

Planning Committee

A meeting of Planning Committee was held on Wednesday, 12th November, 2014.

Present: Cllr Robert Gibson(Chairman), Cllr Gillian Corr(Vice-Chairman), Cllr Jim Beall, Cllr Carol Clark (Vice Cllr David Wilburn), Cllr Michael Clark (Vice Cllr David Rose), Cllr Phillip Dennis, Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr O'Donnell (Vice Cllr Paul Kirton), Cllr Andrew Sherris, Cllr Mick Stoker, Cllr Tracy Stott, Vice Cllr Norma Stephenson O.B.E),

Officers: Colin Snowdon(PH), Greg Archer, Matthew Clifford, Andrew Glossop, Simon Grundy, Barry Jackson, Martin Parker, Peter Shovlin, Carol Straughan(DNS), Julie Butcher, Sarah Whaley(LD)

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

Apologies: Cllr Paul Kirton, Cllr David Rose, Cllr Norma Stephenson O.B.E, Cllr David Wilburn

P Evacuation Procedure

75/14

The Evacuation Procedure was noted.

P Declarations of Interest

76/14

Cllr Bob Gibson declared a personal prejudicial interest in relation to item no. 6, 14/1687/FUL Land North Of South Avenue, Stillington, TS21 1JX as Tristar Homes were the applicant and Cllr Gibson was a Member of the Board of Tristar Homes. Cllr Bob Gibson withdrew from the meeting and left the room during consideration of the item.

Cllr Mick Stoker declared a personal non prejudicial interest in relation to item no.7, 14/2359/COU Chapel Road Youth Centre, Chapel Road, Billingham as he was the honorary treasurer of the Youth Centre. Cllr Stoker did not vote on the item.

RESOLVED that the declarations be noted.

P 14/2367/VARY

77/14

Morley Carr, Allerton Balk, Yarm

Application to vary condition no.2 (approved plans) of planning approval 13/2487/REM (Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 350.no dwellings, provision of associated open space, recreational/community facilities and landscaping) to allow for a replan (affecting plots 148-177 and 251- 350) and update roundabout layout on Allerton Balk.

Consideration was given to a report on planning application 14/2367/VARY Morley Carr, Allerton Balk, Yarm.

Outline planning consent was granted in 2012 for a residential led development, with associated community facilities at Morley Carr Farm, Yarm (12/0980/OUT). The principle of the development had therefore been established; all matters were reserved except for access as part of the original approval.

A reserved matters application (13/2487/REM) application for the appearance, landscaping, layout and scale was subsequently approved in 2013.

This application sought to vary condition no 2 (approved plans) of planning approval 13/2487/REM.

The main changes related to an amendment to the layout and house type substitution to some of the plots. These changes were a result of drainage easements required for surface water drainage; an increase in some driveway lengths and the roundabout updated to reflect the approved layout.

The proposals were considered to be modest changes which would not adversely affect the character of the approved development or surrounding area or adversely affect the amenity and privacy of neighbouring land users.

The site had an existing planning permission for housing and there had been no material changes in the circumstances relating to the previous decision and there were no new wider fundamental policy implications arising from the details of the variation of the parent planning permission.

Comments had been raised which were set out in the consultation section of the report which were considered to relate primarily to the principle of development which had already been established by the granting of planning permission. The issues and matters raised were fully considered and addressed as part of the original planning permission.

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

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 shall 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 15 Jan 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 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 main report.

The Planning Officers report concluded that the nature and scale of the changes were acceptable and it was considered the changes did not give rise to any undue impact on the amenity of any adjacent neighbours and was acceptable in terms of highway safety and was in accordance with policies in the

Development Plan identified within the main report and therefore the recommendation was to approve the application subject to the conditions set out in the report.

Members considered the report, a vote then took place and the application was approved.

RESOLVED that planning application 14/2367/VARY be approved subject to the following conditions and informatives.

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

Plan Reference Number	Date on Plan
MCF:Y:03 REV C	3 September 2014
MCF:Y:04 REV B	3 September 2014
MCF:Y:00 REV J	3 September 2014

02 This approval relates solely to this application for the revision to the approved plans and does not in any way discharge the conditions contained in Planning Approval reference 13/2487/REM which conditions apply to this consent.

