

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 20th August, 2014.

**Present:** Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Gillian Corr, Cllr Phillip Dennis, Cllr Eileen Johnson (Vice Cllr David Rose), Cllr Ken Lupton, Cllr Mrs Jean O'Donnell (Vice Cllr Paul Kirton), Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Steve Walmsley and Cllr David Wilburn.

**Officers:** C Straughan, S Grundy, B Jackson, P Shovlin (DNS); J Butcher, P K Bell (LD).

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

**Apologies:** Cllr Jean Kirby, Cllr Paul Kirton, Cllr Alan Lewis and Cllr David Rose.

## **P       Declarations of Interest**

**57/14**

Councillor Sherris declared a personal non prejudicial interest in respect of agenda item 6 - 14/0335/FUL 46 Spitalfields, Yarm, TS15 9HJ - Proposed single storey extension to side and rear, double carport and garage to front and decked area to rear as Yarm Town Council had an ongoing dispute with the applicant. Councillor Sherris reported that he would speak on the application but would not vote.

**P**

**14/0637/FUL**

**58/14**

**Land South Of Kirk Hill, Carlton Village, Carlton  
Construction of 36 residential dwellings comprising 13 affordable dwellings and 23 open market dwellings with associated infrastructure and landscaping.**

Consideration was given to a report on planning application 14/0637/FUL - Land South Of Kirk Hill, Carlton Village, Carlton -Construction of 36 residential dwellings comprising 13 affordable dwellings and 23 open market dwellings with associated infrastructure and landscaping.

Planning permission was sought for the erection of 36 dwellings (13 affordable and 23 open market) with associated landscaping and infrastructure on land at Carlton Village. The site was accessed off Kirk Hill and would develop an existing open field, a landscape buffer would be planted on the southern, eastern and western boundaries and the existing hedge to the north would be retained

The site lay outside of the defined limits of development where housing would not normally be supported however, the council was unable to demonstrate a deliverable 5 year housing supply and in accordance with the National Planning Policy Framework, the Councils own housing policies within the Local Development Plan were unable to be afforded weight. The principle of development on this site was acceptable on this basis.

The village was classed as a Tier 2 sustainable village as detailed within the council's villages study and there was a need for rural affordable houses. The scheme would accord with the principles of these requirements, although of a scale which was beyond what would normally be considered as infill village

development. Notwithstanding the scale of the proposal, the development was supported and would be able to support the housing requirements of the surrounding smaller, unsustainable settlements.

Taking into account all comments received, it was considered that the scheme would not have a significant detrimental impact on traffic in the area and the layout was acceptable. There were no ecology, archaeology, flood risk or landscaping issues associated with the site which would prevent such a development being acceptable and no significant impacts on the privacy and amenity associated with existing properties adjacent to the site.

The development was required to contribute towards the provision of affordable housing, education places, as well as a traffic improvement in Stockton. These formed part of the Section 106 Agreement and Conditions as recommended.

27 objections had been received from residents which revolved mainly round the impacts of additional traffic, the principle and amount of development and the unsustainable nature of Carlton. Objections had also been received from Carlton and Redmarshall Parish Councils and the Ward Councillor.

It was considered that on balance, although this proposal was out - with the limits for development, there were no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing and the scheme would provide the affordable housing requirement for Carlton as identified in the SRHNA and the scheme was considered to be able to be undertaken whilst being in accordance with all other relevant development plan policies.

The consultees that 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 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 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 report concluded that the development was an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan. However the guidance in the National Planning Policy Framework made it clear that the Local Planning Authority's existing housing delivery policies could not be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications were to be considered in the context of the presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of Visual impact and highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

It was considered that on planning balance, although this proposal was out-with the limits for development, there were no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing and the scheme would provide the affordable housing requirement for Carlton as identified in the Stockton Rural Housing Needs Assessment.

For the reasons stated above and detailed in the report it was recommended that the application be approved with conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

Members were presented with an update report that since the preparation of the original Committee Report, 2 further letters of objection had been received and were detailed within the report. The recommendation had been amended in order to give time for the Section 106 to be signed. A new plan was attached to the update report to show the development in relation to the wider village.

