

Planning Committee

A meeting of Planning Committee was held on Thursday, 26th June, 2014.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Phillip Dennis, Cllr Paul Kirton, Cllr Maureen Rigg (Vice Cllr Alan Lewis), Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Steve Walmsley and Cllr David Wilburn.

Officers: C Straughan, S Grundy, A Glossop, B Trewick, C Renahan (DNS); J Butcher, P K Bell (LD).

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

Apologies: Cllr Gillian Corr, Cllr Jean Kirby, Cllr Alan Lewis and Cllr Ken Lupton.

P **Declarations of Interest**

28/14

Councillor Dennis declared that he may be deemed to be pre - determined in respect of agenda item 3 - 14/0925/REM -Field at Grid Reference 440817 514442, Urlay Nook Road, Eaglescliffe

Application for reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 145.no dwellings with associated garaging / parking, highways, open space and landscaping as he had campaigned against the application. Councillor Dennis reported that he would speak on the application but would not vote.

Councillor Kirton declared a personal and prejudicial interest in respect of agenda item 4 - 13/2387/OUT -Summerville Farm, Durham Road, Stockton-on-Tees -Outline application for proposed development of approximately 350 residential dwellings and associated access as he received a pension from the applicant. Councillor Kirton spoke on the item and then withdrew from the meeting.

P **14/0925/REM**

29/14

**Field at Grid Reference 440817 514442, Urlay Nook Road, Eaglescliffe
Application for reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 145.no dwellings with associated garaging/parking, highways, open space and landscaping.**

Consideration was given to a report on planning application 14/0925/REM - Field at Grid Reference 440817 514442, Urlay Nook Road, Eaglescliffe - Application for reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 145.no dwellings with associated garaging / parking, highways, open space and landscaping.

Planning permission was sought for the reserved matters of a residential development which was approved as an outline scheme last year. The principle of development had been established by the earlier outline application and the reserved matters which were considered under this application relate to Access, Appearance, Landscaping, Layout and Scale of development.

The submitted layout showed 145 dwellings being located off a single access taken from Urlay Nook Road. Properties were a mix of 2 and 3 storeys, laid out

having in curtilage parking and private rear gardens. Perimeter planting was retained around parts of the site with new planting provided in other areas and an area of open space was provided within the centre of the site which properties overlook.

A total of 25 objections had been received to the scheme, some of which related to the principle of development and the impact of traffic on the surrounding road network which were considerations of the outline permission and were not relevant to the application. Relevant objections included concerns of drainage and flooding, properties being too large and overlooking existing properties, properties drives being too close, noise disturbance, poor architectural style and no exclusivity, and the scheme renegeing on plans to designate the ancient settlement site of archaeological remained as the Public Open Space.

The scheme was considered to provide an open, well landscaped development which was adequately set away from existing properties, which adequately provided for future residents in terms of access, parking and amenity space and which was of a suitable scale and quality of development for the area. The proposal was considered to accord with the development plan.

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

With regard to publicity, neighbours had been notified and the comments that had been received were summarised within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officer's report concluded that the proposed development was considered to be of an appropriate scale and layout to provide a residential state on the periphery of Eaglescliffe. The development would provide adequate access and parking for as well as both private and public amenity space for its users. Existing landscaping would be retained in part and new landscaping would also be provided. There were no significant adverse impacts on the surroundings or on nearby properties and their associated amenity. The proposal was considered to accord with the relevant parts of the Development

Plan and it was recommended that the application be approved with conditions for the reasons specified within the report.

Members were presented with an update report that had been provided to reflect amended landscaping plans which were submitted following the main report being published. Comments from the Head of Technical Services were attached to the update report.

The Head of Technical Services had considered the revised plans and had confirmed adequate visibility splays were achieved for the road type / speed, that the main route through the estate and the shared surfaces meet design guide standards. Parking had been checked and was also in accordance with Design Guide standard.

The Head of Technical Services had advised that a small section of footway which had been shown on the layout plan had not been included on the adoption plan submitted. A condition was recommended to clarify this point. It had further been confirmed that the planting associated with the western buffer was acceptable as was planting elsewhere on the estate but that details of root barriers for trees within 4m of the highway was required, as was the specification and maintenance details for planting. Conditions had been recommended in the main report and the update report to address these matters.

