

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 23rd July, 2008.

**Present:** Cllr Roy Rix(Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr David Harrington, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Mrs Maureen Rigg, Cllr Maurice Perry (vice Cllr John Gardner)

**Officers:** J Hutchcraft, B Jackson, C Straughan, P Shovlin, R McGuckin, J Roberts, C Snowdon, H Smith, M Brownlee(DNS); S Whaley, K Wannop, J Butcher, D Bond(LD)

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

**Apologies:** Cllr John Gardner, Cllr Paul Kirton, Cllr Ross Patterson, Cllr Steve Walmsley

### **P 48/08**      **Declarations of Interest**

Councillor Mrs Beaumont declared a personal non prejudicial interest in the item entitled 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure due to being a member of Egglecliffe and Eaglescliffe Parish Council.

Councillor Mrs Rigg declared a personal non prejudicial interest in the item entitled 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees - Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure due to being a member of Egglecliffe and Eaglescliffe Parish Council as she was involved in discussions on the Open Space Provision.

Cllr Philip Broughton declared a personal non prejudicial interest in the item entitled 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure due to being an employee of Tesco at Eaglescliffe.

Cllr Roy Rix declared a personal non prejudicial interest in the item entitled 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees - Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure due to being a member of the Ramblers Association.

Julie Butcher (Principal Solicitor SBC) declared a personal prejudicial interest in the item entitled 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees - Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure due to living in close proximity to the application site and left the room for the duration of this item.

**P 49/08 Minutes of the meetings held on 30 April 2008, 22 May 2008 and 11 June 2008**

The minutes of the meetings held on 30 April 2008, 22 May 2008 and 11 June 2008 were signed by the Chairman as a correct record.

**P 50/08 08/0567/EIS Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure**

Consideration was given to a report that sought outline planning permission for a mixed use development at Allens West Eaglescliffe. The application was in outline with all matters reserved except for access.

The application proposal was therefore to establish the principle of the development. In view of the scale of the proposal and the location of the development, an Environmental Statement (ES) had been submitted with the application. Also supporting the application was a Planning Statement, Housing Needs Assessment, Employment Needs Assessment, Statement of Community Involvement, Design and Access Statement, Transport Assessment, Energy Impact Statement, Heritage Appraisal and Indicative Masterplan.

The proposal was to develop surplus land at the 45.7 hectare site for a mixed-use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure of the following densities: -

- Up to 10,000 M2. of B2 industrial and /or B8 warehouse space
- Up to 2,200 M2 of B1 (c) light industrial space
- Up to 500 Residential dwellings (C3 Use Class)
- Up to 500 M2 of Community facilities (D1 Use Class)
- Up to 250 M2 of Retail use (A1 Use Class)
- Up to 5,000 M2 of Care Home use (C2 Use Class)
- Associated car parking
- Landscaping and infrastructure.

The application was supported by an Indicative Masterplan that provided a layout of the scheme and should not be considered as a final proposed layout of future development of the site.

The main considerations of the application related to the impact of the proposed development on the locality in terms of residential amenity, vehicular access and traffic impact and highway safety, flood risk, ecology and nature conservation and whether it satisfied the requirements of National and Regional Guidance and Local Plan Policies.

These matters had been considered in detail and the development as proposed was acceptable in terms of highway safety, did not adversely impact on the neighbouring properties and character of the area, ecological habitat and flooding and was considered to be in line with general planning policies set out

in the Development Plan.

The Highways Agency placed a holding direction on the application which prevented the application being favourably determined to enable the Agency to ensure the impact of the development on the Trunk Road was acceptable. Consequently they had indicated that the direction would be lifted shortly as they were in the process of finalising the conditions they wished to impose on the Travel plan for the development. It was explained that this resulted in the recommendation being minded to approve subject to the final comments of the Highway Agency.

Concerns were raised by Cllr Mrs Rigg in relation to Condition 4 and clarification was sought from the Development Services Manager that approval would not result in Members not being able to consider details at a later stage as they had been previously agreed. The Development Services Manager confirmed that the planning condition did not prevent Members considering the details at the reserved matter stage. The purpose of the condition was to ensure the Local Planning Authority retained control over the phasing of the development to ensure that infrastructure and the development were integrated.

Concerns were raised by Cllr Mrs Beaumont in relation to Heads of Terms no.7 and members of the Committee agreed that the words 'purchase of land' be added after the word 'investigations'.

