

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**13<sup>th</sup> September 2006**

**REPORT OF CORPORATE DIRECTOR OF  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**06/2255/FUL**

**Land north of Lawson Street, Stillington, Stockton on Tees  
Revised application for residential development of 56 no. dwellings  
Expiry date 27<sup>th</sup> October 2006**

**SUMMARY**

Detailed planning permission is sought for the erection of 56 dwellings on a brownfield site on the northern edge of Stillington Village. The site currently has outline approval for 43 dwellings as a result of an earlier application.

The scheme proposes a mix of detached two storey and terraced three storey properties and other ancillary development including an internal road network, which connects to the existing highway network.

Four letters of objection have been received in respect to this application and objection is based on the impact of the development on the area, the impact of surrounding development, its suitability in the surrounding environment and within the village and the lack of provision within the locality.

Several issues have been raised with the applicant relating to the relatively minor internal layout, highways issues and landscaping. The applicant intends resolving these issues in a revised plan, which is expected to be submitted imminently.

The proposed development is considered to be acceptable in principle whilst has adequate internal spacing and design detail to meet the requirements of planning policy. The highways aspects of the proposed development are expected to be amended to become adequate for their purpose through the submission of a revised detail. It is considered the development would not have a significant impact on the surrounding land uses as a result of the distancing in between uses and as a result of their specific nature whilst the properties within the proposed development should not unduly suffer with regard to amenity as a result of surrounding uses.

In view of the above it is considered the proposed development accords with policies GP1, HO3 and HO11 of the Stockton on Tees Borough Local Plan.

**RECOMMENDATION**

**That the determination of the planning application 06/2255/FUL be delegated to the Head of Planning Services and approved subject to outstanding issues being addressed to the satisfaction of officers and subject to the following recommended conditions.**

- 01. *The development hereby approved shall be carried out in accordance with the following approved plan(s):- unless otherwise agreed in writing with the Local Planning Authority.  
Drawing Number(s):- To be confirmed  
Reason: To define the consent.***

- 02. Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority.  
Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development.**
- 03. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.  
Reason: To take into account the impact of individual properties within the site on one another.**
- 04. Notwithstanding details hereby submitted all means of enclosure of the development hereby approved shall be carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to such works commencing.  
Reason: In the interests of visual amenity of the site.**
- 05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for hard and soft landscaping and its maintenance, details of ground modelling, protection of existing trees, drainage runs and street furniture for all areas of open space within the site. The work shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.  
Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.**
- 06. No development hereby approved shall take place unless in accordance with the mitigation detailed within the protected species report (Ecological Surveys: Land to the North of Lawson Street, Stillington, Stockton on Tees, Carried out by Barrett Environmental Limited and dated July 2006) including but not restricted to adherence to timing restrictions.  
Reason: In order to ensure the protection of protected species.**
- 07. No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.  
Reason: To ensure the proper restoration of the site.**
- 08. No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.**

**Reason: To ensure the proper restoration of the site.**

- 09. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent units shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied. Such a scheme will include acoustic fencing and mounding where necessary.**

**Reason: In order to prevent undue detriment to the amenity of the future occupants of the site through noise pollution.**

- 10. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.**

**Reason: To achieve a satisfactory form of development.**

- 11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the Interceptor.**

**Reason: In order to prevent pollution of the water environment.**

- 12. During construction of the scheme hereby approved there shall be no development works undertaken outside the hours of 8.00a.m. - 6.00p.m. Weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.**

**Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.**

- 13. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**

**Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.**

**The determination of this planning application does not absolve the developer from complying with the relevant laws relating to protected species and the need where appropriate to obtain and comply with the terms and conditions of any licences required as described in Part IV B of ODPM Circular 06/2005 titled Biodiversity and Geological Conservation.**

## **HEADS OF TERMS**

A commuted lump sum of £25,000 is required in lieu of the provision of informal and formal recreation space.

This would be used towards the provision of active off site recreation within the village.

## **THE PROPOSAL**

1. Detailed planning permission is sought for the erection of 56 dwellings on the site located on the northern edge of Stillington.

