

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 1st July, 2015.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Eileen Johnson (sub Cllr Michael Clark), Cllr Paul Kirton, Cllr David Rose, Cllr Mick Stoker, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn, Cllr Norma Wilburn

**Officers:** Cirous Asadi, Greg Archer, Andrew Glossop, Simon Grundy, Joanne Roberts, Peter Shovlin(DNS), Julie Butcher, Sarah Whaley(LD)

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

**Apologies:** Cllr Michael Clark,

## **P Evacuation Procedure**

**10/15**

The Evacuation Procedure was noted.

## **P Recording of meetings**

**11/15**

The Chair informed Members of the Committee and Members of the Public that the Planning Committee meeting was to be recorded as part of the Council's commitment to legislation permitting the public recording of public meetings, and in the interests of ensuring the Council conducted its business in an open and transparent manner. These recordings would be made available to the public via the Council's website. Members of the public present who preferred not to be filmed/recorded/photographed, were asked to make it known so that so far as reasonably possible, the appropriate arrangements could be made to ensure that they were not filmed, recorded or photographed.

## **P Declarations of Interest**

**12/15**

Councillor Sylvia Walmsley declared that she had submitted comments within the report in relation to item 15/0515/FUL Allensway, Thornaby. To eliminate the risk of being thought to be pre-determined, Cllr Mrs Walmsley took part in the discussion but did not take part in the vote.

## **P 14/3012/REM**

**13/15**

**Land North Of Low Lane, High Leven, Yarm  
Reserved matters application for the construction of 70 dwellings and associated infrastructure, appearance, landscaping, layout and scale**

Consideration was given to a report on planning application 14/3012/REM Land North Of Low Lane, High Leven, Yarm.

The application site lay to the south-east of the existing settlement of Ingleby Barwick and was currently a series of open fields bounded by hedgerows. The residential properties of Regency Park and Priorwood Gardens bound the site to the west and north-west respectively, with Low Lane situated to the south.

The site formed part of the site which the Secretary of State granted outline

planning permission for the erection of Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT). Since the original submission, various amendments had been made to address the concerns of Officers and the application now sought approval under reserved matters for 70 dwellings and associated infrastructure, including highways and landscaping. The scheme included two storey units which would provide two, three, four and five bedroomed dwellings, 10 of which would be affordable housing units.

Fourteen letters of objection had been received to the application; they raised matters of principle such as the loss of green wedge, lack of infrastructure within Ingleby Barwick and wider issues such as the impact on traffic and congestion. Although the report considered these matters in much greater detail, the principle of residential development on the site had already been established and the main considerations with respect to this application surrounded the finer details regarding the design and appearance, layout and landscaping of site.

Although the concerns of the objectors were noted, the principle of residential development on the site had been established as part of the outline planning permission granted by the Secretary of State. The scheme was considered to be visually acceptable, would provide adequate landscaping and not have any significant impacts on levels of residential amenity or highway safety. The proposed development was therefore considered to be acceptable in all regards and was recommended for approval subject to those conditions within the report below.

The consultees that had been notified and the 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 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 contained within the main report.

The Planning Officers report concluded that in view of the above considerations and despite those objections received, the principle of residential development on the site had been established as part of the outline planning application for a

free school and 350 dwellings, which was approved by the Secretary of State. The scheme provided the first phase and was considered to be visually acceptable, provided for adequate landscaping and would not have any adverse impacts on the residential amenity of neighbouring occupiers as well as providing appropriate levels of amenity for future residents of the development. The access arrangements remained acceptable and sufficient in curtilage parking was provided, the proposed development was therefore considered to be acceptable in planning terms.

Members were presented with an update report which detailed that since the original report to members of the Planning Committee discussions had been held between officers and the applicant regarding the wording of several planning conditions. Also some additional information had been provided which now satisfied the requirements of some of the previously recommended planning conditions. Changes had been made to conditions 2, 5, 7, 8, 11 and 13 and were set out within the update report and detailed below. It was not considered that those aspects altered the material planning considerations, and they remained as set out within the original report to members of planning committee.

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

- The proposal before Members had been prepared following careful planning with Officers to offer a high quality scheme.
- The Objections which had been received related to Planning in principle; however the site already had existing Outline Planning approval.
- 10 of the properties would form part of the affordable homes scheme.
- Houses would be of high quality 2 storey dwellings, and there was to be a new tree lined boulevard adding a gateway onto the site.
- The housing would have no impact on local amenity and each house would have a front and rear garden with adequate privacy due to a wide separation.
- Should the proposal be approved Bett Homes would commence with the access roads.

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

- As well as the open space which was to be provided, Members asked if there would be a play area.
- Concerns were raised in relation to the density and overdevelopment of the site as Members considered the site to be on the small side and lacking in green space in between houses.
- The green space which was shown on the plan was limited to one area, would this be built on in the future?

- Clarity was sought as to which development the proposed dwellings were part of?

- Members asked officers where within the 70 houses was there going to be a public right of way? It was highlighted that the proposed development was on a rambler's path.

Officers addressed the Committee and were given the opportunity to respond to some of the concerns and issues raised by the Members. Their comments could be summarised as follows:

- In relation to open space/play area, a kick about would come forward at the next phase of the development.

- Concerns raised in relation to the lack of green space amenity had been considered by the secretary of state as a reason for refusal, however he concluded that the benefits outweighed the harm.

- The development was less dense per hectare. The original scheme had come in with 85 houses; the proposal now, was for 70 houses, providing better quality homes for residents. It was also confirmed that standards in relation to density had been met. There was enough space and distance between houses.

- Officers clarified to Members that the proposal was part of a recent planning application which was submitted and refused for outline planning permission for the erection of Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT) which was allowed by the Secretary of State. A further outline application under section 73 of the Town and Country Planning Act was then approved (ref; 13/3077/VARY) which allowed for the re-wording of some of the conditions imposed under that appeal to allow for a phased approach to the development. A reserved matters application for the erection of the free school had also recently been approved (ref; 14/3281/REM). All that Members were required to consider was the layout.

- Members were also informed that there was a further 70 houses in addition to the 350 houses on a separate application which would take the number of homes on the whole site to 420, however the 70 houses on the proposed application was part of the 350 houses which had been allowed by the Secretary of State.

- The public right of way was outside of the site. The housing would be to the west of the public right of way, there would be a link north of the public right of way and an existing connection further north which would remain.

A vote then took place and Members voted to refuse the application.

A debate was then held following the vote to refuse the application. Following further debate and officer advice members could not agree reasons for refusal and the chair asked for the vote to be taken again.

