

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 2nd March, 2011.

**Present:** Cllr Roy Rix(Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr John Fletcher (vice Cllr Mrs Maureen Rigg), Cllr Jean Kirby, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Jean O'Donnell (Cllr Robert Gibson), Cllr Steve Walmsley

**Officers:** C. Straughan, G. Archer, A. Glossop, E. Atkinson, S. Grundy, M. Chicken, P. Shovlin, A. Bishop, J. Roberts, M. Whaler (DNS); J. Butcher, M. Henderson (LD)

**Also in attendance:** Applicants, agents and members of the public.

**Apologies:** Cllr Fred Salt, Cllr Robert Gibson, Cllr Mrs Maureen Rigg and Cllr Ross Patterson

### **P       Declarations of Interest**

**109/10**

Councillor Rix declared a personal non prejudicial interest in item 5 entitled Land West of Stillington, - Erection of 4 No. wind turbines and associated infrastructure, as he was a member of the Ramblers' Association, which had been consulted on the application and had provided a response.

Councillor Mrs Aggio declared a personal non prejudicial interest in item 3 Former ICI Anhydrite Mine, Grow How Facility - Conversion of part of former ICI anhydrite mine to a waste storage facility as she was a resident of Billingham and a Member of the Billingham Partnership Board. She indicated that she had not taken part in the meeting of the Board that had considered and commented on these proposals.

### **P       10/0258/EIS**

**110/10**

**Former ICI Anhydrite Mine, Grow How Facility, Haverton Hill Road Conversion of part of former ICI anhydrite mine to a 4 million cubic metres waste storage facility. Material deposited will comprise Air Pollution Control Residues (fly ash), a hazardous waste (as defined) within the Hazardous Waste Regulations 2005, together with above ground site office, laboratory, staff car park, an enclosed bulk APCR material handling and treatment facility and enclosed area containing 2 mine shaft entrances and winding gear**

The Committee considered an application for planning permission for the storage of Air Pollution Control Residues (APCRs, more commonly known as fly ash) in part of the existing mines underneath Billingham. The above ground works would include the provision of site office, laboratory, staff car park, an enclosed bulk APCR material handling and treatment facility and enclosed area containing 2 mineshaft entrances and winding gear.

In view of the scale of the proposal and the location of the development, the application was subject to formal Environmental Impact Assessment (EIA). The Committee was provided with a summary of each of the specialist EIA reports.

The Committee also received comments on the proposals from consultees.

Within the Heads of Terms Members noted that the Developer and /or owner

would

- establish a Community Benefit Fund.
- not store hazardous waste under any part of the residential Area.
- enter into a covenant with the Council prohibiting the deposit of high level or intermediate level radioactive waste at the site.
- not store Nuclear Waste at any part of the site.
- enter into a covenant with the Council regarding traffic routing
- use reasonable endeavours to make available agreed levels of local employment.

Members were informed that 29 objections in total had been received from neighbouring properties, Low Grange Residents Association, Cowpen Residents Associations, Veolia Environmental Services (similar operation based in Cheshire) and former Councillor, Alex Cunningham (now MP for Stockton North).

Five letters of support had been received from 3 local businesses (including SITA), Billingham Town Council, and Billingham Partnership Board and one letter making additional comments.

Additional explanatory information relating to the application was advertised in the local press.

It was explained that the primary material planning considerations of the application related to whether the proposal satisfied the requirements of National and Regional Guidance and Local Policies; the impact of the proposed development in terms of land and water quality, flood risk, ecology and nature conservation, air quality, traffic impact and highway safety and any other residual matters that might make the development unacceptable.

These matters had been considered in detail and the development, as proposed, was recommended for approval by officers, with conditions subject to the completion of a Section 106 Agreement in accordance with the Heads of Terms detailed within the report.

The Committee noted that should the application be approved the applicant would need to obtain an Environmental Permit from the Environment Agency before any storage took place.

Members received representations from the Managing Director of NPL who pointed out that none of the statutory consultees had raised objections. He also referred to the Heads of Terms that provided assurances relating to hazardous and nuclear waste, traffic routing etc. He also explained the benefits the local community would receive via the Community Fund and employment opportunities.

The Committee then heard from objectors who raised a number of points, including;-

- reference to petitions received in 2007 objecting to the use of the mines for the storage of waste. An objector suggested that those petitions were still relevant to this application.

- there was insufficient evidence/information about the proposals to justify approval
- there had been a lack of consultation within Billingham, other parts of the Borough and the adjoining Borough of Hartlepool
- the proposals would lead to a reduction in local property values
- Fly ash was very toxic and dioxins would get into the water table
- in time arrangements would be relaxed and the mines would be used for nuclear waste in the future

Supporters of the application then addressed the Committee and raised a number of points including:-

- approval would lead to the creation of new jobs
- the Community Fund would provide much needed benefits
- There had been widespread consultation
- Assurances and covenants had allayed many concerns

Members discussed the report and the representations they had received. Discussion and comments were mixed and included the following:-

- concerns over importing waste into the Borough for landfill - It was suggested that Billingham would be a 'dumping ground' for others and this would have a detrimental effect on inward investment.
- there was a lack of clarity over the extent of consultation that had taken place on the proposals.
- approval of the application may prevent the mines being used for nuclear waste in the future.
- monitoring would take place
- the Community Fund would have a positive effect on Billingham and assist local people
- the proposals would create new local jobs and assist inward investment.
- support for the application had been received from the Billingham Partnership and Billingham Town Council

Officers confirmed that the petitions delivered to the Council in 2007 had been referenced in the report to the Committee, but had not been received in response to this application.

Officers explained that if approved the waste in the mines would be monitored by the Environment Agency and the Mining Inspectorate would inspect the mines once notified of opening.

Having discussed the information it had received the committee voted on the officers recommendation.

RESOLVED that Planning application 10/0258/EIS be APPROVED subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions:

1.The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
LE10235/EIA1.1	8 February 2010
LE10235/EIA1.2	8 February 2010
LE10235/EIA1.3	8 February 2010
LE10235/EIA1.7	8 February 2010
LE10235/EIA1.8	8 February 2010
LE10235/0118	February 2010

2 In addition to the requirements of condition 1, the development hereby approved shall be carried out in accordance with the submitted details including the Environmental Statement, the Supplementary Reports and Addendum to that statement received January 2011 and the revised Transport Assessment dated received 8 April 2010 or as otherwise may be subsequently agreed in writing with the Local Planning Authority.

3. The development shall not be operated except in accordance with the full implementation of all the mitigation measures specified in the Environmental Statement accompanying the planning application hereby approved and the updates received January 2011 and any a programme to monitor the effectiveness of these mitigation measures, which shall be agreed before development commences.