The additional comments that had been received had been considered within the main report and also by the bodies responsible for the drainage of the site and matters detailed within the update report were considered to not affect the considerations within the main report.

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- \* The applicant has worked very closely with Council Officers to ensure the best possible application for all concerned
- \* There are no statutory objections
- \* Carlton is a sustainable village
- \* The access is appropriate and safe
- \* There will be 36% affordable housing
- \* There will be buffer planting
- \* Land will be available for public open space
- \* There will be economic benefits for the Borough

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

- \* There is not a sustainable bus service
- \* Northumbrian Water have been at the application site dealing with a surface water problem
- \* There are lots of similar houses including existing developments that are available to buy in Carlton

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

- \* Agree with the objector
- \* There is a glut of houses on the market
- \* £200 million has been allocated by Government for use on brown field sites
- \* Two previous applications for this site have been refused
- \* Ameliorating landscaping is not good enough
- \* All of our Local Plans are not considered because of NPPF
- \* There are no benefits for Carlton
- \* We are bring housing estates to villages
- \* There are drainage concerns
- \* How can we refuse applications in other villages if this one is approved

Officers then responded to some of the points that had been raised and these could be summarised as follows:-

- \* Condition 8 will deal with surface water drainage
- \* Carlton is a category 2 village which has been identified by the Council as a sustainable village and therefore will be considered different to other surrounding villages which have not been identified as being sustainable locations

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

RESOLVED that planning application 14/0637/REV be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with Heads of Terms below. Should the Section 106 Agreement not be signed by 22nd August 2014 or any other date as agreed by the Head of Planning then the application should be refused due to lack of adequate provisions in respect to the details listed within the Heads of Terms.

#### 1. Approved Plans

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

Plan Reference Number		Date on Plan
RES/341 Rev 2	Location Plan	11 March 2014
RES/341 REV 24	Site Plan	23 July 2014
RES/341 200.03 Rev 12	Boundary Treatment	23 July 2014
C1112-01 Rev	Landscaping Plan	23 July 2014

RES/341 400.04 Rev 1	Chestnut Type	23 July 2014
RES/341 400.15 Rev 1	Spruce Type B	23 July 2014
RES/341 400.16 Rev 1	Sage Type B	23 July 2014
RES/341 400.14 Rev 1	Sycamore Type B	23 July 2014
RES/341 400.09 Rev 2	Spruce	23 July 2014
RES/341 400.05 Rev 1	Elm	23 July 2014
RES/341 400.06 Rev 1	Elm - Render	23 July 2014
RES/341 400.07 Rev 1	Ash 1 bed	23 July 2014
RES/341 400.10 Rev 1	Elder	23 July 2014
RES/341 400.13 Rev 1	Fern 2 bed	23 July 2014

## CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCEMENT (INCLUDING VARIOUS PHASES)

### 2. Materials

Notwithstanding the submitted details 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(s) including any details of render and finish have been approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

### 3. Street Furniture / Lighting

Development shall not be commenced until details of the street furniture, lighting columns, light colour and luminance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

### 4. Landscaping - hardworks

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

### 5. Maintenance Plan - Landscaping

No built development shall take place until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all open space, landscape areas and buffer planting, (other than small privately owned domestic gardens), shall be submitted to and approved by the Local Planning Authority prior to the commencement of that phase of the development, Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

### 6. Construction Management Plan

The construction works associated with the development hereby approved shall be undertaken in accordance with a Construction Management Plan which has first been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include, but not be restricted to;

- Access proposals (including HGV routes) and HGV trip profile;
- Details of staff parking proposals during construction;
- Hours of construction; and
- Appropriate mitigation measures.

The development shall be undertaken in accordance with the Construction Management Plan.

