

Planning Committee

A meeting of Planning Committee was held on Wednesday, 14th October, 2015.

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

Officers: Greg Archer, Andrew Glossop, Jade Harbottle, Barry Jackson, Joanne Roberts, Peter Shovlin(DNS), Julie Butcher, Sarah Whaley(LD)

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

Apologies: None

P Recording of Council Meetings

46/15

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 Evacuation Procedure

47/15

The Evacuation Procedure was noted.

P Declarations of Interest

48/15

There were no declarations of interest.

P Minutes of the meeting held on 2nd September 2015

49/15

Consideration was given to the draft minutes of the meeting which was held on the 2nd September 2015 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

P 15/1625/FUL

50/15

**Durham Tees Valley Airport, Darlington, DL2 1LU
Construction of a new link road between Northside and Southside, erection of 2.8m high security fencing, and associated infrastructure including change of use of agricultural land to ancillary operational airport land and creation of new commercial premises for B2/B8 purposes.**

Consideration was given to a report on planning application 15/1625/FUL Durham Tees Valley Airport, Darlington, DL2 1LU.

The application sought planning permission for the construction of a 1.8km new link road between Northside and Southside at Durham Tees Valley Airport, erection of 2.8m high security fencing, and associated infrastructure (within the administrative boundary of Darlington Borough Council and Stockton Borough Council).

- Highway improvements and alterations to the existing highway (within the administrative boundary of Darlington Borough Council)
- The change of use of agricultural land to ancillary operational airport land (within the administrative boundary of Stockton Borough Council)
- The reconfiguration of Plot 1 of the extant Southside Business Park consent to create 1 no. 3,186sq. m. (GEA) employment unit to be used for B2 or B8 uses (within the administrative boundary of Stockton Borough Council).

In considering any impacts of the proposals it was important to bear in mind that there was an extant planning permission for the development of Southside. The application sought permission for a first phase of building and would allow delivery of remaining phases in accordance with the extant permission. The main difference between what was now proposed and what had planning permission was the route of the access. The application sought permission for an alternative access around the eastern end of the runway. The majority of this route was within the current operational boundary of the Airport. A small part of it was currently in use as agricultural land.

The application site straddled the administrative boundary of Darlington and Stockton-on-Tees Borough Council. The majority of the site lay within Stockton-on-Tees including the site of proposed employment unit and most of the link road. In accordance with the Planning Practice Guidance (PPG), identical planning applications had been submitted to each local planning authority.

The proposal was considered to be in line with general planning policies as set out in the Development Plan and was recommended for approval with conditions.

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 overall the nature and scale of the development was acceptable and access was satisfactory and accorded with the development policies and the National Planning Policy Framework. It was considered that the proposal would enhance the role of the airport as an economic driver in the Tees Valley area with employment creation and investment implications and it was recommended that the application be Approved with Conditions for the reasons as specified within the main report.

The Chair of the Planning Committee highlighted that the application for consideration was not about the operational management of Durham Tees Valley Airport and requested that contributions focus on the application in front of them.

Ward Councillor Dalgarno for Village Ward was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- That the application be deferred to allow for a wider public consultation and a proper detailed inquiry into the whole Peel Plan.
- The reports, facts and figures prepared had been by Peel Airports. It was not believed that there had been any independent reports sought.
- It was believed that Peel Airports had had a long term plan to run down the airport to justify the claim that the airport was losing money and that it was not a viable business operation. This would then enable them to develop the surrounding areas with a lucrative housing development on the site.
- Cllr Dalgarno expressed that he believed we were half way through a 25 - 30 year based plan which Peel had put in place when they acquired the airport. It had been stated that Peel held all the cards and if they did not get their own way they would close the airport and sit on the land.
- The airport was vital for the Tees Valley.
- The proposals from Peel to keep the airport functioning for the next 5 - 10 years were worthless.
- Other small airports were running well. If Peel did not want it as an airport was there anyone else that did.
- If no action was taken now then the airport would close in less than 10 years.
- The airport was a vital community asset and was vital to the growth of the Tees Valley and should not be allowed to be broken up and sold for profit. Once it was gone it could never be replaced and it would be gone forever. Where else in the Tees Valley could you site an airport?

- Had we tried to engage our Local MP's? What were the views of the other stakeholder councils? What were the conditions within the original sale agreement?
- There must have been some covenant to stop it being bought as a functioning airport then sold and asset stripped a few years later for profit.
- Every other conceivable avenue must be explored to maintain a valuable community asset as a functioning airport.
- Cllr Dalgarno stated that was asked every day from members of the public about the future of the airport and what Stockton Council were doing to keep it going and to improve the services on offer.
- Prior to Peel taking over it had 1 million passengers per year with plenty of destinations.