The western landscaping buffer was in close proximity to residential gardens and was shown beyond the rear garden fences associated with properties. A further site boundary fence was shown which would serve to sandwich the western buffer planting which raised concerns over ease of maintenance. Officers considered that a close boarded fence was unnecessary on the outer edge of the buffer and a post and rail type fence would suffice. A condition was recommended for this matter to be agreed in detail.

The proposed development and details remained to be in accordance with the development plan and there were no material planning considerations which affected the suitability of the development subject to conditions being imposed.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * The additional traffic generated by the development would cause further traffic problems at Yarm
- * The junction at the Cleveland Bay is very small and can't be improved
- * The only option is a ring road and that is not being considered at the moment
- * The traffic situation is causing stress to residents
- * It can take 1 hour to drive through Yarm
- * There is not enough school places in the area to cope with the development
- * Good quality houses are needed and not the type that have been identified
- * The garages can't fit a normal size car into them
- * The item should be deferred as the houses are not the quality that is needed
- * There are no bungalows in the proposed development

Representatives of the applicant were in attendance at the meeting and were given the opportunity to make representation. Their comments could be

summarised as follows:-

* There has been extensive discussions with the Planning Officers and the scale, mass and layout being agreed

Members were given the opportunity to ask questions / make comments on the application and these could be summarised as follows:-

- * The quality of houses is not good enough
- * Eaglescliffe needs some bungalows
- * What is the percentage of affordable homes
- * Most people use garages to put other things in rather than cars
- * The pedestrian access is not very good to the site

The Planning Officer responded to some of the points that had been raised and these could be summarised as follows:-

- * The garages are below the minimum standards and that is why more parking spaces have been requested
- * There isn't any bungalows on the site but there is a good mix of housing
- * The percentage of affordable housing is just short of 20%

A vote then took place on the application and the application was approved.

RESOLVED that planning application 14/0925/REM be approved subject to the following conditions and informatives:-

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

Plan Reference Number Date on Plan

SI-001 REV A 3 April 2014
91483/8005 REV E 19 June 2014
91483/8008 REV E 19 June 2014
91483/8006 REV E 19 June 2014
91483/8007 REV E 19 June 2014
91483/8009 REV E 19 June 2014
100802/7002 3 April 2014
PA25/5/PL1 3 April 2014
PA25/5/PL2 3 April 2014
PA411/5/PL1 3 April 2014
PA411/5/PL2 3 April 2014
PA44/5/PL2 3 April 2014
PA44/5/PL1 3 April 2014
PA48/5/PL1 3 April 2014
PA48/5/PL2 3 April 2014
PB35/5/PL1 3 April 2014
PB35/5/PL2 3 April 2014
PD32/5/PL1 3 April 2014
PD32/5/PL2 3 April 2014
PD411/5/PL1 3 April 2014
PD411/5/PL2 3 April 2014

PD49/5/PL1 3 April 2014
PD49/5/PL2 3 April 2014
PT35/5/PL1 3 April 2014
PT35/5/PL2 3 April 2014
PL02 F 9 June 2014
91483/8011 9 June 2014
PL07 9 June 2014
91483/8010 REV E 19 June 2014 2014
PL05 A 9 June 2014
PL04 G 19 June 2014 2014
PL08 9 June 2014
PL09 9 June 2014
PL10 9 June 2014
PA33_T2/5/PL1 9 June 2014
PA33_T2/5/PL2 9 June 2014
PA34_T2/5/PL1 9 June 2014
PA34_T2/5/PL2 9 June 2014
PL01 REV F 9 June 2014

2. All timber fences shall have their horizontal support rails on the internal face of the fence and be positioned within and face the land where the owner has ownership and maintenance responsibility for that fence.

3. Notwithstanding the details hereby approved, the following shall be submitted to and approved in writing prior to development on site commencing and the development shall be completed in line with the approved details;

- Details of path surfacing that cross the open spaces,
- Root barriers are required where trees fall within 4 metres of a highway;
- Soft works maintenance plan

4. Landscaping works - Implementation

Unless otherwise agreed in writing with the Local Planning Authority, all soft landscaping shall be provided on site in accordance with the approved landscaping drawings and a specification which has first been submitted to and approved in writing by the Local Planning Authority. All approved landscaping within domestic curtilages shall be provided on site prior to the sale of each property and all landscaping on other areas shall be completed within 6 months following the substantial completion of the site or within 6 months following the sale of the 130th dwelling.