A vote then took place and the application was approved.

RESOLVED that planning application 14/3012/REM be approved subject to the following conditions and informative(s);

Time period for commencement;

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

Approved Plans;

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

Plan Reference Number	Date on Plan
SBC0001	10 November 2014
SBC0003	10 November 2014
SBC0004	10 November 2014
SBC0005	10 November 2014
SBC0006	10 November 2014
SBC0007	10 November 2014
SBC0008	10 November 2014
SBC0010	10 November 2014
SBC0011	10 November 2014
SBC0012	10 November 2014
SBC0014	10 November 2014
DAN 001	14 November 2014
SBC0009 A	30 April 2015
SBC0017	30 April 2015
SBC0018	30 April 2015
SBC0019	30 April 2015
DAN001A	14 November 2015
D123_L-002 REV H	19 June 2015
IB_SL_01 REV I	18 June 2015

Planting details;

03 A detailed planting scheme in accordance with those landscaping principles shown on drawing D123\_L-002 rev H shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the first dwelling. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape Maintenance;

04 Prior to the first occupation of the first dwelling a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Hard Landscaping;

05 The hereby approved residential development shall be carried out in full accordance with the submitted hard surfacing materials as shown on drawing IB\_BT\_01REV D and shall be implemented before the relevant part of the development hereby approved is occupied.

Tree Protection;

06 Notwithstanding the submitted information no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Materials;

07 The hereby approved residential development shall be carried out in full accordance with the submitted materials schedule (26 June 2015).

Means of Enclosure;

08 The development hereby approved shall be carried out full in accordance with drawing IB\_BT\_01REV D and drawings SBC0020, SBC0021 and SBC0022 and shall be erected before the relevant part of the development hereby approved is occupied.

Existing and Proposed Site levels;

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

Travel Plan;

10 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Foul and Surface Water drainage;

11 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. Any surface water discharges from this site should be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated and shall be restricted to a run off rate of 3.1l/s/Ha with sufficient storage to accommodate a 1 in 30 year storm and 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 and without overflowing into drains or watercourse. Thereafter the development shall take place in accordance with the approved details.

Discharge of Surface Water;

12 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

10% Renewable energy requirement

13 The hereby approved residential development shall be constructed in accordance with the submitted 10% renewable energy report namely, FES group, 'Energy and Carbon Analysis report, Ingleby Barwick' (Issue no.4, June 2015)

Ecological Survey;

14 The hereby approved development shall be carried out in accordance with the findings and recommendations set out within the Argus Ecology Bat Survey (Sept 2014) and the Argus Ecology Extended Phase 1 Habitat Survey (Sept 2014).

Noise protection - traffic noise

16 The hereby approved development shall be carried out in accordance with the findings and recommendations set out within the submitted noise assessment report by Wardell-Armstrong (October 2014)

Removal of PD Rights - All Householder

17 Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2015 (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.

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

**P  
14/15**

**15/0515/FUL**

**Allensway, Thornaby**

**Erection of an Aldi foodstore with associated vehicular, pedestrian and cycle access, car parking and landscaping**

Consideration was given to a report on planning application 15/0515/FUL Allensway, Thornaby Erection of an Aldi foodstore with associated vehicular, pedestrian and cycle access, car parking and landscaping

The proposed site was situated to the south of Thornaby Town Centre and was formerly used as school playing fields associated with the former Tedder Primary School. The former school building was now used as the 'Highflyers' children's centre and lay immediately to the south of the site.

Planning permission was sought for the construction of an Aldi foodstore of approximately 1,850 sq.m with a net sales floor space of approximately 1250 sq.m. A total of 123 car parking spaces would be also be provided to the front of the store along with associated landscaping. The proposed store opening hours would be 8am-10pm Monday to Saturday and 10am-4pm on Sundays and it was estimated that up to 30 full time new jobs would be created.

A total of 41 letters of support and 1 letter of representation had been received. In the main support comments were based around the provision of increased choice and competition, prevent travelling to other Aldi stores areas boosting spend in Thornaby and the associated economic benefits such as job creation. Although the site was classed as open space/playing field following discussions, Sport England had agreed to remove their objection subject to a financial contribution being secured through a section 106 agreement for a mitigation package. However, as the Council currently owned the site a Grampian style planning condition requiring the developer to enter into a section 106 agreement had instead been suggested. It was considered that such an approach could satisfactorily secure the highway and open space mitigation measures.

In terms of the provision of a retail store, its location was relatively well located adjacent to Thornaby Town Centre and with the provision of improved pedestrian connections from the store to aid movement to the Town Centre; there remained some potential for linked trips to occur. The submitted sequential assessment also identified that this was the only site which was both suitable and available to accommodate the proposed store and its associated parking. Its overall scale was considered to be commensurate with Thornaby District Centre and its role within the Boroughs retail hierarchy. As demonstrated through the submitted retail impact assessment the store would have a relatively limited impact on Thornaby Town Centre and its retailers through any associated trade diversions. In view of these factors, the proposed Aldi store was in broad accordance with national and local retail planning policies and its impacts on the vitality and viability of Thornaby Town Centre were considered to be minimal.



The consultees that had been notified and the 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 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 contained within the main report.

The Planning Officers report concluded that in view of the considerations which were detailed within the main report the proposed development satisfied the requirements of planning policy and it was considered that the proposal would not have any detrimental impacts on the vitality and viability of the Borough's retail centres, in particular Thornaby. In view of those considerations the proposal was considered to have some social and economic benefits which weight in its favour and outweighed any limited harm that would arise out of the loss of the openness of the site.

In planning terms, the proposed development was also considered to be acceptable in all other regards. The proposed development was therefore recommended for approval subject to those planning considerations set out within the main report.

Members were presented with an update report which detailed that since the original report to members of the Planning committee, discussions had been held between officers and the applicant regarding the wording of several planning conditions. Any such changes to the previously recommended conditions were therefore set out within the update report and superseded those within the original committee report or were stated where deleted.

In addition there was a typing error within the final sentence on Para 37, which should have read... The proposed access arrangements will also result in the relocation of some of the existing car parking provision for the Adult Training centre providing a net gain of 2 spaces, (12 new spaces are being provided). It was not considered that these aspects altered the material planning considerations, and they remained as set out within the original report to members of planning committee.

A supporter was in attendance at the meeting and given the opportunity to make

representation. His comments could be summarised as follows:

- Full support was offered for the application, creating jobs and investment for the local area.
- The area had high unemployment and a proposal of this type outweighed any environmental issues.
- The proposed £65,000 investment towards the provision of new playing pitches or improvements to existing playing pitches in the vicinity of the development was welcome as an area for children like this was in much need.

