

## PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 4 September 2024.

**Present:** Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Pauline Beall, Cllr Carol Clark, Cllr John Coulson, Cllr Ian Dalgarno, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Shakeel Hussain, Cllr Tony Riordan, Cllr Norma Stephenson OBE, Cllr Jim Taylor and Cllr Barry Woodhouse.

**Officers:** Elaine Atkinson, Simon Grundy (DoF,D&R), Sarah Garvin (DoH&W), Simon Milner (DoCSE&C), Julie Butcher and Sarah Whaley (DoCS).

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

**Apologies:** Cllr Eileen Johnson, Cllr Andrew Sherris and Cllr Sylvia Walmsley.

### **P/22/24 Evacuation Procedure**

The evacuation procedure was noted.

### **P/23/24 Declarations of Interest**

There were no declarations of interest.

### **P/24/24 Minutes of the meeting which was held on 5 June 2024**

Consideration was given to the minutes of the Planning Committee meeting which was held 5 June 2024 for approval and signature.

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

### **P/25/24 Planning Protocol**

The Planning Protocol was noted.

### **P/26/24 Local Enforcement Plan**

Members were asked to consider, note, and endorse the contents of a report 'Local enforcement plan – planning guidance'. Which had originally been presented and deferred to Planning Committee Members 10 April 2024

Members had requested training and briefing in relation to the Local Enforcement Plan at the Planning Committee meeting held 10 April 2024 which had been delivered, and as detailed within those discussions, Members were informed that the Council had a statutory duty to investigate breaches of planning control although the decision on whether to act was nevertheless discretionary.

Ensuring compliance with planning regulations was also considered to play an important role in safeguarding the policies of the Local Plan and achieving high standards of development across the Borough.

The NPPF (para 59) stated that effective enforcement was important to maintain public confidence and that local planning authorities should consider publishing a local enforcement plan “to manage enforcement proactively, in a way that was appropriate to their area”.

Additionally following last year’s scrutiny review of planning (development management) & adoption of open space, the agreed action plan detailed within the report sought to introduce a local enforcement plan. A draft “Local Enforcement Plan” had been developed and this had previously been shared with the Corporate Management Team who supported the intention to introduce and ‘adopt’ the local enforcement plan.

The local enforcement plan did not have any legal status or formal adoption process, instead it was intended to provide guidance and increased transparency on the authority’s approach to how breaches of planning control would be processed with potential benefits being to help manage customer expectations and improve the overall customer experience.

The main topics discussed were as follows:

- In addition and in order to introduce an element of consistency to the prioritisation of cases, a ‘triage’ system had also been developed allocating a ‘score’ (based on a series of inputs which related to the nature of the case) within the priority rating system (emergency, high and low) which allowed officers to ensure that the most sensitive and urgent cases were investigated as a high priority and were given the appropriate attention.
- The intention was for the Local Enforcement Plan to be introduced 1 November 2024.
- Historical cases would still be investigated; however, this would be outside of the new process.
- A seminar session was to be held for Planning Committee Members and further training on the process would be offered to all Council Members.
- Officers were confident that timescales around ‘triage’ date setting would be achieved in terms of categorising cases by priority.
- Brief discussion took place around how minor breaches would be tackled, for example, where planning consent had been granted but the applicant had breached that consent and had built beyond what had been permitted.
- It was suggested that a quarterly snapshot be brought back to Planning Committee to show what cases had come into the Planning Service and what had been completed. In addition, a 12-month review of the process was also requested.
- Members welcomed the policy.

RESOLVED that Members note and endorse the contents of the Local Enforcement Plan.

**P/27/24 23/2102/FUL - Land Off Cygnet Drive, Bowesfield Lane, Stockton-on-Tees**

Consideration was given to planning application 23/2102/Ful, Land Off Cygnet Drive, Bowesfield Lane, Stockton-on-Tees.

Planning permission was sought for the erection of 265 dwellings and associated infrastructure and landscaping on an allocated site off Cygnet Drive/ Kingfisher Way, Bowesfield, Stockton. The scheme also included the provision of a car park to serve the nature reserve which would be accessed from Bowesfield Crescent

The proposed application consisted of 265 houses with 4 bungalows, 86 of which would be affordable, equating to 32.45% affordable provision.

The application had 39 letters of objection. In addition, an online petition objecting to the proposal was submitted with 523 signatures via change.org. No fundamental objections had been raised by statutory consultees.