On the whole the Committee considered that the proposal was acceptable. It was considered that the principle of residential development is acceptable in this location. Overall the nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on ecological habitat and flooding.

The agent was in attendance at the meeting and addressed the Committee.

A Parish Council member was in attendance and objected to the proposal.

A representative from a business currently operating on the site raised concerns in relation to traffic.

RESOLVED that Members were minded to approve planning application 08/0567/EIS and subject to the final comments of the Highway Agency being received and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions or such other conditions as may be deemed necessary by the Highways Agency: The decision notice could then be issued.

#### SECTION 106 AGREEMENT Heads of Terms

##### Education

1. A commuted lump sum of £950,000 indexed for the provision of additional school places within the Authority, payment of developer contributions should be made in three equal tranches at commencement of development, the occupation of the 200th dwelling and the occupation of the 400th dwelling

### Affordable Housing

2. 15% of the residential units shall be affordable and provided in the form of shared ownership and/or shared equity. As part of an application for reserved matters, details shall be submitted for the approval of the Local Planning Authority of a scheme for the provision of affordable housing on the site. The submitted scheme shall include details of the following, as appropriate:-

- i) The delineation of the area or areas of the site upon which the affordable dwellings will be constructed;
- ii) The type and size of affordable dwellings to be provided;
- iii) The arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iv) The phasing of the affordable housing provision in relation to the provision of open market housing on the site;
- v) Occupancy criteria and nomination rights in relation to identified housing need.

### Sustainable Transport

3. A commuted lump sum of £50,000 for the improvements of bus infrastructure comprising the provision of two new shelters and 4 real time information screens in the proximity of the site to be paid upon commencement of development. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

4. A commuted lump sum of £50,000 by way of a contribution towards improvements of footpaths and cycleways in the vicinity of the site to be paid upon commencement of development. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

5. Submit a Travel Plan for approval by the Council including a proposal to ensure the appointment of a Travel Plan Manager and pay a commuted lump sum of £215,000 to cover the costs associated with the administration of the Travel Plan. The Travel Plan Manager will be responsible for the production and implementation of the approved Travel Plan for a period of 5 years from first occupation and for the establishment of the Allens West Travel Forum who will continue the Travel Plan beyond the initial 5 year funding period.

6. A commuted lump sum of £200 per dwelling as a Travel Incentive Payment. To be paid in advance at the commencement of each individual phase. The monies are to be made available to the Travel Plan Manager to be used at their discretion with the objective of promoting sustainable transport to householders

7. A commuted lump sum of £25,000 by way of a contribution to undertake works or investigations or purchase land into alleviation of traffic congestion in Yarm town centre, payable upon commencement of development.

8. A commuted lump sum or bond of £250,000 by way of a contribution towards the capital costs of works required to the rail infrastructure in delivering the Tees Valley Metro. The commuted lump sum contribution to be held in an interest-bearing account. Payment to be used for the purposes identified within 15 years of payment being made or otherwise returned together with the interest accrued. If it is resolved that the Tees Valley Metro Scheme is not to be

progressed the full contribution and interest are returned immediately to the applicant.

9. A commuted sum of £25,000 towards making Allen's West station DDA compliant, payable upon commencement of development.

10. A commuted sum of £20,000 towards highways safety works on Durham Lane in the vicinity of the site payable upon commencement of development.

11. A commuted sum of £250,000 towards the cost of improving the No 20 Bus route to run pass the site on a half hourly basis at peak times for a period of 5 years from the period of first occupation of a residential property.

#### Highways Improvements

12. Prior to first occupation of a dwelling, unless otherwise agreed in writing with the Local Planning Authority, at the Council's discretion either:

- A commuted sum towards the cost of improving the Tesco roundabout junction in accordance with drawing reference 07164/101 unless otherwise agreed in writing with the Local planning Authority. The sum payable shall be calculated based on the estimated cost of the works shared on the basis of the relative % traffic impact of both the application site and the proposed Uralay Nook development or;
- Entry into a S278 Agreement to undertake the works shown on drawing reference 292-012 Rev B unless otherwise agreed in writing with the Local planning Authority and an obligation to have completed the works prior to first occupation of a dwelling, unless otherwise agreed in writing.