#### 7. Land contamination

Prior to development commencing on site, the potential risk from contamination ought to be identified through an investigation and risk assessment, in addition to any assessment provided with the planning application, and must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 8. Surface Water Drainage

Surface water discharge from this site shall be flow regulated so it does not exacerbate flooding problems elsewhere in the catchment, therefore, final details of an appropriate surface water drainage solution should be submitted to and approved by the local authority before any construction works can commence. Discharge rates from the site will be restricted to the existing greenfield runoff rates. The drainage design must have sufficient storage within the system to accommodate a 1 in 30 year storm. The design of the site shall ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored in site without risk to people or property and without overflowing into drains or watercourse. Mirco Drainage design files (mdx files) are required to be submitted for approval. The flow paths for the 1 in 100 year flooding is required to identify where flooding may occur.

### CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

#### 9. Verification Report – Land Contamination

Prior to occupation a verification report demonstrating completion of the works set out in the approved remediation strategy (if required) 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.

#### 10. Renewables or Fabric First

No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO<sub>2</sub> emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. 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 or design efficiency measures 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.

### CONDITIONS TO BE IMPLEMENTED

#### 11. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in complete accordance with the approved Flood Risk Assessment MD0811/rep/001 Rev B including the following mitigation measures detailed within the Flood Risk Assessment:

- limiting the surface water run-off generated by the impermeable areas of the site to the existing greenfield run off rate so it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- The discharge rate shall be restricted to 5 l/s as outlined in section 2.4 following the calculation of greenfield run off rates based on the developable area of 1.4 ha.

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.

#### 12. Code 4 Construction

The dwellings hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the commencement of works.

#### 13 Ecology

The development shall be carried out in strict accordance with the recommendations as detailed within the submitted Ecology Habitat and Protected Species Risk Assessment dated March 2014.

#### 14. Tree Protection

All trees to be retained within and on the boundaries of the site shall be protected in accordance with the requirements BS 5837:2012 Trees in relation

to design, demolition and construction. 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).

#### 15. Landscaping

Notwithstanding the submitted landscaping plan C1112-01 received on the 23 July 2014, a tree size of 16-18cm girth must be used for the Lime trees that form an avenue into the estate.

### CONDITIONS TO REMAIN IN PERPETUITY

#### 16. Affordable Housing

Notwithstanding the details hereby approved, the 13 dwellings as identified on the approved plan RES/341 Rev 24 shall be affordable housing, of the type and design as detailed on the plan. Properties shall remain as such in perpetuity unless an alternative method of affordable provision is agreed in writing by the Local Planning Authority.

#### 17. Removal of permitted development rights for extensions

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 erected within the curtilage without the written approval of the Local Planning Authority.

#### 18. Removal of permitted development rights for boundary treatments to the front of properties

Notwithstanding the provisions of class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), other than as shown on the approved plans there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front and / or side elevation and a public highway or public footpath adjacent to the properties boundary without the written approval of the Local Planning Authority.

### OTHER CONDITIONS

#### 19. Landscaping

The landscaping scheme as shown on plan C1112-01 received on the 23 July 2014 shall be completed unless otherwise agreed with the local planning authority in writing in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.

#### 20. Construction Noise

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.

#### 21. Unexpected Land Contamination

If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

### INFORMATIVES

#### Informative 1: National Planning Policy Framework

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

#### Informative 2: Contact Northern Gas Networks

Northern Gas Networks have advised that the developer contact them with regard to Gas Apparatus in the area.

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

#### Informative 3: The Head of Technical Services

Section 278 Agreement: A bus stop and shelter needs relocating to maintain the visibility splay. The changes to the bus stop would need to be agreed with the bus operators and the Highway Authority as part of the Section 278 Agreement to deliver the access works and all costs for relocating the bus stop would have to be met by the applicant.

Sustainable Travel: The quantum of development on this site does not warrant a Travel Plan. However, it is recommended that the developer provides welcome parks for new occupants which provides details of sustainable travel options (bus timetables/cycle route map) to encourage sustainable travel behaviour from the outset of the development.

