

Planning Committee

A meeting of Planning Committee was held on Wednesday, 17th March, 2010.

Present: Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Jean Kirby, Cllr Bill Noble, Cllr Ross Patterson, Cllr Mrs Maureen Rigg and Cllr Fred Salt.

Officers: B Jackson, C Straughan, R McGuckin, P Shovlin, J Roberts, S Grundy, E Atkinson, K Campbell (DNS); P K Bell, J Butcher (LD).

Also in attendance: Cllr Cockerill, Applicants, Agents and Objectors.

Apologies: Cllr Paul Kirton, Cllr Tina Large and Cllr Steve Walmsley.

P 136/09 **Declarations of Interest**

Councillor Kirby declared a personal non prejudicial interest in respect of agenda item 8 - 09/3024/REM - Land at Ashbrook/ Ringwood/ Hazeldene, Ingleby Barwick, Stockton - Reserved matters application for residential development of 356 dwellings as she was a member of Ingleby Barwick Town Council.

Councillor Kirby declared a personal non prejudicial interest in respect of agenda item 9 - 09/3025/OUT - Land at Sand Hill, Ingleby Barwick, Stockton - Outline application for residential development of 150 dwellinghouses as she was a member of Ingleby Barwick Town Council.

Councillor Kirby declared a personal non prejudicial interest in respect of agenda item 10 - 09/3028/COU - Leven Vale Dental Practice, Low Lane, High Leven - Application for permanent change of use to Dental practice as she was a member of Ingleby Barwick Town Council.

Councillor Patterson declared a personal non prejudicial interest in respect of agenda item 8 - 09/3024/REM - Land at Ashbrook/ Ringwood/ Hazeldene, Ingleby Barwick, Stockton - Reserved matters application for residential development of 356 dwellings as he had previously purchased land from the developer.

Councillor Patterson declared a personal non prejudicial interest in respect of agenda item 9 - 09/3025/OUT - Land at Sand Hill, Ingleby Barwick, Stockton - Outline application for residential development of 150 dwellinghouses as he had previously purchased land from the developer.

Councillor Patterson declared a personal prejudicial interest in respect of agenda item 10 - 09/3028/COU - Leven Vale Dental Practice, Low Lane, High Leven - Application for permanent change of use to Dental practice as he and his family attended Leven Dale Dental Practice. Councillor Patterson spoke on the item as a member of the public and then withdrew from the meeting and left the room.

P 137/09 **Minutes**

The minutes of the meeting held on 13th January 2010 were signed by the

Chairman as a correct record.

P Minutes

138/09

The minutes of the meeting held on 3rd February 2010 were signed by the Chairman as a correct record.

P 09/2516/REV

139/09

**4 Oulston Road, Stockton-on-Tees,
Two storey extension to the rear, single storey extension to the rear and conservatory to the rear (demolition of existing garage)**

Consideration was given to a report on a planning application that sought the erection of a two storey extension, single storey extension and a conservatory to the rear of the property.

There had been 16no letters of objection relating to the impact of the development on the privacy and amenity of neighbours, the size of the extensions, over development of the site and potential increase in car parking.

The planning merits of the proposed development had been carefully assessed and the proposal was considered to be acceptable by the Planning Officer.

The applicant and objectors were in attendance at the meeting and were given the opportunity to state their case. Ward Councillor Cockerill was also in attendance at the meeting and outlined objections to the proposal.

Members discussed the application at length and felt that they could not make a decision on the application until they had visited the site so that they could further assess the impact that the proposed development may have on neighbouring properties.

RESOLVED that application 09/2516/REV be deferred to enable Members to visit the site.

P 09/3050/EIS

140/09

**Land to West of Koppers UK, Port Clarence Road, Port Clarence
Erection of 49 MWe biomass fueled power station, with associated vehicle access and conveyor.**

Consideration was given to a report on an application that sought full planning permission for a renewable energy biomass - fuelled power plant on 6.1 hectares of land (development footprint 2 hectares and the remaining 4.1 hectares would be landscaped and form bunding that would continue up the side of the building) to the west of Koppers UK located on the north side of the River Tees.

The proposed facility was for a 49 megawatt biomass power plant that would require 400,000 tonnes of dry biomass fuel per annum. The fuel to operate this plant was palm kernel shells, which were a bi-product of the food industry and were sourced from Malaysia. The fuel would be delivered to the UK in 40,000

tonne vessels to a processing plant in Immingham and once processed the fuel would be transported in 5,000 tonne vessels at the wharf alongside the proposed site, which would mean one delivery every five days. The electrical power was for export to the national grid via the substation at North Tees.

The proposed power station would be located opposite the proposed Middlehaven masterplan area and would be sensitive to views. Therefore, the biomass plant demanded a particular and exemplary design solution, of very high architectural quality that would match the ambitions of the Middlehaven masterplan and respect proposed uses.

The plant would employ up to 40 staff on a shift basis during operation. During construction it was expected up to 200 people could be employed at peak times.

In view of the scale of the proposal and the location of the development, the application was subject to formal Environmental Impact Assessment, which had not revealed any significant drawbacks to the development that could not be resolved by appropriate mitigation, and there had been no objections to the proposal from any of the statutory consultees.

The applicant had implemented a public consultation strategy and a Statement of Community Involvement accompanied the application.