13. A S278 Agreement shall be entered into detailing

- The roundabout access providing entry to the site as shown in drawing reference 292/006 Rev D unless otherwise agreed in writing by the Local planning Authority and
- The highway improvement works required to the Elton Interchange as shown in drawing reference 292-013 unless otherwise agreed in writing with the Local Planning Authority.

Thereafter the works identified in the S278 Agreement are to be complete prior to first occupation of a dwelling, unless otherwise agreed in writing with the Local planning Authority.

#### Future Maintenance

14. A commuted lump sum based on calculation for the maintenance of Public Open Space shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. In the event that the areas of Public Open Space are not adopted details of future maintenance shall be approved by the Council.

15. A commuted lump sum based on calculation for the maintenance of trees, street furniture and soft landscaping in the adopted highway shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. In the event that trees furniture and soft landscaping are not adopted details of future maintenance shall be approved by the Council

#### Public Art

16. Provision for Public Art either by way of commuted lump sum or provision by the developer to a value of 1% of the total cost of the construction of the buildings within the development shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. Such total cost to be calculated using, in relation to the cost of construction of residential dwellings, the average construction cost of the residential dwellings; and in respect of non-residential buildings the actual basic construction cost of each such building.

#### Sports Provision

17. A commuted lump sum of £300,000 by way of a contribution towards improving the facilities of the adjoining sports field and the provision of off site teen play facilities and to provide an access from the new access road to the sports field. Should the adjoining sports field improvements be unachievable then the monies shall be made available for payment toward sports uses within the vicinity of the site. The lump sum will be payable upon commencement of development and held in an interest bearing account. Any monies not spent within 5 years of payment shall be returned with interest thereon.

#### Listed Building

18. Upon commencement of development submit a scheme for approval by the Council of remedial works to ensure the Listed Building Carter Moor Farm is made wind, watertight and secure and thereafter undertake the approved works prior to first occupation of the development.

#### Ecology

19. No development shall commence until all details of the Mitigation Strategy for the conservation of Great Crested Newts have been submitted to and approved in writing by the Local Planning Authority in support of the application in the Ecological Impact Assessment and Summary of Proposed Works to Ensure the Favourable Conservation Status of Great Crested Newts to ensure the appropriate and long term management of the ecology areas identified.

In the absence of this being resolved onsite, this strategy shall include the necessary control of the adjoining Admiralty Ecology Site, for nature conservation and in particular maintenance and enhancement of habitats for great crested newts. A legal agreement with the Owners of the Admiralty Ecology Site and an appropriate conservation body shall be entered into to manage the habitats on the proposed development site and adjoining areas including the Admiralty Ecology Site, in the long term.

#### Conditions:

1. 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.

#### Plan Reference Number Date on Plan

N81:1616-PL101	6 March 2008
N81:1616-PL102	6 March 2008
N81:1616-PL103	6 March 2008
N81:1616-PL105	6 March 2008
N81:1616-PL107	6 March 2008
N81:1616-MP107	6 March 2008
292/006 Rev D	26 June 2008

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.
4. Prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, landscaping, public open space, accesses and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme unless otherwise agreed with the Local Planning Authority
5. Approval of details of the appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details to be submitted to and approved by the Local Planning Authority before the development commences.
6. The development shall be implemented in general conformity with the approved Design and Access Statement and Indicative Masterplan submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority. Nothing in this consent shall be construed as authorising the illustrative details submitted with the application other than the means of access for which approval was sought.
7. Within each phase, details of all external finishing materials including roads and footpaths and all hard landscaped areas shall be agreed with the Local Planning Authority before the development is commenced. Thereafter the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
8. Within each phase, all means of enclosure and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.
9. The total development hereby approved shall not exceed the following maxima:
  - Up to 10,000 M2. of B2 industrial and /or B8 warehouse space
  - Up to 2,200 M2 of B1 (c) light industrial space
  - Up to 500 Residential dwellings (C3 Use Class)
  - Up to 500 M2 of Community facilities (D1 Use Class)
  - Up to 250 M2 of Retail use (A1 Use Class)
  - Up to 5,000 M2 of Care Home use (C2 Use Class)
  - Associated car parking
  - Landscaping and infrastructure.
10. The retail element of the proposal shall be restricted to 250 sq.m gross floor

space for the sole use of convenience retailing and no other Use allowed within the A1 Use Class as defined by The Town and Country Planning (Use Classes) Order 2005.