4. The development shall not be operated unless in accordance with the mitigation measures that are identified as the result of any additional testing to satisfy the requirements of the Environmental Permit.

5. The waste to be stored shall be solely Air Pollution Control Residues (APCR) unless otherwise agreed in writing with the Local Planning Authority.

6. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

7. Notwithstanding the submitted details prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the approved details shall be implemented before the development is brought into use unless otherwise agreed in writing by the Local planning Authority. The scheme which shall include provisions for the final details of the site layout showing details of vehicular circulation roads, parking, hardstandings, storage areas, loading and unloading facilities and turning facilities on the Application site

8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be implemented before the development is brought into use. The approved scheme shall be retained for the life of the development hereby permitted unless with the prior written agreement to any variation is obtained from the Local Planning Authority.

9. Notwithstanding the proposals detailed in the Design and Access Statement,

full details of all external illumination of buildings facades and external areas of the site, including parking courts, shall be submitted to and approved in writing by the Local Planning Authority before installation or erection. The illumination shall be retained in accordance with the approved scheme unless with the approval of the Local Planning Authority to any variation.

10. Notwithstanding the proposals detailed in the Design and Access Statement, no development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following commencement of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

11 Notwithstanding the proposals detailed in the Design and Access Statement, no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

12. Notwithstanding the proposals detailed in the design and access statement, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any vegetation within a period of 5 years from the date of completion of the total landscaping works, the date as agreed with the Local Planning Authority, that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Landscape maintenance shall be detailed for the initial 5 year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

13. Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background

levels of noise as agreed without the agreement in writing of the Local Planning Authority

14. Prior to the commencement of development, a scheme shall be submitted to and approved by the Local Planning Authority demonstrating what steps will be taken to seek to achieve a BREEAM 'Very Good' rating for the development. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

15. Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the local planning authority, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and brought into use to the written satisfaction of the local planning authority. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

16. The development hereby permitted shall not be commenced until such time as a scheme for satisfactory surface water management has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

17. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ and a photographic record of the underground elements of the mine should be produced prior to development.

18. During initial site clearance and any leveling of land on site a qualified ecologist shall be present

19. Prior to first use or occupation of any part of the development, the agreed travel plan (as set out in report reference MARP0001Revision 4 dated 21st April 2010 prepared by URS Corporation) shall be implemented to the reasonable satisfaction of the Local Planning Authority.

20. Prior to commencement of works, a traffic management plan for the construction phase shall be submitted and approved in writing by the local Planning Authority. The plans shall demonstrate how traffic will be managed during this period including identifying appropriate routes to ensure there is no adverse impact on the local and strategic highway network and the approved plan shall be implemented to the reasonable satisfaction of the local planning

authority

21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

22. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the submitted Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

24. If potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.

25. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

26. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

27. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [3] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

28. No development shall be commenced until the site is investigated to determine the nature and extent of landfill gas. The site investigation and risk assessment report shall be carried out in accordance with Guidance on Evaluation of Development proposals on sites where methane and carbon dioxide are present [NHBC March 2007] and CIRIA document C659.

29. No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sundays or Bank Holidays.

## HEADS OF TERMS

### COMMUNITY BENEFIT FUND

The Developer and the Owner shall not Commence Receipt of Waste until they have prepared and submitted to the Council for its reasonable approval the Terms of Reference to establish the Community Benefit Fund and have established the Community Benefit Fund.



The Developer and the Owner shall ensure that the Terms of Reference shall include provisions that:-

- define and determine the concept of a "genuine community need";
- the Community Benefit Fund may be used for the benefit of community projects and

Communities within the administrative area of Billingham Town Council; and

- Permit a representative from the Council and the Developer to be nominated as a trustee or similar to the Community Benefit Fund.

The Developer and/or the Owner shall pay into the Community Benefit Fund:-

- a sum of £25,000 (twenty five thousand pounds) on the Commencement of Receipt of Waste; and
- a sum of £25,000 (twenty five thousand pounds) on the following 39 anniversaries of the Commencement of Receipt of Waste

#### HAZARDOUS WASTE STORAGE

The Developer and the Owner shall not store Hazardous Waste under any part of the Residential Area.

#### COMMITMENT ON NUCLEAR WASTE

The Owner hereby covenants with the Council that upon transfer of the Site to the Developer it shall place a restrictive covenant against HM Land Registry title numbers CE187993, CE187994 and CE188479 which prohibits the deposit of high level or intermediate level radioactive waste at the Site.

The Developer and the Owner shall not store Nuclear Waste at any part of the Site.

#### TRAFFIC ROUTING

The Developer and the Owner hereby covenant with the Council that:-

They shall ensure that from the date of this Agreement all Heavy Goods Vehicles delivering materials to the Site or removing materials from the Site will at all times follow the Approved Route when travelling to or from the Site.

They shall ensure that prior to the first visit to the site of any Heavy Goods Vehicle delivering materials to the Site or removing materials from the Site the Developer or the Owner shall issue written instructions containing the Approved Route with which each haulier or driver shall comply.

Each haulier or driver shall only use the Approved Route when travelling to or from the Site.

In the event that the Approved Route is unavailable for use due to obstruction or other exceptional circumstance the routing requirements of this Agreement will be suspended until such time as the Approved Route becomes available for use.

#### LOCAL EMPLOYMENT

The Developer and the Owner shall use reasonable endeavours to make available;

10% of the available jobs during the construction of the Development; and 20% of the available operational jobs once the Development is operational to

residents of Stockton and the Tees Valley.

Ensure that 10% of total net value of the services and materials used in the construction of the Development is to be provided by businesses within Stockton and the Tees Valley.

- P 10/3016/FUL**  
**111/10 Land Parcel at 448093 510847, Seamer Road, Hilton**  
**Proposed erection of 10.26m high meteorological mast for a temporary period of 12 months**

As the time taken to deal with other items of business on the agenda had taken longer than expected, and members of the committee had a commitment to attend a meeting of the Full Council that evening, it was agreed that this item be deferred to the next available meeting. This item would be placed toward the front of that agenda.

RESOLVED that the item be deferred.

- P 10/2549/EIS**  
**112/10 Land West Of Stillington, Stockton on Tees**  
**Erection of 4 No. wind turbines (max height 125m) and associated infrastructure to include anemometer masts, access roads, crane pads, control building, substation and temporary construction compound.**

The Committee considered an application for planning permission that sought the erection of a wind farm at Lambs Hill, Stillington consisting of four wind turbines with a maximum height to blade tip from ground level of 125m, together with the associated development of meteorological masts, a control building, access tracks, crane pads, site compounds, underground electrical cabling and other ancillary development.