5. Western Buffer – Enclosures and ownership

The enclosure of the western buffer shall be undertaken in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include matters of ownership of land and details of the western-most boundary treatment.

Informatives

Informative 1: National Planning Policy Framework

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Informative 2: Apparatus in the area

Northern Gas Networks have advised that there may be apparatus in the area which could be at risk and the applicant is recommended to make adequate contact with them prior to commencing on site.

Informative 3: Deter theft of metal

The Police Architectural Liaison Officer has advised that developers should use easily replaced materials instead of valuable metals which will be at high risk of been targeted for metal theft.

**P
30/14**

13/2387/OUT

Summerville Farm, Durham Road, Stockton-on-Tees

Outline application for proposed development of approximately 350 residential dwellings and associated access.

Consideration was given to a report on planning application 13/2387/OUT - Summerville Farm, Durham Road, Stockton-on-Tees - Outline application for proposed development of approximately 350 residential dwellings and associated access.

The application site lay to the north-west of Stockton and was outside the defined settlement limits. The site was agricultural land and measured a total of 17.3 hectares. To the south of the site lay Harrowgate Lane, while to the west of the site lay properties forming Letch Lane and a large electricity substation. To the south East lay the Horse and Jockey, with Durham Road and the Tesco Extra superstore beyond.

The application sought outline planning permission for 350 dwellings, with all matters reserved except for access. The application site was identified as a potential site for housing within the preferred options of the Regeneration and Environment Local Development Document. The site forming part of the wider housing allocation for Harrowgate Lane (Policy H1g) in which the wider site allocation was identified as being suitable for 2500 dwellings. The emerging policy sought to bring forward this development through a comprehensive masterplan detailing design, access arrangements and development phasing.

The application site was located outside of the defined limits to development, was classed as 'open countryside' and as a 'strategic gap' therefore the proposal was in conflict with the aims and considerations identified under saved policy EN13 and Core Strategy policy CS10. However, the Authority was not able to demonstrate a 5 year supply of housing land, and a major benefit of the proposal was that it would boost significantly the supply of housing, both in terms of the provision of affordable housing and in making a contribution towards the five year supply of housing.

Although there were concerns regarding the prematurity of the proposed development given its intended allocation as part of the Harrowgate Lane housing site the site was separate from the wider allocation and was capable of functioning as a separate entity. Whilst lying outside the limits of development it was evident that the site lay adjacent to areas of built development and there would also remain over 1.5km between the site and the nearby settlements of Carlton, Redmarshall and Thorpe Thewles. A significant degree of separation

would therefore remain and ensure that the predominant character and openness of the countryside is maintained.

The consultation responses that had been received to the planning application were detailed within the report.

With regard to publicity neighbours had been notified and the application was given wider publicity through the display of a site notice and press advertisement. A total of 22 objections had been received and were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officer's report concluded that, the application site was located outside of the defined limits to development, was classed as 'open countryside' and as a 'strategic gap' therefore the proposal was in conflict with the aims and considerations identified under saved policy EN13 and Core Strategy policy CS10. However, the Authority was not able to demonstrate a 5 year supply of housing land, and a major benefit of the proposal was that it would boost significantly the supply of housing, both in terms of the provision of affordable housing and in making a contribution towards the five year supply of housing. In addition there were also the economic benefits the scheme would have in terms of investment, employment opportunities and increased spending capacity generated from housing growth which may assist in supporting some existing business and neighbourhood centres.

However, consideration also needed to be given to the harm that would arise and whether those adverse impacts of the scheme were outweighed by the benefits of the proposal. Although there were concerns regarding the prematurity of the proposed development given its intended allocation as part of the Harrowgate Lane housing site (as set out in emerging policy H1g) the site was separate from the wider allocation and therefore capable of functioning as a separate entity. Whilst lying outside the limits of development means the site was classed as open countryside and strategic gap, it was evident that the site lay adjacent to areas of built development and there would also remain over 1.5km between the site and the nearby settlements of Carlton, Redmarshall and

Thorpe Thewles. A significant degree of separation would therefore remain and ensure that the predominant character and openness of the countryside was maintained.