11. No development shall be commenced until a scheme for the disposal of drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the LPA.

12. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage system including attenuation to discharge rates agreed with the Local Planning Authority has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an explanatory statement and confirmation of long term maintenance responsibilities. The scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

13. Within each phase development shall not be commenced until details of the lighting columns, light colour and luminance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

14. Within each phase, no Development hereby approved shall commence until a Method Statement into environmental remediation measures has been approved by the Local Planning Authority. Thereafter the Method Statement shall be implemented in full to ensure the appropriate remediation of the site. Following completion of the remediation measures, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include any programmes of monitoring and maintenance required which will be carried out in accordance with the requirements of the report.

15. 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 Method Statement detailing how this unsuspected contamination shall be dealt with.

16. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO<sub>2</sub> 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 the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

17. Within each phase, no Development shall be commenced until the Local



Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space within the site by the developer, as part of the development, and such arrangements shall address and contain the following matters:

- A) The delineation and siting of the proposed public open space
- B) The type and nature of the facilities to be provided within the public open space
- C) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development
- D) The arrangements the developer shall make for the future maintenance of the Public Open Space
- E) The open space shall be completed in accordance with the approved scheme and phasing arrangements, including the provision of on-site open space play provision for 4-8 year olds and 8-13 year olds as agreed by the local planning authority.

18. Within each phase, no Development shall occur until the design and layout of the road, footpaths and cycleways has been agreed with the Local Planning Authority. Thereafter the roads, footpaths and cycleways shall be implemented as agreed unless otherwise agreed with the Local Planning Authority

19. Notwithstanding the provisions of classes A, B, C, D and 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.

20. Notwithstanding the submitted plans, a detailed scheme for landscaping and tree and/or shrub planting and grass including planting and construction techniques for pits in hard surfacing and root barriers shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.

21. A hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. 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.

22. Prior to the dwellings being occupied, facilities for secure and covered cycle parking shall be provided on the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority comprising 40 cycles near Allens West Station and 10 at the bus stop on Durham Lane. Such facilities will be retained for the purposes of parking cycles.

23. Development of any non-domestic properties shall include cycle storage provision in accordance with the local authority standards

24. Development of any non-domestic properties shall provide car parking in accordance with local authority standards. 20% of agreed parking numbers are to be allocated for car share use in locations agreed with the Local Planning Authority

25. Prior to commencement of development a scheme for the provision and future maintenance of 30 car parking spaces for the benefit of Allens West station shall be agreed with the Local Planning Authority. This scheme shall be completed prior to any dwellings being occupied.

26. For each phase, no development shall take place until details of the means for the storage and disposal of refuse including recycling facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local planning Authority.

27. Prior to the commencement of each phase of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

28. No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

29. For each phase of development a Road Safety Audit in line with national guidance should be undertaken in order to inform the Highway Authority on the safe operation of the proposed development, and shall be submitted to and agreed by the Local Planning Authority. The findings of the report will be implemented as approved.

30. A Dust Action Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to effectively control dust emissions from the site remediation works, This shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel washing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

31. No development shall take place until the applicant or successor in title has

completed the implementation of a phased programme of archaeological work and building survey 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.

32.No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 ) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection).

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

33. No Development shall occur unless in accordance with a Mitigation Strategy first approved in writing by the Local Planning Authority for the conservation of Great Crested Newts on the existing site. The Mitigation Strategy shall include (but not be limited to): phasing; spatial restrictions; conservation and enhancement of existing habitats and the creation of new habitats; confirming surveys; agreement of a management plan and the wording of a precautionary working method statement to be provided to all contractors. The Mitigation Strategy shall provide details to ensure the appropriate and long term management of the ecology areas identified. Thereafter the Mitigation Strategy shall be implemented in full unless otherwise approved by the Local Planning Authority and any habitat creation and enhancement measures shall be fully completed and habitats sufficiently mature to support great crested newts prior to the commencement of Development.

34. The land identified within the Mitigation Strategy for habitat creation and enhancement measures shall solely be used for that purpose.

35. No development shall occur until the wording of a precautionary working method statement to minimise the risk of harm to bats is agreed with the Local Planning Authority which thereafter shall be provided to all contractors working on site.