The main material planning considerations of the application related to the impact of the proposed development on the locality in terms visual impact, flood risk, ecology and nature conservation, air quality, traffic impact and highway safety and any residual matters that might make the development unacceptable 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 by the Planning Officer subject to conditions and was considered to be in line with general planning policies set out in the Development Plan.

The consultees that had been notified and comments that had been received were detailed within the report.

It was noted that the applicant had undertaken consultation in accordance with the adopted Statement of Community Involvement. This included an open day held at the local community centre, Clarence's Community Centre, Port Clarence; distribution of a four page document to all the local residents, businesses, schools, public offices and neighbours. Presentations were also made to large scale neighbours, including the Riverside Football Stadium and Middlesbrough College.

Local residents had been individually notified of the application and it had also been advertised on site and in the local press and the comments that had been received were set out within the report.

The relevant planning policy and the material planning considerations were detailed within the report.

The applicant and an objector were in attendance at the meeting and were given the opportunity to state their case. The objector from Friends of the Earth raised concerns over the use of palm kernel shells and the effect that this was having on Malaysia where they were sourced from. The applicant explained that the palm kernel shells were a bi-product of the food industry and were currently not used and left to rot which then produced methane which was more destructive to the ozone. The Development Services Manager outlined that this was not a material planning consideration and that it would be the Environment Agency that would be licensing the power station.

Members considered the proposals did not give rise to any major concerns in terms of conflict with planning policy and met national and regional policy requirements. It was considered to be an acceptable location for a new biomass plant.

Members felt that the development was acceptable on highway grounds and other residual matters had also been examined and there was no issue to suggest that the development would have an unacceptable impact on the local amenities and the environment though a number of conditions would need to be imposed to properly control the development and its future operation.

Members complemented the applicant on the proposed biomass design that provided a contemporary approach to a power station and would create an exemplar power station that could set the benchmark for future power station design. The high architectural quality would match the ambitions and complementing the uses of the Middlehaven masterplan.

In summary Members felt that there were no sustainable land use planning reasons for resisting the development and the application was approved subject to the applicant entering into a Section 106 Agreement and conditions set out in the report.

RESOLVED that planning application 09/3050/EIS be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions:-

In the event of the legal agreement having not been signed, or there still being outstanding matters on the 18th March 2010 that the application be refused.

Heads of Terms

Employment and Training

30% of jobs on the development to be made available to residents of Stockton and the Tees Valley with 10% of the operational jobs to be made from the residents of the Clarences and 30% of total net value of the services and materials used in the development to be provided by businesses within Stockton and the Tees Valley.

Conditions

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

Authority.

Plan Reference Number	Date on Plan
441_L_01_02	17 December 2009
441_GA_L1_02_01	17 December 2009
441_GA_04_02	17 December 2009
441_GA_04_01	17 December 2009
441_GA_04_03	17 December 2009
441_GA_04_04	17 December 2009

2. The renewable biomass plant shall be developed within the plant boundary as defined on site plan 441_L_01_02.

3. The detailed design of the renewable biomass plant shall be in accordance with the design and development principles as set out in the Design and Access Statement and shall respond to design issues identified relating to scale, layout, design concept and visual concept as identified in the Design and Access Statement.

4. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local planning Authority. The scheme which shall include provisions for the:-

i) details of the siting, design, external appearance of temporary buildings and structures, artificial lighting and fencing to be erected and used during the period of construction of the development hereby approved;

ii) details of temporary vehicular circulation roads, parking, hardstandings, laydown areas, loading and unloading facilities and turning facilities during the construction of the development hereby approved;

iii) phasing of works included in the scheme.

5. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local planning Authority. The scheme which shall include provisions for the:-

i) details of the siting, design, dimensions, external appearance and floor levels of all buildings and structures following the completion of the construction of the development hereby approved;

ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;

iii) details of vehicular circulation roads, parking, hardstandings, storage areas, loading and unloading facilities and turning facilities on the Application site;

iv) details of artificial lighting required during the operation of the development hereby approved;

v) details of all barriers, fencing and gates or other forms of street furniture required on the application site;

vi) Details of any proposed hard and soft landscaping on the application site;

vii) Phasing of works included in the scheme

viii) Details of the viewing platforms.

6. Prior to the installation of any means of external illumination of any building or structure on the application site (including during the period of construction works) a lighting strategy to include a lighting contour plan with details of light intensity and hours of lighting operation shall be submitted to and approved, in writing, by the Local Planning Authority. Measures to control light pollution should be identified. The approved scheme shall not be varied without the agreement in writing of the Local Planning Authority.

7. Prior to the commencement of the development hereby approved details of the belt conveyor, air cooling units and stack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local Planning Authority.

8. Prior to the commencement of the development hereby approved Maintenance and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented unless otherwise agreed in writing by the Local planning Authority.

9. Prior to the construction of the development hereby approved details of the visitor centre and its associated facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to the plant being brought into use, the remainder of the site outside the plant boundary as defined on plan 441_L_01_02 and excluding the access and conveyor belt, shall be landscaped and managed to enhance or maintain the habitat value, in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and should be managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. Details of the soft landscaping encasing part of the built structure as set out in the Design and Access Statement including roof construction, soil stabilisation techniques, specification, maintenance schedule and long term management strategy shall be submitted and approved in writing by the Local Planning Authority before any development commences. The management strategy shall be implemented for a minimum of 25 years. Any landscaping that fails within 5 years from practical completion of the final phase, if any shall be replaced to the satisfaction of the Local Planning Authority. Upon completion of soft landscaping the Local Planning Authority shall be given notice to make an inspection. The landscaping shall be implemented prior to the

use commencing.