2. The proposed development includes a mix of two and three storey detached and terraced properties and is laid out having a central spine road which links to the existing road network at either end. The majority of properties face directly onto the spine road although several are served by either private shared driveways or from a small cul de sac section of highway.
3. Supporting documentation has been submitted with the application in the form of a Tree Report, Ecological and supporting statement, the latter of which has been subject to revision as a result of inaccuracies of the initially submitted document.

## **CONSULTATIONS**

The following Consultations were notified and any comments they made are below: -

### **Councillors**

#### **Stillington and Whitton Parish Council**

Supports the application in principle but would like to see the following amendments;

More varied range of house types including starter homes for first time buyers,

The Parish council would like to be involved in any discussions and decisions regarding the monies that are to be provided for Local Recreational Improvements and regarding the specification of works to be undertaken to the Community centre.

It is requested that a condition of the planning application is that Wimpey's must fully comply with the agreements made with Darchem with regard to the improvements to the yard and boundary wall of the community centre.

Consultation with Northumbrian Water regarding drainage due to flooding problems and an adequate scheme ultimately provided,

#### **Council for the Protection of Rural England**

The scale of the development is neither in scale or appropriate for the village location whilst the resultant housing and style is not in keeping with the village style. It is considered three storey town houses are not appropriate for this location whilst are concerned over the number of large blocky dwellings when small terraces would be more appropriate.

Village services are limited, the site appears to fall outside of the limits of development and the transport services and school places may be restricted whilst the development is likely to result in many more car journeys.

#### **The Environment Agency**

No objections subject to the imposition of conditions relating to drainage condition being imposed relating to drainage of parking areas and hard standings.

A Flood Risk assessment is required which the LPA would need to satisfy themselves with the findings of.

#### **English Nature**

Based on the information submitted English nature have no objection subject to conditions being attached relating to timing restrictions.

#### **Northern Gas Networks**

No objections

#### **NEDL**

No objections

#### **Environmental Health Unit**

No objection in principle to the development, however, would recommend conditions be imposed on the development should it be approved which relate to;

Possible land contamination, noise from adjoining premises and working hours

### **Corporate Director Children, Education and Social Care**

On behalf of the Corporate Director I can tell you that CESC would welcome some further housing development in Stillington. The local primary school has sufficient capacity to take the number of children likely to be generated by this proposed development.

### **Landscape Officer**

(Summarised)

None of the areas within the site are considered to be open space and as such are not worthy of title transfer.

There is no detail regards to boundary enclosures. Some planting should be incorporated along the west boundary to act as a buffer.

A contribution towards off site recreation is required.

All trees and hedges to be retained must be protected during construction.

Details are required of ground modelling, hard surfacing, drainage, tree plating and soft landscaping as well as any associated maintenance.

### **Head of Integrated Transport and Environmental Policy**

Summarised:

During previous discussions it was indicated that a turning area for large vehicles would be required at the western access, a detailed drawing showing that the emergency access is accessible by a fire engine. In addition a breakdown of property types detailing bedroom numbers and whether a garage is included is required in order to check provision at each property whilst drive lengths should be a minimum of 6 metres. Lengths of 5.5m will require roller shutter doors to be used.

Visibility splays of 4.5m x 33m be provided at the eastern most access and unobstructed visibility splays of 4.5m x 90m in both directions be provided at the junction onto Lawson Street and should be shown on the appropriate drawing.

Driveway to plot 46 should be amended to be at 90 degrees with the main carriageway.

A turning area for plot 53 should be introduced to enable departure from property in a forward gear.

The footpath to the south of the development should be retained and brought up to an adoptable standard. The developer is to be provided a new adoptable footpath link to the west.

### **Care For Your Area**

#### **Joint Public Transport Group**

#### **Design & Building Services Property**

#### **Development Plans Officer**

#### **Northumbrian Water Limited**

### **Neighbours were notified and the comments received are summarised below : -**

Mr M S Walker

North Eastern Iron Refining Co Ltd' Ironmasters Way

We continue to be astonished by the lack of joined up thinking that appears to be a characteristic of Planning Services. Our previous comments about the foolhardiness of placing residential property close to the lea of an industrial area still remains. The concern is made worse by increasing the density from 43 to 56 dwellings. In our opinion our concerns relating to the proposal to provide restrictive traffic calming measures on a road which is a major industrial access will be made all the worse by the increase in domestic dwellings

C Melville

The Old Vicarage' Morrison Street

Current services will not be sufficient to cope with such a densely packed housing scheme.

