

Planning Committee

A meeting of Planning Committee was held on Wednesday, 8th April, 2015.

Present: Cllr Robert Gibson(Chairman), Cllr Gillian Corr(Vice-Chairman), Cllr Jim Beall, Cllr Phillip Dennis, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Michael Clark, Cllr David Wilburn, Cllr Maureen Rigg

Officers: Daniel Childs (DSU), Peter Shovlin, Andrew Glossop, Colin Snowden, Simon Grundy, Julie Butcher, Barry Jackson, Joanne Hutchcraft,

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

Apologies: Cllr Alan Lewis, Cllr Ken Lupton, Cllr David Rose

P Evacuation Procedure

124/14

The evacuation procedure was NOTED.

P Declarations of Interest

125/14

Cllr Jim Beall declared that he may be deemed to be pre-determined in relation to item 15/0076/COU, Land East Of Rochester Road, Stockton-on-Tees. Cllr Beall informed the Committee that he had been involved in the process leading up to committee and in his opinion was pre-determined. Cllr Beall spoke but did not vote on the item.

P Minutes from the meeting which was held on the 4th February 2015.

126/14

Consideration was given to the minutes from the meeting which was held on 4th February 2015 for approval and signature.

RESOLVED that the minutes of the meeting which was held on 4th February 2015 be approved and signed as a correct record by the Chair.

P 15/0076/COU

127/14

Land East Of Rochester Road, Stockton-on-Tees, Change of use application of open space for the installation of a Multi-Use Games Area (MUGA) and additional play equipment, erection of 4.no 6m high light columns, 1.no 8m high light column and installation of 1.no CCTV camera on existing street light column.

Consideration was given to a report on planning application 15/0076/COU, Land East of Rochester Road, Stockton-On-Tees.

Planning permission was sought for the change of use of part of an area of existing open space (which contains a Steel Mesh Kick Wall and a Teen Shelter) to a multi-use games area with 4 six metre high light columns, provision of play equipment with an 8 metre high light column and the installation of a CCTV camera on an existing street light column.

Under the Council's Scheme of Delegation, the application was put forward for

determination by the Planning Committee as the scheme did not constitute minor development. In addition there had been six objections received from neighbouring residents mainly concerned with anti-social behaviour; disturbance from the proposed lights and also loss of privacy from the installation of the CCTV camera. No objections had been received from statutory consultees subject to a number of conditions.

The proposed development was considered to be of an appropriate scale, design and layout for its setting, achieved satisfactory spacing from surrounding properties and it was not considered that it would result in any unacceptable impacts on residential amenity. The proposed scheme was considered to satisfy the principles of the National Planning Policy Framework, and Core Strategy Policies CS3, CS6 and CS10 and as such was recommended for approval.

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

Neighbours were notified and the comments received were detailed in the report.

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

Section 143 of the Localism Act came into force on the 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 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.

At the heart of the National Planning Policy Framework was a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this meant approving development proposals that accorded with the development without delay; and where the development plan was absent, silent or relevant policies were out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or -specific policies in this Framework indicated development should be restricted.

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

The Officers report concluded that overall it was considered that the proposed development was an appropriate scale and design for its setting and was therefore considered that the proposal would not result in any unacceptable

impacts on the residential amenity of neighbouring properties. It was considered that the proposal accorded with Core Strategy Policies CS3 and CS6, and the provisions of the National Planning Policy Framework and it was recommended that the application be approved with conditions as detailed within the main report.

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

- Members noted that consultation in Roseworth had identified a desire for further leisure facilities for young people.
- It was stated a five-a-side football pitch was currently marked out on the open space.
- Members highlighted the objections contained within the main report that had been received from residents of Ashton Road, which would be separated from the planned development by a raised railway embankment. It was argued that the distance from the MUGA and the raised embankment would minimise the impact of the development on Ashton Road.
- Issues surrounding CCTV, which had been a concern of the objectors, was discussed further. However, it was felt as the cameras would be focused on the MUGA there would be no invasion of privacy.
- Concerns were raised in relation to objectors issues surrounding anti-social behaviour and lighting which would be in operation until 10.00pm. Members stated that MUGAs had proven popular in other areas of the borough and they had experienced no problems in relation to anti-social behaviour or lighting.