A total of 65 representations had been received of which 40 raised objection to the scheme and 20 offered support, with the remainder offering comment. Objections to the scheme related mainly to the visual impact of the turbines on the surrounding landscape and residential properties, the potential cumulative impact with other wind farm schemes, impact on residential and public amenity, economic and environmental matters. Comments of support related to the generation of renewable energy tackling climate change, meeting our targets, reducing energy importing, the fact that the resource would never run out, creating employment opportunities for the area and benefits for the community.

Within Planning Policy Statement 22 – Renewable Energy and the Regional Spatial Strategy, Government had set targets for the UK for 20% of energy to be from renewable energy by 2020 whilst the European Union has set a 15% target for the same date. Whilst those re targets, they are not ceiling levels. The Tees Valley had its own targets based on those percentages and to date, had not yet achieved the target figures.

The impact of the wind farm had been considered against all material planning considerations including the impact on the landscape, residential properties and settlements, ecology, highway safety, the Stillington Forest Park and the environment in general as well as the cumulative impacts of the scheme taking into account other approved and proposed wind farm schemes. There were no outstanding objections (subject to the imposition of conditions) from consultees with responsibility for air traffic safety, ornithology, archaeology, cultural heritage, pollution, noise disturbance, highway safety or microwave links.

Whilst it was acknowledged that there was a major local impact on the landscape, the Head of Technical Services considered that, based on current consented or operational wind farms within the area, this impact would be acceptable, although had noted that were other proposed schemes within the area developed then there may be an unacceptable cumulative impact with the landscape being dominated by wind farms as a result. Although submitted information had allowed for a cumulative assessment of wind farms to be made, it was considered that this proposal needed to be determined based on the current approved schemes within the area.

The Head of Technical Services had considered the Environmental Statement in respect to construction traffic, abnormal load movements and operational traffic against the need to ensure the scheme was achievable without undue detrimental impact on highway safety. Based on the details as submitted, the traffic impact was considered to be acceptable although conditions were recommended to ensure adequate control was achieved.

It was explained that representations received had been fully considered as had the comments received from consultees alongside all material planning considerations. Taking all matters into account, although the proposed wind farm would have a major impact on the landscape within the local area and would affect the views for some properties as well as having other impacts, these were consistent with impacts of the majority of wind farms and it was not simply whether a scheme had an impact but the extent of the impact, whether it was confined to a local area and the detail of the effects, taking into account potential mitigation. Taking into account the assessments within the report, the proposed wind farm was considered to be in accordance with national, regional and local planning guidance.

The Committee heard representations from the applicants:-

- the company had a close long-standing connection with the region and had a good track record.
- the proposals represented a considerable commitment by the company.
- approval would bring jobs and investment to the area - benefits to local suppliers.
- there was a need, which was being pushed by the government, to identify and use green renewable energy sources.
- the UK had very good wind resources and Lamb's Hill was an ideal site in Stockton on Tees Borough's area.
- there were no statutory objections.
- they considered that a survey and consultation they had undertaken in Stillington suggested support from a significant number of residents.

- a module would be attached to the turbines which would ensure shadow flicker would not occur.
- Cumulative Impact was not an issue in the area at that time. If the proposals were approved then other, undetermined, applications would need to be determined taking account of the Lamb's Hill site.
- the local community would benefit from a local community fund.

The Committee heard from objectors who made a number of points and raised concerns, including the following:-

- Increased traffic in Stillington may lead to subsidence in some areas.
- Increased traffic including HGVs would be a risk to pedestrians.
- the visual impact on residents was unacceptable and this would be compounded if undetermined applications, in adjoining areas subsequently received approval.
- noise levels would be a problem to residents.
- the survey and consultation undertaken and referred to by the applicants had been misleading.
- Stockton already made a significant contribution to the renewable energy agenda.
- wind energy was unreliable and uncontrollable.
- concerns over the long term future of wind energy and the potential that the turbines would be left unmaintained - 'a white elephant'.
- the committee should consider the opinions of those most affected.
- there was a suggestion of an alternative site to the east of Lamb's Hill.
- the turbines were too high.
- the turbines could cause shadow flicker. One of the objectors, living close to the proposed site, explained that her daughter suffered from a condition that could be detrimentally affected by shadow flicker.
- the turbines would change the nature of the landscape

The Committee also heard from supporters:-

- the effects of climate change, caused by the use of fossil fuels, were becoming more apparent and green renewable energy had to be supported.
- Banks, the applicants, were experienced in energy generation from wind.
- the proposals would bring employment opportunities to the area.
- the proposals would bring much needed funds into Stillington.
- wind energy was effective and free.
- increased traffic would only be for the build stage.
- targets on renewable energy had to be met.

Members discussed the report and the representations they had received. Discussion and comments were mixed and related to the following areas:-

- concerns over the cumulative impact. It was suggested that Stockton should refuse the application and set up a meeting with adjoining authorities and consider the area as a whole.
- not against turbines but had grave concerns siting in this area.
- concerns that visual mitigation of the turbines would be difficult given their height.
- the turbines would upset the quality of life of some residents.
- concerns at the accuracy of the surveys undertaken by Banks.

- approval would bring important investment to the area.
- the committee was only able to consider cumulative impact as it existed at the time this application was being determined.

Officers clarified certain issues raised during discussion.

It was moved and seconded that the application be refused for the following reasons: the environmental and social impacts of the development cannot be satisfactorily addressed; the development cannot be integrated into the landscape, it would be visually intrusive and the separation distances between settlements would not be maintained, contrary to CS10 and PPS22.

The motion also requested that officers contact adjoining authorities to consider the potential cumulative impact of all applications for wind turbines in this area.

The motion for refusal was defeated.

The officers recommendation was then put to the Committee.

RESOLVED that planning application 10/2549/EIS be approved subject to the applicant entering into a Section 106 agreement in accordance with the Heads of Terms detailed below and subject to the following conditions;

#### HEADS OF TERMS

The applicant shall use reasonable endeavours to ensure that thirty per cent (30%) of the Jobs on the Development (excluding specialist jobs such as site manager, agent, resident engineer, turbine erection crew and specialist electrical crew) are made available to residents of Stockton and the Tees Valley.

To use reasonable endeavours to ensure that thirty per cent (30%) of the total net value of the services and materials used in the Development (excluding specialist services and materials such as the supply and erection of wind turbines and electrical connection works) are provided by Businesses within Stockton and the Tees Valley.