36. No Lombardy poplar trees shall be pruned or felled without the applicant first having had a bat survey undertaken by an ecologist suitably qualified for this task; and adhering to an appropriate mitigation strategy targeted to addressing the likely impact of the work on bats and their roosts (if necessary in the context of the findings of the bat survey), agreed with the Local Planning Authority.

37. Unless otherwise agreed, all other ecological mitigation measures within the Ecological Impact Assessment and Summary of Proposed Works to Ensure the Favourable Conservation Status of Great Crested Newts should be implemented in full in accordance with the advice and recommendations contained within those documents.

**51/08 Former S D Print and Design Building, Martinet Road, Thornaby  
Erection of 30 no. one bedroom apartments.**

Consideration was given to an application which sought planning consent for a development which contained 30 apartments. The Committee were advised that the development would be divided into 20 studio apartments and 10 traditional one-bedroom apartments to provide more affordable accommodation for those wishing to enter the housing market.

It was explained that the application site was situated between Millbank Lane and Martinet Road, on the western approach to Thornaby town centre. The site currently housed a warehouse building which was vacant.

The Committee were informed that prior to submission of the application, pre-application meetings/discussion were held and a community consultation exercise with over 100 leaflets distributed to properties in the surrounding area had also been carried out, leading to some changes in the scheme.

The Committee considered that the design and external appearance of the proposed development would be out of keeping and unsympathetic to the character of the surrounding area and would not produce a high quality of built environment in keeping with its surroundings or provide for sufficient open space for formal and informal use on site.

The agent for the application was in attendance at the meeting and addressed the Committee.

A Parish Council member was in attendance and objected to the proposal.

The Ward Councillor was in attendance and objected to the proposal.

RESOLVED that planning application 08/1228/FUL be refused for the following reason:

1. In the opinion of the Local Planning Authority the design and external appearance of the proposed development would be out of keeping and unsympathetic to the character of the surrounding area and would not produce a high quality of built environment in keeping with its surroundings or provide for sufficient open space for formal and informal use on site and is therefore contrary to the saved policies GP1 (i) and (Viii) and HO11 (i) and (ii) of the adopted Stockton on Tees Local Plan.

**P 08/0707/FUL  
52/08 Old Social Club Adjacent To 23, Kirklevington Grange, Yarm  
Erection of 2.no detached dwellings and associated means of access and  
landscaping (demolition of former social club)**

Consideration was given to an application that sought planning permission for the erection of two detached dwellings and associated means of access and landscaping at the Old Social Club adjacent to 23 Kirklevington Grange, Yarm.

It was explained that the planning application had been publicised by means of individual letters, and 8 letters of objection had been received which mainly related to access and site traffic, privacy and amenity, visual amenity, and impact on existing landscaping features and drainage systems.

Members were advised that the main planning considerations related to the principle of development, impact of the development on the character of the area and street scene, impact on neighbours privacy and amenity, access and highway safety, drainage and landscaping.

The Committee were informed that the applicant proposed to remove two trees, which were covered by tree preservation orders, and a separate application had been submitted for this (08/0708/TPO).

Members considered that in light of the Planning Inspectors decision and that no changes in material considerations had occurred since the initial outline consent was granted, the principle of residential development, was acceptable. Members also considered that the layout of the proposed dwellings, size of amenity areas, distances between properties and highway safety issues were acceptable.

RESOLVED that Planning application 08/0707/FUL be Approved subject to the following conditions:-

1. The development hereby approved 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
LUD/YARM/L1/08/02	31 March 2008
LUD/YARM/L1/08/03	31 March 2008
LUD/YARM/H1/08/01	31 March 2008
LUD/YARM/H1/08/02	31 March 2008
LUD/YARM/H2/08/01	31 March 2008
LUD/YARM/H1/08/02	31 March 2008
LUD/YARM/L1/08/04	31 March 2008
SBC0001a	9 May 2008

2. Construction of the external walls and roof not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted had been submitted to and approved in writing by the local planning authority. Development would be carried out in accordance with the approved details.

3. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at

adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development be submitted to and approved in writing by the Local Planning Authority. The development would be carried out in accordance with the approved details.

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

5. Before development commences a method statement for working in close proximity to the trees on and around the site would be submitted and agreed in writing by the local planning authority. The statement would include the methods of working, use of materials and plant, access details and protection of the rooting zone of the trees on and around the site. This method statement would then be carried out in full unless with the prior written agreement to any variation by the Local Planning Authority.