Officers were given the opportunity to address some of the issues raised by Members. Their comments could be summarised as follows:

- The lighting units could operate no later than 10pm but there would be a facility to alter the operational time, if required. The proposal to allow the use of the lighting units between 4pm and 10pm was designed to make the facility accessible to the wider community.

A vote then took place and the application was approved.

RESOLVED that planning application 15/0076/COU be approved subject to the following conditions and informatives:

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

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

Plan Reference Number	Date on Plan
TS/10088/102/1303 REV A	19 January 2015
TS/10088/102/1304 REV A	19 January 2015
TS/10088/102/1301 REV A	14 January 2015
UDN_2076_02 Rev B	14 January 2015

UDN 2076 06 4 February 2015
TS10088 GA 01 16 March 2015
SBC0001A 16 March 2015
SBC0002A 16 March 2015
SBC0003A 16 March 2015
SBC0004A 16 March 2015

03 For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority.

04 Notwithstanding details hereby approved, the lighting scheme hereby approved which relates to the Multi Use Games Area shall only be used between the hours of 4pm - 10pm.

05 No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00a.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).

Informative 1: National Planning Policy Framework

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

P 14/3088/FUL
128/14 British Visqueen Limited, Yarm Road, Stockton-on-Tees
Substitution of house types from previously approved 45 no dwellings (plots 248-262, 343-349, 376-383 and 400-403, 407-417. No changes to previously approved plots 404- 406) to replace with 50 no dwellings providing a net gain of 5 no dwellings of planning approval 09/2385/FUL - Redevelopment of the former Visqueen factory, Yarm Road, Stockton on Tees, including provision of 474 dwellings with associated landscaping and infrastructure work.

Consideration was given to a report on planning application 14/3088/FUL - British Visqueen Limited, Yarm Road, Stockton-On-Tees.

The application sought planning permission for a substitution of house types at the former Visqueen site, Yarm Road, Stockton-on-Tees, which was being developed by Bellway Homes. The original approval in 2009 granted permission for 474 dwellings. This application sought to replace 45 previously approved dwellings with 50 dwellings, providing a net gain of 5 dwellings. The general layout of the properties and roads were of a similar layout to the original approved layout and subsequent variations to the original approval.

The main changes included the replacement of 4, 3-storey dwellings with 4, 2-storey apartment buildings (creating 8, 2-bed apartments). The other changes relate to a general reduction in the number of 4 bed dwellings and an increase in the number of 2 and 3 bed dwellings. The proposed house types formed part of previous approved house types within the estate, with the exception of the

apartment buildings.

The principal frontage of the site was on the western boundary along Yarm Road from where the site was entered and to which a large section of the dwellings (and apartment buildings) had been erected and were now occupied.

Following the submission of revised plans, the Built and Natural Environment Manager had raised no objections to the scheme in terms of highway and pedestrian safety, commenting that the requisite car parking was provided to design guide standard. The Council's Landscape Officer had raised no objections to the scheme on landscape and visual grounds. No objections had been received from other statutory consultees including the Environmental Health Unit.

To date, 7 objections had been received, which were set out in full within the report. These objections included; the apartments were out of character with overall estate and would result in a cramped form of development, the proposals would exacerbate existing car parking problems resulting in highway and pedestrian safety issues, loss of privacy and potential for increase in anti-social behaviour.

Subject to the imposition of the identified relevant planning conditions, the scheme was considered to accord with the general principles of the National Planning Policy Framework. The scheme as proposed was not considered to have an adverse impact on the character and appearance of the approved estate layout and surrounding area or lead to an unacceptable loss of amenity and privacy for neighbouring land users. It was considered that the scheme was acceptable in terms of highway matters.

The application was recommended for approval accordingly.

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

Neighbours were notified and the comments 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 should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 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 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 main report.

The planning Officers report concluded that, subject to the imposition of the identified relevant planning conditions, the scheme was considered to accord with the general principles of the National Planning Policy Framework. The scheme as proposed was not considered to have an adverse impact on the character and appearance of the approved estate layout and surrounding area or lead to an unacceptable loss of amenity and privacy for neighbouring land users. It was considered that the scheme was acceptable in terms of highway matters. Accordingly, Officers recommended that the application be Approved with Conditions.