The principle of development was considered acceptable, and the application had been considered in full and therefore it was not considered that the development would result in any significant conflict with the policies of the Local Plan and there were no technical reasons why the proposed scheme was unacceptable in planning terms and would justify a refusal of the application.

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 the development formed part of an allocated site in the local plan. It was considered that there were 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 acceptable in terms of visual impact and highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

For the reasons as detailed within the officers 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.

The Principal Planning Officer informed Members that there had been updates to Conditions 2 and 9 contained within the main report.

Since the writing of the report there were 6 additional letters submitted and the petition stood at 783 signatures. In addition, Thornaby Town Council had objected to the scheme.

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

- The Applicant had worked closely with the Council to develop the brown field site in accordance with the adopted Local Plan.
- The development would provide economic benefits.
- 86 high quality affordable homes would be provided surrounded by open space with access to the Tees Corridor.
- Keepmoat had a commitment to supporting local communities and businesses.
- The Applicant had a long-standing relationship with Stockton Riverside College.
- Members were respectfully asked to grant planning permission for the proposed development.

The Managing Director of Banks Properties attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- A brief history of the site was given.
- The site had been considered for development since 2015, however it wasn't until now that the site was considered viable alongside with Thirteen Housing Group, a local housing association, where a significant amount of affordable housing would be supplied, delivering a significant benefit to the Borough during an acute housing need.

A representative from Thirteen Housing Group attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- Thirteen had considerable stock in the Stockton Borough area and were excited to bring these additional 86 affordable homes to the area.
- The mix of homes would appeal to Thirteens customer base delivering a blended community with privately owned and rented homes.
- The homes would be good quality within the proposed location.

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

- A local businessman who operated his business within the vicinity of the proposed development expressed concerns relating to the impact the development would have on highways, exacerbating current issues already experienced on the neighbouring road network.
- Concerns were also raised relating to a lack of infrastructure.
- There were current issues getting off the estate which could take from 10 to 15 minutes.

- Parking in the area was already concerning, with many vehicles on-street parking.
- The increase in traffic from the proposed development would pose a risk to pedestrians and road users.
- The Impact on the local nature reserve was of great concern. Should the development go ahead local wildlife would be disturbed and forced out of their natural habitat.
- The proposed site was not an appropriate location to build on.
- The area was already congested with residents and businesses.
- There were many developments within the Stockton and Middlesbrough area, therefore why was this needed.
- Numerous businesses operated in the area with cars parking all over.
- Residents living close to the proposed site were a close-knit community, however it was felt should the development go ahead lots of those residents would relocate elsewhere.
- Concerns were raised relating to a possible increase in crime in terms of house burglaries if the proposed development was to go ahead.
- There was a family of Deer on Cygnet Drive and Bowesfield Lane.

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

- Officers acknowledged there were existing issues surrounding on street parking, however the required parking provision on the proposed development site had been met and the houses would have adequate parking and therefore shouldn't add to the current issue.
- In terms of Road Traffic accidents there had been 2 collisions in the vicinity of the site and main roundabout in the last 5 years.
- The application had been submitted using a transportation model and there were no problems at nearby roundabouts in terms of traffic flow.
- The site was outside of the nature reserve.
- The Teesside Development Corporation had owned the site and had extracted clay where the nature reserve was currently. Banks then created a nature reserve; however, the site was always intended for development. The nature reserve would however be maintained.
- There had been ecology assessments undertaken which concluded there would be no adverse impact on the nature reserve / wildlife.
- There was no evidence to suggest there would be an increase in crime.

- The development site was an allocated site in the Local Plan.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

- It was felt the site was overdeveloped and badly designed.

- Once the development was complete traffic would spill onto it from local businesses in the surrounding area.

- It was felt the proposed development conflicted with the Council's adopted Local Plan and took the allocated houses from 186 to 265 which was an increase of 42%.

- The housing mix was made up of 265 houses with 4 bungalows, 86 of which would be affordable, however it was felt with an average cost of £250k, those homes would not be affordable.

- 4 Bungalows did not appear to be enough.

- Had any provision been made for the houses to be adaptable in the future?

- One Member highlighted that Kingfisher Way had a lot of cars parked during the day of 5 October.