There is no apparent attempt by the applicant to put in facilities for the use of the existing village. The amount offered by the applicant is minimal taking into account the prospective sale values, which underlines that the applicant has no commitment or support to local regeneration. It is suggested something is put back into the community. There is no proposal to address contaminants of the site which was part of the former iron works and rejects the suggestion of remedial works being controlled by condition should the application be approved. It may not be healthy to place population so close to the adjoining works. The ambience of the park will be affected by the development whilst the details state there are no trees on the site, which is not the case. The community centre may also be adversely affected. A better use would be to extend the forest park. The development is neither thoughtful, existing or sympathetic. The development would obscure the views from my house.

## **PLANNING POLICY CONSIDERATION**

Where an adopted or approved development plan contains relevant policies, section 54A of the Town and Country planning Act requires that an application for planning permission shall be determined in accordance with the Plan, unless material planning considerations indicate otherwise.

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

### **Policy GP1**

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

### **Policy HO3**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

### **Policy HO11**

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

## **Policy IN2**

Land is allocated for general industrial or storage and distribution uses (Classes B2 and B8) at the following locations:

(p) Stillington Industrial Estate 3HA

### **SITE AND ITS SURROUNDINGS**

4. The proposed development site lies on the northern edge of Stillington, adjacent to existing industrial uses to the west, the Stillington Forest Park to the north and open space and a community centre to the south. The site slopes down from east to west and although being covered by scrub type vegetation has few trees within its boundaries. There are a number of trees bordering the site along the southern boundary with the open space and along the northern boundary within the Forest Park.
5. The site is generally visible from the main road through Stillington as well as from the roads within the open countryside to the north.

### **BACKGROUND**

6. The site was granted outline planning approval for the erection of 43 dwellings under application reference 04/3786/OUT.
7. A detailed proposal was subsequently submitted for the erection of 56 dwellings under application reference 05/3453/FUL although this scheme was withdrawn as a result of highways issues failing to be resolved and as a result of the internal layout of the site being adequate.

### **MATERIAL PLANNING CONSIDERATIONS**

#### **Principle of development**

8. The application site is previously developed land allocated under Policy IN2p of the Stockton on Tees Local Plan for General Industrial or Storage and Distribution uses. Residential development on this site is therefore considered to be a departure from the adopted Stockton on Tees Local Plan (1997), however, there has been a previous outline application approved on the site for the erection of 43 dwellings (LPA ref: 04/3786/OUT dated 20th May 2005), within the determination of which, this issue has been addressed.
9. In terms of the advice and criteria set out in RPG and PPG, support can be given to the principle of residential development on this site, in that it is a previously developed but allegedly redundant site within the limit of development of Stillington whilst is accessible to local facilities and public transport. Stockton on Tees Local Plan policy IN10 permits the release of existing industrial land and buildings if it can be demonstrated that suitable other site and buildings are available both in the short term and to satisfy the long term requirements over the plan period in the immediate locality and the wider area. Again, these matters have been considered within the determination of the outline approval for the site and it is therefore considered that the principle of residential development of the site has been established.
10. In determining the application it is therefore considered that the key issues to consider relate to Policies GP1, H03 and the criteria of Policy HO11 (New residential Development) of the Borough Local Plan, these being, the proposed developments impacts on neighbouring uses, provision of access and parking, internal layout and relationships between properties, design and contamination. These are considered below along with other matters.

#### **Impacts between the proposed development and neighbouring uses**

11. The site is bounded by industrial development, the Stillington Forest Park, a church and Community Centre. The buildings associated with these uses are distanced from the boundaries in the majority of cases, as is the built development of the proposed scheme.