Members were presented with an update report which detailed that since the original report to Members of the Planning Committee an additional letter of objection had been received. No new issues had been raised and therefore the recommendation and material planning considerations remained as outlined in the original planning committee report. Full details of the objection were contained within the update report.

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

- Changes from 3 storey to 2 storey building would reduce impact of development.
- The development was one of only a few on a brownfield site.

A vote then took place and the application was approved.

RESOLVED that planning application 14/3088/FUL be approved subject to the following conditions and informatives:

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

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

Plan Reference Number	Date on Plan
14-1793/P01	26 November 2014
S4009	26 November 2014
L6504	26 November 2014
L6503	26 November 2014
S3629	26 November 2014
L6493	26 November 2014
L6494	26 November 2014
L5728	26 November 2014
L5729	26 November 2014
L6495	26 November 2014
L6558	26 November 2014
L6497	26 November 2014
L6236	26 November 2014

L6235 26 November 2014
L6683 D 2 March 2015
2024 C 00 191 2 March 2015
2024 C 00 190 A 2 March 2015
L6682 F 2 March 2015
QG/S/APT/001 A 27 February 2015
QG/S/APT/002 A 27 February 2015
QG/S/APT/004 A 27 February 2015
QG/S/APT/005 A 27 February 2015
QG/S/APT/006 A 27 February 2015
14-1793/P00 E 2 March 2015

03. Construction of the building's external walls beyond damp proof course shall not commence until all materials, colours and finishes to be used on all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

04. Notwithstanding the submitted plans all means of enclosure and street furniture associated with the development hereby approved shall be in accordance with a scheme to be agreed in writing with the Local Planning Authority before the development commences. Such means of enclosure and street furniture as agreed shall be erected before the development hereby approved is occupied.

05. Prior to the occupation of the dwellings hereby approved, full details of hard surfacing materials for the provision of car parking both within and without residential curtilages within the site have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

06. Notwithstanding the submitted information, no development shall commence until a detailed scheme for landscaping and tree and/or shrub planting and grass has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify stock types, stock sizes and species, planting densities, layout contouring, drainage and surfacing of all open space areas. The works shall be completed in accordance with a phasing scheme to be agreed in writing with the Local Planning Authority. Should any trees or plants, excluding those within privately owned domestic gardens, within a period of five years from the date of planting die, be removed, become seriously damaged or diseased, these 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.

07. No development shall be occupied until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas, other than privately owned domestic gardens, has been submitted to and approved by the Local Planning Authority. Soft landscape maintenance shall be detailed for the initial 5 year establishment period. A long-term management plan for all landscape and public realm areas for a period of 20 years should be

submitted to and approved in writing with the Local Planning Authority. The landscape management plan shall be carried out as approved, unless the Local Planning Authority gives written consent to any variation.

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

09. Prior to the occupation of the dwellings hereby approved, details of the means and location for the storage and disposal of refuse for each unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

10. The detailed design and materials of the garden sheds shall be agreed with the Local Planning Authority prior to the occupation of the dwellings hereby approved and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

11. Car parking spaces, to Local Planning Authority standards, shall be constructed, surfaced and marked out in accordance with the agreed car parking spaces and layout plan 14-1793/P00 E (date received 2nd March 2015), to the satisfaction of the Local Planning Authority, before the dwelling units hereby approved are brought into use unless otherwise agreed in writing with the Local Planning Authority.

12. Notwithstanding the provisions of classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

13. No construction/building works shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 8.00am and 1.00pm on Saturdays. No Sunday working and Bank Holidays.

14. 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.

Informative 1: National Planning Policy Framework

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

P **15/0224/VARY**
129/14 **331 - 343 Norton Road, Norton, Stockton-on-Tees**
Application to vary condition no.11 (opening hours) of planning approval

13/1721/REV (Revised application for the replacement of existing buildings with 3 retail units) to extend the opening hours of unit 1 from 8:30am to 9:30pm all days of the week (inc. bank holidays) and Unit 2 from 8.30am to 11.00pm all days of the week (inc. bank holidays) and unit 3 from 7am to 11pm all days of the week (inc. Bank Holidays).

