisance caused.

In relation to the bus service, the last bus service had recently ceased in Kirklevington and an alternative was being considered. The provision of a five-year service was the most which could be asked of a developer.

RESOLVED that planning application 17/0511/OUT Land At 18A Braeside, Kirklevington, Yarm be refused for the following reasons;

Amenity for future occupiers;

In the opinion of the local planning authority, by virtue of its location immediately adjacent to a sewage treatment plant, the proposals would result in future occupants of any dwellings built on the site to be subjected to unpleasant noise and odour. Accordingly, the proposed development is contrary the aims of the National Planning Policy Framework which requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and Paragraph 120 of the National Planning Policy Framework which requires new development to be appropriate for its location.

Sustainability;

In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the limited services within the area which would require occupants to travel via the private car for employment, schools, retail and recreational purposes, as the footpaths and narrow or busy roads within the village and from the village to Yarm/facilities are not attractive to encourage travel by foot or cycle and as such the development would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in the National Planning Policy Framework and saved Core Strategy Policy 2(1) (Sustainable Transport and Travel).

P 17/1278/COU
55/17 7 & 8 Vickers Close, Preston Farm
Application for the change of use from Industrial (B2 use class) to
gymnastics and fitness facility to include industrial office (D2/B1)

Consideration was given to a report on planning application 17/1278/COU 7 & 8 Vickers Close, Preston Farm.

The application was for change of use from industrial (B2 use class) to gymnastics and fitness facility to include industrial office (D2/B1).

The consultees responses 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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that in view of the above circumstances, it was recommended that the application be refused on highway safety grounds as the lack of car parking provision for the intended gym use would result in on street parking which would result in a detrimental impact on highway safety which was contrary to the guidance set out in Core Strategy policy CS2 and the guidance set out in SPD3-Parking Provision For Developments 2011.

Members were presented with additional information detailing a proposed timetable to be operated by Gym Mad should the application be approved. The information had been provided by Ward Councillor Ross Patterson.

Ward Councillor Ross Patterson attended the meeting and given the opportunity to make representation. His comments could be summarised as follows:

The application had been made since the gym group were having to move from their current facility which was Ingleby Manor School due to lack of facilities to store gymnastic equipment.

The objection from highways planning guidance which applied was in paragraph 16 – 20 of the main report and did not appear to have any real grounds for refusal

Cllr David Harrington and Cllr Ross Patterson had visited the proposed site on many occasions and there had been no cars parked on Vickers Close other than today where there had been 1.

The club operated a drop off system where parents would leave their children at the gym club and return to collect them when each session had finished.

Reference was made to the timetable which had been circulated. There were 32 classes most of which were held on an evening or a weekend. There were only 5 sessions taking place between 9.30 and 11.30 am Monday to Thursday.

There were 12 attendees per session with 1 member of staff for the early morning sessions and 16 attendees with 2 staff members on evenings. The unit which had been proposed had 18 spaces available which would meet the need

described, however as this was a drop off class the spaces would not be needed for more than the time required to drop off and pick up. There was also a written agreement with Power League (formerly Soccer Sensations) who had agreed that the gym could use their overflow carpark.

The facility provided for 500 youngsters, the majority of which resided in Ingleby Barwick. There was no other facility available like this in the area and it was asked that Members approve the application for these young people.

Supporters for the application attended the meeting and were given the opportunity to make representation. Except for those submissions already provided during the consultation period, and detailed within the report, supporters comments could be summarised as follows:

The Gymnastic Academy was set up in October 2016 as a not for profit social enterprise for babies through to adults for residents of Ingleby Barwick and the surrounding area. The Committee were given a potted history of the Gym club.

The clubs ethos was to get people active using gymnastic activities. There were also volunteer, employment and leadership opportunities for teenagers and adults.

The club had a parent committee which supported the academy with fund raising events and administration.

The club was supported by many organisations such as British Gymnastics, Tees Valley Sport, Tees Valley Community Foundation, Sports England, Big Lottery and Tesco who all believed in the organisation to grow and reach its full potential.

A new home was required for the gymnastics club due to the unexpected request for the storage facilities at the school which the club currently operated from. If a new venue was not found this could result in the closure of the club.

The location identified on the application at Vickers Close was perfect for the clubs' members and an appropriate site for the gymnastic equipment.

The Centre of Ingleby Barwick was just over 2 miles from Vickers Close which was a reasonable walking and cycling distance.

The Applicant had worked together with Planning Officers to satisfy all requirements for the change of use including providing a full travel plan and had appointed a travel plan coordinator to manage the plan for the future.

Vickers Close was a gated compound, there were 37 car parking spaces within the compound and these spaces were allocated for use after business hours with 18 spaces allocated for use during business hours.