12. It is considered that the nature of the surrounding land uses, the position of buildings and the layout and orientation of the proposed dwellings should prevent any significant impact on the existing surrounding land uses or the proposed dwellings and their future occupiers, subject to adequate noise mitigation being incorporated into the dwellings and subject to appropriately sited and specified landscaping, both of which form conditions to the recommendation.
13. There is a significant change in levels on the site, sloping from the east down to the west. Levels details have not been submitted with the application and as such it is difficult to fully appreciate the impact of the proposed development on existing adjoining properties and land as well as on the sky scape in general. This aside, as adjoining land uses are distanced from the boundaries, and none of the surrounding uses incorporate residential accommodation the impacts on privacy and amenity on adjoining land are considered to be negligible. Furthermore, adequate control of levels could be achieved through condition were the scheme accepted. Given this, it is considered that in principle, the residential development would be compatible with neighbouring uses and that with adequate screening and landscaping, would not have an undue adverse impact on the amenity of adjacent land uses. In this respect it is considered the development accords with policies GP1 and HO3 of the Stockton on Tees Local Plan.
14. The proposed residential development site is bounded by industrial and community use development as well as the Stillington Forest Park and an area of landscaped open space. The layout results in properties facing inwards, dealing with these surrounding land uses by screening with rear garden boundaries of properties. In view of the nature of the surrounding land uses and a considered need to prevent any significant impact on the character of the Stillington Forest Path it is considered the inward looking development would be acceptable in this location. This general layout will therefore allow existing landscaping outside the site to continue to be of benefit for the partial screening of the development site as viewed externally.
15. The site lies immediately adjacent to land designated within the Stockton on Tees Local Plan as being an area of land for informal recreation and nature conservation and an area where the planting of native trees is encouraged in support of community forest designations. In view of the limited impacts associated with residential development of this scale and its inward facing orientation it is considered the adjoining designations should not be compromised.

### **Access and Highway Safety**

16. The applicant has been in contact with the Councils Highways Engineers with regard to the layout of the site and the intended accesses which has resulted in the resubmission of this application following withdrawal of the earlier application over issues of (amongst other items) the highway layout.
17. The Head of Integrated Services and Environmental Policy has accepted the general principle of the highways proposal although has advised of several minor areas of the layout, which require either amendment or clarification. The relevant information has been passed to the applicant and revised plans are expected to be submitted which resolve these issues.

### **Internal layout and relationships between properties**

18. The proposed development shows 56 dwellings on a 1.49 hectare site achieving a site density of 37 dwellings per hectare. This is in accordance with government's guidance toward developments exceeding 30 dwellings per hectare as outlined within PPG 3.
19. The proposed layout generally provides adequate distance between opposing elevations of properties and as such should achieve adequate privacy and amenity for future occupiers. Although acceptable in these respects it is considered however that the proposed development does not achieve a high quality of design or layout. A request has been made for amendments to improve the layout of the site through changing blank elevations in



prominent locations for ones which incorporate windows, preventing significant overlaps between adjoining properties and having a greater mix of house types and sizes. A response is awaited in respect to these elements.

20. The layout incorporates town houses which are narrow in width resulting the off street parking to the front of properties dominating the street scene with space for front gardens being effectively reduced to slithers of land. This will give a very hard and sterile feel although these areas are set within the development as against being at the entrance and will therefore have a limited impact on the wider area. An imaginative selection of materials and careful consideration of the slithers of landscaping in between driveways should allow this particular area to be satisfactorily resolved.
21. The site layout makes no provision for informal or formal play space contrary to the requirements of Policy HO11 of the Borough Local Plan. The Council's Environmental Development Officer has indicated that this is acceptable in view of their being existing areas of play space elsewhere within Stillington, although, as the development will increase demand on such areas, it is considered appropriate that in lieu of such provision that a commuted sum should be paid to the Council to be used in connection with the play area to the South West of the village. The applicant has indicated willingness to the provision of a commuted sum of £25,000, which is accepted by the Environmental Development Officer.