The proposed development was also considered to be acceptable in all other regards and consequently the application was recommended for approval subject to the conditions set out within the report and the applicant entering into a section 106 agreement, in accordance with the heads of terms.

Members were presented with an update report that outlined that since the original report to Members further comments had been made by persons who had already objected to the application. One objector in particular made a number of points relating to highway safety and the proposed mitigation measures. Whilst the additional comments did not raise any issues that had not already been addressed within the original report, the Head of Technical Services had provided a response and clarification on the highway mitigation for Members benefit. The Head of Technical Services comments and those of the objectors were detailed within the update report.

In addition, the applicant's agent had also queried the necessity for a planning condition to require the recording of the buildings of Summerville Farm, as they considered the buildings had negligible local significance and due to health and safety concerns surrounding the structural stability of the buildings and the inability to enter the structures. Tees Archaeology disagree with the consultants assessment of the importance of the buildings and considered them to be of at least local to regional importance and should they have been in a better condition would have been worthy of retention. Whilst it was noted that the buildings maybe unsafe to enter they advised that a basic historic building survey could be carried out from an external inspection and via archival research with the final report forming a publicly accessible archive, such an approach was considered consistent with the NPPF and consistent with other planning applications in the district which had included the demolition of historic farmsteads such as at Bishopsgarth Cottages and West Moor Farm, Aislaby. The condition 17 as detailed in the main report was therefore deemed to be reasonable and necessary and met with the tests set out for planning conditions.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * The increase in traffic on the surrounding roads will exacerbate existing traffic problems
- * Junction Road and Harrowgate Lane are already gridlocked at peak times and the proposal will make things even worse
- * A relief road should be considered
- * There will be a loss of agricultural land
- * Impact on wildlife

Representatives of the applicant were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * Endorse Planning Officer recommendations

- * The housing is in a good location
- * There will be key highway improvements
- * The development will benefit the wider area
- * The housing will be of a good standard
- * The development will help with the Council 5 year housing supply
- * There will economic benefits to the Borough

Members were given the opportunity to ask questions / make comments on the application and these could be summarised as follows:-

- * The exit onto Harrowgate Lane will cause problems
- * The roundabout at the Horse and Jockey is already very busy
- * Disappointed we are looking outside the defined settlement limits
- * Ministers have said that we are not bound by the 5 year housing supply and NPPF
- * No houses are being built on the previously approved sites so any application that is being approved is not helping the Council with its 5 year housing supply
- * There will need to be further education provision in the area

A vote then took place on the application and the application was approved.

RESOLVED that planning application 13/2387/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below:-

1. The development hereby approved shall be in accordance with the following approved plan(s);

| Plan Reference Number | Date on Plan |
|-----------------------|-------------------|
| P-01-001 | 23 September 2013 |
| P-01-002 | 7 October 2013 |

2. Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

3. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

4. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

5. No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

6. The details of the reserved matters shall follow the principles and parameters set out in the Design and Access Statement and Illustrative Masterplan drawing number 1128/016B submitted with the planning application.

7. 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 and play facilities by the developer in accordance with the Open Space, Sport and Recreation Supplementary Planning Document as part of that phase of 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 to ensure that the Public Open Space is laid out and completed during the course of the development
- d. The arrangements for future maintenance of the public open space
- e. The open space shall be completed in accordance with the approved scheme and phasing arrangements.

8. The total number of dwellings authorised by this permission shall not exceed 350.

9. No development shall take place until details of how the housing in that particular phase of the development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

10. The dwellings approved herein shall achieve Code Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

11. No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

12. No waste products derived as a result of the development approved herein shall be burned on the site except in an appliance first approved in writing by the local planning authority.

13. 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) for that phase shall be submitted to and approved in writing by the local planning authority. That phase of development shall be carried out only in accordance with the approved details.

14. No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with

the approved details and retained as such thereafter.

15. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent railway shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before any of the permitted dwellings are occupied.