Informative 1: National Planning Policy Framework

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

P 14/2175/FUL
78/14 Plot 6, Development Site 17 Plots Bettys Close Farm, Roundhill Avenue
Proposed detached two storey dwelling

Consideration was given to a report on planning application 14/2175/FUL Plot 6, Development Site 17 Plots Bettys Close Farm, Roundhill Avenue.

Members were asked to note from the report, that the application site had been subject to a number of previous applications both in outline and for reserved matters which had established the principle of residential development on the site. The application site formed part of a wider area of former agricultural land situated to the south-west of Ingleby Barwick. Residential properties were situated to the east of the application site while the River Leven and River Tees bound the site to the south and west, with further former agricultural land to the north.

The application sought planning permission for a five bedroom, two storey detached dwelling with integral double garage. The proposed dwelling would measure approximately 17m (w) x 12m (d) with a maximum height of approximately 9.4m.

The principle of a residential development on the site had been long since established through previous outline and reserved matters approvals and given that these approvals had been implemented, the provision of residential development on the site remained acceptable. This was a reserved matters

application ensuring that this development was covered by the outline application and the responsibility to comply with the required infrastructure and Section 106 requirements imposed on the site fell on the original developers and Section.106 agreement. Whilst it was acknowledged that the extension above the garage would increase the scale and massing of the dwelling it was not considered that this would cause any significant harm to the visual amenity of the area or cause significant harm to the neighbouring resident's amenity. The proposal was acceptable in all other regards and was recommended for approval.

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

Neighbours had been notified and the comments that had been received were detailed within the main 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 shall 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 15 Jan 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 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 main report.

The planning Officers report concluded that the principle of a residential development on the site had been long since established through previous outline and reserved matters approvals and given that these approvals had been implemented, the provision of residential development on the site remained acceptable.

Whilst it was acknowledged that the extension above the garage would increase the scale and massing of the dwelling it was not considered that this would cause any significant harm to the visual amenity of the area or cause significant harm to the neighbouring resident's amenity to justify a refusal of the application. The scheme was also considered not to have an adverse impact on highway safety.

The proposed development was therefore considered to be in accordance with the relevant planning policies of the National Planning Policy Framework and Core Strategy and it was subsequently recommended that the application be approved subject to those conditions outlined within this report.

Ward Councillor Patterson was in attendance at the meeting and was given the opportunity to speak. Cllr Patterson drew the Committees attention to the objections he had raised which were detailed within the main report. Cllr Patterson expressed that he felt there were far better options available than the what had been proposed and asked that Members refuse the application.

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 was only seeking to build one house for himself and family which was plot no.6.
- The objections appeared to be in relation to the wider area of the site and not specific to his pot.
- The applicant felt he had addressed all potential issues which included the design and he had done everything possible to meet the necessary conditions.

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

- There was hogweed on the site.

Officers informed Members that although there was hogweed in other areas of the site there wasn't any hogweed on the proposed plot. Steps would be taken to remove the hogweed.

A vote then took place and the application was approved.

RESOLVED that planning application 14/2175/FUL be approved subject to the following conditions and informative;

Approved Plans;

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

Plan Reference Number	Date on Plan
001	13 August 2014
004	11 August 2014
003	11 August 2014
002	11 August 2014

Site and floor levels;

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

Means of enclosure;

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

occupied and shall be retained for the life of the development.

Obscure glazing to side elevations;

04 Notwithstanding any description contained within this application, all windows contained within the side elevations of the hereby approved dwelling shall be obscurely glazed and non-opening. The obscure glazing shall be provided at a minimum of level four and shall first be agreed in writing with the Local Planning Authority. The glazing shall be installed in accordance with those agreed detail and shall be retained for the life of the development.

Materials:

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

Soft landscaping works;

06 A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species and the works shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development whichever is the sooner. 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 size and species unless the Local Planning Authority gives written consent to any variation.

Construction Activity;

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

Unexpected land contamination;

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

No open burning;

09 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.