#### CONDITIONS:

##### 01. Approved Plans

The development hereby approved shall be in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

HJB/749/PA10	received on the 30th September 2010.
HJB/749/PA11	received on the 30th September 2010.
HJB/749/PA17	received on the 30th September 2010.
HJB/749/PA18	received on the 30th September 2010.
HJB/749/PA19	received on the 30th September 2010.
HJB/749/PA20	received on the 30th September 2010.
HJB/749/PA21	received on the 30th September 2010.
HJB/749/PA22	received on the 30th September 2010.
HJB/749/PA23	received on the 30th September 2010.
HJB/749/PA24	received on the 30th September 2010.
HJB/749/PA25	received on the 30th September 2010.
HJB/749/74	received on the 24th December 2010.

#### 02. Contaminated Land Survey

Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development hereby approved a scheme detailing the risks of contamination will be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail a preliminary risk assessment, site investigation and results, mitigation works and verification plan. The development shall be undertaken in accordance with this scheme unless otherwise agreed in writing by the Local Planning Authority.

03. Surface Water Drainage No development hereby approved shall be commenced until a scheme for the provision of a surface water drainage system, including a means of attenuation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how surface water run-off shall be prevented from entering the highway, prevented from affecting rail infrastructure and detail long term management responsibilities. The scheme shall be implemented before the construction of impermeable surfaces, which are to drain into the approved drainage system unless otherwise agreed in writing by the Local Planning Authority.

#### 04. Foundations

No development hereby approved shall be commenced until a scheme to assess the risks posed and possible impacts of pouring concrete foundations directly on top of the Magnesian Limestone principal aquifer has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

#### 05. Phased Archaeological Work

Unless otherwise agreed in writing by the Local Planning Authority, no development hereby approved shall take place within the application site boundary until a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall detail a phased programme of archaeological work including;

- An assessment of significance;
- Research questions;
- A programme and methodology of site investigation and recording;
- A programme for post investigation assessment;
- Provision for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
- Post investigation assessment;
- Provision made for analysis, publication and dissemination of results and archive deposition has been secured;
- Timing for each part of the programme

Where important archaeological remains exist provision should be made for their preservation in situ. The development shall be undertaken in strict accordance with the details of the approved Written Scheme of Investigation

and programme of archaeological work.

06. Turbine and transformer cabinet positioning (Micro siting)

Notwithstanding details hereby approved, the wind turbines and their associated transformers shall be sited within 50m of the positions indicated on plan ref: HJB/749/PA17 issue A2 entitled 'proposed site layout' in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority. The final scheme of siting will be considered by the Local Planning Authority in conjunction with consultees including the MoD, Durham Tees Valley Airport, the National Grid, the Joint Radio company Limited and Natural England in order to ensure safe and acceptable distances remain between the turbines and receptors.

07. Turbine and transformer cabinet type and size

No development shall commence until full details of the design, siting dimensions finish and colour of the turbines and their associated transformer cabinets has been submitted to and approved in writing by the Local Planning Authority. The turbines shall not exceed an overall height to tip of blade when installed of 125m above ground level with an overall rotor diameter of 92.5m. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

08. Access track positioning

Notwithstanding details hereby approved, the proposed access tracks shall be sited within 10m of the positions indicated on plan ref: HJB/749/PA17 Issue A2 entitled 'Proposed site layout' in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority. The final scheme of siting will be considered by the Local Planning Authority in conjunction with consultee responses in order to ensure safe and acceptable distances remain between the tracks and receptors.

09. Access track through Forest Park

Notwithstanding details hereby approved, the access track through the Stillington Forest Park shall be constructed in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority in order to limit the impact of the track on the forest park.

10. MoD and DTVA Notification

Both the Ministry of Defence and Durham Tees Valley Airport shall be notified in writing, a minimum of 4 weeks in advance of the following at the addresses below;

- The date construction on site commences, including timing for the erection of each turbine,
- The date construction on site ceases,
- The maximum height of construction equipment,
- The latitude and longitude of each turbine.

Each submission of details shall be accompanied by the site address, grid co ordinates and the Local planning Authority's Planning Application reference number.

11. Construction Traffic Mitigation

Unless otherwise agreed in writing with the Local Planning Authority, at least one month prior to the commencement of development hereby approved, the

developer shall;

- a) Submit to the Local Planning Authority a plan of the routes within the administrative boundary of Stockton on Tees to be used by either Heavy Goods Vehicles or Abnormal Load Vehicles associated with the transportation of goods to site required as part of this development;
- b) Submit to the Local Planning Authority in writing or other agreed form, the results of carriageway and footways inspections both before and after completion. Inspections shall be undertaken using Detailed Visual Survey (DVI) survey techniques which will enable the process the data through the Local Highway Authorities accredited UKPMS system. All work to be undertaken by accredited inspectors in agreement with the Local Planning Authority;
- c) Undertake a joint visual inspection with the Local Authority to monitor and assess the condition of the highways on the selected route of construction traffic.

Prior to the commencement of the development, the applicant shall secure means by which, any damage to the highway caused by the traffic associated with the development, shall be repaired/made good or mitigated at the applicant's expense, being subject to the written approval of the Local Planning Authority in consultation with the Highway Authority. The approved details shall specify timing for repair works to be undertaken.

## 12. Construction Traffic Management Plan

Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include but not be restricted to detailing the following;

- Site information
- Programming
- Traffic disruption, speed control, road works co-ordination
- Temporary widening, running surfaces, narrow lanes, visibility
- All statutory utility services that may need protecting or diverting
- Temporary safety barriers and safety zones
- Routes for emergency vehicles, diverted vehicles, diverted pedestrians
- Abnormal Load Movements
- Vehicle recovery and incident management
- Temporary Traffic Regulation Order's, signing, lighting, vehicle waiting areas.
- Detailed layout of the Traffic Management scheme.
- Consultation.
- Operational hours.

Throughout the construction phase, the Construction Traffic Management Plan shall be implemented in accordance with the approved details, and any changes to the plan shall only be permitted by prior written consent from the Local Planning Authority.

## 13. Abnormal Loads Dry Run – Technical Services

Notwithstanding details hereby approved, prior to commencement of the development, a 'dry run' for transporting the abnormal loads to the site shall be carried out. The 'dry run' load shall accurately represent the maximum width, length and height of the turbine components. The Local Planning Authority shall be informed in writing of timing of the dry run a minimum of 2 weeks prior to its operation. A written statement of the findings of the dry run shall be submitted



in writing to the Local Planning Authority prior to any commencement of development on site.

#### 14. Scheme to retain the highway in a clean state

Notwithstanding details hereby approved and prior to commencement of the development on site, details of measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

#### 15. Detailed site operation method statement

No construction, decommissioning or removal work as part of the development hereby permitted shall commence until a detailed method statement for working practices has been submitted to and approved in writing by the local planning authority. The statement shall include but not be restricted to details on foundations, hard standing, site access tracks, drainage, construction compound, soil handling and storage and fencing. It shall also indicate how it has had regard to wildlife surveys undertaken and shall specify any mitigation measures proposed, including the timing of any work. Any works that abut the highway including adopted verges shall be carried out in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) latest edition. All other work shall be carried out in accordance with the approved details.