6. Existing trees/hedgerows would be protected during the site works with the following provisions, which formed part of B.S.5837:2005 Trees in relation to construction:

- Changes in levels near the branch spread of the trees must be avoided.

- Where tree roots were encountered, only hand digging would be allowed and the no dig construction methods shown in the tree report would be used where necessary.

- Compaction to the root spread of the tree must be avoided and a protective fence/barrier as approved would be erected around the branch spread of the trees as shown in B.S.5837: 2005. The approved fence/barrier would be maintained during the build period, and consideration of a formal permit to access system should be proposed in writing to the council.

- No storage of materials are permitted within the root protection zone (RPZ) of the trees or branch spread, whichever was determined as the critical area.

- No fires would be permitted near the trees.

- Service runs should avoid the RPZ of trees and hedging and reference should be made to the document NJUG 10 from the National Joint Utilities Group.

7. Notwithstanding the proposals detailed in the submitted plans no tree, shrub or hedge should be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority.

8. The trees to be removed would be replaced with specimens or a type and species to be agreed with the Local Planning Authority, before the removal of the trees and which was to be planted within the first planting season following the removal of the tree. Should the replacement trees die, become damaged or diseased within five years it should in turn be replaced within the first planting season following its demise with a species to be agreed in writing with the Local Planning Authority.

9. Notwithstanding the submitted plans a soft landscape management plan which included long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than

small privately owned domestic garden should be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Maintenance should be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. Any vegetation within a period of 5 years from the date of completion of the total works that was dying, damaged, diseased or in the opinion of the Local Planning Authority was failing to thrive should 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 gave written consent to any variation. Landscape maintenance should 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 should be carried out as approved.

10. Before the permitted dwelling was occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68dB(A) (18 hour) or more (or predicted to be affected by such levels in the next 15 years) should be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority for the protection of this proposed accommodation from traffic noise.

11. The existing access to road A1044 should not be used for the ingress and egress of vehicular traffic to serve the new development at any time.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no integral garages should be converted into part of the house without the prior written consent of the Local Planning Authority.

**P**            **08/0708/X**  
**53/08**       **23 Kirklevington Grange, Yarm**  
                 **Application to remove 2.no lime trees**

Consideration was given to a Tree Preservation Order consent sought for the removal of 2 lime trees at the Old Social Club adjacent to 23 Kirklevington Grange, Yarm.

The application had been publicised by means of individual letters, and 5 letters of objection had been received.

The applicant proposed to remove two trees, which were covered by tree preservation orders, to facilitate the erection of 2 dwelling houses and a separate application had been submitted for this (08/0707/FUL).

Members considered that the proposed removal of the trees would not have an adverse effect on the visual amenity of the area subject to adequate replacement trees.

RESOLVED that planning application 08/0708/X be approved subject to the following conditions:

1. The development hereby approved should 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  
TREE REPORT AND PLAN 31 March 2008

2. The trees to be removed should be replaced with specimens or a type and species to be agreed with the Local Planning Authority, before the removal of the trees and which was to be planted within the first planting season following the removal of the tree. Should the replacement trees die, become damaged or diseased within five years it should in turn be replaced within the first planting season following its demise with a species to be agreed in writing with the Local Planning Authority.

**P                    08/0244/FUL**  
**54/08            White House Farm, Blair Avenue, Ingleby Barwick**  
**Conversion of farm buildings to provide 3 no. separate dwellings**

Consideration was given to an application which sought planning permission for the conversion of an existing range of single and two storey historic farm buildings laid out in a courtyard arrangement into 3 residential dwellings with the provision of residential curtilage being provided by the adjoining paddock area.

The Committee were advised that objections raised by nearby residents were mainly on grounds of additional traffic into the site and highway safety.

The Head of Technical Services had advised that the proposal was considered to be acceptable in terms of traffic generation taking into account the buildings were existing and their existing potential to generate traffic on the surrounding highway network.

It was noted that the site was located within the defined limits of development within a Green Wedge area and an Area of Special Landscape Value. These Policies of the Local Plan were not supportive of proposals which reduced the openness of the area or detrimentally affected its character. In view of the proposal relating solely to the conversion of existing traditional buildings it was considered that the development would comply with these policies.

It was explained that the proposed converted dwellings were considered to be located an adequate distance from surrounding residential properties to prevent any undue impacts on privacy and amenity whilst the access provision and level of parking were considered to be acceptable.