12. The fuel for the plant shall come from a sustainably managed and credible resource and should comprise of a waste (bi) product as agreed and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

13. The commissioning of the development hereby approved shall not take place until the applicant has installed the necessary plant and pipework to enable the future supply of waste heat to the application site perimeter.

14. Prior to the plant coming into commercial operation, a report including a scheme or schemes for utilising heat from the plant prepared by an independent consultant shall be submitted to, and approved by, the LPA determining the feasibility, costs, risks and benefits of utilising heat from the plant. The terms of reference for the independent consultant, including the distribution of the final report, shall be agreed with the LPA. The applicant shall not be required to implement any scheme identified by the report other than on commercial terms that are acceptable to the owner of the plant.

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

16. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Wardell-Armstrong dated December 2009 and correspondence dated 25 January 2010 from Wardell-Armstrong and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 5m above Ordnance Datum (AOD).

18. The development hereby permitted shall not be commenced until such time as a scheme for emergency evacuation/provision in case of flood has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

19. The development hereby permitted shall not be commenced until such time as a scheme for satisfactory surface water management has been submitted to

and approved in writing by the Local Planning Authority. The scheme shall incorporate the use of grey water recycling as detailed in the FRA produced by Wardell-Armstrong dated December 2009. The scheme shall be fully implemented and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

20. The commencement of the development hereby approved shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the application site. Such facilities shall be put in place in accordance with the approved scheme.

22. The scheme referred to in condition (20) shall include:-

i) measures to ensure that no leachate or any contaminated surface water from the Application site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;

ii) Provision for trapped gullies in car parks, hardstandings and roadways;

iii) Measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system;

iv) Provisions to distinguish between temporary and permanent parts of the works; and

v) Phasing of works.

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

24. Any surface water contaminated by hydrocarbons which are used during the construction of the development hereby approved shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

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

1) A preliminary risk assessment which has identified:-

(i) All previous uses potential contaminants associated with those uses

(ii) A conceptual model of the site indicating sources pathways and receptors

(iii) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme based on (1) to provide information for a detailed

assessment of the risk to all receptors that may be affected including those off site.

3) The site investigation results and the detailed risk assessment (2) and based on these an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages maintenance and arrangements for contingency action.

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

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

27. Prior to occupation a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority.

28. All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the development hereby approved must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

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

30. Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority

31. All construction operations including delivery of materials on site shall be

restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing with the Local Planning Authority.

32. The commencement of the development hereby approved shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the monitoring of noise generated during the construction of the development hereby approved.

33. The commissioning of the development hereby approved shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, a scheme for the monitoring of air pollution including nitrogen oxides in the vicinity of the development hereby approved. The scheme shall include the measurement location or locations within the Local Planning Authority area from which air pollution will be monitored, the equipment and methods to be used and the frequency of measurement. The scheme shall provide for the first measurement to be taken not less than 12 months prior to the commissioning of the development hereby approved and for the final measurement to be taken not more than 24 months after commissioning of the development hereby approved. The applicant shall supply full details of the measurements obtained in accordance with the scheme to the Local Planning Authority as soon as possible after they become available.

34. Should the Local Planning Authority require continued monitoring of air pollution in pursuant of Condition 33 the applicant shall supply full details of the measurements obtained during the extended period to the Local Planning Authority as soon as possible after they become available.

35. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development ;
- (iv) The erection and maintenance of security hoarding including decorative displays (v) and facilities for public viewing, where appropriate;
- (vi) Wheel washing facilities;
- (vii) Measures to control the emission of dust and dirt during construction;
- (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

36. Biomass used in the operation of the development hereby approved and post-combustion residues shall be handled under cover at all times.

37. Loose post-combustion residues shall be transported from the application site in sealed vessels.

38. An impact assessment on visitors to the proposed visitor centre shall be submitted and approved by the Council prior to commencement of the development.

39. Prior to first use or occupation of any part of the development, the agreed Travel Plan (as set out in Appendix 12 of document 09/44/100205-v4, dated 5th February prepared by iTransport Consultants) shall be implemented to the reasonable satisfaction of the local planning authority in consultation with the Highways Agency.

40. Prior to commencement of construction on site, the agreed Transport Management Plan as set out in document 09/44/100209TMP-v1 dated 9th February 2010 prepared by iTransport to control construction traffic shall be implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Highways Agency.

41. Unless otherwise agreed in writing with the Local Planning Authority, road deliveries of biomass fuel used in the operation of the development hereby approved shall not exceed 10,000 tonnes per annum.

42. Prior to the plant commencing, details of the following matters shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the plant is brought into use unless otherwise agreed in writing by the Local Planning Authority: Parking details include covered secure cycle parking provision and pedestrian access arrangements.

43. Prior to commencement of construction on site a Site Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority in accordance with the measures outlines in the Environmental Statement.

P 09/3072/REM
141/09 Land To The North Of The River Tees, To The South Of A1046 And Church Road, And East Of The Square
Reserved matters application for the access, appearance, landscaping, layout and scale of the first development of 50 dwelling units within the home zone area with associated car parking, landscaping and infrastructure.