#### 16. Landscaping scheme, implementation and maintenance

Notwithstanding details hereby approved and prior to the commencement of works on site a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details including the species, numbers and locations of planting, timescales for implementation and a maintenance schedule for a minimum period of five years. The development shall be carried out in accordance with the approved scheme.

#### 17. Forest Park Improvement Scheme

Notwithstanding details hereby approved and prior to the commencement of works on site a scheme of improvements to the Stillington Forest Park shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the improvements to be made and timescales for their implementation. The development shall be carried out in accordance with the approved scheme.

#### 18 Lighting scheme

Notwithstanding details hereby approved all fixed lighting to be erected or used as part of both the construction and operational phases of the development, shall be erected and operated in accordance of a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. Any scheme should demonstrate how the impacts of lighting on the landscape and on the operational railway line shall be minimised in respect to intensity, number, direction and colour.

#### 19. Aviation (a)

No development hereby approved shall commence until a detailed scheme for

the provision to air traffic controllers of Durham Tees Valley Airport ('the Airport') of additional radar information (as defined in the note below) in respect of aircraft and other radar returns over or within 3 nautical miles of the boundary of the application site has been submitted to and approved in writing by the Local Planning Authority in consultation with the airport operator and all necessary approvals for the installation, testing and operation of the requirements of the approved detailed scheme have been obtained to the satisfaction of the local planning authority in consultation with the airport operator, including the regulatory approval of the Civil Aviation Authority where necessary.

#### 20 Aviation (b)

The wind farm hereby approved shall not commence operation until the requirements of the approved scheme have been installed, effected, tested and become operational and any further necessary approvals for the same including the regulatory approval of the Civil Aviation Authority, have been obtained, all to the satisfaction of the local planning authority in consultation with the airport operator. Any variation to the approved scheme, including its implementation, shall not take place except with the prior written consent of the local planning authority.

#### Note:

The detailed scheme referred to in condition Aviation DTVA (a) shall;

- Provide for data supplied by primary radar ('the additional radar') other than the primary radar located at the airport, which is fully compatible with the radar data processing system used by the airport; and
- Demonstrate that the scheme when operational will ensure that any radar returns from the development will not be displayed to air traffic controllers of the airport and will not otherwise adversely affect the air traffic control at the airport. 'Additional radar information' means information from a primary radar optimised in order to be interpreted or combined with information from the primary radar (watchman) located at the airport.

#### 21. Checking Surveys Badgers

Checking surveys shall be carried out immediately prior to works commencing on site to ensure no Badger Setts have been established on site. If Setts are established or badgers are found to be foraging over the site, no works shall be undertaken until an impact assessment and suitable mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme. Should works cease for any period over 1 month then further checking surveys shall be undertaken and any evidence shall be similarly agreed with the Local Planning Authority.

#### 22. Protected species, ecology and ornithology

Unless otherwise agreed in writing with the Local Planning Authority, no development hereby approved shall commence until an Environmental Action Plan (EAP) has been submitted to and approved in writing by the Local Planning Authority. The EAP shall be based on Section 7 of the 'Lambs Hill Environmental Statement, September 2010, relating to mitigation, compensation and enhancement measures and shall include but not be restricted to detailing timing and spatial restrictions, provision of mitigation including protective fencing, habitat enhancements in advance, careful working practices in relation to amphibians, micro siting of turbines, undertaking confirming surveys,

adherence to precautionary working methods and appointment of persons responsible for overseeing operations.

### 23. Protected Species

No development shall take place unless in accordance with the mitigation detailed within Section E of the protected species report 'Lambs Hill Wind Farm, Bat and Barn Owl Report, AESL, Summer 2010' including, but not restricted to; maintenance of a 50m buffer from the nearest part of the rotor swept path to a habitat feature (trees, hedges, waterways), adherence to precautionary working methods and adherence to timing restrictions.

## CONDITIONS: DURING CONSTRUCTION

### 24. Vegetation clearance timings

All site vegetation clearance shall avoid the bird breeding season (March to end of August), unless otherwise agreed in writing by the Local Planning Authority and subject to a checking survey being undertaken by a qualified ecologist immediately prior to the clearance works being undertaken.

### 25. Construction hours of operation and construction traffic movements

Notwithstanding details hereby approved, all construction operations on site associated with this development, including delivery of materials onto site, but excluding activities associated with abnormal loads, shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing with the Local Planning Authority. All HGV movements shall avoid passing along Morrison Street and the associated school between 8.30 and 9.15am and 3.00 and 4.00 pm. Monday to Friday unless first agreed in writing with the Local Planning Authority. All HGV movements shall avoid passing through Stillington Forest Park outside of the hours 8.30am to 5.30pm Monday to Friday and at any time on Saturdays or Sundays unless first agreed in writing with the Local Planning Authority.

### 26. Temporary site compound

Prior to the site compound being constructed on site, a plan to a scale of 1:500 shall be submitted to the Local Planning Authority showing its location and layout, indicating the location of the buildings, car parking, and boundary fencing. Thereafter any temporary site compound at the site shall be constructed in accordance with the approved plans. Unless otherwise agreed in writing with the Local Planning Authority, the compound and all associated features shall be removed from the site and the land reinstated to its former profile and condition no later than 9 months after the date when electricity is first exported from the wind turbines to the electricity grid network (the First Export Date).

### 27. Control building

The control building and its associated compound shall be constructed in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the siting, dimensions, appearance and external finishes of the building, any fencing and the surface material of the compound area. The development shall be carried out in accordance with the approved details.

#### 28. Site cabling and connection

All electrical cabling between the individual turbines and the on-site control building shall be located underground in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 6 months of the commissioning of the wind turbines to the satisfaction of the Local Planning Authority

#### 29. Ice detection equipment

Prior to the erection of any turbine hereby approved, details of a scheme for the detection of blade icing and mitigation of its impacts shall be submitted to and approved in writing by the Local Planning Authority. The procedures, measures and use of equipment set out in the approved scheme shall be operated at all times unless otherwise agreed in writing with the Local Planning Authority.

#### 30. Controlling Dust and Debris

All vehicles leaving the site which are transporting loads from which dust and debris may be produced shall be fully sheeted prior to leaving the site.

#### 31. Storage of potentially polluting goods

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

#### 32. Foundation Piling

There shall be no piling of foundations or foundations using penetrative methods unless first agreed in writing with the Local Planning Authority.