The Committee received an update report from Natural England regarding the ecological survey information.

It was considered that the proposed development would constitute an appropriate use of the buildings and would not have any significant impact on the character and appearance of the surrounding area, or any detrimental



impacts on the openness of the environment, thereby being in accordance with policies EN7 and EN14 of the Stockton on Tees Local Plan. Furthermore, it was considered that the proposal would not unduly impact on the privacy or amenity of the surrounding property and provide adequate privacy and amenity for the future occupiers of the scheme.

The Committee was advised that subject to the imposition of the conditions recommended, adequate control could be achieved on the overall appearance and character of the site. The Committee were further advised that the retention and reuse of the existing buildings on site and the reconsideration of the likely impacts of traffic on the surrounding highway network had adequately addressed the previous reasons for refusal in the determination of application ref: 02/2449/P.

The Committee expressed concerns regarding traffic safety at the entrance to the site, being on a severe bend, and asked the agent to consider traffic calming measures, upon his agreement to consult his client the Committee agreed the recommendation to delegate the application to the Head of Planning subject to clearance from Natural England.

The agent for the application was in attendance at the meeting and addressed the Committee.

A local resident was in attendance at the meeting and raised concerns in relation to access to the development.

RESOLVED that planning application 08/0244/FUL be delegated to the Head of Planning for approval subject to the ecological issues being resolved, receipt of a response from the applicant regarding potential traffic calming measures and the following conditions:

#### 1. APPROVED PLANS

The development hereby approved should 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
CM/87908/LP	31 January 2008
CM/87908/PSP	31 January 2008
CM/87908/P05	31 January 2008
CM/87908/006A	10th July 2008

#### 2.DRAINAGE SCHEME

No development hereby approved should be commenced on site until a scheme of surface water and foul water drainage had been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to the occupation of any of the dwellings.

#### 3.LANDSCAPING SCHEME

No development would take place until there had been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme. Such a scheme shall detail the following;

- a) Areas of soft landscaping including plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
- b) Hard landscaping throughout the site,
- c) Areas of landscaping to be retained and a scheme for their protection.
- d) Precise locations of protective fencing,
- e) Areas of level change, and
- f) Excavations required for service runs.

The development should be carried out in accordance with the approved details. Planting works should 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 were removed or became seriously damaged, should be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gave written consent to any variation.

#### 4. BOUNDARY TREATMENTS

The development hereby approved should not be occupied until a scheme of boundary treatments had been implemented on site in accordance with a scheme of such which had first been submitted to and approved in writing by the Local Planning Authority. The approved scheme should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

#### 5. DESIGN DETAILS

Notwithstanding the details included on the approved plans, the development hereby approved should not be occupied until the following design requirements had been incorporated into the proposed scheme which should be submitted to and approved in writing by the Local Planning Authority:-

- a) All windows and doors shall be timber, of a style and colour to be agreed with the Local Planning Authority;
- b) All windows should be recessed from the face of the building by 75mm;
- c) All roof lights should be conservation flush fit roof lights finished in black.

The above details should be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

#### 6. BIN STORE PROVISION

The development hereby approved should not be occupied until the bin store had been provided on site in accordance with details of a scheme to be first submitted to and approved in writing by the Local Planning Authority.

#### 7. NO ADDITIONAL OPENINGS

The development hereby approved should be carried out completely in accordance with the approved plans and there should be no additional windows, doors or other openings inserted within the outward facing elevations or roof slopes of the buildings.

#### 8. SPECIES MITIGATION

Species Mitigation: (details to be confirmed by Natural England)

#### 9. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

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 should 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.

#### 10. DEMOLITION WORKS SCHEME

There should be no demolition works of the buildings forming part of this permission undertaken at the site other than those which were in accordance with a scheme of demolition to be first submitted to and approved in writing by the Local Planning Authority.

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55/08**

**08/1268/FUL**

**Preston Hall Museum, Preston Park, Yarm Road**

**Erection of single storey workshop block with toilets and restroom to relocate blacksmith and farrier, a two storey museum storage building to accommodate reserve collection and large exhibit items not on public display and external works including service yard and walls/gates.**

Consideration was given to an application that sought planning permission for a single storey workshop building and a two-storey museums storage/collections building at Preston Park.