### **Design**

22. Stillington is a settlement of mixed properties in terms of their scale, appearance and design whilst this site is located on the opposing side of the highway to the majority of existing housing within the village. As such, the two and three storey modern properties are considered to be suitable for this location. There is a basic mix of property types within the development which although could be more varied, the inclusion of detached, terraced and two and three stories should give a reasonable degree of contrast throughout the site, which will be assisted through careful material selection.

### **Noise, Contamination and Landfill Gas**

23. In connection with the earlier outline approval the applicant prepared an assessment of the likely noise impact of surrounding uses on the proposed residential development. Day-time and night-time monitoring and assessment in terms of the recommendations set out in PPG24, against BS4142 indicated that there is no positive indication that complaints would be expected as a result of exposure to industrial noise provided that certain noise mitigation measures are carried out, concluding that, noise should taken into account when determining the planning application. A condition is recommended to address this aspect, which meets the requirements of the Environmental Health Officer.
24. The Environmental Health Unit have raised issue with respect to the past uses of the site and the possibility of contamination on the site, suggesting that in view of the past uses of the site, a Desk Study and Ground Investigation survey would be necessary as well as any remedial works as deemed necessary by the findings. The necessary conditions form part of this recommendation in respect to these issues.

### **Drainage**

25. Objection has been received in respect to the adequacy of the surface water and foul water drainage system within Stillington. Within correspondence relating to the earlier application 05/3453/FUL Northumbrian Water stated that the foul flows can be accepted into the public system, although there may be insufficient capacity to receive the surface water and that other means of discharge must be investigated. The applicant is aware of issues surrounding the adequacy of existing drainage systems and have been in discussion with Northumbrian Water direct on this matter, which have focussed around a contribution to Northumbrian Water in order to assist in the upgrade of the existing sewage works. In order to ensure an adequate system is achieved a suitable condition is recommended.
26. Other comments from Northumbrian Water indicate there is a water main across the site and that this could be diverted.

### **Protected Species**

27. Following consideration of the ecological assessment, English Nature have raised no objection to the proposed development subject to an appropriate condition being attached relating to mitigation. This has been attached to the recommendation.

### **Landscaping**

28. Comments made by the landscape team related to details, which would be submitted as part of any landscaping scheme such as planting and boundary treatments as well as the need for screen planting to the south and west. A tree survey was submitted with the application which reveals that a large proportion of the trees both within and adjacent to the site are of low quality and value. Many of the trees within this area are either situated along the boundary of the site or outside the site and should continue to positively contribute to the appearance of the area. The Councils Landscape Officer considers that if the application is granted, a full tree protection plan should be submitted, although concludes that he has no objection in principle to the application on both visual and landscape grounds

### **Other matters**

29. Officers have been made aware of existing agreements in respect to the landowner's requirement to provide access into the Stillington Forest Path area and to carry out works to the adjoining community centre. However, these are considered to be private agreements which do not directly affect the suitability of this proposal in planning terms and which should therefore not affect the determination of this application. Instead, they are matters for the individual parties to resolve to which the agreements relate.
30. The Environment Agency have advised there is a need for the applicant to supply a Flood Risk Assessment which should be considered by the Local Planning Authority. This information has been requested and is outstanding although in view of the site being at a high point within the surrounding landscape it is considered the risk of flooding is likely to come from the surface water run off within the site, which would be addressed through the submission implementation of a drainage scheme, the requirement for which has been conditioned.

### **CONCLUSION**

31. The proposed development is considered to be acceptable in principle whilst has adequate internal spacing and design detail to meet the requirements of planning policy. The highways aspects of the proposed development are expected to be amended to become adequate for their purpose through the submission of a revised scheme, as are several minor internal layout issues. It is considered the development would not have a significant impact on the surrounding land uses as a result of the distancing in between uses and as a result of their specific nature, subject to adequate noise mitigation being achieved where necessary.
32. In view of the above it is considered the proposed development accords with policies GP1, HO3 and HO11 of the Stockton on Tees Borough Local Plan.

### **Human Rights Implications**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

### **Corporate Director of Development and Neighbourhood Services**

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**Ward**

**Ward Councillor**

**Western Parishes**

**Councillor F. G. Salt,**