16. Prior to the commencement of development, a scheme for the protection of the proposed dwellings from noise from the adjacent National Grid Site taking into account the findings, conclusions and recommendations of the following noise assessments ; Royal Haskoning DHV Noise Impact Assessment (August 2013); Royal Haskoning DHV Noise Impact Assessment (February 2014); Substation noise bund drawing (April 2014); and, Royal Haskoning DHV Technical Note (May 2014), shall be submitted to and approved in writing by the Local Planning Authority. All works which form a part of such a scheme shall be completed before any of the permitted dwellings are occupied.

17. No demolition shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

18. No development shall commence until a scheme for the physical preservation of the World War II Pillbox on the northern boundary of the site has been submitted to and approved by the local planning authority in writing. The scheme should include:-

1. Provision for the protection of the pillbox from plant and vehicles during the construction phase.
2. Proposals for the long term conservation of the pillbox that will promote community ownership and management.
3. Provision for the interpretation of the pillbox.

Please do not hesitate to contact me if you require any further information.

19. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and accompanying Drainage Assessment Report (and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Discharge rates should be agreed with Northumbrian Water as surface water will be discharged to the main sewers.
2. Provision of compensatory flood storage as discussed in section 3.3.1 of the Drainage Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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. No 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), shall take place until a scheme that includes the following components 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:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved.

21. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

22. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

23. All ecological mitigation measures contained within the Land North of Harrowgate, Lane, Stockton-On-Tees Ecological Assessment Report (Tyler Grange, October 2013 and the Land North of Harrowgate Lane, Stockton-On-Tees Wintering Bird Survey (Tyler Grange Report, February 2014) relevant to the redline area shown on plan ref: P-01-001 shall be implemented in full accordance with the advice and recommendations contained within the document.

24. No development permitted shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o Details of the drainage during the construction phase;
- o Details of the final drainage scheme, including sustainable drainage measures proposed;
- o Provision for exceedance pathways and overland flow routes;
- o A timetable of construction;
- o A construction quality control procedure;
- o A plan for the future maintenance and management of the system and overland flow routes.

25. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

26. No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a

means of communication with local residents.

27. Within six months of the first occupation of the development, a detailed travel plan shall be submitted to the Local Planning Authority for their written approval. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with the approved details.

INFORMATIVES

Informative 1: National Planning Policy Framework

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Informative 2; Land Contamination

It is recommended to the developer that;

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o treated materials can be transferred between sites as part of a hub and cluster project
- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- o Position statement on the Definition of Waste: Development Industry Code of Practice and;
- o website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management

legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2010
- o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

HEADS OF TERMS

- Highway works – provision of fourth arm onto the junction at Harrowgate Lane / Einstein Way and to include; a right-turn lane on the Harrowgate Lane westbound approach; and, a toucan crossing to improve facilities for cyclists crossing Harrowgate Lane
- A contribution of £875,000 towards the highway improvements at the Horse and Jockey roundabout.
- £60,000 to maintain the operation of an hourly daytime bus service using the bus stops on Harrowgate Lane for a period of three years from occupation of the first dwelling
- £25,000 for off-site cycleway infrastructure
- £100 per dwelling (total of £35,000) for Travel Plan incentives.
- Requirement to provide 15% Affordable housing provision (53 Units)
- Commuted lump sum of £189,280 to primary school education provision
- 10% Local Labour agreement

P 14/0562/OUT
31/14 Land at Little Maltby Farm, Low Lane, High Leven
Outline application for residential development (circa 70 homes) with associated means of access from Low Lane

Consideration was given to a report on planning application 14/0562/OUT - Land at Little Maltby Farm, Low Lane, High Leven - Outline application for residential development (circa 70 homes) with associated means of access from Low Lane.

The application site lay to the south-east of the existing settlement of Ingleby Barwick and was a series of open fields bounded by hedgerows and formed part of the application site that was granted outline planning consent for a free

school and 350 houses. The application sought a further outline planning consent for an additional residential housing development of up to 70 dwellings.

Members were reminded that the Council was unable to demonstrate a five year supply of deliverable housing sites and in such circumstances the National Planning Policy Framework made it clear that policies which control the supply of housing could not be considered up to date. As set out within the report the benefits of the application boost significantly the supply of housing including affordable housing provision and contribute to achieving economic growth through investment and job creation.