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

- There was a single carriageway squeezed between the end of the runway and the railway line so tightly that the traffic lights were needed to allow aircraft to take-off and land safely.
- The south side had planning for 1.9 million square feet of mixed, mainly airport related commercial development. Even with modest employment levels that would mean about 2000 people in and out of the site each day, and with the movement of goods and visitors this could mean over 5000 daily road traffic movements, all using the existing single carriageway access off the A67, travelling through the north side of the airport which was already earmarked for further development including up to 400 houses.
- Mixing residential with commercial road traffic was never a good idea. Any congestion problems would be compounded by the traffic being stopped to allow the aircraft to land and take off. Even with the pitiful amount of air traffic used at the airport at the moment this could mean that the traffic lights remained on red for about half an hour each day.
- What would happen if passenger numbers were to rise to the 1 million per year as forecast by the airports chairman as late as 2012, or to the 3 million passengers with 25,000 tonnes of freight as forecast in 2007 and for which planning permission still existed, and therefore the traffic assessment should have taken this into account as it could mean thousands of vehicles using the A67 road access resulting in the traffic lights being on red for anywhere between 20 and 50 percent of the working day.
- Imagine the problems which could cause on the airport site especially if emergency vehicles required access to the South Side of the airport.
- The original scheme for a separate access road was dismissed in the application as not being commercially viable with no further discussion. The present road proposal was not commercially viable either given that it needed a

grant of £5 million. Tees Valley Unlimited when asked would not confirm what the business case for the grant was.

- An objector stated that If he had land with planning permission for 1.9 million square feet of development he was pretty sure he could get someone to loan him the money for the road, especially if he owned a parent company like the Peel Group with assets of over 6.6 billion pounds, however that was not how Peel operated, they would rather spend public money than use any of their own.

- It stated in the plan that the road was informed by the airports adopted masterplan, but the masterplan, especially the housing development was opposed by thousands of people through social media sites and through a magazine poll. It needed planning consent and was extremely contentious. Surely if the road was informed by the masterplan and the masterplan needed planning approval then the road application was at best premature and it shouldn't be passed.

- If the road proposal was approved than the next step would be to submit a new proposal to shorten the runway and widen the road and remove the traffic lights. This would prevent the airport being used by heavier planes, the sacrifice would have to made or it would be told that the airport would have to close.

- Peel had said that if it didn't get its housing permission and road permission the airport would have to close.

- It was time we put our collective foot down and refused this application.

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

- Durham Tees Valley Airport was a very important component of the economy and the connectivity of the Tees Valley. Its development in growth as a transport facility and employment location was fully supported at all policy levels.

- The south side business park was a long standing regionally significant employment development and one which benefited from an extant planning permission. It was also supported by regional economic policy and was identified as a strategic employment allocation in development plans of both Stockton and Darlington.

- The delivery of the south side business park had stalled in recent years due to the economic recession and access constraints. As a result the airport had reconsidered its options and had identified the potential to construct a new link road around the eastern end of the runway to unlock this important strategic employment site. Alongside this the government recently allocated £90million for funding to the local enterprise partnership of local growth fund of which £5million had been identified to kick start the delivery of the south side business park. The funding was sufficient to fund the new link road therefore the planning application would facilitate the delivery of allocated south side employment development and the considerable economic and social benefits.

- The principle of the proposed development fully complied with the framework

and the adopted development plan. The scheme would help unlock considerable economic and social benefits.

- The scheme had been designed to a high standard; it would safeguard the operation of the airport and would ensure no impact on public safety. The application was also supported by a range of technical and environmental studies, which showed that there were no technical or environmental matters which could not be satisfactorily addressed through appropriate mitigation measures as part of the planning permission.
- The applicant had worked closely with officers to address any questions which had arisen. The process had resulted in a development proposal to which there were no objections from the council's advisory team or statutory consultees subject to the imposition of suitable planning conditions.
- The proposal was consistent with the extant planning permission of south side. The proposal accorded with the development plan and was consistent with the provisions of National Planning Policy Framework.