Consideration was given to a report on planning application 09/3072/REM.

Outline planning consent was granted in 2009 for residential (Class C3), employment (Class B1), health care facility (Class D1), leisure (Class A3, A4, A5, C1 and D2), ancillary retail and services (Class A1 and A2) and car dealership (sui generis) with car parking and associated landscaping and infrastructure improvements (08/3644/EIS) on land to the north of the River Tees, to the south of A1046 and Church Road, and east of the Square. The principle of the development had therefore been established; all matters were reserved as part of the original approval.

The application was a reserved matters application for the access, appearance, landscaping, layout and scale of the first phase of development of 50 dwelling units within an area known as the Home Zone at the eastern end of the Northshore site.

The proposal was considered by the Planning Officer to be in line with general

planning policies as set out in the Development Plan and was recommended for approval with conditions.

The outline application was accompanied by a Design and Access Statement and Illustrative Masterplan which set out the concepts and proposals for the development of the Northshore site and provided a basis for the determination of future reserved matters applications. A condition attached to the planning permission required these details to be broadly in accordance with the Design and Access Statement. The development of the design of the Home Zone had taken place against the backdrop of the overall masterplan for Northshore site.

The site itself occupied an area of approximately 3.4 hectares and comprised a cleared site following demolition of the former industrial buildings.

This was a reserved matters application for residential development comprising 50 no. dwellings. The principle of the development had been established.

The design of the Home Zone was the subject of an International Architectural Competition and the winning design philosophy had been applied to the proposal.

The design comprised a mix of units, providing a range of accommodation from 2,3 and 4 bedroom homes including a mix of tenure - private sale, social rented and intermediate housing.

The housing was predominantly 2 storeys with some three-storey elements in key locations to add visual interest and took the form of terraces, which were staggered to vary the street scene. Natural materials were used comprising brick with clay roof tiles, timber windows and doors together with associated areas of timber cladding. The detailing was designed to be contemporary and externally the units (rental, intermediate and sale units) would have no material difference.

The Home Zone had been designed to establish a clear hierarchy of public, communal and private spaces including an 'Urban Slipway' to provide opportunities for outdoor play and recreation for a range of age groups. The slipway would provide access to and from the river for residents and visitors and from a design point was intended to pull the river into the Home Zone.

The residential streets formed shared spaces for cars, pedestrians and cyclists, providing access to the residences. The character of these spaces was defined by a series of planting zones and quality surface treatment. Street lighting was provided to all the shared streets through a combination of post-mounted and building-mounted lanterns.

The scheme also provided for a range of private outdoor spaces, traditional gardens to the rear along with internal courtyards and roof gardens incorporated into the built form. The eastern boundary was defined by an Urban Woodland Strip, which acted as a buffer to give residents privacy and forms a future green interface with adjacent sites. Street furniture was also incorporated into the open spaces.

The site would be accessed from the main Boulevard road (Northshore Road),

which would provide access for vehicles together with pedestrians and cyclists. Access to individual dwellings and parking spaces within the site would be provided by shared streets with additional access for pedestrians and cyclists to the site via the existing path running along the north side of the River Tees and linking to the recently completed "Infinity Bridge".

The proposed scheme followed a home zone layout format that had been designed with traffic-calmed routes through the area and an overall environment where other modes of transport were encouraged. The use of shared surfaces and the removal of steps and kerbs prioritises non-vehicular movement over cars and Lorries. All public areas including the Urban Slipway and connection to the river path had been designed to ensure it was accessible to all including those with limited mobility.

A variety of parking solutions were proposed including on-plot provision in the form of either a garage space or an on-plot space. In addition visitor spaces were provided in grouped street locations distributed around the site.

A number of sustainable building measures were incorporated into the design of the houses, including the use of solar photovoltaics on each dwelling and in terms of an environmental assessment covering CO2 emissions, indoor water use, materials, waste and surface water runoff, the homes would achieve Code Level 4 which was considered to be the exemplary performance standards for dwellings.

The Consultees that had been notified and the comments that had been received were set out in the report.

The application had been advertised on site and in the local press and neighbours were notified and the comments that had been received were detailed within the report.

The report also detailed the relevant planning policy and the material planning considerations.

The applicant and agent were in attendance at the meeting and were given the opportunity to state their case.

Members considered that the development would offer high quality homes as a first phase of the redevelopment of the land at North Shore which was a regionally significant flagship regeneration scheme.

Members felt that the nature and scale of the development was acceptable and Members considered that the site could satisfactorily accommodate the residential proposal without any undue impact on the amenity of any adjacent neighbours and was acceptable in terms of highway safety and did not conflict with policies in the Development Plan.

RESOLVED that planning application 09/3072/REM be approved subject to the following conditions:-

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

Authority:-

Plan Reference Number and Date on Plan

4001A - 5th March 2010, 4202E - 5th March 2010, 4203 - 5th March 2010,
4204A - 5th March 2010, 4210A - 5th March 2010, 4211A - 5th March 2010,
4212A - 5th March 2010, 4213A - 5th March 2010, 4214A - 5th March 2010

2. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed foundations to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

3. Notwithstanding the proposals detailed in the submitted plans, no development shall commence until precise details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 24 months from the date on which the development commenced. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

4. Notwithstanding the proposals detailed in the submitted plans, Prior to the commencement of development, precise 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) shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

5. Notwithstanding the proposals detailed in the submitted plans, prior to the commencement of development, precise details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

6. Notwithstanding the proposals detailed in the submitted plans, prior to the commencement of development, precise details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected within a period of 24 months from the date on which the development commenced.