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

- Aldi themselves had been extremely cooperative and helpful. They had held many residents meetings. Any reservations/concerns had all been dealt with within the report.
- There had already been an area identified in Thornaby which had once been an old BMX track. It was proposed that this could be flattened and brought back into use.
- This was a marvellous opportunity to have a low cost food store in the right locations which not unduly affected other businesses.

A vote then took place and the application was approved.

RESOLVED that planning application 15/0515/FUL be approved subject to the following conditions and informatives;

Time Period for commencement;

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

Approved Plans;

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

Plan Reference Number	Date on Plan
0296-AL(0)05	5 March 2015
0296-AL(0)06	5 March 2015
0296-AL(0)07	5 March 2015
0296-AL(0)08	5 March 2015
0296-AL(0)09	5 March 2015
0296-AL(0)01 REV A	3 June 2015
0296-AL(0)02 REV A	3 June 2015
0296-AL(0)03 REV A	3 June 2015
0296-AL(0)04 B	5 June 2015

Grampian Condition – Planning obligations;

03 No material operation as defined in Section 56 (4) (a)-(e) of the Town and Country Planning Act 1990 shall be carried out to begin the development pursuant to this planning permission unless and until a planning obligation

pursuant to section 106 of the said Act relating to the land has been completed to provide for the following sums of money to be paid towards the cost of providing and/or making of improvements of the following infrastructure which are necessary as a result of the development hereby permitted:

- a) a contribution of up to £75,000 towards the improvements to the Tedder Avenue/Allensway signalised junction, this payment to be made before the development is first brought into use
- b) a contribution of £65,000 towards the provision of new playing pitches or improvements to existing playing pitches in the vicinity of the development, this payment to be made before the development is first brought into use

Materials;

04 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).

Existing and Proposed Site levels;

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

Soft landscaping details;

06 Notwithstanding the submitted information, a detailed planting scheme shall be submitted approved in writing by the Local Planning Authority prior to the completion of the hereby approved retail store. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape Maintenance;

07 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Hard Landscaping;

08 All hard landscaping works shall be installed in full accordance with drawing 0296-AL(0)04 B. The development shall be undertaken in accordance with the approved scheme and implemented in full prior to the development being brought into use.

Boundary treatments;

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

Lighting;

10 Details of the external appearance of all external lighting of the building and car park area, including colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is

erected. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation of the hereby approved car park.

Hours of demolition/construction Activity;

11 No construction/demolition activity or deliveries shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).

Opening/delivery times;

12 The hereby approved retail store shall not be open for business outside the hours 08:00 - 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays.

Servicing Arrangements;

13 Before the development hereby approved is completed and occupied, details of a scheme for the servicing and receiving of deliveries shall be submitted to and approved in writing with the Local Planning Authority. Thereafter all servicing or deliveries to the store shall be in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.

Construction Management Plan;

15 A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development. The construction plan shall detail the routing of all HGVs movements associated with the construction phases; set out how dust emissions and dirt from the site works will be controlled including earth moving activities, control and treatment of stock piles, wheel cleansing and sheeting of vehicles; show parking areas for use during construction; including measures to protect any existing footpaths and verges; and, offsite dust/odour monitoring and communication with local residents.

10% Renewables;

16 No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Travel Plan;

17 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for

providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Foul and Surface water drainage;

18 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. Any surface water drainage scheme shall include details of discharge rates with sufficient storage within the system to accommodate a 1 in 30 year and a 1 in 100 year event without surcharging the drainage system or a watercourse; micro Drainage design files; and, any flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event. Thereafter the development shall take place in accordance with the approved details.

Retail floor space restriction:

19 The hereby approved premise shall have a net retail floorspace (net sales area) of 1,254sqm.

No subdivision:

20 The premises shall not be sub-divided into independent units without the prior written consent of the Local Planning Authority.

INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative: Delivery reversing – word better

The applicant/occupier is advised to prevent night time deliveries between 23.00 and 7.00 and during this period use of reversing sirens is avoided in order to prevent noise disturbance to residential premises.

**P  
15/15**

**15/1268/FUL**

**Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees  
Development of an artificial turf pitch with floodlighting and the inclusion  
of prefabricated stands, prefabricated changing room block with toilet  
facilities and refreshment area, technical areas with dugouts, turnstile and  
associated fencing and pathways.**

Consideration was given to a report on planning application 15/1268/FUL  
Stockton Sixth Form College, Bishopton Road West, Stockton-On-Tees.

Planning permission was sought for the expansion of the provisions and facilities associated with Stockton Town Football Club at its site off Bishopton Road West. The Football Club currently leased land off the council to the rear of Our Lady and St Bede's School and in part shared the sports fields there.

Planning permission was granted in 2014 for the addition of fencing, floodlighting, stands and changing facilities for their existing grass pitch and for a new 3G pitch to be positioned adjacent to it. This current proposal sought to provide the 3G pitch on a different site, adjacent to the 6th Form College, at the junction of Oxbridge Avenue and Bishopton Road West. The proposed works sought to provide a 3G pitch, fencing, flood lights, stands, dug outs, turnstile,

changing block, storage container and refreshments room. A landscaped bund and landscaping was also detailed.

Letters of objection and support had been received in respect to the proposal. The majority of objection comments related to the potential for increase in noise and disturbance for local residents due to the numbers of people using the facility, the nature of the games which included spectators, as well as the general increase in activity and problems revolving around insufficient and ad-hoc parking in the surrounding residential streets. Comments of support included the benefits of the club to the proposed developments to the club and the wider community. Full details of objections and support comments were detailed in the publicity section of the report.

The football club currently had use of 178 parking spaces on site and although the potential numbers using the site could be relatively high, the Highways Transport and Environment Manager had indicated adequate parking was provided taking into account the proposal replacing the previously approved provisions under application 14/0105/FUL for a similar level of development.

The appearance of the pitch, amenity block, stand, fencing and other structures were all considered to be suitable for its surroundings in an urban area whilst landscaping works to the southern and eastern site boundaries would be undertaken to add to existing screening between the development and residential properties.

The floodlighting was of a type which was directional to the playing pitch surface and would not light the surrounding residential properties and although it would be visible from further afield, careful control of the lighting beyond hours of use was considered to be an adequate mechanism to prevent this having an unacceptable impact.