Officers were given the opportunity to address the Committee in response to some of the issues which had been raised. Their comments could be summarised as follows:

- The proposal being considered was for a realigned road and a reconfigured warehouse. Issues raised in relation to the management of the airport and aspirations by Peel were not material considerations.
- The site benefitted from an extant permission which had significant numbers of vehicle movements. The application being considered indicated a significant reduction in that number from 1240 peak hour a.m. two way movements on the consent down to 437. The traffic light operation on the actual carriageway had been considered and the road would remain private and would not become an adopted highway.

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

- Was the road airside and not in the public domain?
- Were there any other routes which may have been more practical and safer put forward instead of the current proposal?
- The runway was the thirteenth longest in the country, how much of the runway could be lost before the airport could stop taking the larger planes if it was ever to be changed in the future?
- The current proposal for the road layout seemed less practical than the original, why was this?
- This was a logical and clear planning application. It was more important than ever during the current times. Everyone wanted to see a viable airport and to do everything we could to achieve that, but this application offered economic benefits in terms of potential growth and investment which was more important

than ever.

Officers were given the opportunity to address the Committee and respond to issues which had been raised by Members. Their comments could be summarised as follows:

- The road was airside.
- In terms of safety there were no issues as the proposal had been designed taking into account the aviation safety requirements. There was no decrease in the size of the runway and there were safeguarding zones in the proposal around the runway.
- There was to be a traffic light system which would be utilised which would be managed to safeguard the function of the airport.
- There were four options in total considered in relation to the road. All options were safe and satisfied the airport operational requirements, but those which were dismissed were for a variety of reasons, such as multiple landownership, utilities and cost etc.

A vote then took place and the application was approved.

RESOLVED that planning application 15/1625/FUL be approved subject to the following conditions and informatives below:

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

Plan Reference Number	Date on Plan
00001 4	3 July 2015
00002 3	3 July 2015
00001 3	3 July 2015
00002 1	3 July 2015
00001 0	3 July 2015
00001 0	3 July 2015
00002 0	3 July 2015
SBC0001	3 July 2015
01C	3 July 2015
02D	3 July 2015
03C	13 July 2015
04B	3 July 2015
05B	3 July 2015
06B	3 July 2015

02 Recording of a heritage asset through a programme of archaeological works
A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1.The programme and methodology of site investigation and recording

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

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

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

03 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.

04 Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. 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 can be stored on site without risk to people or property and without overflowing into drains or 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.

05 A Construction Management Plan shall be submitted and agreed, prior to the commencement of development with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

06 Prior to the occupation of the development and unless otherwise agreed in writing with the Local Planning Authority, a written scheme detailing the environmental standards of the hereby approved building shall be submitted for the approval of the Local Planning Authority. No building shall be occupied until the agreed scheme has been implemented in full.

07 Prior to the commencement of development a scheme for the ground preparation works consisting of soil stripping of arable topsoil to reduce nutrient levels, drainage works to ensure a free draining soil (except in agreed areas which may provide wetland habitat in the non-turf trans located areas) for the receptor site to ensure the success of grassland habitat creation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:

1.The precise delineation and location of the area to be a minimum of 3.67ha which shall include turf translocation of the 2.03 ha to be lost from situ and additional creation of 1.64 ha through green hay and seed planting.

2.Details of the timing for the delivery and works (to ensure breeding birds are not affected) the long-term maintenance and management of the site which shall include for the duration of the establishment of the receptor site and the subsequent remediation/maintenance, management and monitoring of the receptor site for the lifetime of the development

The development shall be carried out in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

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

INFORMATIVES

Informative: Working Practices

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.

Informative - Network Rail

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.

2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Services

We would expect services to be routed away from the railway and not to cross it.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged.

Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

The Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved

in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 2A
George Stephenson House
Toft Green
York
YO1 6JT

Email: assetprotectionlneem@networkrail.co.uk

Informative 2 – Environment Agency

Environmental Permitting Regulations (non-mains drainage).

Advice to Applicant It should be noted that the use of non-mains drainage may require an Environmental Permit from the Environment Agency. Under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption. We are currently working with Defra to review our approach to regulating these small sewage discharges. Whilst this review is underway we will not require registration of small sewage discharges in England under an exemption as previously required, as long as you comply with the conditions set out in our Regulatory Position Statement. This is available on our website

at:<http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>.