7. Notwithstanding the proposals detailed in the submitted plans, precise details of the method of external illumination, siting, angle of alignment; light colour, illuminance of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

8. Notwithstanding the proposals detailed in the submitted plans, no development shall commence until precise details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:-

commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

9. Notwithstanding the proposals detailed in the submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/retained vegetation, other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

P 09/3024/REM
142/09 Land at Ashbrook/Ringwood/Hazeldene, Ingleby Barwick, Stockton
Reserved matters application for residential development of 356 dwellings

Consideration was given to a report on planning application - Land Land at Ashbrook/Ringwood/Hazeldene, Ingleby Barwick, Stockton - Reserved matters application for residential development of 356 dwellings.

In the late 1970's outline planning permission was sought for the creation of 7,920 dwellings. Following a refusal of the application, the application was approved on appeal in 1979. Members were also reminded that a revised development brief for the remainder of village 6 was agreed at the Planning Committee on the 24th February 2010.

Planning permission was sought for reserved matters approval for a residential development of 356 dwellings within village 6 of Ingleby Barwick. The proposed development proposed a mix of dwelling types including terraced, detached and semi-detached dwellings. The layout followed the principles set out in the development brief with areas of public open space provided along Barwick Lane.

On the whole the proposed development was considered to be visually acceptable by the Planning Officer although minor amendments were required to the landscaping principles. It was not considered that the proposed development had any adverse impacts on levels of residential amenity, highway safety, flood risk, protected species or archaeological features.

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours had been notified and 12 objections had been received and these were detailed within the report.

The relevant planning policy and the material planning considerations were detailed within the report.

Members were presented with an update report that outlined that a revised site plan had been received. The changes to the scheme were relatively minor with changes relating primarily to revised garages/parking positions, increased levels of landscaping, manual for streets principles and additional rear access for bin storage.

The main planning considerations of the application remained as set out in the previous report to members of planning committee, unless detailed otherwise below:-

The revised site plan had not amended house types and many of the dwellings remained in their original positions, Amendments had been made to the position of some garages/parking spaces to try and ensure future residents do not park on street. In addition further landscaping had also been provided with particular emphasis on the main distributor road.

The revised details were considered to improve the overall scheme and would help provide a high quality environment in accordance with saved policies GP1 and HO11 of the adopted Local Plan and national planning guidance in the form of PPS1 and PPS3.

The Heads of Terms had been agreed for the Sand Hill application. However, certain elements such as highways infrastructure and affordable housing were to be brought forward onto the reserved matters application for the remainder of village 6. Accordingly the section 106 agreement would tie both applications together and be linked to implementation of the developments.

The revised details were considered to be acceptable by the Planning Officer and the proposed development was considered to be visually acceptable and would not have any adverse impacts on levels of residential amenity, highway safety, flood risk, protected species or archaeological features.

The applicant, agent and objectors were in attendance at the meeting and were given the opportunity to state their case.

Members felt that the proposed development was considered to be visually acceptable although minor amendments were required to the landscaping principles. It was not considered that the proposed development would have any adverse impacts on levels of residential amenity, highway safety, flood risk, protected species or archaeological features. Councillor Patterson requested that the working hours be amended to 9.00 a.m. on a Saturday.

RESOLVED that planning application 09/3024/REM be delegated to the Head of Planning for approval, subject to acceptable revised details being received, the completion of a Section 106 agreement and the conditions below and any other conditions as may be deemed necessary.

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

Plan Reference Number	Date on Plan
SGD-02	14 December 2009
SGD-04	14 December 2009
SGD-01 REV B	14 December 2009
ENG 02 REV C	14 December 2009
5439-001	14 December 2009
R-S104-2 REV A	14 December 2009
RAH-001 Rev C	16 March 2010
IB-A-LP-01	14 December 2009
HOUSETYPES DOCUMENT	14 December 2009

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

3. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

4. Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

5. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

6. No development shall commence until the Local Planning Authority has approved in writing the details of the Public Open Space within the site

including:-

- a) The delineation and siting of the proposed Public Open Space (POS);
- b) The type and nature of the facilities to be provided within the POS;
- c) The open space shall be completed in accordance with the approved scheme and any phasing arrangements as agreed;
- d) The arrangements the developer shall make for the future management of the POS. Where Title Transfer (Refer to informative) is not proposed the management details shall be prepared for a minimum period of 20 years from practical completion of the completion of the POS works.

7. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

8. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

10. Notwithstanding any description contained as part of this application construction traffic associated with the development shall only use the northern access to The Rings for a maximum period of 12 months. Thereafter, all construction traffic associated with this development shall utilise the southern access to The Rings.

11. Notwithstanding any details submitted as part of this application details of all materials for surfacing and proposed gradient changes to the highway shall be submitted to and agreed in writing with the Local Planning Authority. The materials and gradients shall be implemented in accordance with these agreed details.