The club sought the hours of use to be up to 10pm for the artificial pitch Monday-Friday and 7pm Saturday. – Sunday. Officers considered this extended too far into the evening when residents should be able to expect a greater amount of respite and have sought to impose a condition limiting hours to 9pm Mon – Fri and 5pm Sat and Sun. In addition, to better reflect the likely use of the site by spectators, a condition was recommended requiring additional noise modelling and mitigation as necessary.

The consultees that had been notified and the 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 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 contained within the main report.

The Planning Officers report concluded that the proposed development was of a scale and appearance which generally fit within an urban area adjacent to school / college buildings. Adequate parking had been demonstrated within the wider site whilst matters of drainage, landscaping and tree protection could be adequately dealt with by conditions.

The proposed use would increase footfall at the site and allow the site to be used later into the evenings and winter months, generating increased noise levels for surrounding residents. Whilst the site was in an urban area and the site already had a sports use operating from it, it was considered necessary to mitigate the impacts of noise as well as light pollution from the floodlighting. Conditions were recommended requiring mitigation to be provided as well as additional survey work. Notwithstanding these requirements, the hours of use were also being limited below those being sought in order to allow respite from the sites used on residential properties and their occupiers.

It was recommended that the application be approved for the reasons specified within the main report.

Members were presented with an update report which detailed that since the original report to members of the Planning Committee additional comments had been received from MP Alex Cunningham and Ward Councillors Michael Clark and Paul Baker.

MP Alex Cunningham and Councillor Paul Baker were objecting to the proposal however Councillor Clark supported the application. Their comments were detailed in full within the update report.

A total of 120 representations had been received which included 69 objections and 50 comments of support. The majority of these were already reflected within the main report. Additional comments of objection were contained within the update report.

Stockton FC(SFC) had sought to confirm a number of points which included the following:

- The Football Club currently played 19 Home league games and an average of 6 Home cup games with a possibility of approx. 3 home friendly games prior to the season then an absolute maximum number of 1st team games being played at the site would be 28.
- 1st Team games were played between August and May. (approx. 9 months)

- The Football Club currently attracted a crowd of between 30 to 100 which averaged out at 50/60.
- The Stands were a League requirement and would not directly relate to increased attendances.
- It would be reasonable to assume that if promoted up a league, the average attendance would increase. The average attendance in that League was still less than 100. If SFC achieved 2 promotions then a further increase in attendance should be expected but to average over 200 would be extremely unlikely.
- 1st team games and other games / training would be moved to the artificial pitch which was being proposed,
- SFC would retain use of the existing natural turf pitch behind Our Lady & St Bede's and use it for their older junior teams such as U18's / U16's which normally attracted a small number of parents as spectators although advised that some of their games would migrate to the proposed artificial pitch,
- SFC would continue to use the sports fields to the rear of Our Lady and St Bede's in the same way they were currently used.
- The 100 standing stand should be implemented now and the other stand might be implemented if/when the club progressed through the leagues but it was acknowledged that permission was ultimately sought for both now.

The majority of comments raised had already been considered within the main report.

With regards to concerns over footballs landing on surrounding highways, this was addressed by the provision of ball stop fencing around the pitch.

With regards to further expansion of the clubs activities, current considerations needed to be limited to the current proposal rather than what may come forward in future submissions (should permission be required).

In relation to existing events hosted by the club, the current proposal did not affect what may already take place from the club house as no changes were being proposed relative to the club house.

With regards to the number of spectators potentially increasing, this could already be the case at the current site without acoustic attenuation. Notwithstanding this, this was a new proposal at a new location with slightly different relationships to residential properties. The Council's Licencing section had confirmed that playing sport and watching sport was not a licensable activity. As such, it was considered necessary in this instance that crowd numbers should be limited. It was not suitable to limit numbers based on the stand capacity as mitigation for this had not been demonstrated to date. Instead, capacity was included within a reworded condition requiring noise modelling and mitigation to be demonstrated and numbers would be limited to what the noise modelling demonstrated was suitable.



With regards to the site being near to an ambulance station, the impacts of traffic entering and exiting the site were considered to be acceptable and in the majority of cases would not be significant numbers.

In view of the above, it was considered that the additional comments received which were not detailed within the main report would not raise any notable impacts or areas of concern which would affect the recommendation being made.

Having re-considered the condition relating to noise mitigation, a small change was recommended to the wording as detailed in full within the update report in order to prevent any ambiguity in its control and requirements.

The Officers recommendation was that the application be determined in accordance with the recommendation within the main report subject to the change of the noise modelling and mitigation condition as detailed within the update report.

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

- A football coach from the club had informed a local resident that when the football club moved to the next league the ground would no longer be any good.
- Numbers appeared to be dropping at the college.
- A football stand with floodlights was inappropriate on this site.
- Flood lights would shine into people's homes, children would be able to watch the matches from their bedroom windows which would impact on their sleep patterns during evening matches.
- The proposed development would impact on the quality of life of residents in neighbouring properties.
- Concerns were raised in relation to the one way in and one way out system with regards to emergency service vehicles gaining access.
- During the time an extension was built on the Sixth Form College, no construction work was to be carried out after 6.00pm; however work was carried out after this time, sometimes until midnight.
- Fully supported the club and its aspirations, but not the proposed development.
- The proposed development would be 2 metres higher than some residents' homes causing light and noise disturbance.
- It was reported that the application had received 48 supporters, however 47 of those did not live close to the site, and a lot of the support was submitted after the deadline.

- Music could already be heard in homes on a Saturday morning from exercise classes which were held in the club house, this new proposal was closer to residents' homes.
- It appeared that there were 2 plans in relation to the application. One with additional acoustic fencing and bunding, however the plan at the club did not show this. Which plan was correct?
- It was perceived that if the club were to climb up the league, the new facility would not be big enough. If this was the case residents questioned, why go through all of this and damage the quality of life of those living on Bramley Green?
- When nearby trees were in full leaf, screening of the facility would be good, however not so in winter when football would be predominately played.
- Most of Stockton residents would love to see a successful football club, but this was about the geography of the plan not the club.
- Most of the supporters were from people at the football club not residents.
- Traffic congestion would increase especially with the recent addition of the petrol station. People would also park in and around the streets to enable them a quick getaway following a match.
- Neighbours would be subject to noise and bad language during matches and would not have the ability to switch it off.
- Suspicions were raised in relation to the first approved application the withdrawal of the second and the re submission of a third.
- Members of the Committee were asked to consider all comments received from each application submitted by the football club when making their decision.
- Most of the people in the area were elderly and were already feeling the impact of the nearby petrol station which had recently been approved. Lights and noise at the petrol station were having a negative impact on residents.
- It was suggested that an increased number of houses were being put up for sale as local residents did not feel the same about the area anymore.
- If approved this would be detrimental to residents and de value properties.
- It was a brilliant idea however, how was it going to work without impacting on local residents.
- Concerns were raised in relation to light pollution.
- Objections were raised in relation to the time of the committee meeting as it was felt a lot of residents would be at work during this time and therefore would not have the opportunity to make representation.