INFORMATIVE

Informative 1: National Planning Policy Framework

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

**79/14 Land North Of South Avenue, Stillington, TS21 1JX
Construction of 39 houses including 19 affordable dwellings and other ancillary works including access and landscaping.**

Consideration was given to a report on planning application 14/1687/FUL Land North Of South Avenue, Stillington, TS21 1JX.

Planning permission was sought for a residential development on an existing allotment site outside but adjacent to the limits of development for Stillington Village. Being outside of the defined limits of development, 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 location for new housing development within the councils villages study whilst there was a proven need for rural affordable housing. The scheme would assist in delivering on these planning policy requirements.

Although objections had been received in respect to the additional traffic into the village, the nature of the access, the development of the allotment site and other similar matters, officers considered that adequate provision for the traffic and access had been made and that the layout adequately provided for and protected privacy and amenity. The design of properties and their scale was considered to accord with relevant policy as did the provision of parking. The permission was required to contribute towards the provision of 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 the conditions.

Adequate provision of foul and surface water drainage was considered to be achievable as was mitigation of likely ecological impacts of the development. Re-provision of the allotments was being considered as part of a separate application although requirement for re-provision was a requirement of condition as recommended.

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

Neighbours had been notified and the comments that had been received were detailed within the main 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 shall 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 15 Jan 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 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 main report.

The Planning Officers report concluded that it was considered that the provision of housing including a large percentage of affordable housing, on a site at the edge of a sustainable village accorded with the guidance within the National Planning Policy Framework and the need to provide a 5 year supply of deliverable housing. Although as indicated above there were some detrimental impacts of the scheme, these were considered to be insufficient to outweigh the significant benefits. The site layout and access arrangements were considered to be suitable subject to the provision of footpath connection and the movement of the existing village speed limit to take in the new access point. Properties were of a suitable size and layout to provide for future residents along with provisions for off-site recreation.

Members were presented with an update report, which detailed that the applicant had indicated they were likely to be delayed in the signing of the Section 106 Agreement and had therefore requested the recommendation be amended to allow for signing of the Agreement up until the 18th December 2014. The request was accepted.

The applicant also included hip roofs to some properties at the request of officers. The recommendation was therefore amended to allow for the additional plans.

Comments had been received from Tees Archaeology indicating that there were no known archaeological sites in the area and the use of the site as allotments would have had a negative impact on the general archaeological potential of the area and no objection was therefore raised. The comments had no impact on the recommendation within the main report.

Additional comments had been received from Stillington Parish Council. The Parish Council had asked that planning committee consider the overall impact that the additional traffic of cumulative developments would have in Stillington as they may increase the population by nearly 25%. They also asked what actions could be taken to reduce the impact. They had re-iterated concerns over the amount of traffic into and out of the village, including that associated with Darchem Engineering on the Industrial Estate and the potential for further impacts once new buildings within their industrial site were fully operational. The Parish Council had indicated that some of this additional traffic would pass through Whitton where it had been recognised that traffic calming was required and therefore gave their support for traffic calming features at either end of Whitton. The Parish Council raised further concern over the additional traffic around the school in Stillington and requested that traffic calming and speed reduction was considered for the whole parish along with improved road safety

outside of the school.

The Parish Council had also raised concern over the junction at Grindon Lane Ends where it joined the A177, indicating residents already experienced difficulties in using this junction, suggesting additional traffic would make it worse, causing greater delays and likely to result in motorists in making risky manoeuvres. The Parish Council asked that something be considered to improve this matter.

Officers considered that the application needed to be considered on its own merits and should only be required to mitigate its own impacts where considered necessary. The proposed development was of a limited scale in terms of traffic numbers and officers had sought to gain improvements to highway provision and safety around the application site entrance which would include the extension of the village speed limit. The changes were considered to be directly and proportionally attributable to the proposal. Further to this, the approved scheme at the other end of the village was also required to provide for a traffic calming scheme at the village entrance which was near to the school.