There had been no reported accidents within Vickers Close, within the last 5 years.

There was a great community need for the facility.

Discussion took place around the measures which had been put in place to alleviate parking congestion around Vickers Close which included operating hours.

Members were informed that the maximum number of participants during daytime hours would be 12 with 1 to 2 coaches. The allocated 18 car parking spaces during the day were more than adequate for this.

British Gymnastics, the gyms governing body stated that the club complied with a maximum 16:1 gymnast coach ratio. Member numbers were controlled with the membership system and through the restricted session numbers.

Other users within the compound operated within office hours only. The neighbouring unit was a florist distributor which usually finished business by 10.00am each day. There was an agreement with the landlord that the full 37 car parking spaces could be utilised outside of office hours by the gymnastic club. This satisfied the 35 required by Highways.

Power League had given written agreement that the Gymnastic club could use their 50-space overflow car park at any time between 8.00am to 9.00pm Monday to Sunday, although this car parking provision was available it was unlikely to be utilised due to the very nature of the gymnastic business, where parents generally drop off or pick up their children.

The club also operated a car share policy promoted with every new member joining. A recent survey showed that at least 20% of members' car shared.

Drop off zones had been allocated due to the fact parents did not usually stay. This was included in Gymmad's travel plan.

Start and finish times of each session were staggered to ensure safe drop off and pick up of children and would reduce traffic congestion.

8 units had been allocated for cycle storage for those members who would travel on their bikes.

Key aspects of the application addressed youth engagement, a work-related skills agenda and health and well-being.

The Academy had produced a workforce strategy to support future growth. In addition, 15 young people from the community had been recruited where they had the opportunity to develop personally in areas such as, team work, supporting events, gain qualifications and volunteering, all of which could lead to career opportunities providing skills for life

Opportunities for adults were also available within the Academy in a variety of roles.

There was an Academy apprenticeship scheme available for 16 years plus.

Gymmad's workforce strategy supported the Council's local plan objective.

Gymmad's ethos was focussed on getting people moving and involved in a

health community and also followed the Government Plan for Action Strategy 2016.

A parent gave the Committee a personal account of how Gymmad had helped her 2 daughters begin to overcome challenges they had faced in their lives. Gymmad had offered them both a safe place to regain confidence, form friendships and feel accepted.

Officers were given the opportunity to respond to comments/issues raised by supporters. Their responses could be summarised as follows:

The main issue from planning perspective was the loss of car parking spaces and the implications this could have.

The venue was in a compound with other units. There were a couple of units which were vacant. There was no control over future operators and therefore no controls over how they may operate. At the minute, current occupiers were operating at times which did not conflict with Gymmad, however a new operator could choose to operate 24hrs a day, which could conflict with Gymmad.

The Transport Strategy and Road Safety Manager explained that the main highway objection was because the increase in car parking was significant in need for its particular use. It was effectively doubling from what was available currently. It had already been highlighted that there were a couple of vacant units which could come in and operate for up to 24 hrs.

There were 37 spaces for 7 units of which the proposed unit had been allocated 17 spaces which was a significant proportion, however for the D2 use which was being applied for, 35 spaces were required.

The timetable which had been provided showed that there were 5 days of the week where there were daytime sessions. Similar developments across the borough did attract quite high car usage.

Some businesses in the Preston Farm area were approaching the Council due to issues with on street parking resulting in what they felt was a constraint to the growth of their businesses. In particular Douglas Close which was parked on quite heavily on both sides.

It was accepted that there was no parking going on at Vickers Close itself however if the D2 use was granted for this particular unit and the vacant units were filled this could result in on street parking on Vickers Close.

In terms of the letter of comfort which the applicant had received from Power League, this was not a formal legal agreement and therefore could be withdrawn at any time.

The travel policies submitted were welcomed by the authority, however due to the required number of car parking spaces being double of that which was available this did not fully mitigate against the under provision of car parking.

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

Questions were raised in relation to the letter from Power League allowing Gymmad the use of their overflow car park and how far in distance this was from the proposed unit.

It was not expected that 37 car parking spaces would be utilised at once due to the nature of the drop off and pick up operation. The number of people attending did not equate to 37 cars. Reference was made to an aerial shot of the site where it appeared that there was plenty of parking available in and around the area.

The facility was fabulous and this type of outlet should be backed by the authority.

It was suggested that the timetable be made a condition to ensure sustainability.

The area the unit was in was an industrial area where the likes of Heavy Goods Vehicles were in operation which gave rise for concern and could have an unintentional detrimental effect on the safety of the residents of the Borough.

Was it possible to make the written agreement from Power League formal allowing car parking in the overflow car park to become permanent?