Consideration was given to a report on planning application 15/0224/VARY 331-343 - Norton Road, Norton, Stockton-On-Tees.

Permission had previously been granted under delegated powers (application 13/1721/REV) for the demolition of an existing block of commercial/residential properties and replacement with 3 retail properties. The scheme included the provision of a car park and servicing area to the rear. Planning and Environmental Health Officers considered that provision of customer parking to the rear of the site could result in significant and undue impacts on the amenity of nearby residents whose properties backed onto this area and sought to limit the opening hours of the shops, thereby limiting use of the car park (7am to 9pm Mon. - Sat. and 7am to 8pm Sunday and bank holidays).

The applicant advised that the units were commercially undesirable due to the limited hours of opening and two applications had since been submitted to vary the opening hours to allow the units to open up until 11pm. Both of these applications had been refused to prevent undue noise and disturbance to nearby residents in the early / late hours which was the basis of imposing the condition in the first instance. In reaching those delegated decisions officers took into account the benefits of the scheme to the area but were of the opinion that protecting residential amenity outweighed these benefits in this instance.

The application before the Committee also sought to vary the opening hours of the units, splitting the hours across the three units (Unit 1 - 8.30am to 9.30pm, Unit 2 - 8.30am to 11.00pm, Unit 3 - 7am to 11pm). The application had been submitted with a supporting statement which reflected the details submitted with earlier applications. The applicant sought to make a case that there were already noise generating uses in the local area. Officers argued that these were more associated with Norton Road and the front of the site rather than the rear, where increased noise would be more notable, and furthermore, this proposal would add to the existing impacts of these existing commercial premises.

Whilst there was already a parking area to the rear of the application site, this was limited in size and served 10 apartments. Traffic numbers and movements were therefore likely to be particularly limited by comparison to those that would be serving the approved retail units.

In approving the initial application, Planning and Environmental Health officers considered that as much flexibility as was reasonably possible was exercised to allow the application to be approved but in doing so, considered it necessary to give respite to nearby residents from some of the impacts that the proposal would result in. It was considered that even with the controlling conditions, daily deliveries and movement of staff and customers would have a notable increase in noise and disturbance to residents in the surrounding area to their detriment but this could be balanced by the site circumstances and the limitation of opening hours. The Councils Environmental Health Unit Manager had

previously raised concerns that noise from the development would cause significant disturbance to local residential premises and remained to be of this opinion.

Six letters of support had been received and were detailed and considered within the main report, although did not add sufficient argument to outweigh the concerns over impacts of the proposed variation of hours.

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

Neighbours were notified and the comments received were detailed within the report.

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

Section 143 of the Localism Act came into force on the 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 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 main report.

The planning officers' report concluded that there were clear economic benefits from the site being re-developed, however, these needed to be balanced against the impacts of the uses and the associated hours on the surrounding area. It was considered that an appropriate balance had been found in approving the use but restricting the hours when the development was initially approved for the reasons detailed.

It was considered that the extension of the opening hours would result in the car park associated with the retail units being used into hours when surrounding residents should be able to expect a greater degree of peace and quiet and extending the hours would reduce the respite from the use of the car park that they would get beyond the approved hours. It was therefore considered that the proposal was contrary to Saved Local Plan Policy S15 and the guidance contained within the National Planning Policy Framework.

It was recommended that the application be refused for reasons detailed within the main report.

The Applicant's Agent was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as

follows:

- The existing opening hours were unattractive to prospective tenants.
- The Council had yet to receive any objections to the proposal.
- There had been six letters in support of the proposal.
- Other businesses in the area were free to operate without such restrictions on opening hours.
- The development was said to be an important re-generation scheme and current restrictions were said to be delaying development.

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

- Would the units require a Change of Use application to change to a hot food takeaway?
- What businesses would have opening hours beyond 9pm which would be interested in the retail units?
- Would the units benefit local residents or would it attract people from outside of the area?
- How much disruption would access to parking at the rear of the units cause residents?

The applicant's agent was given an opportunity to address some of the issues raised. His comments could be summarised as follows:

- The units would require subsequent change of use permission to operate hot food takeaways.
- Potential tenants included convenience stores.