Whilst it was noted that the proposed development would result in additional housing it was noted that the application site would lie adjacent to existing housing (Regency Park) and housing as part of an extant outline planning permission. The proposal would therefore be seen against the context of built development to the south, east and west and would be as part of a larger development and against the backdrop of existing housing with Ingleby Barwick.

In addition the site falls within the previous red line boundary and did not require any additional Green Wedge land. The amount of green wedge which would remain to the north and east of the site would therefore remain at a level that was previously considered acceptable by the Secretary of State. It was therefore considered that any associated visual harm was considered to be limited and would be significantly outweighed by the benefits of bring forward further housing to address the current shortfall in the 5 year housing land supply, as set out within the National Planning Policy Framework.

The consultation responses that had been received were detailed within the report.

With regard to publicity neighbours had been notified and publicity was given to the proposal through a site notice and press advert. A total of 73 objections had been received and these were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officers report concluded that the National Planning Policy Framework (NPPF) set out the governments objectives for the planning system and the need to achieve sustainable development. It defined sustainable development as having three dimensions - economic, social and environmental. The proposal sought to provide 70no. dwellings which given the Borough's lack of a five year housing land supply meant that the development must be considered in line with the NPPF and the presumption in favour of sustainable development.

Although the site lay within the Green Wedge and Core Strategy Policy CS10 sought to ensure that the separation between settlements was maintained and that the quality of the urban environment was protected, built development had already been permitted to take place on the site. Furthermore, the application site would lay adjacent to existing housing (Regency Park) and housing as part of an extant outline planning permission. Consequently, the proposal would be seen against the context of built development to the south, east and west. Although additional housing would be provided, no further land was required and consequently the impacts of this development on the openness, amenity value, and landscape quality of the site were considered to be limited.

The proposed development was considered to be acceptable in all other regards. The application was therefore recommended for approval subject to the planning conditions and Section 106 Agreement Heads of Terms set out within the report.

Members were presented with an update report that outlined that since the original report to Members of Planning Committee two additional letters of objection had been received. These were detailed within the report. It was not considered that any new issues had been raised and therefore the recommendation and material planning considerations remained as set out within the original report.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * Houses are being proposed for land that was designated as school playing fields
- * Primary School places are at saturation point
- * The land should have been offered to build a primary school
- * Land is being grabbed back by the developer
- * The Conservatives have a history of selling off playing fields
- * Residents of Regency Park have good reason to be upset
- * The detail is lacking in the application
- * There will traffic problems in the surrounding area
- * The access road is not sufficient

Representatives of the applicant were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * The land is located within the previous appeal site
- * The School site has been agreed with the EFA and this area of land is surplus
- * The Council has a shortfall in its 5 year housing supply and this development

would help that situation

Members were given the opportunity to ask questions / make comments on the application and these could be summarised as follows:-

- * More and more houses are being built on the green wedge
- * The obsession for a school on Ingleby Barwick has led to a free for all
- * We should challenge Government and refuse the application
- * Ingleby Barwick is full and no more houses should be approved
- * The land is clearly ring fenced for school playing fields

The Planning Officer and Traffic and Road Safety Officer responded to some of the points that had been raised and these could be summarised as follows:-

- * Each application has to be considered on it's own merits
- * The masterplan for the site can still be changed at this stage
- * The traffic modelling around Ingleby Barwick has indicated that the road network can cope with the development

A vote then took place on the application and the application was refused.

RESOLVED that planning application 14/0562/OUT be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed development would result in the loss of land previously indicated to be school playing field, to the detriment of creating an integrated and sustainable local community and the quality of the residential environment, contrary to policy CS6 (1 & 3) of the Core Strategy and paragraphs 70 and 74 of the National Planning Policy Framework
2. The proposed development would bring residential development in close proximity to the residential properties of Regency Park, harming their outlook and resulting in a perception of overlooking and general loss of residential amenity contrary to paragraph 17 of the National Planning Policy Framework.
3. The proposed development would create increased demand for primary school places and as a result of the inability to expand existing primary schools within Ingleby Barwick, would lead to an inadequate education infrastructure thereby creating an unsustainable development contrary to policies CS6(1) and CS11(1) of the Core Strategy and paragraphs 7, 17 and 72 of the National Planning Policy Framework.