The unit which was occupied by the florist raised concerns in relation to the vehicles which would deliver flowers to and from the unit and the possible dangers associated with it.

If the changes of use from a B2 to a D2 was to go ahead then how could it be future proofed so that if Gymmad ever pulled out in the long term it could be reverted back to a B2 use.

Was it possible to defer the application to explore other units with appropriate parking?

Members discussed the possibility of limiting the times of use by a condition.

It was suggested the facility was open on a Sunday during off peak business hours.

Officers were given the opportunity to respond to comments/issues raised by supporters. Their responses could be summarised as follows:

There was no control over the offer from Power League to use their overflow car park. A Section 106 agreement would be required for Power League to enter into and make it legally binding.

Officers confirmed that Power League was approximately 580 metres from Vickers Close.

Issues surrounding parking were during peak hour.

In terms of future proofing there could be a condition that the unit be a gym only, therefore preventing such facilities as soft play or cinema operating in the future.

It would be harder to impose and enforce a condition on the timetable, however hours of operation could be imposed.

There could be a condition to limit number of members & staff at any one time.

A vote then took place and the application was approved.

RESOLVED that planning application 17/1278/COU 7 & 8 Vickers Close, Preston Farm be approved for the following reasons;

Control of use;

Notwithstanding the provisions of Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, the premises shall be used as an indoor gymnastics club facility only and solely for use/operation by 'Gymmad' gymnastics club.

Restriction on extent of use;

The hereby approved gymnastics facility shall be used solely by members of 'Gymmad' gymnastics club with the total number of gymnasts and coaches/staff on the premises not exceeding a maximum of 20 persons at any one time. All classes shall be appropriately managed to feature staggered start/finishes with 15 minute intervals between the end of one class and the beginning of the next.

**P
56/17 Town and Country Planning (Local Planning) (England) Regulations 2012
Local Plan Regulation 19 Consultation**

Publication Draft Stockton-on-Tees Local Plan, Policies Map, Supporting Documents and Evidence Base

Strategic Housing Land Availability Assessment (2017) and Five Year Deliverable Supply Assessment

Members were presented with and asked to consider an updated report which informed Members on work undertaken since the last report to Cabinet in November 2016: the preparation of the Publication draft version of the Plan - supporting documents and new evidence base. It sought agreement to undertake and delegation of certain aspects of the processes required to enable the next stage of progress towards adoption.

Furthermore, the report gave an explanation of the updated Strategic Housing Land Availability Assessment (2017) which formed an evidence base to the Publication draft STLP and met the requirements of the NPPF, and the Council's updated position on five-year housing supply.

Members of the Committee were given the opportunity to make comments which could be summarised as follows:

Members noted the need to get a Local Plan in place as soon as possible.

A request was made that traffic surveys for site allocations in the Local Plan,

specifically Yarm Back Lane, Harrowgate Lane and Junction Road be carried out prior to the plan being finalised.

A comment was made that the scale of Yarm Back Lane and the scale and nature of Junction Road should be reconsidered.

Clarification was sought regarding the number of planning permissions which had been granted at Harrowgate Lane.

Members sought clarification on the number of homes which had been built in recent years.

A request was made for details of the New Homes Bonus allocation which the Council had received.

A request was made to see a strategy for dealing with the development at Harrowgate Lane

Officers responded to Members comments as follows:

Officers informed members that two sites had been permitted Summerville Farm (13/2387/OUT for 350 homes) and Tithebarn Land (14/2291/EIS for 340 homes).

Officers clarified that 1,729 homes have been recorded as being built between 2014 and 2017. This is split across the following years:

2014/15 - 441,

2015/16 – 364

2016/17 – 924

Officers were to circulate to Members information detailing the New Homes Bonus Calculation.

The West Stockton Masterplan was agreed by Cabinet in 2016. It could be accessed at the following link.

<https://www.stockton.gov.uk/media/7696/yarm-back-lane-and-harrowgate-lane-masterplan.pdf>

RESOLVED that:

1. Members note the content of the Publication Draft version of the Stockton on Tees Local Plan, Sustainability Appraisal and Policies Map and provide comments for consideration by Cabinet and Council

2. Members note that any minor changes to the Publication Draft of the Stockton on Tees Local Plan, Sustainability Appraisal and Policies Map are recommended for delegation to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Housing.

3. Members note that it is recommended that any minor changes to the Publication Draft version of the Local Plan following publicity under Regulation 19 to produce the Submission draft version of the Local Plan, and for

Submission to begin the formal Examination in Public process are delegated to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Housing.

4. Members should note the position of the Strategic Housing Land Availability Assessment 2017, housing projections and five year supply as set out at paragraphs 26, 27 and 28 of this report.