It was considered that other areas of concern raised by the Parish Council were somewhat divorced from the site and would not reflect the anticipated small scale impacts of this proposed development. Notwithstanding this, the Head of Technical Services was aware of the concerns raised.

The update report concluded that planning application 14/1687/FUL be approved subject to the conditions and informatives detailed within the main report subject to additional plans being added to list of approved plans to address hip roof properties and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and should the S106 not be completed and signed by the 18th December 2014 then the application be refused for lack of provisions as detailed within the Heads of Terms;

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

- This application had been a result of several years hard work with planning officers.
- Much needed affordable housing would be provided including shared ownership products.
- The development would make a significant contribution to the 5 year affordable housing supply.
- The scheme offered like for like replacement of the current allotments.
- There would be additional pedestrian and highway contribution made.

A representative from Stillington Parish Council was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:

- On the whole the dialogue between all parties had been very good.
- Although not all requests had been granted in the main the development was welcomed.
- It was hoped that the residents of Stillington would be given priority to obtain the new homes.
- The allotments should be made available before the commencement of the development.
- It was felt that the highway provision was not adequate and the Parish Council challenged what had been proposed.
- Additional support from Stockton Borough Council was needed to support the increase in residents. Due to cuts the village only had general services.
- The Parish Council and the allotment holders approved the application.

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

- Were the allotments going to be available prior to the commencement of the development?
- Was it correct that there was only pedestrian access to the allotments?

Officers explained that the provision of vehicular access to the allotments was being looked into.

A vote then took place and the application was approved.

RESOLVED that planning application 14/1687/FUL 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 and should the S106 not be completed and signed by the 18th December 2014 then the application be refused for lack of provisions as detailed within the Heads of Terms;

01 Approved Plans

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

Plan Reference	Date on Plan
11-011-103	19th August 2014
11-011-101Rev A	24th October 2014
PD10-RSL:F119-1	20th June 2014
PD10-RSL:F115-1	20th June 2014
PD10-RSL:F114-1	20th June 2014
PD10-RSL:F113-1	20th June 2014
PD10-RSL:F112-1	20th June 2014
PD10-RSL:F104-1	20th June 2014
BT/sheet 19	20th June 2014

BT/sheet 15
BT /sheet 14
BT /sheet 05

20th June 2014
20th June 2014
20th June 2014

02. Survey in respect to contamination from an old landfill site

No development hereby approved shall be commenced on site until a site investigation has been undertaken to determine the nature and extent of landfill gas and any requirements thereafter.

The site investigation and risk assessment report shall be undertaken 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 and subject to the written agreement of the Local Planning Authority.

Remediation works will take place in accordance a scheme of remediation which has first been submitted to and approved in writing by the Local Planning Authority and compliance reports shall be provided to the Local Planning Authority within 1 month following completion of the remediation works. No development shall take place until the Local Planning Authority has given their written agreement to the compliance reports. Any future monitoring or maintenance associated with compliance must be conducted in accordance with DEFRA and the Environment Agencies 'Model Procedures for the Management of Land Contamination, CR11'.

03. Levels

The development hereby approved shall be built in accordance with a scheme of finished 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 the houses to be built as well as proposed land levels, carriageway levels and levels of the adjacent hedgerow to the western site boundary.

04. 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.

05. Renewables or Fabric First

The development hereby approved shall be undertaken in accordance with the Energy / Sustainability statements submitted on the 20th June 2014 as part of the application documentation unless an alternative scheme has been first submitted to and approved in writing by the Local Planning Authority.

06. 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.

07. Affordable Housing

A total of 15% - 20% of housing provision within the site shall be affordable in perpetuity 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.

08. Drainage

Surface water discharges from this site shall be flow regulated so flooding problems elsewhere in the catchment are not exacerbated in accordance with a scheme of drainage that has first been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme.

The drainage system must be designed to provide sufficient storage within the system to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage system can be stored on site without risk to people or property or overflowing into drains or watercourses.

09. 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.

10. Landscape Protection Scheme

No construction works or pre site commencement works shall be undertaken on site until a landscaping protection scheme has been implemented on site in accordance with details of such which has first been submitted to and approved in writing by the Local planning Authority.