- The noise would be tremendous from 220 supporters.
- Flooding was already an issue and concerns were raised in relation to the drainage of the pitch impacting on residents' gardens if the artificial surface was approved. Some residents already had to have water pumped out of their gardens during wet periods.
- The local college had reported that they had received complaints from residents in connection with antisocial behaviour. Many residents stated that there was no evidence of this.
- The Committee were invited by a resident to visit the site to see how close the development was.
- The new stadium would attract lots of opposition supporters.

Ward Councillor Paul Baker representing Newtown ward was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- Congratulations were offered to Stockton Town Football Club for their recent achievements. Cllr Baker expressed that he was proud the team were from Stockton; however this development was not appropriate for the street scene.
- The proposed development would impact dramatically on the lives of nearby residents who lived close to the site in relation to the amount of traffic which would impact on adjoining roads.
- The development should have been close to the club house where it would not have impacted or interfered with people's lives.
- In relation to anti-social behaviour which had been reported by the college regarding drinking, drugs etc. Cllr Baker stated that he had not heard of any of this type of behaviour.
- Premiership and Championship football clubs had moved away from inner city football grounds and were relocating to the edge of towns where there was little or no impact on residents.
- The poorly drained pitch which the college had complained about had nothing to do with the football club and therefore it was suggested that the college do something about the pitch themselves.
- Out of all of the support received for the development only 5 were local to the site.

Ward Councillor Lisa Grainge representing Bishopsgarth and Elm Tree Ward was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:

- Cllr Grainge explained to the committee that she was representing local residents who had raised many concerns in relation to the development.

- Cllr Grainge endorsed the residents' concerns and stated that she objected to the development.
- It was recognised that the site required further development to improve community facilities and supported sporting organisations; however the size of this development including football stands should not be located in a residential area and next to a busy cross roads.
- Similar facilities were available throughout the country but did not affect neighbouring homes.
- There was an acknowledged need for significant car parking spaces.
- Particular attention was drawn to the noise mitigation which was detailed within the main report which highlighted concerns in relation to increased levels of noise. In addition the highways concerns detailed within the main report also highlighted that the development would generate noise.
- The stands were able to hold 220 spectators and with players and officials that number could rise significantly increasing noise levels, impacting on neighbours.
- There was no noise mitigation plan for the committee or residents to consider and there was no guarantee of acoustic fencing all around the site.
- Should the proposal be approved it was requested that the operating hours be reduced and that traffic surveys were carried out and conditions put in place to tackle road safety issues.

A representative from Stockton Sixth Form College and the Chairman of Stockton Town Football Club who were both in support of the application were in attendance at the meeting and given the opportunity to make representation. Their Comments could be summarised as follows:

- This was a once in a lifetime opportunity which could not be afforded to be missed.
- There should be sports facilities available 5 days a week often until after 6.00pm for students and also on weekends for community use.
- The facilities to date had not been used fully; however the proposed multi-purpose surface would allow full use of the facility by primary and secondary schools, community groups as well as the football club.
- Issues regarding drainage of the pitches had been addressed on a number of occasions however the weather conditions made the pitches unusable for much of the year.
- The new multi surface would allow outdoor games to be played even in winter months.
- Health benefits would be realised by students and the local community.
- Complaints had been made to the college in relation to groups of youths

congregating on the fields on evenings and weekends which had led to anti-social behaviour involving drink, drugs, littering and fighting. It was reported that local residents had stated that they had felt unsafe. The new development would be a managed safely and securely reducing the possibility of anti-social behaviour and also giving youths the opportunity to express themselves through sport.

- If the development was approved it would raise the profile of the college and provide work experience for lots of diverse groups.
- Sports festivals, finals, events and even the borough council's sport events team would all benefit from this development.
- Stockton Town Football Club was an FA Chartered Club and was a model community club providing football opportunities to all members of the community.
- The club through its coaching and managing had managed to attract investment from Sport England and the Sporting Foundation. However to secure the funding the application was required to be approved at today's meeting or risk losing the funding opportunity for Stockton for good.
- The facilities would be able to be used all year round and encourage an increased number of individuals to participate in football and sport.
- Improved facilities would help the sustainability of the football club and be of benefit to the wider community of Stockton including the Sixth form College and neighbouring education establishments.
- The investment would be approximately £800,000 for central Stockton.
- From the beginning of the process the club had asked the design consultants that potential light and noise disturbance be taken into consideration at all times.
- Consideration had been given to opening times to take into account local residents concerns.
- In relation to car parking on Bramley Green, the general public would be unable to access the football club or college via the estate due to fencing arrangements in place.
- The football clubs activities would take place outside of educational hours and therefore there would be no anticipated issues in relation to car parking as ample parking would be available at the club and college.
- The club took their responsibilities at the site seriously and were offering a community asset that would further enhance the site, the club and the town for many years to come.

Ward Councillor Michael Clark representing Grangefield Ward was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- Cllr Michael Clark was in full support of the application.
- 64% of sixteen year olds did not even do half an hour of sport a week.
- It would encourage people to get involved at grass roots level due to the provision of a good quality sports facility located within the communities they served and be run preferably by schools and colleges.
- The partners in this project was a college with an excellent record of helping young people reach their goals and potential, and the other was a volunteer lead community football club which had already helped hundreds of boys and girls of all abilities enjoy sport in a safe and supportive environment.
- The development would allow both partners to sustain and expand their positive work within the community providing excellent facilities for community, schools, colleges and sports clubs and deliver economic, health and social benefits to the borough.
- The fact that a six figure sum could be secured in funding was an adequate testament to their credibility.
- With a detailed management plan the facility could be ran with minimal impact to local residents.
- The club was granted permission for a much larger facility elsewhere on the site, and current plans had been scrutinised by officers of Stockton Borough Council. The Officers report dealt fully with issues of land use, traffic, parking, noise and antisocial behaviour.
- Cllr Clark informed the Committee that he had followed local football for twenty five years and during that time supporters were much smaller in number and much quieter, more mature, they were self-policing, there was no segregation of supporters. They tended to stand in small groups did not chant or make lots of noise.

The development would sustain employment, provide an asset for local schools, colleges and the wider community whilst delivering substantial health and wellbeing benefits.