#### 33. Wind turbine noise assessment

Unless the REpower MM92 2MW wind turbine with a hub height of 78m is installed at all positions hereby approved for wind turbines, prior to the erection of any turbines, a noise assessment shall be submitted to and agreed in writing by the Local Authority which demonstrates the predicted noise levels for chosen turbine model for the locations and wind speeds as detailed in tables 8.3 and 8.4 of the Environmental Statement.

### CONDITIONS: POST CONSTRUCTION

#### 34. Decommissioning – 25 Years

Notwithstanding details hereby approved, unless a renewal permission is granted for the scheme by the Local Planning Authority, the turbines may remain on site for a period not exceeding 25 years from the date that electricity from the development is first exported into the electricity grid. Within 12 months of the expiration of the 25 year period, elements of the development

shall have been removed and the site shall be restored in accordance with a scheme of remediation and reinstatement to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include all highway or landscape features affected by the decommissioning.

#### 35. Turbine removal after 12 months in-operation

Unless otherwise agreed in writing with the Local Planning Authority, if any wind turbine ceases to be operational for a continuous period of 12 months it shall be dismantled and removed from the site within a period of 9 months from the end of the 12 month period and the immediate location of the turbine shall be restored in accordance with a scheme of remediation and reinstatement to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include all highway or landscape features affected by the decommissioning For the purposes of this condition a period of in operation shall include periods where the wind turbine is operating beyond the approved noise limits as detailed by the noise condition hereby imposed.

#### 36. 80m Met Mast - removal

Unless otherwise agreed in writing with the Local Planning Authority, the two 80m masts approved as part of this permission shall be removed from site within 18 months following their initial erection.

#### 37. Television Interference

Prior to the commencement of development, a baseline television reception study in the area shall be undertaken by a qualified television engineer and submitted in writing to the Local Planning Authority with a scheme of works to mitigate the effects of the development on domestic television signals in the area. Any claim by a person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind farm, shall be investigated by a qualified engineer at the expense of the wind farm operator and the results shall be submitted in writing to the Local Planning Authority. Should any impairment to the television reception be determined as attributable to the wind farm operation on the basis of the baseline study, such impairment shall be mitigated within 3 months from the decision in accordance with the approved scheme of mitigation.

#### 38. Noise emission limitations

The rating level of noise emissions from the combined effects of the wind turbine generators (including the application of any tonal penalty) when calculated in accordance with the attached guidance note shall not exceed the values set out in Table 1 or Table 2 below (as appropriate).

Noise limits for dwellings (defined for the purposes of these noise conditions as a building within Use Class C3 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables, unless otherwise agreed with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings are listed in Tables 1 and 2:

It was not possible to reproduce the tables within this minute format, however, they are available within the report and are attached to this item as a word

document. Please contact Democratic Services if you have any problems locating them - Tel 01642 528173.

Note: The geographical coordinate references set out in these Tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

#### 39. Noise a

Within 28 days from the receipt of a written request from the Local Planning Authority and following a complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached Guidance Notes.

#### 40. Noise b

The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority.

#### 41. Noise c

Wind speed, wind direction and power generation data shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached Guidance Notes within 21 days of such request. Such data shall be retained for a period of not less than 12 months.

#### 42. Noise d

No development shall take place until the wind farm developer / operator has notified the Local Planning Authority of a nominated representative to act as a point of contact for local residents (in connection with conditions 21-24) together with the arrangements for notifying and approving any subsequent change in the nominated representative in relation to any complaints made about noise and any other matters arising during construction, operation and decommissioning of the wind farm.

#### 43. Wind speed data

The wind farm operator shall commence to log wind speed and wind direction data from the date the wind farm becomes operational, by a method to be first agreed in writing with the Local Planning Authority and thereafter monitor such data continuously throughout the period of operation of the wind farm (unless otherwise agreed in writing with the Local Planning Authority). This data shall be retained for a period of not less than 12 months and shall include the arithmetic mean wind speed in metres per second (ms<sup>-1</sup>) and the arithmetic mean wind direction in degrees from north for each 10 minute period, synchronised with Greenwich Mean Time.

At the written request of the Local Planning Authority the recorded data relating to a standardised height of 10 m above ground level and relating to any periods

during which noise monitoring took place or any periods when there was a specific noise complaint shall be made available. Wind speeds at the standardised height of 10 m shall be derived either by direct measurement of 10 m height wind speeds or derived by calculation from measurements of wind speed at other heights or derived by calculation from the power output of the turbines by a method to be agreed by the Local Planning Authority prior to commencement of the development.

#### 44. Turbine in-operation data

At the written request of the Local Planning Authority the wind farm operator shall provide, within 28 days from the date of request, a list of ten-minute periods during which any one or more of the turbines was not in normal operation. This information will only be required for periods during which noise monitoring was undertaken in accordance with conditions attached to this permission. 'Normal operation' is defined in the guidance notes referred to above.

#### 45 Amplitude Modulation

On the written request of the local planning authority, following a complaint to it considered by the local planning authority to relate to regular fluctuation in the turbine noise level (amplitude modulation), the wind farm operator shall at its expense employ an independent consultant approved in writing by the local planning authority to undertake the additional assessment outlined in Guidance Note 5 to ascertain whether amplitude modulation is a contributor to the noise complaint as defined in Guidance Note 5. If the said assessment confirms amplitude modulation to be a contributor as defined in Guidance Note 5, the local planning authority shall request that within 28 days of the completion of the noise recordings referred to in Guidance Note 5, the developer shall submit a scheme to mitigate such effect. Following the written approval of the scheme and the timescale for its implementation by the local planning authority the scheme shall be activated forthwith and thereafter retained.

**P 113/10 Wilkinsons Landscapes Limited, East Brocks Farm, Eaglescliffe  
Resubmission of application for erection of new garden centre with  
ancillary cafe, external sales area, service yard together with car park and  
turning areas, landscaping, mounding and water reservoir, separate office  
building and widened access road from A67**

The Committee considered an application for the erection of a retail garden centre and ancillary café in the countryside to the west of Eaglescliffe. The site was a field to the east of Wilkinson's Landscapes plant nurseries and landscape contractors holding at East Brock Farm. The building works would include a sales, café, office and facilities building of 1190sqm floor area with 2 canopies for additional covered sales areas of 810sqm next to an external sales area of 7000sqm. A separate head office building of 150sqm would be located near to the entrance into the site. Around these buildings and retail uses would be display gardens and a children's play area.