11. Boundary treatments

No property hereby approved shall be occupied until the associated boundary treatments have been implemented on site in accordance with details on approved plan 11-011-101 Rev A as received on the 24th October 2014 or any alternative plan which has first been submitted to and approved in writing by the Local Planning Authority.

12. Landscaping Scheme

Landscaping shall be implemented and maintained on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Planting for each individual property shall be completed prior to the occupation of each individual property and shall be maintained in accordance with the approved scheme of maintenance.

13. Materials

The properties hereby approved shall be built in accordance with details of materials for the walls and roof to be first submitted to and approved in writing by the Local Planning Authority.

14. Footpath Works

Above ground works of the development hereby approved shall not be commenced on site until a footpath has been provided in accordance with details to be provided and agreed in writing by the Local Planning Authority for the provision of a footpath connection on the south side of South Street.

15. Allotment replacement scheme

The development hereby approved shall not be commenced on site until a scheme for replacement provision of allotments has been implemented on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not restricted to providing details of any land transactions and mechanisms for replacement allotments to be provided. The scheme shall detail pedestrian and vehicular access to the site, sub division of plots and any services as deemed necessary.

16. Pumping Station

Notwithstanding the indicative details shown for the pumping station, the pumping station shall be built in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

17. Species Mitigation

No development hereby approved shall be commenced on site until a scheme of Ecological Mitigation has been carried out or scheduled to be carried out on site in accordance with sections D4, D5 and D6 of the submitted Ecological Report entitled 'E3 Ecology Extended Phase 1 Habitat Survey and CSH Assessment – Land at South Avenue, Stillington – Report No.1 Draft August 2013' and in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

18. Vegetation / Landscaping Clearance works

Any landscaping or vegetation removal works and building demolition works within the site shall be undertaken outside of the bird breeding season (March to August) unless a nesting bird survey has first been undertaken and submitted to the Local Planning Authority and the Local Planning Authority has confirmed agreement to any proposed removal.

19. Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the

requirements of the report.

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 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 3 – 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 commencement of development in accordance with the Council's Supplementary Planning Document on Contributions. .

A Highways Contribution of £6,000 for traffic calming works on South Street, Moving the 30mph zone, other highway works.

The provision of an uncontrolled crossing point near to the site access and a footpath from near to the site entrance to the existing footpath.

Open Space Contribution of £52,290 to be spent in respect of open space, recreation and landscaping within the local area.

**P
80/14**

14/2359/COU

Chapel Road Youth Centre, Chapel Road, Billingham

Retrospective application for use as a motorcycle training school

including playground to be used for training and use of 2 no. portacabins

(1 no. garage and 1no. office)

Consideration was given to report on planning application 14/2359/COU Chapel Road Youth Centre, Chapel Road, Billingham

Retrospective planning permission was sought for the change of use of a site to allow it to be used as a motorcycle training school which mainly included the use of the playground for rider training, the siting and use of two steel storage containers, one of which was used to store motorbikes and one which was used as an office.

The use had operated from the site for around 9 years and following a complaint being recently received officers noted that the use had been operating without

the benefit of planning permission. The proposed application had been submitted to regularise the situation. Members were aware that if a use operated without permission for a 10 year period it could become exempt from enforcement action and a submission could be made to gain a 'certificate of lawfulness' for the use. Whilst no evidence had been submitted in respect to the application, it was understood from the applicant and objectors that the use had been operating for only slightly less than 10 years.

The site was located in the older part of Billingham between Chapel Road and the churchyard associated with St Oswald's Church which was a Grade 1 Listed building. Residential properties lay adjacent to the boundaries of the site and on the opposing side of Chapel Road and this area lay within Billingham Conservation Area.

A number of objections had been received on matters including noise and disturbance, pollution due to exhaust fumes and traffic related concerns. Comments of support had also been received which suggested the site was operated in a professional and courteous way and that the use supported job creation and brought benefits of training.

The Councils Environmental Health Unit Manager had raised no objections to the use in principle although had recommended that conditions should be imposed to limit the site operations and for noise assessment and mitigation to be undertaken subject to the outcome of survey work.