Construction of highways for new developments: Where a development involves works requiring either improvement or alteration to the existing highway, the Developer may be required to enter into an agreement with the Council as Highway Authority under Section 278 of the Highways Act 1980. This requirement often occurs as a condition on the grant of planning permission. As part of the new Development you may wish the Council to adopt highways (including carriageways, footways, verges, cycleways, highway drainage and street lighting) which would then be maintainable at public expense. In order to achieve this you would be required to enter into an agreement with the Council as Highway Authority under Section 38 of the Highways Act 1980. The Council would only consider adoption provided any highways are designed and constructed in accordance with the 'Design Guide and Specification for Residential and Industrial Estates' which can be downloaded from the Stockton Council website. It is important for Developers to appreciate that obtaining a planning consent does not imply that a layout is suitable for adoption or give permission to work on an adopted Highway. It is recommended that the Council is consulted about any of the above at an early stage as the Council are unlikely

to adopt the highway without the Developer entering into a Bond with the Council for inspecting the construction and short term maintenance of the proposed highway at regular intervals. If you require any further information please do not hesitate to contact: Highway Asset Manager, Highway Network Management, Stockton-on-Tees Borough Council, Technical Services, PO Box 229, Kingsway House, Billingham, TS23 2YL Telephone: (01642) 526739 Fax Number: (01642) 361690 Email: technicalservices@stockton.gov.uk

Damage to highway verge: The Developer is reminded that it is an offence to cause damage to the Highway or to deposit any item on the Highway that causes a nuisance or danger. Any damage to the Highway caused by the development must be repaired at the developer's expense. The Highway Authority will seek, wherever possible, to recover any expenses incurred repairing the Highway surfaces and prosecute persistent offenders. (Highways Act 1980 sections 131, 148, 149). The developer should contact the Care for Your Area Highway technicians prior to any works on site to arrange an inspection of the Highway surfaces fronting the development.

Construction deliveries: It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so to mitigate the effect of the obstruction to the general public.

#### Informative 4: Environment Agency

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Support for the use of SUDS approach to ensuring development does not increase flood risk elsewhere is set out in paragraph 103 of the National Planning Policy Framework.

Further information on SUDS can be found in;

- o The CIRIA C697 document SUDS manual
- o HR Wallingford SR 666 Use of SUDS in high density developments
- o CIRIA C635 Designing for exceedances in urban drainage - good practice
- o The Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

The Interim Code of Practice is available on our website at:

## HEADS OF TERMS

- Precautionary Education Contribution to provide primary/secondary school places should they be required at the appropriate time.
- A capped Highways Contribution of £ £97,500 towards the delivery of infrastructure in the West Stockton area
- Local Labour and services requirement

**P**            **14/1396/OUT**  
**59/14**       **Land East Of Jasper Grove, Morrison Street, Stillington**  
**Outline Application for erection of up to 54 houses with formation of access**

Consideration was given to a report on planning application 14/1396/OUT - Land East Of Jasper Grove, Morrison Street, Stillington - Outline Application for erection of up to 54 houses with formation of access.

Outline planning permission was sought for a residential development on an existing paddock area in Stillington. The application sought only the principle of development with all matters reserved for later consideration (Layout, Scale, Access, Landscaping and Appearance).

The site lay outside of the defined limits of development where housing would not normally be supported however, the Council was unable to demonstrate a deliverable 5 year housing supply and in accordance with the National Planning Policy Framework, the councils own housing policies within the Local Development Plan were unable to be afforded weight. The principle of development on this site was acceptable on this basis.

The village was classed as a sustainable village as detailed within the Councils villages study whilst there was a need for rural affordable houses. The scheme would accord with the principles of these requirements, although it was of a scale which was beyond what would normally be considered as infill village development. Notwithstanding this, the development was supported and would be able to support the housing requirements of the surrounding smaller, unsustainable settlements such as Whitton and Thorpe Thewles.