P 14/1183/LAF
32/14 Northfield School and Sports College Marsh House Avenue Site, Marsh House Avenue, Billingham. Proposed detached single storey teaching building for 16 to 19 year old students.

Consideration was given to a report on planning application 14/1183/LAF - Northfield School and Sports College Marsh House Avenue Site, Marsh House Avenue, Billingham - Proposed detached single storey teaching building for 16 to 19 year old students.

Under the adopted scheme of delegation the Local Authority application fell within the category to be determined by the Planning Committee.

The application sought full planning permission for the erection of a new teaching building to be used predominantly to teach 16 to 19 year old students. The facility would provide an environment which would focus on teaching English and Maths subjects to young people of this age group.

The building would be situated within the former Northfield School campus and located adjacent to other existing buildings which were not part of the school which no longer operated from this site and had moved elsewhere.

The proposed building was single storey and the internal layout consists of 2 'wings' with 4 classrooms in each, giving a total of 8 teaching classes. Centrally there were social areas together with ICT and dining spaces, offices and other ancillary accommodation.

The building had been designed in accordance with relevant standards, and provided facilities on the ground floor level which were fully accessible. A new accessible toilet had been provided within the building.

Sustainability measures had been included in the building. These included roof mounted photovoltaic panels, increased thermal insulation values, efficient mechanical and electrical installations including boiler equipment and also natural ventilation systems which removed the need for electrically operated systems but also provided fresh air into the occupied rooms.

Externally there was facing brickwork and render which was finished with a parapet up stand and trim around a flat roof. To enhance the building the front façade height had been increased and a cantilevered coloured canopy had been included at the main entrance. Full height curtain walling windows had been provided around the social spaces to provide additional daylight to create a bright and welcoming environment.

Access to the site was via the existing roadway from Marsh House Avenue. There were also footpaths alongside this road giving full pedestrian access. A new car park was also proposed.

Three existing buildings were due to remain adjacent to the site. To the south west was a teaching building for a limited number of secondary school pupils and to the west was a teaching building for primary school pupils. To the north west of the site was an existing sports block facility. Existing hard standing areas were located around the site.

The facility would provide a new build English and Maths block for 16-19 year old students. It would be a safe structured environment to promote engagement and learning, with additional space for young people who did not manage in large college type provision.

The facility would be part of a collaborative model and would endeavour to maximise existing facilities on the same site, including the adjacent SRC Bede site. It would compliment and support transition and provide progression routes,

focusing on English and Maths, but also provide some softer vocational provision with English and Maths embedded throughout.

The new facility would support increased participation. It would support early drop out at Colleges and also be of benefit to other young people who may be accessing higher levels of learning who may find their college environments challenging, and utilised by those young people already in education, training and employment who had not achieved English and Maths who may access the base on a part time basis.

The proposal was considered to be in line with general planning policies set out in the Development Plan.

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

With regard to publicity neighbours had been notified and the comments that had been received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The following planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officers report concluded that overall the nature and scale of the development was acceptable and parking provision and access was satisfactory. It was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and did not conflict with policies in the Development Plan and it was recommended that the application be approved with conditions for the reasons specified above.

A vote took place and the application was approved.

RESOLVED that planning application 14/1183/LAF be approved subject to the following conditions and informative:-

1. The development hereby approved shall be in accordance with the following approved plan(s);

| Plan Reference Number | Date on Plan |
|-----------------------|--------------|
| ARC1277-100 A | 6 May 2014 |
| ARC1277-101 A | 6 May 2014 |
| ARC1277/102 A | 6 May 2014 |
| ARC1277-103 A | 6 May 2014 |
| ARC1277-104 A | 6 May 2014 |

2. 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.

3. No construction / building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

4. Notwithstanding any description of the materials in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building have been approved in writing by the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

P **14/0685/RET**
33/14 **The Whitehouse Pub, 82 Whitehouse Road, Billingham**
Application to retain detached storage container

Consideration was given to a report on planning application 14/0685/RET - The Whitehouse Pub, 82 Whitehouse Road, Billingham -Application to retain detached storage container.