Please note that we will retain the existing system so that anyone can still register if they wish to. This might be, for example, as part of a house sale. An Environmental Permit from the Agency is normally required for discharges above this volume or to sensitive locations. It is illegal to discharge sewage effluent in sensitive locations, or discharge over 5 cubic metres per day to surface waters or 2 cubic metres per day to ground, without an Environmental Permit. Further guidance on Environmental Permitting requirements is available on our website

at:<http://www.environment-agency.gov.uk/business/topics/water/32038.aspx>

With regards to design, the site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water. Useful websites for applicants: EA website - Do I need to apply for a permit or register an

exemption?<http://www.environment-agency.gov.uk/business/topics/water/110593.aspx>EA website - Apply for a new Bespoke permit:

<http://www.environment-agency.gov.uk/business/topics/permitting/117626.aspx>

Land Contamination - Advice to LPA/Applicant

We are unable to provide detailed site-specific advice or guidance with regards to land contamination issues for this site. However, the developer should be aware that the site is located on a Principal Aquifer which is a sensitive controlled waters receptor which could be impacted by any contamination at the site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

**P
51/15**

14/2019/FUL

12 Teesbank Avenue, Eaglescliffe, Stockton-on-Tees

Part retrospective application for works to rear garden to provide H section steel uprights with wooden sleepers and living wall planting and placing of soil from house extension foundations to be placed to rear of sleepers

Consideration was given to a report on planning application 14/2019/FUL 12 Teesbank Avenue, Eaglescliffe.

Retrospective planning permission was sought for the erection of a retaining

structure and for earthworks to level land and import soil from elsewhere within the site, all within the rear garden of a residential property on Teesbank Avenue in Eaglescliffe. The works had been undertaken on the riverbank, adjacent to the River Tees in the lower part of a domestic garden. The retaining structure span a notable width of the garden and the land levelling works created a plateau on the river bank which affected approx. 9m of the gardens depth. The imported soil had been used to back fill behind the retaining structure to assist with creating the plateau.

A number of comments of objection and support had been received to the application. The main thrust of comments was that, supporters considered the scheme to be a positive improvement for the area whilst objectors considered the works to urbanise the natural river bank and that the proposal raised structural issues adjacent to a river which flooded and that it affected the wildlife and biodiversity. Letters of support and comment were also made by the applicant and his family members which were summarised within the main report.

The site lay within a designated 'Special Landscape Area' adjacent to designated green wedge and was within the Tees Heritage Park. Officers considered that the proposal did have an urbanising and formalising affect to the character of the area which was formerly a semi natural river bank. Amendments had been made to both the submission details and on site following concerns being raised by officers about the dominance of the structure on the character of the surroundings. Whilst the proposal remained to be noticeable in the wider area, based on the amended scheme and subject to a landscaping scheme, officers considered that the impacts of the development were sufficiently limited to allow support to be given to the proposal. Officers considered there were no undue impacts on wildlife or on adjacent land owners.

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 the application would be considered in line with the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provided that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

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 works, in their reduced revised version were considered to have an urbanising and formalising impact on the semi natural riverbank which was part of a 'Special Landscape Area' designated under saved Local Plan Policy EN7. However, subject to appropriate landscaping being undertaken as part of these works, it was considered that the extent of the impact was now to be at an acceptable level. It was considered that there were no undue impacts on surrounding residents as a result of the development. It was recommended that the application be Approved with Conditions for the reasons specified within the main report.

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

- This was a residential property which fell within the Tees Heritage Park however the landscape aspect, impact aspect and residential aspect all needed to be considered.
- When the property was first purchased the rear garden was a terrible state, barbed wire, razor wire and giant hogweed were all present. Neighbours asked that the applicant tidied it up as it looked awful.
- Once planning permission had been gained for the house extension the applicant moved soil from the bottom of the garden which had been mounded up. There was also a concrete pad where a building had been. For safety and to enable usage of the river and garden the area was levelled off.
- Complaints had been received stating that a path had been laid towards the river. The Council came and took photos and told the applicant that there wasn't a problem in relation to the work they had carried out.
- In 2013 there had been really bad weather and a top profile of 3 to 4 inches of soil had started to slide. A decision was made to put in some steel as others had done along the riverbank without planning permission on a very similar scale. The steel was put in and set them back at 5 degrees as per the engineers instruction and then sleepers were put in. Complaints then began.
- Officers had been given false information which resulted in the applicant having to provide data tagged information.
- The applicant had advised that officers had objected based on what they had been told by some of the residents which was proved to be inaccurate.