The site was accessed off Jasper Grove which was a relatively modern estate within Stillington and would develop an existing paddock which had existing dwellings along one boundary, a landscape buffer to two boundaries and the main street through Stillington to the other. The site had some constraints, however, taking into account all comments received, it was considered that the scheme would not have a significant detrimental impact on traffic in the area and that the access could reasonably be constructed to appropriate standards. The indicative layout was however not acceptable, although it was considered that a residential development of this sort of scale could be achieved on site. The description of the proposal had been amended to indicate that the development would be for up to 54 houses.

There was no ecology, archaeology, flood risk or landscaping issues associated with the site which would prevent such a development being acceptable whilst properties should be able to be laid out to prevent undue impacts on the privacy and amenity associated with existing properties adjacent to the site. The development would retain the existing landscape buffer to the site which was a significant feature and which would screen the development from the open countryside to the south and east.

The layout plan indicated that a drop off lay-by on Morrison Street, opposite the school could be provided as part of the scheme, however, the Head of Technical Services considered that this could result in increasing risk to highway safety due to u turns and other such manoeuvres taking place along the main street through the village and as such, this should not form part of the future reserved matters submissions.

The permission was required to contribute towards the provision of affordable housing, education places, off site public open space / recreation as well as a traffic calming feature for the entrance into the village. These formed part of the Section 106 Agreement and Conditions recommended.

Objections had been received from residents which revolved mainly round the impacts of additional traffic, the amount of development and the unsustainable nature of Stillington.

In view of all matters considered, although contrary to Local Plan housing policies, these were considered to be not up to date and could therefore be given no weight in making the decision. The scheme was considered to be able to be undertaken whilst being in accordance with all other relevant development plan policies.

The consultees that 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 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 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 report concluded that although this proposal was out-with the limits for development, there were no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing. The site was considered to be of a scale to allow the amount of development being proposed and it was recommended that the application be approved with conditions for the reasons specified above and subject to the Section 106 Agreement as detailed within the Heads of Terms.

Members were presented with an update report that outlined that matters within the main report relating to the appropriate level of affordable housing provision and the period for signing the Section 106 agreement required clarifying and consideration.

Within the consultation responses detailed within the main report, the Head of Housing has indicated that the scheme would provide 50% affordable housing, and later advised 20%. The Council's Spatial Plans Officer indicated 20%. The submission was based on a 20% provision of affordable housing which was in line with Council Policy which itself required between 15 and 20% provision. A condition was detailed within the main report to achieve this provision.

The recommendation required signing of the S106 Agreement prior to the applications target (expiry) date or that it would be refused. The applicant's agent had indicated that due to the applicant being on holiday, the S106 would not be able to be signed prior to the application target date. As such, the applicant had agreed to an extension of time to determine the application to allow for the signing of the Section 106 Agreement. The recommendation was therefore amended.

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- \* Members have received a robust committee report
- \* The applicant has addressed access concerns
- \* The access road is large enough in width
- \* There will be a separate pedestrian access to Morrison Road
- \* The access road visibility splays accord with the SBC design guide
- \* The applicant has agreed to pay for traffic calming measures

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

- \* Access to the site will be by what is shown as a vacant plot and seems to have always been held back as a possible access, this has been deceitful and is grossly unfair
- \* The access should come out of the north east corner of the site with a roundabout
- \* The plots should be set back from existing housing with landscaping
- \* Two further developments are planned for Stillington
- \* The site will have 55 houses on it not 54

- \* A hedge will not provide any buffer
- \* Flooding occurs during heavy rain and streaks off the land on to Jasper Grove
- \* The added traffic will cause problems
- \* Serious concerns over the access that already serves 60 properties
- \* There is already problems with parking
- \* A four leg roundabout is needed
- \* There is no train service or cycleways and the bus service is poor
- \* A windfarm has also be proposed for the village
- \* The village will have doubled in size in 20 years
- \* Community facilities have been lost
- \* The infrastructure should be considered
- \* People are generally supportive of the application but the plots are small and it is an over development of the site

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

- \* There is not a lot of opposition to the development itself but the access issues need to be addressed
- \* A cul-de-sac will be turned into an access road
- \* One of the proposed houses is very close to an objectors house
- \* An objector thought he was buying a house next to another house but he now has a access route next door
- \* The applicant should go back to the drawing board regarding the access

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

- \* The proposed access does meet SBC guidelines and is safe and acceptable
- \* Only one access is needed and there is no need for a roundabout
- \*The application is still in outline and therefore layout, scale, access, landscaping and appearance would be subject to the submission of reserved matter applications for approval of those details

A vote then took place on the application and the application was approved with the proviso that the applicant looks at an alternative access to the site and the Reserved matters applications be reported to the Planning Committee for determination.