12. Prior to commencement of the development details of site compounds and temporary car parking for construction workers, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

13. A traffic management plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such a scheme shall include routes that HGVs will be permitted to use in the vicinity of the site and wheel washing facilities to ensure that no mud or debris is carried onto the highway. The agreed scheme shall be implemented in accordance with the agreed details.

14. Notwithstanding the submitted details prior to the submission of details

relating to the reserved matters for self built plots, a Design Guidance document shall be submitted to the local planning authority for its approval. The Design Guidance document shall build upon the principles in the Ashbrook Self Build Design Strategy and indicate:-

A development zone for each plot.

The approximate location of the proposed dwellings

Finished floor levels

Detailed design code of, materials, scale and massing of buildings (including a maximum height).

Landscaping principles for the development

Suitable garaging options (including maximum heights)

Means of enclosure

The development shall be implemented in general conformity with these approved documents unless otherwise agreed in writing.

15. 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 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (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.

16. Garages on drive lengths less than 6 metre shall be fitted with roller shutter garage doors or such other solution as agreed in writing by the Local Planning Authority.

P 09/3025/OUT
143/09 Land at Sand Hill, Ingleby Barwick, Stockton
Outline application for residential development of 150 dwellinghouses

Consideration was given to a report on planning application 09/3025/OUT - Land at Sand Hill, Ingleby Barwick, Stockton - Outline application for residential development of 150 dwellinghouses.

Members were reminded that in the late 1970's outline planning permission was sought for the creation of 7,920 dwellings. Following a refusal of the application, the application was approved on appeal in 1979.

However, by the late 1990's and with development entering the final two villages (no.'s 5 and 6) there was a requirement for a third exit point prior to the commencement of village 5 (as detailed on the approved masterplan) which required huge financial investment. It was argued that there was insufficient traffic justification for the third access and the matter was considered on appeal in September 1999 (ref APP/H0738/A/99/1022028/P7) with the appeal being dismissed.

Detailed discussions followed, which culminated in a Planning Committee resolution in 1999 to approve a number of additional outline applications, where

these 'extension areas' released value to provide contributions through section 106 agreements to provide the South Stockton Link Road. At this time the land known as Barwick Farm (now known as Sand Hill) was considered as an appropriate 'extension area' and in March 2000 (ref 00/0005/P) outline planning approval was granted and subsequently Sand Hill featured within the revised 2002 master plan for villages 5 and 6.

The application sought outline planning consent for a residential development of 150 executive dwellings. Only the principle of development was sought with all other matters reserved for a future planning application.

The consultees that had been notified and the comments that had been received were detailed within the report.

Following publicity of the application a total number of 8 objections had been received and were detailed within the report.

The relevant planning policies and the material planning considerations were detailed within the report.

Members were presented with an update report. Consultation responses had been received from Natural England and Children, Education and Social Care. These comments were detailed within the report and addressed with the material planning considerations.

Members were also made aware that final agreement had been reached on the requirements of the section 106 agreement, details of which were shown within the update report and discussed within the material planning considerations.

Additional planning conditions were detailed within the report and would be imposed on any planning approval given.

The applicant, agent and objectors were in attendance at the meeting and were given the opportunity to state their case.

Members felt that the proposed development would not have any significant impacts on the aims of the of the green wedge policy, the character of the area, levels of residential amenity, highway safety, archaeological features or flood risk.

Issues in relation to protected species had been resolved and the matter was suggested to be approved subject to the completion of a section 106 agreement.

RESOLVED that Planning application 09/3025/OUT be approved subject to the conditions below and the completion of a section 106 agreement:-

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

Plan Reference Number Date on Plan
IB-A-LP-01 REV C 23 December 2009

Reserved Matters - Time Limits;

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Approval of the details of the layout, scale and design of the buildings, the means of access and the landscaping of the site (the reserved matters), shall be in accordance with the details of a scheme to be submitted to, and approved by the Local Planning Authority before development commences.

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

5. The development hereby permitted shall not be commenced until such time as a detailed surface water drainage strategy has been submitted to, and approved in writing by, the local planning authority. This scheme should be submitted with any reserved matters application for the site.

The submitted scheme must include the following:-

1. Detail of the proposed methods of sustainable drainage and attenuation.
2. Detail of the proposed discharge rate (discharge should be attenuated to existing greenfield rates).
3. Demonstration the drainage scheme can operate without flooding at the 30 year storm event plus climate change allowance.
4. Demonstration the drainage scheme can operate without flooding to people or property up to the 100 year storm event plus climate change allowance while retaining all runoff on site.
5. Details of scour protection at discharge location.

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

6. No development shall commence until the Local Planning Authority has approved in writing the details of the Public Open Space within the site including:

- a) The delineation and siting of the proposed Public Open Space (POS);
- b) The type and nature of the facilities to be provided within the POS;
- c) The open space shall be completed in accordance with the approved scheme

and any phasing arrangements as agreed;

d) The arrangements the developer shall make for the future management of the POS. Where Title Transfer (Refer to informative) is not proposed the management details shall be prepared for a minimum period of 20 years from practical completion of the completion of the POS works.

7. Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

8. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (or at any time on Sundays or Bank Holidays).

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

10. Notwithstanding any description contained as part of this application all construction traffic associated with this development shall utilise the southern access to The Rings.

11. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and 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.