Officers addressed the Committee and were given the opportunity to respond to some of the concerns and issues raised by the objectors. Their comments could be summarised as follows:

- In relation to comments raised suggesting that the ground would not be any good for the next stage of play, discussions had been held with the club in relation to any further moves up the league, and should this application be approved it would not set a precedent for future applications.
- Comments which were raised relating to drainage problems impacting on local residents, the report detailed that the pitch was a permeable surface and water would go into surface water drainage and then disperse into the surrounding beck, it could be attenuated and there was a requirement for a scheme to be agreed on that.

- With regard to the concerns raised in relation to the two plans, there were only minor changes relating to landscaping, acoustic fencing and bunding, the exact scheme of which was still to be finalised and would be based on noise modelling required by a condition.

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

- No one was against Stockton Football Club and their future plans. They had been exemplary in what they had achieved.
- Concerns were raised in relation to floodlighting, noise, and the fact that the assessment carried out in relation to those concerns may have been carried out when trees were in full bloom, whereas football was predominantly played in the winter months, therefore not showing the true picture.
- Issues were raised regarding the floodlights shining in residents' bedrooms. How did the light spread and would it spread across to Oxbridge Avenue or back of Bramley Green?
- Would floodlighting cause light pollution?
- Although conditions had been applied, floodlights could be used up to 10.00 – 10.20 pm twice a week.
- Had local secondary schools signed up to an agreement to use the facility should the proposal be approved?
- How many more spectators did the club think they would attract, which could have an impact on traffic?
- If Stockton Football Club did climb higher within the league would they still be able to play on artificial turf? It was suggested that they may need to look for other premises if this wasn't the case!
- Members felt that the objections raised by residents were valid.
- It was felt that noise levels would be intolerable for the residents.
- The location of the proposed development was of major concern. The highways manager did not consider that there would be an increase in trips to the site and it would not impact on the highways network. It was suggested that the junction on Bishopton Road West, close to the site was equivalent to Yarm High Street at rush hour.
- Some Members did not agree that the facility would not increase traffic.
- Poor bus service to the football ground meant it would be inevitable to journey by car.
- Local residents were the experts in local planning issues.

- It was acknowledged that there was a lack of this type of much needed facility within the borough.
- It was felt that a proper noise survey should have been carried out.
- Members were finding it difficult to make a decision as it was felt by some that all necessary information needed did not seem to be available within the main report. A site visit would have also been beneficial to allow Members to determine if the site was too close to residents.
- Reference was made to the response received from the Environmental Health Unit and their recommendations to reduce the hours of use, and also their concerns regarding the noise report.

Officers addressed the Committee and were given the opportunity to respond to some of the concerns and issues raised by Members. Their comments could be summarised as follows:

- The proposed site was to be used by schools and the community for which a community use condition was included agreeing that the facility would be fit for purpose for such use, however the Local Authority could not insist that schools used the facility.
- In relation to the light assessment the lumens on the pitch would be high, however the levels would drop to 2 lumens very quickly which was indeterminable regards lighting and this did not take into account the landscaping.
- Landscaping was to be introduced; there would be bund planting and acoustic fencing which was all part and parcel of the proposal, details of which were still to be agreed via the condition.
- Regarding issues raised about noise levels. The noise modelling would present the best possible solution for the mitigation so it could be understood.
- In relation to traffic issues raised, 88 car journeys had been identified in the original application of 2014, which was arrived at using the traffic assessment at the time. Officers examined the traffic assessment and estimated that the figure may be slightly higher and therefore proposed that the car park have 200 spaces. However on balance there were already 178 spaces available associated with the school which was considered to be more than adequate?
- With regards to the junction, due to the site being operational off-peak, the proposed development would not be considered a highway safety issue. Improvements to the carriageway had already been carried out with benefits such as a pedestrian crossing.

Members felt that a revision to condition 3, Hours of Use should be revised reducing the hours of the floodlighting operation from 9.00am to 9.00pm, to 9.00am to 8.00pm Monday to Friday

The motion was moved and seconded that condition 3 be amended and that the hours of operation of the pitch and its associated floodlighting be 9.00am to



8.00pm Monday to Friday when used by the general public, as opposed to use for club fixtures or cup ties. All other details within condition 3 remained as detailed within the main report.

A vote then took place and the motion was carried.

A vote then took place and the application was approved with a revision to condition 3 as detailed below.

RESOLVED that planning application 15/1268/FUL be approved subject to the following conditions and informatives;

#### Approved Plans

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

Plan Reference Number	Date on Plan
01 REV 00	28 May 2015
02 REV 00	4 June 2015
03 REV 00	4 June 2015
04 REV 00	4 June 2015
05 REV 00	4 June 2015
06 REV 00	4 June 2015
07 REV 00	1 June 2015
08 REV 00	4 June 2015
09 REV 00	28 May 2015
10 REV 00	25 May 2015
11 REV 00	4 June 2015

#### 02. Community Use Agreement

Use of the Artificial Turf Pitch shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Turf Pitch and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities.

#### 03. Hours of Use

The Hours of use of the Artificial Turf Pitch and its associated floodlighting shall be restricted as follows;

Use of the pitch and operation of the floodlighting shall be limited to 9am to 8pm Monday to Friday and 9am to 5pm on Saturday and Sunday.

The pitch and floodlighting may be used no more than twice a week until 10pm in the case of a fixture being played by Stockton Town Football clubs first team and 10.20pm in the case of the match being played being a cup tie.

#### 04. Unexpected Land Contamination

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

#### 05. Soft Landscaping

Prior to the artificial Turf Pitch hereby approved being brought into use, the earth bunding and all soft landscaping works 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 soft landscaping scheme shall be informed by adequate survey work of existing landscaping and designed to supplement existing landscaping.

#### 06. Soft Landscape Management and Maintenance

The approved scheme of soft landscaping shall be managed in accordance with a landscape Management Plan which has been submitted to and approved in writing by the Local Planning Authority prior to the artificial pitch being brought into use. The landscape management plan shall detail maintenance of the landscaping for the active life of the artificial pitch.

#### 07. Tree Protection

No development hereby approved shall commence on site until a scheme for the protection of existing trees has been submitted to and approved in writing by the Local Planning Authority which is in accordance with the guiding principles of BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.5 and NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007. The scheme shall detail areas exempt from vehicle movement and storage of materials

The approved scheme shall be adhered to during the construction phase of the development.