RESOLVED that planning application 14/1396/OUT be approved subject to the conditions and informatives detailed within the main report and subject to the applicant entering into a Section 106 Agreement before the 30th September 2014 in accordance with the Heads of Terms within the main report. Should the S106 Agreement not be signed before the 30th September 2014 then the application be refused for reasons relating to the lack of provisions to meet the requirements of the scheme relative to the provisions within the Heads of Terms:-

#### 1. Approved Plans

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

Plan Reference Number    Date on Plan

## 2. Reserved Matters - Details

Approval of the details of the Access, Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

3. Reserved Matters - Time Period for submission of Reserved Matters  
Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

## 4. Period for Commencement of Development

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

## 5. Possible contamination from an old landfill site

No development hereby approved shall be commenced on site until the site is investigated and reported to determine the nature and extent of landfill gas. The site investigation and risk assessment report shall be carried out in accordance with Guidance on Evaluation of Development proposals on sites where methane and carbon dioxide are present [NHBC March 2007] and CIRIA document C659. The findings of the report shall be submitted to the Local Planning Authority and no development shall commence on site until any necessary mitigation has been undertaken to the written satisfaction of the Local Planning Authority.

## 6. Levels

The development hereby approved shall be built in accordance with a scheme of finished floor levels which has been submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. The scheme shall detail existing land level and levels of nearby properties as necessary as well as the finished floor levels of the proposed properties.

## 7. Construction Management Plan

The construction works associated with the development hereby approved shall be undertaken in accordance with a Construction Management Plan which has first been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include, but not be restricted to;

- Access proposals (including HGV routes) and HGV trip profile;
- Details of staff parking proposals during construction;
- Hours of construction; and
- Appropriate mitigation measures.

The development shall be undertaken in accordance with the Construction Management Plan.

## 8. Renewables or Fabric First

No development shall take place until the Local Planning Authority has

approved 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 or design efficiencies. 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 or design efficiency measures 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.

#### 9. Code 4 Construction

The dwellings hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

#### 10. Affordable Housing

A total of 15% - 20% of housing provision within the site shall be affordable in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The details shall include but not be restricted to including the precise units to be affordable, the nature of tenure and mechanism for delivery.

#### 11. Drainage

The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) MD0838 / rep / 001 Rev B and the associated mitigation measures.

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.

#### 12. Construction Working Hours

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.

#### Informative 1: National Planning Policy Framework

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

#### Informative 2: Layout of Development

The indicative layout plan is considered to be unacceptable in terms of its impacts on and impacts from the adjacent landscape belt and as such would not be acceptable if submitted at reserved matters stage unless adequate justification can be made which prevents houses and gardens from being significantly shaded by landscaping and which prevent tree canopies and root structures from being unduly affected both now and taking into account future growth. Any detailed layout design needs to take this matter into account.

#### Informative 3: Contact Northern Gas Networks

Northern Gas Networks have advised that there may be gas apparatus in the



area and that the developer contact them to discuss this. Contact details given are as follows;

Sandra Collett  
Network Records Assistant  
0845 6340508 (option 6)

#### Informative 4 – Welcome Packs – Sustainability

It is recommended that the developer provides welcome packs for new occupants which should provide details of sustainable travel options (bus timetables / cycle route map) to encourage sustainable travel behaviour amongst residents from the outset of the development.

#### HEADS OF TERMS

Precautionary Education Contribution to provide primary / secondary school places should they be required at the appropriate time.

Highways Contribution of £6,000 for traffic calming works on Morrison Street.