The access road leading to Wilkinson's Landscapes existing depot from the A67 would be widened and an access made into the site with car parking for 113 cars. An alternative access would be formed to the SKYLINK business

development at the airport if that development and access road was ever implemented. Two pond reservoirs would be formed for water balancing and irrigation. Embankments and tree planting would add screening to the boundaries of the site. Access would be available through the car park into the grassed eastern end of the application site which the applicants say could be used without formal approval on up to 28 days of the year as an overflow car park.

The applicant's existing site included plant growing nursery area, a landscape contractor's compound, potting sheds and a portacabin office. A greenhouse had been erected and an area laid out for the display of plants for sale to visiting members of the public. The applicants stated that: "The dedicated Plant Centre was established in 2003" as a display window for the nursery. This retail use amounted to more than ancillary and had not had the benefit of any planning approval and was being investigated.

The application had been supported by a Retail Impact Assessment, Retail Impact Statement, Transport Assessment, Travel Plan, Flood Risk Assessment, Non Mains Drainage Assessment, Phase 1 Habitat Survey, Planning Statement and Design and Access Statement and other supporting plans.

Planning approvals had been granted for garden centres on the site, the last approval being in 1997 (reference No.97/0010/P). Those planning approvals had expired without the discharge of conditions or implementation of the schemes. Those approvals were a material planning consideration. Since the 1997 approval the Council had adopted the Local Plan 1997. Alteration No.1 and The Core Strategy and Government planning policy advice has changed. Planning applications were to be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal was for retail development in the countryside outside of any designated town centre or even settlement boundary. The Council's planning policies were intended to support the viability and vitality of existing retail centres. According to the applicants the site would sell everything expected at a garden centre. The list provided by the applicant includes a wide range of goods besides plants, anything to do with their care, maintenance and presentation, books, dvds, tools, machinery, furniture and furnishings, lighting and heating, barbecues, clothing, outdoor play equipment, pots, ponds, fish, garden buildings, conservatories, swimming pools, spas and hot tubs, seasonal gifts and cards, artificial plants, art prints and café. Most of these goods were suitable for sale from retail units within town centres or existing garden centres within settlement boundaries and did not need or justify a rural location.

The applicant's Retail Impact Assessment was based on the premise that there would be 2,000sqm of covered retail space. However, there would be 2,208sqm of covered retail and associated offices but also an external display area giving of 7,000sqm giving a total of 9,208sqm of retail and associated floor space accessible to the public. This amounted to a major retail development and not a small expansion of an existing plant growing and garden design business. The retail garden centre and café would become a major destination for members of the public as was evidenced by the numbers of proposed car parking and the additional number required by Head of Technical Services in accordance with Council standards. The scale of development would make it far more than farm



diversification or an incidental sales outlet.

The proposed garden centre would be physically independent of the existing plant nursery and landscape contractors area and would only share an access to the A67. There would be little in the way of business integration between the sites. Young plants would be transferred to the garden centre from the existing growing areas in the same way as they were supplied to other retail outlets. The garden design business office could be located in a town centre where it would be more accessible to the public. Although there was an element of unauthorised retail use at the Wilkinson's landscapes existing site, the development of a major retail unit would have an adverse impact on existing retail centres and established garden centres.

The proposed development was not supported by information on the impact it would have on protected wildlife species although a Phase 1 Habitat Survey has been carried out. The applicant's Planning Statement referred to advice previously given to the applicants that Great Crested Newts may be present on site and says that a further survey would be carried out before development commenced. Natural England had objected to the proposed development: "on the basis that there was reasonable likelihood of legally protected species being present and adversely affected by the development. The application contained insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason officers recommended that the committee either refused planning permission or deferred a decision pending a revised proposal that addressed the deficiencies." The lack of survey information made the proposed development contrary to Core Strategy policy CS10 and Government advice in PPS9: Biodiversity and Geological Conservation August 2005.

Due to the speed of traffic on the A67 and the accident record in the vicinity of the access the Head of Technical Services required widening of the A67 and the creation of right hand turn protection into the access in the form of a 'ghost island'. Without this the application could not be supported. The applicant's Transport Assessment indicated that this was not necessary and it did not form part of the proposals. In pre-application discussions the applicant's were informed that the alternative access from the SKYLINK road would be acceptable in principle subject to details. However, the SKYLINK development including new road was in the hands of other private developers. A decision as to whether this new road link would be formed was awaited. Without confirmation that it would go ahead or even the prospect that it would during the time period of an approval, the development would require improvements to the A67 at the access.

The applicant was present and made representations to the Committee:-

- the current plant based nursery employed 42 people including his family.
- the application was for a retail garden centre and cafe and would help the current business move forward.
- the proposals would create additional employment

A supporter to the proposals was present and referred to existing issues associated with access to the A67. The supporter suggested that if these issues were not considered a problem then the proposals of the applicant

should not be considered as such.

During discussion Members raised a number of concerns/observations:-

- access to the site from the A67 needed a ghost island to separate traffic flows
- the site was not served by public transport
- previous development at the site had not received the correct permissions
- the sequential test could not be satisfied.

RESOLVED that Planning application 10/3029/FUL be Refused for the following reasons

1. The proposed development is considered to be out of scale and inappropriate for the rural location for a destination retail garden centre with ancillary café that has unknown capacity for further retail when it has not been satisfactorily demonstrated that there are not sequential preferable sites that are not in an out-of-town location within the identified catchment area which includes main settlements. The impact assessment does not satisfactorily assess the trade draw from existing and planned town and retail centres and the potential impact on their vitality and viability and there is no justifiable need or wider economic benefit that would mean that the development is not contrary to Core Strategy Policies 1 (CS1) - The Spatial Strategy, Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel, Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change Core Strategy Policy 4 (CS4) - Economic Regeneration, Core Strategy Policy 5 (CS5) - Town Centres Local Plan Saved Policies, Local Plan Saved Policy EN13 and Alteration No.1 Saved Policies S2 and Policy S18 and Government advice in Local Plan Policy EN13, saved policy S2 of Local Plan Alteration Number 1 (2006, Planning Policy Statement 4: Planning for Sustainable Economic Growth: 29th Dec 2009, Planning Policy Statement 7: Sustainable Development in Rural Areas: 3rd August 2004 and Planning Policy Statement 7: Sustainable Development in Rural Areas August 2004,

2. The proposed development was not supported by information on the impact it would have on protected wildlife species. The lack of survey information to adequately demonstrate whether or not the development would have an adverse effect on legally protected species makes the proposed development contrary to Core Strategy policy CS10 and Government advice in PPS9: Biodiversity and Geological Conservation August 2005.