Officers were given an opportunity to address some of the issues raised. Their comments could be summarised as follows:

- The coming and going of people up to 11pm could cause prolonged impact on residents.
- Car park access to the rear of the site could affect an area which was relatively quiet.

A vote then took place and the application was approved.

RESOLVED that planning application 15/0224/VARY
331 - 343 be approved as follows:

Application to vary condition no.11 (opening hours) of planning approval
13/1721/REV (Revised application for the replacement of existing buildings with

3 retail units) to extend the opening hours of unit 1 from 8:30am to 9:30pm all days of the week (inc bank holidays) and Unit 2 from 8.30am to 11.00pm all days of the week (inc bank holidays) and unit 3 from 7am to 11pm all days of the week (inc Bank Holidays) and to include a condition relating to conditions in original approval remaining in force.

P 14/2816/FUL
130/14 West Acres, Durham Lane, Eaglescliffe
Residential Development for the erection of 81 no. dwellings including apartments, public open space, associated access arrangements and landscaping (demolition of existing dwelling house)

Consideration was given to a report on planning application 14/2816/FUL - West Acres, Durham Lane, Eaglescliffe.

Planning permission was sought for residential development on a part greenfield, part brownfield site in Eaglescliffe. The site was within the Limits of Development as defined by the Local Plan and represented a sustainable location for new residential development in terms of local provisions and public transport.

The scheme had been amended since its submission to alter house types, layout, landscaping and other details with the intention of addressing usability, privacy and amenity issues that were initially raised as concerns by officers. The scheme subsequently provided an access, parking and manoeuvring which was in accordance with guidance and which took account of the proximity of the main access to the Level Crossing to the south of the site. There should be no undue impacts on the use of surrounding land whilst communal amenity space had been provided at different locations throughout the site. The proposal represented a reasonable mix of house sizes and types in a relatively modern style which was considered to be suitable for this location. A number of matters would be dealt with by conditions as recommended and were considered necessary to allow support to be given to the scheme. Matters of off-site highway contributions, education and open space contributions were required in line with policy in order to mitigate impact.

A number of objections had been raised which mainly relate to concerns of overdevelopment of the Eaglescliffe Area, lack of available services due to over subscription and impacts of traffic.

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

Neighbours were notified and the comments received were detailed within the report.

With regard to Planning Policy where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is 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 requires 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 report.

The Officers report concluded that the proposal was for 81 dwellings to be built in a sustainable urban location. The scheme included the provision of 2 and 3 storey properties laid out around a central area of open space. The development made adequate provision of access, parking and manoeuvring for vehicles and would mitigate its impact on the wider road network. The layout provided adequate private amenity space and inter-relationship between dwellings and should be able to be adequately landscaped to provide a quality environment. There should be no unduly adverse impacts on existing surrounding uses, occupiers or future occupiers of this scheme. Matters relating to drainage, ecology and other similar matters could adequately be dealt with by condition whilst affordable house, highway works and provision of off-site recreation provisions was dealt with by way of S106 Agreement.

It was recommended that advertisement consent be granted with Conditions for the reasons as detailed within the main report.

Members were presented with an update report which detailed that following the issue of the main report, additional consideration had been given to the provision of formal recreation associated with the proposed development. Sites for provision had been highlighted within the main report and a Local Ward Member had requested some flexibility be applied to allow spend at alternative locations (should additional schemes come forward in the period of time that the monies need to be spent) subject to it still providing for future occupiers of the development. The need for the provision had been established as detailed within the main report and the Council's Supplementary Planning Document on Open Space, Recreation and Landscaping advised on where such provisions should be made (proximity to a site) and this flexibility was considered to represent a reasonable and justifiable approach, in view of which, a revised Heads of Terms was recommended as detailed within the update report.

The Built and Natural Environment Manager had made an additional request for a contribution of £4765 in respect the provision of enhanced on road and off road cycle links towards Yarm which was considered to be a reasonable request to allow improved highway safety.

In addition, it was also recommended that the timing of the signing for the S106 be extended from the 10th June 2015 to the 12th June 2015 in order to take account of future committee dates should the application need to be taken back to planning committee in the instance that the S106 was not signed by the given date.