The Head of Technical Services considered the use to be acceptable although pointed out that visibility at the existing access was constrained in an easterly direction by a hedge and tree, recommending that the hedge be realigned and the tree cut back to maximise visibility and that additional parking was provided on site.

Officers had visited the site and witnessed the operation of motorbikes on the playground surface and had given consideration to the extent of, and nature of training. It was considered that the operation of the motorbikes on the playground did not result in a significant impact on the surrounding area in terms of noise disturbance. The amount of trainees at any one time could be limited by conditions as could the hours of use which would prevent excessive use or use within the early or late hours when surrounding residents should be able to expect a higher level of amenity. It was considered reasonable to look at options to improve visibility at the access and gain benefits from the way in which the site operated and conditions were recommended to achieve this and make the development acceptable in planning terms.

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

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 shall 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 15 Jan 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 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 main report.

The Planning Officers report concluded that the proposal was considered to represent a suitable use of the site and that it had limited and controllable impacts on residential amenity and the character and appearance of the surrounding area which could be addressed by the imposition of the recommended planning conditions. It was considered that adequate access was achieved and the existing arrangement could be improved by conditional requirements.

Members were presented with an update report which detailed that the applicant had requested that the proposed condition relating to hours of motorcycle use be reworded slightly to exclude staff movement to and from the site. The recommended condition had not intended to control staff movements to and from the site and to prevent ambiguity it was recommended the condition wording be amended.

An additional letter of support had been received. The principle of the comments had already been made and taken into account within the main report and as such, these additional comments did not affect the recommendation within the main report.

The update report concluded that planning application 14/2359/COU be approved subject to the conditions within the main report and the changes to the condition as detailed below:

Hours of Use

The use hereby approved shall be limited to the hours of 8.30am to 5pm Monday to Saturday with no Sunday or bank holiday opening. Any movement of bikes (excluding staff travelling to and from the site) before 9am shall be without the engine running. Any use of motorbikes/cycles for training or tests on the public highway outside of these hours shall only be undertaken in instances where the motorbikes / cycles are wheeled to and from the site access onto Chapel Road without the engine being started.

An employee of the motorcycle school was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The motorcycle training centre was a professional outfit and was in the top five motorcycle driving schools in the country.

- The school had never hidden anything from residents and had never stated that it was only temporary.
- In relation to road safety there had only been 1 minor incident in 9 years which had resulted in minor damage to a residents' property which was rectified.
- If the application was refused there would be a possible 2 to 3 jobs lost, including that of an employee who was approaching his 60th birthday and who would possibly struggle to find work elsewhere.
- The motorcycle school had helped and assisted residents where possible and they were still not happy, however the school would continue to work with residents if the application was approved.

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

- The motorcycle school had never been asked me what I thought of the training school in the 9.5 years it had been operating.
- The school contravened a conservation area .
- Motorcyclists could come into the school at 7.00am or 7.00pm in the summer months with engines running.
- One particular Saturday morning there were 8 motorcycle's in the yard. Engines were running whether the motorcycles were in use or not.
- There were often bikes which were stationary close to one residents utility room with engines running, which was a health issue.
- This was a residential area.
- We would like the school to be relocated.
- During summer some residents expressed that they did not get pleasure in their garden as training took place only 4 metres from their garden wall.
- Instructors were screaming instructions to learner drivers.
- One resident explained that they did not allow children from within her family to play in the garden due to the noise.

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

- A brief history of how the motorcycle school had come to be located at the proposed site.
- The benefit of such a facility for young people of the right age in the area.
- That the presence of the motorcycle school on the site, had improved security dramatically.

- If another 6 months had lapsed the school would have been able to operate lawfully without having to apply for planning permission.
- Unclear as to resident's comments that instructors were shouting during lessons, as it was usual to use radios to communicate.
- A lot of people had benefited from the motorcycle school as they had been taught to ride motorcycles properly.
- Did the presence of the motorcycle school on the proposed site contravene conservation area status?
- This motorcycle school had operated unauthorised for 9.5 years, if this was a new application it would not be considered for approval.
- Had there been any history of noise complaints during the time the school had operated?