3. In the opinion of the Local Planning Authority the proposal is contrary to the interests of highway safety in that it would lead to the generation of traffic using an existing access onto a principal highway A67 where there would be hazardous conditions to road users without road widening and the provision of right hand turn protection or the realistic opportunity for an alternative access to be formed so as to avoid traffic generated by the proposal from using an unimproved direct access onto the A67 contrary to Core Strategy policy CS2 and Local Plan Alteration No.1 Saved policy S18 and Planning Policy Statement 4: Planning for Sustainable Economic Growth: 29th Dec 2009.

**Application to remove condition no. 10 of planning approval 07/1962/REV Revised application for demolition of existing garage buildings and erection of 3 storey building comprising cafe/bistro on ground floor with 3no. apartments above and associated car parking. Please see the accompanying documentation for justification. - We wish for the condition to be removed as described in the accompanying documentation.**

As the time taken to deal with other items of business on the agenda had taken longer than expected, and members of the committee had a commitment to attend a meeting of the Full Council that evening, it was agreed that this item be deferred to the next available meeting. This item would be placed toward the front of that agenda.

RESOLVED that the item be deferred.

**P 11/0050/FUL**  
**115/10 31 White House Croft, Long Newton, Stockton-on-Tees**  
**Alterations and extensions to form study, attached garage and garden room. Installation of two solar panels to south facing garage roof, removal of two poor quality trees t1, t2 (dwg 3) from rear garden and alteration of vehicular access from front highway together with re siting of lamp standard**

As the time taken to deal with other items of business on the agenda had taken longer than expected, and members of the committee had a commitment to attend a meeting of the Full Council that evening, it was agreed that this item be deferred to the next available meeting. This item would be placed toward the front of that agenda.

RESOLVED that the item be deferred.

**P YARM ROAD GATEWAY: RESIDENTIAL DEVELOPMENT BRIEF**  
**116/10**

The Committee considered a report requesting approval of a non statutory planning brief for the Yarm Road Gateway in order to enable the Council to guide future redevelopment of an important Gateway site forming part of the road corridor on the approach to the southern entrance of central Stockton. Guidance was required due to the potential relocation of Nifco UK from their current Yarm Road premises leaving a significant portion of the site open to sale; piecemeal development may prejudice the comprehensive regeneration of the area and would not be acceptable to the Council. A prepared brief provided a uniform approach reflecting existing plans for the redevelopment of the former Visqueen site directly to the East and giving direction on what would be considered acceptable redevelopment.

Officers had assessed the feasibility of the site for residential redevelopment. The planning brief demonstrated a viable residential scheme that would enable potential developers to have the confidence that if they complied with the requirements outlined in the planning brief the principle of development should be acceptable subject to the future submission of detail proposals at a later date.

Any future proposals received should meet the objectives of the development brief the objectives that the authority would like to see implemented are briefly described as follows:

- Maximise the potential of an important gateway site into Stockton;
- Provide a development that complements and links to current and proposed residential developments adjacent to the site, particularly Hartburn Village and the Visqueen housing site;
- Improve the street frontage onto the A1027, Yarm Road;
- To create and/ or improve existing linkages with surrounding land uses;
- To create a sustainable development;
- To reduce the impact of surface runoff on the wider drainage network.
- Make efficient use of Brownfield land.

Planning Policy Statement (PPS) 12 advises that Councils should not prepare planning guidance other than a Supplementary Planning Document (SPD) where guidance is to be used in decision-making or the co-ordination of development. (In respect of this, a SPD should by definition be related to a development plan policy.) This advice is to ensure that consultation and sustainability appraisals are carried out, as with other documents in the LDF process. Officers considered preparation of a statutory brief in the form of a SPD, but conclude that the existing Local Plan policies are not sufficiently relevant and that the LDF process is not sufficiently far advanced to act as a new context. However, PPS 12 does allow for provision of assistance to applicants on how to make planning applications.

Advice on preparation of planning briefs is contained in the Communities & Local Government Guidance 1998 "Planning and Development Briefs: A Guide to Better Practice". This advice was followed in preparation of the non-statutory planning brief attached as Appendix 1.

The Council, in assessing the potential options for the future redevelopment of the Nifco UK site concluded that the most feasible option for redevelopment of the site would be as part of a wider scheme encompassing the area identified as the Yarm Road Gateway site. This position was reached primarily based on surrounding existing land uses which are not conducive to redevelopment of Nifco UK owned land only. The brief establishes that the most effective and efficient redevelopment of the Yarm Road Gateway area identified would be a residential development via a mutually beneficial agreement between landowners. The work undertaken took account of the characteristics, components and settings of the potential site, and considered the site area, economic viability, existing uses, planning policy, transport and access, and urban design.

The Development Brief prepared by the Council is attached as Appendix 1.

The preparation of the Brief is in accordance with the Communities & Local Government Guidance 1998 "Planning and Development Briefs: A Guide to Better Practice".

It should be noted that the function of planning briefs in this respect are illustrative, to guide potential development on the sites and any planning applications would be the subject of detailed consideration and consultation.

Members had some concerns about certain statements made within the guide and it was agreed that they e mail those to officers.

RESOLVED that the non-statutory planning brief, as attached to the report, be approved in principle establishing the document as a material consideration in future planning applications and therefore any future redevelopment.

**P**      **Local Development Framework Steering Group Minutes**  
**117/10**

As the time taken to deal with other items of business on the agenda had taken longer than expected, and members of the committee had a commitment to attend a meeting of the Full Council that evening, it was agreed that this item be deferred to the next available meeting.

RESOLVED that the item be deferred.

- P**      **1. Appeal - Mr Mohammed Farook - 68 Darlington Back Lane Stockton -**  
**118/10**      **10/1167/FUL - DISMISSED & COSTS DECISION REFUSED**  
**Enforcement Appeals - Mr & Mrs Farook - 66 The Garth & 68 The Bishop**  
**Darlington Back Lane Stockton - BOTH DISMISSED AND ENFORCEMENT**  
**NOTICE UPHELD**  
**2. Appeal - Mr B Holden - 1 Station Road Billingham - 10/2422/FUL -**  
**DISMISSED**  
**3. Appeal - Mr A Wood - 193 Darlington Lane Stockton - 10/2572/FUL -**  
**ALLOWED WITH CONDITIONS**  
**4. Appeal - Mr Derek Andrew - 19 Goosepasture Yarm - 10/1300/RET -**  
**ALLOWED**  
**5. Appeal - Mrs Al-Baghdadi - 21 Station Road Billingham - 10/0961/COU -**  
**DISMISSED & PARTIAL AWARD FOR COSTS ALLOWED**

As the time taken to deal with other items of business on the agenda had taken longer than expected, and members of the committee had a commitment to attend a meeting of the Full Council that evening, it was agreed that this item be deferred to the next available meeting.

RESOLVED that the item be deferred.