#### 08. Noise Modelling and Mitigation

No development hereby approved shall commence on site until a noise modelling and mitigation report has been submitted to and approved in writing by the Local Planning Authority. The report shall factor in all sources of noise including the spectator's noise, and in addition report any excess noise level above the existing background at the nearest noise sensitive locations. The report shall include but not be restricted to modelling the provision of acoustic fencing to the southern and eastern lines of fencing around the pitch and on the proposed bund feature to assess their impacts on noise reduction. The final scheme of mitigation proposed shall be demonstrated within the report as being successful, demonstrating external noise level about 1 metre from facades of living spaces of the residential properties to be less than 50dB, LAeq,1 hour. The numbers of persons on site at any one time (spectators, players and others) shall be limited as detailed within the report and shall be relative to adequate mitigation being achievable.

The final scheme of noise mitigation detailed within the Noise Modelling and Mitigation report shall be installed on site prior to the 3G pitch being brought into use or an alternative timing as detailed within the approved noise mitigation report and shall be retained in place thereafter for the active life of the pitch.

The numbers of persons on the site at any one time shall not exceed the maximum as detailed within the approved report.

#### 09 Surface Water Scheme

No development hereby approved shall be commenced on site until a detailed scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall 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 and without overflowing into drains or a watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

#### 10. Foul Water Scheme

No development hereby approved shall be commenced on site until a detailed scheme of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

#### 11. Amplified music and public address system

There shall be no amplified music played at the pitch or within the amenity block hereby approved. The use of any tannoy or similar system at the pitches shall be restricted for the use of emergency public announcements only and for no other purpose.

#### 12. Details of fencing works

Notwithstanding details hereby approved, a scheme of detailed fencing works shall be submitted to and approved in writing prior to the development commences on site. The fencing shall be installed in accordance with the approved scheme and shall be maintained as such for the duration that the pitches are in use.

#### 13. Operation of the amenity block

The amenity block hereby approved shall not be used for the sale of alcohol and shall only be used in association with team fixtures. The amenity block shall be vacated within 30 minutes of the close of play on the pitch.

#### 14. Floodlighting

The floodlighting hereby approved shall be installed and maintained so as to result in no greater luminance than that detailed on approved plan 06 as received on the 4th June 2015.

### INFORMATIVES

#### Informative 1: Working Practice

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

**P**            **15/0178/FUL**  
**16/15**      **254 Marsh House Avenue, Billingham, TS23 3EL**

## **Retrospective change of use to supported accommodation**

Consideration was given to a report on planning application 15/0178/FUL 254 Marsh House Avenue, Billingham, TS23 3EL

The application site was former Marsh House Avenue doctors' surgery which was located on the corner of Marsh House Avenue and Ellemere Court, Billingham. Residential properties bound the site to the north, south and east, with Marsh House Avenue abutting the site to the west.

Planning permission was sought retrospectively for the change of use of the premises to a premise which offered supported living accommodation for vulnerable persons who are predominately between 16 and 25. This would provide support for vulnerable persons and help them in the transition to independent living. The facility was staffed 24 hours a day, 7 days a week and offered a zero tolerance for alcohol or drugs. In order to provide further comfort the applicant was willing to enter into a 'deed of variation' which tightened the definition of "vulnerable persons" and precluded those persons who may cause more significant issue of anti-social behaviour/crime and disorder from residing in the premises. Further details regarding how the premise would operate were contained within the appendices.

A total of nine objections and one letter of representation had been received to the application. The main issues raised included the suitability of the site and premise for such as use, the lack of consultation and information to enable an informed decision to be made, the potential for anti-social behaviour and the impact on highway and pedestrian safety. These matters were addressed within the main report.

Both the National Planning Policy Framework (NPPF) and the Council's Core Strategy promoted sustainable, inclusive and mixed communities. In addition Policy CS3.10 offered further support for schemes which addressed the requirements of vulnerable and special needs groups. The application site was considered to be within a sustainable location and the proposal was considered to be entirely consistent with both the National and Local Planning Policy context.

Despite the concerns of the local residents the proposal was considered to have no significant impacts visually or on highway safety and impacts on residential amenity. The potential for anti-social behaviour and safeguarding of the community were noted and had been fully considered. However, there was no firm evidence to suggest that such issues would arise and in any case they would fall outside of the control of the planning system and be for the staff and management of the facility to resolve in conjunction with other agencies such as the police.

The consultees that had been notified and the 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 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 contained within the main report.

The Planning Officers report concluded that as outlined within the report the National Planning Policy Framework (NPPF) and the Council's Core Strategy promoted sustainable, inclusive and mixed communities with Policy CS3.10 offering further support for schemes which addressed the requirements of vulnerable and special needs groups. The application site was within a sustainable location and was therefore considered to be entirely consistent with both the National and Local Planning Policy context. Whilst objectors considered that there may be better locations for such a use, this application needed to be considered as submitted and there were no known reasons why in principle, the use would not be acceptable in this location from the planning perspective.

The significant concerns of local residents over the potential for anti-social behaviour and criminal activity were duly noted. Although it was difficult for a planning decision to factor in the potential behaviour of any residents, such matters would be down to the successful management of the facility. Nevertheless it was considered necessary to ensure the property remained of a limited scale and to prevent future uncontrolled change meaning the facility would become out of scale with its residential surroundings.

There were considered to be no significant risks to highway safety or residential amenity, with regards to privacy, daylight or appearing overbearing. Consequently it was considered that there were no sound planning reasons why planning permission should be withheld and the proposed development was recommended for approval subject to those conditions set out within the report.

Members were presented with an update report which detailed that since the original report to members of the Planning Committee further comments had been received from Cleveland Police which provided additional comments in relation to the proposed use. The Police had confirmed that there had been four instances where they had been called to the premises since the facility began operations which were detailed within the update report. An additional objection had been received from neighbours at 3 Elemere Court. The majority of the comments had already been addressed within the original report but additional comments had been made. These related to the impact on affordable housing in the area, security risks with open access to car park area, covenant on the property was standard and provided no re-assurance, impact of security lighting and if the application was approved there should be a six month review. These additional comments had been addressed within the update report.

The Council's Legal Officers had confirmed that the Deed of Variation for the premises had yet to be signed. Therefore, an additional condition was proposed for a Section 106 agreement to be entered into, should the planning permission be granted. The condition was considered to be necessary to ensure the premises was utilised in accordance with the proposed planning permission. It was considered that no fundamental new issues had been raised and all material planning considerations remained as outlined within the main report or as detailed within the update report;

In conclusion Officers recommended that the application be approved in accordance with the recommendation in the main report subject to the following changes;

Inclusion of the following conditions:

S106 condition

A section 106 agreement shall be entered into between the applicant and the Council restricting the use of the premises as set out in the Heads of Terms detailed within the Officers report within 2 months of the date of granting the planning permission unless otherwise agreed with the Head of Economic Growth and Development.