The application sought retrospective planning permission for the erection of a storage container at The Whitehouse Pub, Whitehouse Road Billingham. Letters of objection had been received from three neighbouring properties, two Ward Councillors and the Town Council. The objections raised concerns regarding the visual impact of the container and extension and the impact on the amenity of neighbouring occupiers.

One letter of support had been received from a neighbouring property.

The application was being reported for determination by Planning Committee due to the number of objections received being more than 5 under the scheme of delegation.

It was considered the container did not have a significant detrimental impact on the street scene and character of the area or the amenity of neighbouring occupiers. Subject to the grant of planning permission being limited to a temporary 5 year period to allow for reassessment of the situation, the application was considered acceptable.

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

With regard to publicity neighbours were notified and the comments that had been received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officers report concluded that a temporary planning permission for one year was originally granted having regard to the original intended period for the container to remain on the site and the potential for the exterior paint work to deteriorate and enable the situation to be reassessed if further retention of the container was sought. It was considered that due to the container being set back from the highway and the screening that was in place there was not a significant detrimental impact on the street scene or character of the area. It was also considered that due to the size of the container and the distances to neighbouring properties there was not a significant detrimental impact on the amenity of neighbouring occupiers.

Furthermore, as temporary five-year permission was recommended for the container, the condition of the paintwork could be reassessed in the future to ensure it was still of an acceptable appearance.

It was therefore recommended that the application be approved with conditions.

An Objector was in attendance at the meeting and was given the opportunity to

make representation. Her comments could be summarised as follows:-

- * This is a retrospective application again
- * The applicant was given 1 year to move the container
- * The container is not a suitable building for the site
- * The site is more like a junk yard
- * The container should be removed

Members were given the opportunity to ask questions / make comments on the application and these could be summarised as follows:-

- * The container is inappropriate for a residential area
- * The applicant was given one year to move the container and he hasn't done it

A vote then took place on the application and the application was refused.

RESOLVED that planning application 14/0685/RET be refused for the following reason:-

In the opinion of the Local Planning Authority the storage container would by virtue of its siting, use and external appearance be inappropriate for a residential area and fail to contribute positively to the surrounding area, thereby having a detrimental impact on the character of the area and the amenity of the neighbouring occupiers, contrary to policy CS3(8) of the Core Strategy and paragraphs 17 and 64 of the National Planning Policy Framework.

**P
34/14**

Standards Panel

Consideration was given to a report on an allegation of disclosure of legally privileged information contrary to the Council's Code of Conduct for Members. The report provided details of the Panel's decision, which included reporting the outcome of the hearing to the Planning Committee and to Council.

The allegation considered by the Standards Panel was that Councillor Mark Chatburn ("the Councillor") had disclosed legally privileged information, namely Counsel's Opinion, given in confidence to Members of the Planning Committee in connection with an application for planning permission for residential development (13/2184/OUT) in relation to a site at Uraly Nook Road, Eaglescliffe, Stockton-on-Tees.

Having considered the Investigating Officer's report and submissions, and having sought and considered the Independent Person's views, the Panel determined that the Councillor had knowingly disclosed legally privileged advice that had been provided to him in confidence, and which was marked as exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972; that the publication of this information in the public domain by placing a copy of the privileged legal advice on the Councillor's blog, and by linking that blog to the Councillor's twitter account, did not fall within any of the exemptions specified in paragraph 6(a)-(d) of the Council's Code of Conduct for Members, and that it therefore constituted a breach of paragraph 6 of the Code.

Further details of the Panel's decision were attached to the report.

Just before the Panel's hearing, the Local Government Ombudsman made a decision in relation to a separate matter that, amongst other issues, concerned a complaint about the Counsel's advice being given, in confidence to Planning Committee Members in connection with the Urray Nook Road planning application. The Ombudsman found that, in reaching its decision, she would have expected the Planning Committee to have considered the advice from Counsel, and that the Council had acted without fault in relation to the determination of the application.

RESOLVED that the report be received.

**P
35/14**

**1. Appeal - Mrs C Lusted - 33 Wynyard Road Billingham - 13/1484/FUL -
DISMISSED**

**2. Appeal - Mr John Graham - 9 Harland Place Norton 13/1897/ADV -
DISMISSED**

RESOLVED that the appeals be noted.