The Committee were advised that the main consideration of the application was the effect of the proposal on the appearance of the listed Preston Hall and amenities of its parkland setting.

It was explained that the structures would allow the Hall to operate more effectively as a museum through improved storage and collection provision and the proposals form part of a wider Heritage Lottery bid for the hall and park. The buildings had been designed to minimise their bulk and ensure they did not adversely impact on the character and setting of the hall or the views towards the hall from the surrounding park.

The Committee were informed that there was an outstanding issue concerning bats and it was recommended that the application be delegated to the Head of Planning for determination subject to confirmation from Natural England that there was no impact on bat species or appropriate conditions to mitigate any impact and the conditions set out below.

Members considered the application should be forwarded to Head of Planning for determination with conditions.

RESOLVED that planning application 08/1268/FUL to be delegated to the Head of Planning for determination subject to the outstanding issues being resolved and the following conditions:

#### 1. APPROVED PLANS

The development hereby approved should 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

REPORT 8 July 2008  
20-200 REV G 8 July 2008  
20-204 REV A 8 July 2008  
90-100 REV E 8 July 2008  
BAT SCOPING SURVEY 16 June 2008  
100/102 29 May 2008  
90-102 29 May 2008  
SBC 003 20th May 2008  
20-100 REV F 20th May 2008  
20-103 20th May 2008

## 2. EXTERNAL MATERIALS

Notwithstanding any description of the materials in the application no development would be commenced until precise details of the materials to be used in the construction of external walls and roofs of the building(s) had been approved in writing by the local planning authority.

## 3. ENCLOSURE & STREET FURNITURE

Notwithstanding the proposals detailed in the submitted plans

- a) All means of enclosure including;
  - b) Any requirement for earthwork retention;
  - c) Any street furniture associated with the development
- should be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed should be erected before the development hereby approved was occupied.

## 4. SCHEME FOR ILLUMINATION

Full details of the method of external illumination

- a) Siting,
- b) Angle of alignment;
- c) Light colour
- d) luminance of buildings facades and external areas of the site, including parking courts, should be submitted to and agreed in writing by the Local Planning Authority before development was commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

5. EXISTING AND PROPOSED LEVELS Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway). Such details should have regard to existing vegetation and the surrounding landform and should be submitted to and approved in writing by the Local Planning Authority. Development should be carried out in accordance with the approved details. Attention should be given to

## 6. LANDSCAPING – SOFTWORKS

Notwithstanding the proposals detailed in the submitted plans, no development should commence until full details of Soft Landscaping had been submitted to and approved in writing by the Local Planning Authority. This should be a

detailed planting plan and specification of works indicated 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 should be in accordance with all existing or proposed utility services that may influence proposed tree planting should be indicated on the planting plan. The scheme should be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following:

a) commencement of the development

b) or agreed phases

c) or prior to the occupation of any part of the development

and the development should not be brought into use until the scheme had been completed to the satisfaction of the Local Planning Authority.

#### 7. LANDSCAPING – HARDWORKS

Notwithstanding the proposals detailed in the submitted plans, the development should not commence until the means of external finishing materials of all hard landscaped areas including roads and footpaths had been submitted to and approved in writing by the LPA.

#### 8. RETENTION OF EXISTING TREES, SHRUBS AND HEDGES

Notwithstanding the proposals detailed in the submitted plans, no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or became seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

#### 9. TREE PROTECTION

Notwithstanding the proposals detailed in the submitted plans, no development should commence until a scheme for the protection of trees (Section 7, BS 5837:2005) had been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection).

Any such scheme agreed in writing by the Local Planning Authority should be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development had been removed from the site.

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**1. Appeal - Mr J Wilson - 35 Grays Road Stockton on Tees - 07/1397/FUL - ALLOWED WITH CONDITIONS**

**2. Appeal - Mrs C K Laverick - 54 Bassleton Lane Thornaby - 07/2394/OUT - DISMISSED**

**3. Appeal - Mr Chris Morris - 4 Central Street Yarm -07/2910/FUL - DISMISSED**

**4. Appeal - D Holmes - Land to the rear of The Stables Kirk Hill Redmarshall - 07/2684/OUT - DISMISSED**

**5. Appeal - Mr T Howson - Land to the rear of Thorntree Farm Bassleton Lane Thornaby - 07/3337/FUL - DISMISSED**

RESOLVED that the information be noted.