It was recommended within the update report that planning application 14/2816/FUL be approved subject to the conditions and informatives detailed within the main report and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms within the update report or such amended or other heads of terms as may be deemed appropriate or necessary by the Planning Development Services Manager, by the 12th June 2015 or otherwise be refused for lack of adequate provisions relative to the requirements of the Heads of Terms

The Applicant's Agent was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The development was sustainable.
- The site was a mixture of brown and green field.
- The proposed development met national and local policy demands.
- The application featured fully-developed designs and was deliverable.
- The site was not a 'typical' site. It fit the Borough's 'masterplan'.
- The development featured open spaces which were situated at key points throughout the site.
- Issues relating to Highways had been resolved after consultation.
- The development fit Borough housing and education plans.

Cllr Mark Chatburn addressed the Committee and was given an opportunity to make representation. His comments could be summarised as follows:

- Concerned about close proximity of development to railway crossing.
- Lack of safe crossing facilities from one side of Durham Lane to the other.
- The lack of a formal play area in the proposed development.
- Cllr Chatburn expressed his disbelief that Highways issues had been resolved.
- Schools were already too small and the proposed Section 106 contributions were insufficient to be effective. Was the proposal "in any way, shape or form" sustainable?

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

- Would the works foreseen in the Open Space Contributions be granted permission as part of this application or would they require subsequent approval? Officers stated that off-site works would require separate approval.

- Questions were raised as to the accuracy of the traffic assessment.
- Traffic flow from the site would add to disruption. There would be insufficient control over the exit.
- The volume of new housing would have an adverse impact on school capacity in the area. It was questioned how far the Council was from meeting its 5 year housing target. Planning permission had already been granted for over 1,000 houses in Urray Nook and Allens West. Houses were needed in the core urban area of Stockton-On-Tees Borough Council rather than in Allens West.
- Concerns were raised regarding lack of safe access to child play facilities. The busiest time for traffic was also the busiest time for the play areas, making safe crossing particularly pertinent.
- Crossings had been agreed as part of the Allens West agreement but there had been 'no progress'.
- Questions were raised about the sustainability of the scheme. Although rail links were acknowledged as good, the sustainability, availability and desirability of road, cycle and bus links was questioned. At present, it was stated, few buses link the area to the urban core.
- Regarding the widening of the A63/Durham Lane, it was stated that the widening had been 'on the cards' since the application for 500 houses in Allens West was approved. The scale of the widening was questioned, it was stated that the scale would be insufficient to increase capacity.
- Apartments did not feature in Egglecliffe and Eaglescliffe Parish Plan and there was no evidence of demand for apartments in the area. In addition, there was already planning permission for a number of apartments in the Parish.

Officers were given the opportunity to address the issues raised. Their comments could be summarised as follows:

- The site was within the limits to development.
- Access to the site was 80m from the railway crossing. SBC and Network Rail were happy with the development and access arrangements. All visibility standards would be attained.
- Vehicle movements were detailed and were not deemed to be excessive.

A vote then took place and the application was approved.

RESOLVED that planning application 14/2816/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 or such amended or other heads of terms as may be deemed appropriate or necessary by the Planning Development Services Manager by the 12th June 2015 or otherwise be refused for lack of adequate provisions relative to the requirements of the Heads of Terms;

01 Approved Plans

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

Plan Reference Number	Date on Plan
C00 Rev A	28th October 2015
C02 Rev W	6th March 2015
C03 Rev B	23rd January 2015
C04 Rev B	23rd January 2015
C05 Rev D	23rd January 2015
C06 Rev E	23rd January 2015
C07 Rev C	4th March 2015
C08 Rev F	1st March 2015
C09 Rev D	23rd January 2015
C10 Rev E	23rd January 2015
C11 Rev C	6th March 2015
C12 Rev F	6th March 2015
C14 Rev M	6th March 2015
C16 Rev A	23rd January 2015
1402203 Rev G	16th March 2015
1402204 Rev E	16th March 2015
1402205 Rev E	16th March 2015

02. Surface and Foul Water schemes

Unless an alternative scheme of surface water and foul water drainage is submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, the development hereby approved shall be undertaken in accordance with the submitted Flood Risk Assessment by Egorum dated July 2014, including section 6.2 in relation to mitigation.