- Discussions took place with the applicant and Officers to agree what could be done to adapt what the applicant had already done to suit the planners and landscapers and arrive at a scheme that could be worked with.
- A planting scheme had started and 37 trees had been planted so far with more to be planted in the Autumn. There was to be a living wall over timber and no steel would be visible, as it was all timber clad. There was a lawned area at the bottom and the area was safe getting down to the river.
- The objections seemed to be, in the main, about the river frontage which did not require planting.
- The applicant now had a usable garden with the help and agreement of the officers and hopefully the Committee.

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

- The objector lived at the adjoining property to 12 Teesbank Avenue.
- Officers were recommending the proposal however there was nothing stating that a sub engineer had designed the structure.
- There were no calculations for the water flooding the foundations, rain water coming down all the gardens against the beams. No weight calculations for the bricks and rubble against the beams.
- Who designed the structure?
- Who did the load calculations to prevent the whole structure falling into the river in a flood situation?
- How could the application be approved as the land upon which it was built was part of the enforcement action which stated that the work would attack the semi natural character of the river bank. The area was a special landscaped area EN7.
- The work would set an undesirable precedent for anybody to develop big structures like that being considered anywhere down the river.
- If approved it would make nonsense of the enforcement action and would be hugely embarrassing to the Council if the inspectorate did visit the site.
- If approved why would the inspectorate come to visit the site, what would be left for him to see?
- If the application was approved the objector believed that the Council would withdraw the enforcement action.
- Due to the complexity of the application the Planning Committee should visit the site to see all the breaches of planning law prior to making a decision on one item in isolation of all the rest.

Officers were given the opportunity to address the Committee and respond to some of the issues which had been raised. Their comments could be summarised as follows:

- In relation to queries raised relating to structural stability, there was information within the main report which highlighted that.

- There had not been any structural calculations submitted or requested as part of the application. The environment agency had been aware of the site for quite a while and they had responsibility for works within 5 metres of the river edge. Officers were not aware of any issues that the Environment agency had. From a planning perspective timber structures of certain heights could be built in gardens without planning permission and earthworks could also be carried without requiring planning permission.

In terms of the structure being built upon made up ground, which was part of the enforcement notice, the Committee were to consider the retaining structure and the earthworks which had been used to fill behind that. There was other earthworks in terms of the river edge which had taken place, however officers had not asked for planning applications for those which took place in 2012 or before as the view at the time was that planning permission was not required.

- If the Committee approved the application it would influence the inspectorates circumstances however it may not change the outcome. Granting planning permission would give the applicant permission regardless of the enforcement notice.

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

Members felt that due to the fact that there were too many variables in terms of the application and the associated and potential enforcement action, It seemed premature to be considering the application prior to the enforcement notice decision.

Members agreed that the item should therefore be deferred to a future meeting of the Planning Committee.

RESOLVED that planning application 14/2019/FUL 12 Teesbank Avenue, Eaglescliffe, Stockton-On-Tees be deferred until the Enforcement Appeal relating to this site has been determined.

P
52/15

ALTERATION TO THE SCHEME OF DELEGATION

Members were asked to consider a report which detailed the Councils review of its scheme of delegation which took place every 4 to 5 years, the last time being in 2011.

The report proposed two alterations to the scheme of delegation which was now considered appropriate following the operation of the scheme since 2007.

The proposed alterations related to an "individual letter of response" where

publicity of the application had been carried out solely by letters to adjacent owners/occupiers it should in future contain an address from a resident consulted by letter or additional information which had been provided to satisfactorily demonstrate that the respondent was an owner of a property or business consulted by letter.

Also letters of response from a single property should only count as an individual letter of response.

An appropriate scheme of delegation allowed members to devote sufficient time to more complex and contentious applications. Members of Planning Committee would also appreciate that the amount of time taken to determine an application was not always proportionate to the size of the application. It was often the smaller applications which proved more contentious despite the material planning considerations being minimal.

The revised scheme remained simple and made it clear what applications could not be determined by Officers i.e. the exceptions to the scheme of delegation.

Issues for consideration and the proposed revised definitions for the scheme of delegation were contained within the main report.

The report concluded that the overall package of measures had led to significant improvements to the speed of the service and its accessibility by members of the public. There had undoubtedly been some difficulties, but Members would recognise the continuing need to maintain improved performance, and it was recommended that the revised definitions to the scheme of delegation would lead to a more streamlined and efficient service.

RESOLVED that the proposed alterations as detailed within the main report be agreed and incorporated into the definitions of the Scheme of Delegation.

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53/15 **1. Appeal - Mr Michael Lindlay - Willow Dene School Close Thorpe Thewles - 15/0059/OUT - DISMISSED**

The Appeal was noted.