12. No development shall take place unless in accordance with the mitigation detailed within the protected species report An Extended Phase 1 and Protected Species Survey of Sand Hill, Ingleby Barwick including, but not restricted to:-

- the retention of the existing hedgerow network, with the exception of access points and minor works;
- checking surveys for badgers and water vole prior to works commencing;
- no vegetation clearances to take place during the bird breeding season unless an ecologist has deemed the vegetation clear from nesting birds; and
- provision of nest and bird boxes to mitigate the loss of bird breeding habitat

HEADS OF TERMS

* Commuted lump sum of £2.5M towards Highway improvements along Myton Road (linked into the Ashbrook/Hazeldene implementation)

* Commuted lump sum of £0.5M towards Highway improvement at the Thornaby Road/A174 junction.

* 15% affordable housing (22 units in total, 4 of which are to be bungalows to

meet special needs/independent living requirements. The remainder will be offered at 85% market value and will be retained in perpetuity)

* Commuted lump sum of £111,827 towards off site sports provision in Ingleby Barwick

* Provision of Public Open Space /Play area as part of the Sand Hill development

P 09/3028/COU
144/09 Leven Vale Dental Practice, Low Lane, High Leven
Application for permanent change of use to Dental practice

Consideration was given to a report on planning application 09/3028/COU - Leven Vale Dental Practice, Low Lane, High Leven - Application for permanent change of use to Dental practice.

Planning consent was originally granted for a dentists surgery on a temporary basis of 3 years (ref no 06/3664/FUL) on the basis of the acute need for an NHS dentist within Ingleby Barwick area at that time and to allow time for alternative, more sustainable sites to be found. The applicants were advised on the granting of this temporary consent that the Local Planning Authority would not support any future application on this site due to the unsustainable nature of the site. However, an application for a permanent change of use of the existing building to a Dental Surgery (for NHS Patients) at Leven Vale Dental Practice, Low Lane, High Leven had been submitted.

15 letters of support and 5 petitions (containing a total of 580 signatures) of support had been received following public consultation of the application. 1 letter of objection had been received to the proposed scheme. In accordance with the approved scheme of delegation, the application was reported to the Planning Committee for determination, as more than 5 letters of support had been received contrary to the officer recommendation.

The Planning Officer considered that the proposed development was in an out-of-centre location for which there was no adequate justification and the proposal would create an unsustainable form of development. The site was not considered to be well served by public transport and the nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site.

The Consultees that had been notified and the comments that had been received were detailed within the report.

The relevant planning policy and the material planning considerations were detailed within the report.

The applicants, agent and the objector were in attendance at the meeting and were given the opportunity to state their case. Councillor Patterson also spoke in favour of the application as a member of the public.

Members were presented with an update report that outlined that:-

- 3 additional letters of support from 2 local residents and 1 resident from

Osmotherley, North Yorkshire.

- 2 additional petitions (giving a total of 8) (containing a total of 242 signatures) of support, and
- a letter from the applicant addressing comments raised by the Acting Head of Technical Services with respects to bus routes and accessibility to the application site.

The Planning Officer considered that the issues highlighted in these further communications did not raise any new material planning considerations.

Consequently the recommendation for refusal remains unchanged, in that it is considered that the proposed development is in an out-of-centre location for which there is no adequate justification and the proposal would create an unsustainable form of development. The site is not considered to be well served by public transport and the nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site.

Members were mindful of the particular circumstances of the application, namely: the continuing need for the service in the area. There were no suitable buildings available for use within the Ingleby Barwick Area and the alternative sites suggested were considered to be equally unsuitable. To require patients to travel to Thornaby would require a higher reliance on car travel and would be contrary to policies for sustainable development.

Bus services did exist and Members disagreed that the site was in an unacceptably unsustainable location. The location was no worse than the alternatives.

There are no other rural buildings in the vicinity of the application site that could be converted for commercial use therefore negating the concern regarding setting a precedent.

RESOLVED that planning application 09/3028/COU be approved.

P 10/0117/LAA
145/09 Summerville Flats, Harrowgate Lane, Stockton-on-Tees
Application for erection of 1 non illuminated v-shaped hoarding sign.

Consideration was given to a report on an application for the erection of one free standing hoarding sign to promote the Hardwick Green residential development. A revised scheme had been submitted showing a reduction in height of the hoarding sign to what was previously proposed. The applicant for the application was the Councils Regeneration department. As such it could not be dealt with under delegated powers. The Acting Head of Technical Services raised no objections to the proposal and no objections had been received from neighbouring residents or Ward Councillors.

RESOLVED that Planning application 10/0117/LAA be approved subject to the following conditions:-

1. The development hereby approved shall be in accordance with the following

approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
SBC0001	28 January 2010
SBC0002	2 February 2010

2. The hoarding sign hereby permitted shall be removed and the land reinstated to its former condition, within two years of the date of this decision notice unless the prior written consent of the Local Planning Authority has been obtained to an extension of the period of validity.

3. Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following:-

a) Commencement of the development

b) or agreed phases

c) or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

P 146/09 Local Development Framework: Adoption of Core Strategy Development Plan Document (DPD).

Consideration was given to a report on the Local Development Framework: Adoption of Core Strategy Development Plan Document (DPD).

The Core Strategy DPD was the key document in the new Local Development Framework (LDF) and would provide strategic planning policies for the Borough. Between 22nd September and 2nd October 2010, it was subject to an Independent Examination by a Planning Inspector into its soundness. On 3rd February 2010, the Council received the Inspector's report, which found the document sound subject to certain binding recommendations.