No property hereby approved shall be occupied until a scheme of long term maintenance for the foul and surface water drainage schemes has been submitted to and approved in writing by the Local Planning Authority.

03 Contaminated Land Assessment

Notwithstanding details hereby approved, no development shall commence on site until the following have occurred:

A. A qualified environmental consultant shall carry out an environmental assessment of the site including results of analysis and exposure risk assessments carried out on soil shall be in accordance with Contaminated Land Reports (CLR) documentation published by DEFRA. Analysis and sampling of any Groundwater or Surface Waters shall be in accordance with EC Groundwater Directive (80/68/EEC). If the proposed development is situated within 250m of a landfill site the report shall include an assessment to determine the effects of any landfill gas on the proposed development. The investigation of soil-gas and landfill-gas shall be carried out in accordance with Waste Management Paper (WMP) 27 and the EC Landfill Directive (199/31/EC) using a qualified and experienced environmental consultant. Any development on land affected by contamination shall be carried out in accordance with guidance R & D publication 66 published by the National House Building Council (NHBC) and the EA.

The study shall reflect local conditions regarding potential chromium contamination by including analysis for both total and hexavalent forms for soil and groundwater / leachate. A local authority search has indicated an unknown fill area around Grid Reference 441253, 514590 which, coupled with the HY narrative regarding raised levels and old foundations in the western area generally, suggests that this area needs focused assessment in this respect.

The investigation report and environmental risk assessment shall be submitted to and approved in writing by the Local Planning Authority before any development commences.

B. If the outcome of A) above indicates that the site may have a contaminative use or is likely to be contaminated [as defined in section 57 of the Environmental Protection Act 1990 with respect to the proposed use], a site investigation including a risk assessment report shall be submitted to and approved in writing by the Local Planning Authority. The report should include results of analysis and exposure risk assessments carried out on soil and shall be in accordance with Contaminated Land Reports (CLR) 7,8,9,10 published by DEFRA (14th March 2002). Analysis and sampling of any Groundwater or Surface Waters shall be in accordance with EC Groundwater Directive (80/68/EEC).

C. Prior to any works commencing on site full details of the proposals for the removal, containment or treatment of any contamination [the 'remediation statement '] shall be submitted to and approved in writing by the Local Planning Authority.

D. If during any construction or reclamation works any contamination is identified that was not considered in the reclamation statement, the reclamation proposals for this material shall be agreed with the Local Planning Authority.

E. On completion of the remediation scheme a validation report shall be submitted to and approved by the Local Planning Authority prior to works associated with the residential development being commencing on site.

F. All works referred to above shall be carried out by or under the direct supervision of a qualified environmental consultant using current guidance.

04. Ecological Mitigation

The development shall not be commenced on site until the ecological mitigation as detailed in section 8.2 of the Extended Phase 1 Habitat Survey for the West Acres site as submitted on the 6th February 2015 has been undertaken.

05. Noise disturbance from adjacent rail and road traffic

Prior to the commencement of the development, a noise survey shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall be undertaken by a competent person with daytime measurements taken between 0700-2300 hours and night-time measurements between 23:00-07:00 hours. The survey should identify appropriate noise mitigation measures. All residential units shall thereafter be assigned so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233.

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of the building on the site and shall be maintained as agreed thereafter.

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. 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.

08. Boundary Treatments

Notwithstanding details hereby approved, prior to any above ground works being commenced on site, all boundary treatments shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of appropriate boundary treatment taking into account the site being adjacent to railway property, any need to mitigate against noise and in relation to secure by design principles and timing for erection of boundaries. The development shall be undertaken in accordance with the approved scheme.

09 Hard and Soft Landscaping within residential curtilages

Hard and soft landscaping within residential curtilages shall be implemented on site in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations and inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All existing or proposed utility services that may influence proposed tree planting should be indicated on the planting plan. The scheme shall detail methods for maintaining and where necessary replacing landscaping and boundary treatments until transfer of ownership. No property hereby approved shall be occupied until the hard and soft landscaping for that plot has been completed in

accordance with the approved scheme. The scheme of landscaping shall take into account the sites position adjacent to railway property.