Open Space Contribution of £90,138 to be spent in respect of open space, recreation and landscaping within the local area.

**P  
60/14**

**14/1815/COU**

**56 Skinner Street, Stockton-On-Tees, Cleveland**

**Change of use from B1 (light industrial) to Mixed use (restaurant and banqueting suite) with minor alterations and installation of extraction flue to rear**

Consideration was given to a report on planning application 14/1815/COU - 56 Skinner Street, Stockton-On-Tees, Cleveland - Change of use from B1 (light industrial) to Mixed use (restaurant and banqueting suite) with minor alterations and installation of extraction flue to rear.

The application site was a former light industrial premise (use class B1(c)) that was previously operating without planning permission as a retail premise, this use had since ceased operating and the premise remained vacant. The properties of Hartington Road lay to the west of the application site and were separated from the application site by an existing alley way. Immediately to the north and south lay public car parks. West Row and the western boundary of Stockton Town Centre lay approximately 130 metres to the east of the site (as the crow flies) with access to public crossing points linking to the western edge of the Town Centre boundary being provided approximately 210 metres from the site (walking route).

Planning permission was sought for the change of use of the premises to a restaurant with Banqueting Suite. The restaurant floor space was indicated as 291sqm with the banqueting facility operating from 368sqm as the banqueting area. The total floor area for the building is 940sqm (with each floor of the building was 470sqm).

The application came before Members for determination following the receipt of

8 letters of support from occupants of Stockton and Middlesbrough citing the benefits the proposal had to the Asian community and the Town Centre.

The National Planning Policy Framework and the Borough's own local planning policies promoted and supported the maintenance and improvement of the vitality and viability of the Borough's retail centres, with town centres being recognised as the 'heart of their communities'. It was considered that the submitted sequential assessment did not satisfactorily demonstrate that alternative premises were not available and as a consequence 22 Wellington Square, Stockton; 84 Church Road, Stockton; and, 145-146 High Street, Stockton were all available and capable of accommodating the proposed use with a degree of flexibility in the format and scale of the business model, therefore in accordance with the guidance paragraph 27 of the NPPF, the application should be refused.

Whilst the cultural and community benefits afforded by the proposal had also been given due consideration, this must be weighed against the relevant national and local planning guidance. Officers had discussed the issue of demand / need for such facilities with the Council's Senior Cohesion and Diversity Officer, who had advised that whilst there was an existing problem across Teesside in providing venues for special / social occasions, particularly weddings, this was an issue for larger venues (1000+ capacity). It was considered that there were a number of alternative venues which were all capable of meeting demand for smaller numbers of people, these included venues such as the Arc, the Salvation Army, the Masonic Hall and the banqueting Suite within the Mandale Triangle. Clarification had been sought from the applicant with regards to the capacity of the banqueting suite and it had been confirmed that the facility would cater for between 50 and a maximum of 200 guests which fell well below the capacity levels where there was an identified need. As a consequence it was not considered that a significant amount of weight could be attached to the need for this proposal, particularly within this location, when alternative sites were available.

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

With regard to publicity neighbours had been notified and a total 8 letters of support had been received and these were detailed within the report.

With regard to publicity 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 the authority shall 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 report concluded that The National Planning Policy Framework and the Borough's own local planning policies promoted and supported the maintenance and improvement of the vitality and viability of the Borough's retail centres, with town centres being recognised as the 'heart of their communities'. As required by the NPPF, main town centre uses that were not in existing centres require a sequential assessment to be completed. Having considered the information provided within the application, and also advice contained within the National Planning Practice Guidance (NPPG) it was considered that there were a number of fundamental flaws within the submitted sequential assessment and as a consequence 22 Wellington Square, Stockton; 84 Church Road, Stockton; and, 145-146 High Street, Stockton were all available and capable of accommodating the proposed use with a degree of flexibility in the format and scale of the business model and in accordance with paragraph 27 of the NPPF, the application should be refused.