The report sought the agreement of Members to recommend to Council the adoption of the revised Core Strategy which incorporated the Inspector's binding recommendations, as well as a number of other minor amendments endorsed by the Inspector, for use in the determination of planning applications.

The report also informed Members of the statutory procedures for the adoption of the Core Strategy and that following adoption, there was a six-week period within which it could be challenged in the High Court under section 113 of the Planning and Compensation Act 2004.

From 22 September to 2 October 2009, the Council's Core Strategy

Development Plan Document (DPD) was the subject of an independent examination into its soundness before a Planning Inspector. On 3rd February 2010, the Council received the Inspector's Report on the Council's Core Strategy DPD in which he concluded that, subject to certain binding recommendations, the document was sound and met the requirements of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008.

The Inspector's report and the schedules of Significant Proposed Changes (addendum1) and two schedules of minor changes entitled Schedule 1 and Schedule 2 were available on SBC agenda internet site. The principal changes required by the Inspector were:-

- To make clear that affordable housing policy is to be interpreted flexibly in response to changing market conditions, he has required that the affordable housing requirement is couched in terms of a target (15 -20%) and that provision at a lower rate would only be acceptable where robust justification is provided. The affordable housing policy is to be applied with flexibility sensitive to the market conditions prevailing at the time the planning application is submitted. The targets for the tenure mix (20% intermediate and 80% social rented) can also only be deviated from where robust justification is provided.
- To ensure that in safeguarding land for the chemical industry, adequate information will be in place to safeguard the integrity of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. To this end, the Inspector has required an element of flexibility into Policy CS4 by prefacing the amount of land to be safeguarded for the chemical and processing industry with the phrase "up to" to recognise that, given environmental constraints in the Seal Sands area, it might not be possible to safeguard precise amounts of land. In addition, clause 6 of Policy CS4 is to be amended to state that no port or river based development will be permitted on or adjacent to North Tees Mudflat. Paragraph 9.7 is amended to include a commitment for the Council to undertake a study, in partnership with Natural England and the Royal Society for the Protection of Birds, to assess the potential for development in the Seal Sands, North Tees Pools and River Tees Corridor to adversely affect the integrity of the SPA/Ramsar site and to develop a strategic framework for development in these areas and an integrated approach to habitat creation.
- To ensure that the retail policy is consistent with national policy, the Inspector has required policy CS5 to be amended to state that no further allocations for retail development will be made other than in or on the edge of Stockton Town Centre and that, whilst the Council will not encourage additional retail or leisure development in Teesside Park or Portrack Lane or any other out-of-centre locations, any proposals which emerge will be dealt with in accordance with prevailing national policy as set out in Planning Policy Statement 4 or its successor.

The final published version of the Core Strategy incorporating all of the proposed changes both significant and minor as contained in Addendum 1 and Schedules 1 and 2 was available on the SBC agenda internet site. Its supporting documentation was available from the Spatial Planning Manager.

As soon as was reasonably practicable after Council had adopted the Core Strategy, the Council must complete the following statutory procedures:-

- The Inspector's Report and Schedules of Changes, the Core Strategy and supporting documentation, the adoption statement and sustainability appraisal report must be made available during normal office hours in the places where pre-submission documents were made available (that is, the Council offices and local libraries);
- The documents must be published on the Council website;
- Inform stakeholders who have asked to be kept informed of the publication of the Inspector's recommendations and the adoption of the Core Strategy and let them know where the documents can be inspected;
- Place an advertisement in the local press containing the adoption statement and the fact that the Core Strategy is available for inspection and the places and times at which the document can be inspected;
- Send a copy of the Core Strategy and adoption statement to the Secretary of State.

The legal date of adoption of the Core Strategy was the date of the resolution that Council adopted it. Under section 113 of the Planning and Compulsory Purchase Act 2004, there was a period of six weeks from this date within which any person aggrieved by the document may make an application to the High Court on the grounds that:-

- The document is not within the appropriate power;
- A procedural requirement has not been complied with.

The High Court may make an interim order suspending part or whole of the document pending the final determination of the application and ultimately may quash the document in whole or part.

RESOLVED that:-

1. The Inspector's report on Stockton-on-Tees Core Strategy Development Plan Document (DPD) and his binding recommendations to make the plan sound (Appendix 1) be endorsed.
2. The revised Core Strategy which incorporates the Inspector's binding recommendations for use in the determination of planning applications (Appendix 2) be recommended to Council for adoption with the full support of the Planning Committee.

P
147/09 **Local Development Framework Steering Group Minutes**

RESOLVED that the Local Development Framework Steering Group minutes from the meeting held on 23rd November 2009 be noted.

- P**
148/09
1. Appeal - Mr C Morris - 4 Central Street Yarm - 08/3138/FUL - DISMISSED
 2. Appeal - Mr I Cumisky - 87 Bishopton Road West Stockton on Tees - 09/1072/FUL - ALLOWED WITH CONDITIONS
 3. Appeal - Mr Mark Edwards - Ace Tarpaulins Dovecot Street Stockton on

**Tees - 09/0637/OUT - ALLOWED WITH CONDITIONS.
Costs Decision - ALLOWED**

RESOLVED that the appeal decisions be noted.