HEADS OF TERMS

A restriction on the occupiers of the accommodation as may be agreed by the council but which may include 18-25 year olds only, not to be drug or alcohol dependant, no registered sex offenders or persons with a record of arson or sentenced to more than 2 years for convictions for e.g. violence against persons or property.

An objector was in attendance at the meeting and was given the opportunity to make representation. her comments could be summarised as follows:

- It was felt that due to prisons struggling with capacity, there would be an increase within communities of facilities like the one which was being proposed.
- Allowing this facility would be allowing a large number of people to reside in a small street with a custodial sentence.
- The objector stated that her home was within a few metres of the access to the proposed site which made her family feel vulnerable and the people and the visitors the property attracted could watch residents coming and going.
- There was a covenant in place however it gave residents very little protection.
- Police statistics were showing that there had been an increase in crime within the Billingham community.
- Although Police had visited the property a number of times they had not increased their provision.
- It was understood that the vulnerable people residing at the property were not from the Billingham area which seemed ludicrous that people were being moved from other areas to reduce their crime figures whilst increasing those of Billingham.
- It was stated that a security light was encroaching on the objectors and neighbours privacy.
- Concerns were raised relating to the impact on the value of homes and the possibility that the facility could make it difficult to move. Had the Facility been their prior to the objector purchasing their home they would not have done so.
- There was only one support worker at the property on a weekend which was clearly not enough.
- The objector expressed that due to the fact there had been residents at the property for six months already, it was expected that the application would be approved.
- Concerns were raised in relation to the safeguarding of residents children.

Officers addressed the Committee in relation to the issues raised regarding the security lighting. It was explained that in relation to planning there was limited control however officers would do what they could to limit the impact.

Dorothy Butler the co-founder and a trustee of Rock Solid Supported Housing charity which was the charity that ran the facility at the proposed site was in attendance at the meeting and given the opportunity to make representation.

Her comments could be summarised as follows:

- Members heard that Dorothy Butler was also a director of Reach Out Care group of health and social care companies.
- The fostering service had been awarded a gold Investors in People accreditation and an outstanding Ofsted rating.
- Members were given a brief history of the charity Rock Solid which had been launched in 2007.
- The charity worked with approximately 90 people, the majority of which were care leavers. All of these people were at risk of homelessness and were vulnerable
- It was explained that there was three types of residential facilities available within the area.
- Every resident had an individual support worker and support plan. Residents had to engage with the project by signing licence agreements and a zero tolerance policy was operated in relation to alcohol or drugs in any of their premises.
- Rock Solid worked within a multi-agency setting which included working with Stockton Social Workers. Written feedback received stated that Stockton Social Workers rated the service as excellent.
- Many Rock Solid persons achieved positive personal outcomes.
- The proposed site was staffed 24 hours a day 7 days a week and had internal and external CCTV. Residency was only offered on single sex accommodation in 7 studios.
- There was a very strict set of protocols in place as to who was accepted into the facilities offered by Rock Solid. Neither medium nor high risk individuals would be accepted. Every client was police checked and emergency accommodation was also not on offer.
- A local Landlord could open their door to anyone they wanted to within a community.
- Should planning approval fail then the residents at Marsh House would become homeless.
- Earlier in the year local residents had been invited to drop in sessions at Marsh House. Many neighbours voiced no objections, some said they were supportive, but concerns were voiced in relation to possible risks, to which residents were reassured that safeguarding everyone was the charities number one priority.

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

- Some Members felt that a limit to certain groups should be implemented such as sex offenders and drug addicts
- There had been reports that cars had been turning up at Marsh House and drugs were changing hands. In addition it had also been reported that a girl had been seen begging outside the nearby public house.
- Where some members had similar facilities in their ward it was considered that this was one of the only ways vulnerable people could be helped where professional support could be provided. These facilities were the type of

provision that was needed otherwise it would be through Welfare Reform.

- In relation to being a good neighbour Members asked if there were restrictions on visitors to the property.
- If residents were suffering alcohol addiction then the facility was too close to a public house.
- This facility was about rehabilitation not sending people away. These were vulnerable young people which needed community support.

Officers addressed the Committee in response to some of the concerns raised. Their comments could be summarised as follows:

- With regards to concerns raised in relation to visitors to the property, this lay outside planning remit.

A vote then took place and the application was approved as detailed within the main report with the inclusion of a Section 106 agreement as detailed below.

Resolved that planning application 15/0178/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 Terms below;

Approved Plans;

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

Plan Reference Number	Date on Plan
SBC00001	6 February 2015
SBC00002	6 February 2015
SBC00003	6 February 2015

Control of use and no. of occupiers;

02 Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2006 as amended the use hereby approved shall be limited to provide supported living accommodation and shall not provide support/care for more than 7 persons at any time.

03. CCTV Camera Location

Notwithstanding the submitted plans and details submitted, the external CCTV cameras shall be sited in a position/location whereby there will be no views towards any neighbouring residential properties with the specific details of the location of the cameras to be submitted to the Local Authority for prior approval. Thereafter the CCTV cameras shall be sited in accordance with the agreed details.

04. S106 condition

A section 106 agreement shall be entered into between the applicant and the Council restricting the use of the premises as set out in the Heads of Terms detailed within the Officers report within 2 months of the date of granting the planning permission unless otherwise agreed with the Head of Economic Growth and Development.

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

**HEADS OF TERMS**

A restriction on the occupiers of the accommodation as may be agreed by the council but which may include 18-25 year olds only, not to be drug or alcohol dependant, no registered sex offenders or persons with a record of arson or sentenced to more than 2 years for convictions for eg violence against persons



or property.

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17/15**

- 1. Appeal - Aldi Stores - Aldi Darlington Lane Stockton - 14/2164/VARY - ALLOWED**
- 2. Appeal - Mr D Lake - Lakewood Sandy Leas Lane Elton - 14/1247/RET - DISMISSED**
- 3. Appeal - Mr A Dixon - 1 Auckland Way Stockton - 14/2135/X - PART ALLOWED AND PART DISMISSED**
- 4. Appeal - Tiviot Way Investments Ltd - Land at Little Maltby Farm Low Lane Ingleby Barwick 14/0562/OUT - ALLOWED AND COSTS DECISION - REFUSED**

RESOLVED that the appeals be noted.