Officers addressed the Committee in response to some of the issues raised by the objectors. The main points discussed were as follows:

The update report highlighted the change to the 'Hours of Use' condition which would be enforceable should the application be approved.

- Training issues in relation to the shouting would be addressed.
- In relation to the questions raised about the contravention of a conservation area, it was explained that there were 2 steel containers on the proposed site however they were not particularly visible. They were required to be screened but there was no need to set them back.
- No complaints had been received in relation to noise which had required monitoring equipment to be installed. Environment had only been asked to look at it in the last few months. There was now however an opportunity to regulate the application in relation to noise levels to safeguard residents.

A vote then took place and the application was approved.

RESOLVED that planning application 14/2359/COU be approved subject to the following conditions and informatives.

01 Approved Plans

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

Plan Reference Number	Date on Plan
SBC0001	18 September 2014
SBC0002	18 September 2014

02. Hours of Use

The use hereby approved shall be limited to the hours of 8.30am to 5pm Monday to Saturday with no Sunday or bank holiday opening. Any movement

of bikes (excluding staff travelling to and from the site) before 9am shall be without the engine running. Any use of motorbikes/cycles for training or tests on the public highway outside of these hours shall only be undertaken in instances where the motorbikes / cycles are wheeled to and from the site access onto Chapel Road without the engine being started.

03. Visibility splay at access

Within 6 months from the date of this permission being granted, works to improve visibility at the access (in an easterly direction) will be undertaken in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

04. Site Operating Plan

Within 3 months from the date of this permission being granted, a site operating plan shall have been submitted to and approved in writing by the Local Planning Authority. The Site Operating Plan shall include details of maximum numbers of bikes being ridden on site at any one time, vehicle parking arrangements and teacher to rider communication methods on site whilst bikes are in use.

The use hereby approved shall be operated in accordance with the approved site operating plan which can be updated on agreement by the site operator and the Local Planning Authority.

05. Additional vehicle parking

Within 9 months of this permission being granted, additional vehicle parking will have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

06. Visual mitigation scheme (containers)

Within 6 months of the permission hereby approved being granted, a scheme of visual mitigation for the storage containers (garage and office) shall have been implemented on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The scheme may include the provision of landscaping and / or cladding and shall be maintained in accordance with the scheme for the duration of the containers on site.

07. Removal of containers on cessation of use

Within 3 months of the cessation on site of the use hereby approved, the containers forming part of this permission shall have been removed from site and the ground beneath them shall be taken back to soil and grass seeded.

Informative 1: National Planning Policy Framework

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

P 81/14 **Planning Performance**

Members were asked to consider and note an update report on the current performance of the planning department for the second quarter of 2014/2015.

It was noted that performance results achieved for the second quarter were 100% for major applications, 89.74% for minor, 97.63% for others and there were no County matters applications dealt with in that time frame achieving

above performance in all categories.

That planning committee noted the performance report and acknowledged the hard work and dedication of Planning Staff and colleagues within other service areas to determine applications within the target periods and improve performance and the reputation of the Council.

RESOLVED that the report be noted.

**P
82/14**

Five year housing supply 1st July 2014 to 30th June 2019

Members were asked to consider and note the 'Five year housing supply 1st July 2014 to 30th June 2019' report. The report informed Members of the completion of the 1st quarterly update of the five year Deliverable Housing Supply Final Assessment.

It was noted that the authority had a deliverable housing supply of 4.86 years with a 20% buffer added, which was a shortfall of 97 dwellings. This meant that the authority was not able to demonstrate a five year supply of deliverable housing.

The report used a base date of 30-6-2014. This meant that it did not take into account either planning permissions or planning committee resolutions to grant planning permission subject to the signing of a Section 106 Agreement, after that date. These would be taken into account in the 2nd quarterly update.

The report attached at appendix 1 would be published on the Council's website as the Five Year Deliverable Housing Supply Final Assessment 1st July 2014 to 30th June 2019 and used to inform officers recommendations regarding relevant planning applications.

RESOLVED that the report be noted.