Whilst the various letters of support were acknowledged the cultural and community benefits afforded by the proposal had also been given due consideration however, they were not considered to outweigh the conflicts with the established planning policies. Furthermore, acceptance of a substandard sequential assessment to justify an out-of centre location would undermine the Council's strategy for improving the vibrancy of the Town Centre, particularly on an evening and could set a precedent for similar out-of-centre proposals which cumulatively would undermine the vitality and viability of Stockton Town Centre.

Members were presented with an update report that outlined that comments had been received from Regeneration and Economic Development and a further 2 letters of support (which included a pro-forma letter with 20 signatories) had been received. These were detailed within the update report.

However, it was not considered that these additional comments raised any new issues which had not already been addressed and therefore the material planning considerations and recommendations remained as set out within the original report

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

- \* There are two main issues for Members to consider, cultural issues and capacity issues
- \* The application site has enough floor space and is far enough away from the town centre to deal with cultural issues
- \* There will be economic benefits to the Borough
- \* The venue will be used mainly for the Asian community and will be for family gatherings that would not be suited to a town centre location
- \* The produce for the restaurant will be bought locally

Members were given the opportunity to ask questions / make comments on the

application and these could be summarised as follows:-

- \* There are no valid reasons to refuse this application
- \* Support application
- \* The building fits the needs of the applicant and Asian community
- \* As a Planning Committee a degree of flexibility is needed

A vote then took place on the application and the application was approved with the agreement that all the necessary conditions be delegated to the Head of Planning Services.

RESOLVED that:-

1. Planning application 14/1815/COU be approved.
2. The necessary conditions be delegated to the Head of Planning services.

**P**            **14/0335/FUL**  
**61/14**       **46 Spitalfields, Yarm, TS15 9HJ**  
**Proposed single storey extension to side and rear, double carport and garage to front and decked area to rear**

Consideration was given to a report on planning application 14/0335/FUL - 46 Spitalfields, Yarm, TS15 9HJ - Proposed single storey extension to side and rear, double carport and garage to front and decked area to rear.

The application sought planning permission for the erection of a single storey extension to the side and rear, a decked area to the rear and a detached carport and garage to the front of 46 Spitalfields in Yarm. Letters of objection had been received from eight residents raising concerns regarding the visual impact of the proposed garage and carport.

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

Subject to the imposition of the relevant planning conditions controlling the use of the garage/carport and materials, it was considered the scheme would not have an unacceptable adverse impact on the character and appearance of the street scene, or lead to an unacceptable loss of amenity or privacy for neighbouring land users. The Head of Technical Services had raised no highway objections and it was therefore considered that the scheme would not have an adverse impact on highway safety.

The application was recommended for approval.

The following consultees were notified and the comments that had 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 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 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 report concluded that the impacts of the proposal had been considered against national and local planning guidance. Material considerations had been considered and the development as proposed was considered to be acceptable in terms of the design and layout, the impact on highway safety and it was considered it did not have a significant adverse impact on the amenity neighbouring properties.

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

- \* This is a quiet tidy area with a number of linked houses
- \* The deeds do not allow building on the open spaces
- \* The structure will set a precedent
- \* It will be chaotic intrusion on a pleasing area
- \* It will be an encroachment on boundary space
- \* The application is not in keeping with the area
- \* When people visit the area they always comment on how nice it is
- \* Kebble were innovative in their design of the area

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

- \* If this application is approved it will cause problems throughout the estate as there are many other hammer heads that could be built on
- \* The application is out of keeping with the street scene
- \* There will be a loss of open space
- \* if approved it would set a precedent for other applications

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

RESOLVED that planning application 14/0335/FUL be refused for the following reason:-

In the opinion of the Local Planning Authority the proposed garage and carport

by virtue of its size and position would result in the loss of an open space area in an open plan housing estate creating an obtrusive feature within the street scene to the detriment of the visual amenities of the area, contrary to adopted Core Strategy Policy CS3(8), saved policy HO12 of the adopted Stockton on Tees Local Plan and paragraphs 17 and 56 of the National Planning Policy Framework.