10. Hard and Soft Landscaping outwith residential curtilages

Hard and soft landscaping for land out-with residential curtilages shall be implemented on site in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations and inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All existing or proposed utility services that may influence proposed tree planting should be indicated on the planting plan. The scheme shall detail long term maintenance of the landscaping (in perpetuity), shall take into account the sites position adjacent to railway property and shall detail timing of works to be undertaken. No more than 50 dwellings shall be occupied within the site prior to the scheme having been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

11. Materials – prior to above ground construction

Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

12. Construction Management Plan

A Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the development hereby approved (or each phase of development) being commenced on site. The plan shall detail the routing of all HGV's movements associated with the construction phases of the development including initial earth moving works. The management plan shall also detail;

- parking area for construction workers during construction;
- measures to protect any existing footpaths and verges;
- vehicle movements,
- wheel cleansing,
- sheeting of vehicles,
- offsite dust/odour monitoring.

13. Street Furniture

Notwithstanding the details hereby approved, prior to the commencement of development, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected on site in an agreed phasing before the associated development phases are occupied.

14. Open burning

During the construction phase of the development there shall be no open burning of waste on the site.

15. Construction / Demolition and delivery hours

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

16. Removal of PD Rights – Fences within frontages

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), 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 highway or footpath adjacent to the properties boundary without the written approval of the Local Planning Authority.

17. Removal of PD Rights. Householder excluding porches

Notwithstanding the provisions of classes A, B, C, D, E and F 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) (amendment)(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.

INFORMATIVES

Informative 1: National Planning Policy Framework

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

Informative 2: Existing apparatus on site

The council have been made aware that Northumbrian Water and Northern Gas Networks have apparatus running through and near to the site and the developer is therefore encouraged to contact them to locate these services prior to any development works commencing on site.

Informative 3: Secure by Design

The principles and specifications provided by the Police Architectural Liaison Officer should be provided throughout the scheme where reasonably possible, subject to them being 'approved' details of the permission where planning permission would be required for them.

Informative 4: Development in close proximity to Operational Railway

Rail have indicated that the developer should submit method statements / discuss the development with their Asset Protection Team in relation to the parts of the development that are in close proximity to the boundary with the railway and in relation to the operation of Cranes and other plant and that this should be done well in advance of commencement of works.

Informative 5: 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

Education Contribution to provide primary/secondary school places subject to a discount at payment trigger point based on available places in the following schools;

Primary: Durham Lane and St Cuthbert's RC

Secondary: Egglecliffe School

Agreement to be subject to index linking in accordance with the Tender Index published by the Building Cost Information Service.

Highways Contribution of £92,717 broken down as follows;

- £63,100 - Widening of approaches to improve A66/Elton interchange dumbbell interchange (payable on occupation of the 50th dwelling).

- £21,117 - Widening of approach to A67/Durham Lane/Tesco roundabout. (Payable on occupation of the 50th Dwelling).

- £8,500 - Provision of a £100 travel plan incentive per dwelling (to be provided at the time of each property being occupied).

- £4,765 - Provision of enhanced on road and off road cycle links towards Yarm

Open Space Contribution

A contribution of £81,967 to be spent on the development of a Multi-Use Games Area at Land to the south of Cromer Court, Egglecliffe. Payable on occupation of the 50th dwelling.

A contribution of £60,956 to be used towards built sports facilities in the locality and to be spent in association with community accessible sports provisions at Egglecliffe School. Payable on occupation of the 50th dwelling.

Or for these sums to be used in connection with the provision of alternative schemes of formal recreation in the Egglecliffe Area, subject to the written agreement with the Planning Development Services Manager and being payable on the occupation of the 50th dwelling.

- P**
131/14
- 1. Appeals - James Harley - Mandale Retail Park Ross Road Stockton**
14/1666/FUL - ALLOWED WITH CONDITIONS
14/1855/VARY - DISMISSED
14/1856/VARY - DISMISSED
14/1857/VARY - DISMISSED
COSTS APPLICATION FOR ALL ABOVE APPEALS -DISMISSED
- 2. Appeal - Mr T Howson - Land at Thorntree Farm and to the rear of 93 Bassleton Lane Thornaby - 14/0787/REV - DISMISSED AND COSTS APPLICATION DISMISSED**

RESOLVED that the appeals be noted.