- Kingfisher Way was also where 'Kids 1st' children's nursery was located, which had been omitted from the background notes of the officers' report. In addition, with the many other businesses operating within the vicinity there would be times when traffic would be gridlocked. Members asked how a Construction Management Plan be compiled with the amount of traffic in and around the site.

- Questions were raised relating to the officers conclusion contained within the report which stated that the development formed part of an allocated site in the Local Plan, however it was felt that this was not the case. Originally there were 186 homes allocated on the site and this had now increased to 265. There were already 500 homes over allocation within the Borough, therefore it was believed that there was no need for the additional housing on the proposed development.

- There was a carpark used regularly by local fishermen which would be removed if the development went ahead.

- The application maybe right however it was felt that the location was wrong

- The development would have a negative impact on local countryside and wildlife.

- Questions were raised relating to the officer's recommendation which stated 'the final decision to be delegated to the Planning Services Manager once agreement from Natural England be secured for the Appropriate Assessment', and what that assessment was.

- It was highlighted that within the officer's report there would be footpath and cycle links to a number of facilities however this exceeded 800 metres walking distance which was not considered sustainable as there was no public transport available.

- Reference was made to application (08/0700/REM) which was associated with this application and refused, however on appeal was allowed by the planning inspectorate. The Master Plan should have been revised to include a village centre to ensure that this community was sustainable in the long term.

- Clarity was sought as to how long the bus service would be funded for.

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

- Officers explained that the development site included some of the white land as shown on the Local Plan however the development did not encroach on the nature reserve or green wedge.

- In terms of affordability and the housing mix, Thirteen Housing Group who were the registered provider had agreed the number of houses and tenure with the Councils private sector housing team. It had been identified that there was a shortage of 4 bed homes as well as bungalows and the site would also offer 2 and 3 bed homes. The 86 homes which were to be offered as affordable homes met the relevant criteria.

- Officers referred to paragraph 51 contained within the officers' report which outlined that there would be 99 dwellings compliant to Building Regulation M4(2) and no dwellings compliant to category M4(3). The provision was a result of the wider approach to prioritise the delivery of affordable housing which would provide an increased number of 4 bed affordable and bungalows. Although the development did not strictly accord with policy the increase in 4 bed affordable homes had been requested by the Housing Services Manager, therefore it was considered that on balance the scheme as proposed was acceptable.

- The fishermen were using Kingfisher Way for parking. Car parking would be provided with 10 spaces available, accessed off Bowesfield Crescent.

- In terms of density, this would be approximately 40 dwellings per hectare.

- The applicant had developed a scheme for Nutrient Neutrality which would be secured by a Section 106. An appropriate assessment had been undertaken and comments were awaited from Natural England. The developer needed to provide onsite mitigation or buy credits. The developer proposed to be buying credits via a provider. Nonetheless there was a credit scheme via Natural England which was available to purchase. The Council was awaiting comments from Natural England on the appropriate assessment.

- Officers confirmed that concerns raised relating to the footpaths and cycle links exceeding 800 metres was only guidance and the routes were safe and direct, however access to public transport was available, and which was why funding was required in the Section 106 to extend the current bus service.

- Where members queried the need to amend the Masterplan, officers explained that on appeal the inspector stated that as a village centre was not listed as part of the conditions the inspector dismissed that as a reason for refusal. If a village was really needed it should have been conditioned at outline permission stage and therefore no need to include in masterplan.

- Officers confirmed that the contributions for the bus service would keep on going after March 2025 as the service was already funded until then. What the Council had said was money to extend the service or alternatively that money would be used for any other highway improvements.

A vote took place, and the application was refused.

RESOLVED that the planning committee refuse application 23/2102/FUL - Land Off Cygnet Drive, Bowesfield Lane, Stockton-on-Tees be refused for the following reasons:

Reason for Refusal 1

In the opinion of the local planning authority, by virtue of the significant increase in housing numbers, the proposal will lead to a poor layout and unacceptable cramped form of development and an increase in density in an area where there is limited public transport provision contrary to the National Planning Policy Framework and Local Plan Policies SD8(1,2), H1(5(3,4) and H4(2)

Reason for Refusal 2

In the opinion of the local planning authority the proposed development will result in an unacceptable increase in pedestrian/cyclist conflict on Cygnet Drive/ Kingfisher Way due to the existing on street parking that occurs, contrary to National Planning Policy Framework and Local Plan Policy SD8(1f) and T11(e).