

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 19th October, 2016.

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

**Officers:** Elaine Atkinson, Andrew Glossop, Barry Jackson, Joanne Roberts, Peter Shovlin, Jonathan Stocks, Sam Tidy, Sarah Wolleter(EG&D), Julie Butcher(HR,L&C), Sarah Whaley(AD&ES).

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

**Apologies:** None

**P            Evacuation Procedure**

**69/16**

The Evacuation Procedure was noted.

**P            Recording of Council Meetings**

**70/16**

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**

**71/16**

Councillor Sylvia Walmsley declared a personal non prejudicial interest in relation to item 16/1024/REM Land South of Cayton Drive, Thornaby. Cllr Walmsley informed the Committee that she had been employed by the developer in the past however no longer held a position with them. Cllr Walmsley was not predetermined and reserved the right to speak and vote on the item.

**P            Minutes from the meeting which was held on the 7th September 2016**

**72/16**

Consideration was given to the minutes of the Meeting which was held on the 7th September 2016 for approval and signature.

Councillor Hall asked that the minutes in respect of item 16/1929/LBC, Newport Bridge be amended to note that there had been an objection from Network Rail.

RESOLVED that the minutes be approved and signed as a correct record, subject to the above amendment, by the Chair.

**P            16/1978/FUL**

**73/16 High Middlefield Farm , Durham Road, Thorpe Thewles  
Development of a battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure**

Consideration was given to a report on planning application 16/1978/FUL High Middlefield Farm , Durham Road, Thorpe Thewles.

Planning permission was sought for the erection of a battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure. The application site was to the south west of High Middlefield Farm, Durham Road, Thorpe Thewles, with 4 of dwellings between, including Thorpe Thewles Lodge who operated a bed and breakfast facility. To the south of the site was a railway line with Norton Substation beyond and to the north were open fields with Thorpe Thewles village located approximately 1.3 kilometres to the north west. To the west was Castle Eden walkway.

The proposed peaking plant would operate during periods where there was a shortage of generation and peak demand and would be capable of serving the equivalent of up to 50,000 homes. The facility was designed to provide back-up power at very short notice. It would not operate continuously, but would run as a flexible back up supply to meet periods of peak demand or during a major power shortage or system stress event.

The proposed development consisted of an energy barn containing the inverter units and transformers, storage containers, transformer station, CCTV cameras, security fence and formation of access tracks. The design of the main building was intended to be agricultural in style with the colour of the cladding and roof indicated to be olive green.

As the facility would not be staffed, permanent operational lighting was not required, other than provision of some lighting for security and maintenance purposes when engineers were working on site in low light. In addition to the security fence, a closed circuit television (CCTV) system would be provided to monitor the perimeter fence for intruders and also provide coverage within the main plant areas.

Construction was anticipated to take 12 to 15 months and the maximum number of outward movements of construction vehicles in any one day would be approximated 50 HGVs however this was the peak and would be confined to the early phase of the project.

In addition to the scheme a significant landscaping scheme with mounding was proposed to aid screening and an attenuation pond was proposed to assist in surface water management of the site.

50 objections had been received, albeit many before the revised scheme was submitted. The main reasons for objection were highway safety concerns due to construction traffic, its location outside the limits to development and its visual impact on the area, air quality and noise.

The application site was located outside the limits to development where saved policy EN13 restricted development in the interests of protecting the character and appearance of the area. In this case whilst it was recognised that there were elements of both national guidance and the local plan which discouraged development that did not need a rural location from locating in the countryside; at the same time the proposed site was adjacent to the Norton Electricity Grid substation, which the applicant stated was essential for the proposed project. Within the Borough there were 2 principal NG substations; Norton and Saltholme. Saltholme was discounted due to ecology and grid constraints. Other substations were either too small and or did not have enough land. On balance it was considered that the scheme had significant benefits which could outweigh any harm.

The existing substation and transmission lines heavily dominated the character of area and the views of the proposed peaking plant development site would be seen in the context of this character. The existing trees and hedges, as well as the proposed mounding provided on the northern and western site boundaries, and the new woodland planting would help to soften and ultimately screen views of the proposed building, which was the main visual element within the development. Overall it was considered that the proposed development would not have an adverse impact on the character and appearance of the area. The nearest residential properties which would be able to view the development were Thorpe Thewles Lodge and the three adjacent barn conversions. The existing agricultural barn would screen the majority of this development from the view of the barn conversions; however views could still be obtained from Thorpe Thewles Lodge but with the proposed landscaping mitigation the development would appear as a large agricultural shed and would not have a significant adverse effect on the visual amenities of neighbouring properties. A Noise Assessment accompanied the application which concluded that with the incorporation of design mitigation measures to minimise noise levels that no adverse impact was likely. This view was supported by the Environmental Health Unit.

A flood risk and drainage assessment accompanied the application. Whilst the submitted documents did not contain sufficient information to assess flood risk, surface water management could be controlled by condition.

The construction period was anticipated to last 12-15 months and concerns had been raised regarding the construction traffic. The actual operation of the facility would not have an adverse impact on neighbouring residential properties other than short term construction disturbance. Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, (covered by Control of Pollution Acts) were not material planning considerations however a Construction Traffic Management Plan would ensure that highway safety was not compromised.

The proposed building works were located north of the existing railway and conditions and informatives would ensure the operation and safety of the railway was not compromised. Other matters in relation to ecology and contamination could be controlled by conditions.

It should be noted that concerns regarding air quality were no longer relevant as

the facility would not produce any emissions.

Overall it was considered that the principle of the proposed development met the requirements of national guidance and the local Plan with regards to development in the countryside in this particular case due to its proximity, and co-location, next to Norton substation and the benefits in this instance would outweigh any harm and the proposal was considered acceptable.

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 principle of the proposed development met the requirements of national guidance and the local Plan with regards to development in the countryside in this particular case due to its proximity, and co-location, next to Norton substation and the benefits in this instance would outweigh any harm. The proposal also would make a contribution to the Government's future energy aspirations.

There was no issue to suggest that the development would have a significant impact on the landscape, neighbouring properties, ecology or traffic and transport. Other residual matters had also been examined and though a number of conditions would need to be imposed to properly control the development and its future operation, the proposal was considered acceptable.

In summary there were no sustainable land use planning reasons for resisting the development and it was recommended that the application be approved with conditions for the reasons specified above.

Since the original report further matters had been raised and additional correspondence had been received as detailed below;

Correspondence from Alex Cunningham MP had been received and following the request for circulation to the Planning Committee it was attached to the update report.

An additional resident's letter had also been received querying the safety of the batteries.

In response the applicant states "The Lithium-ion battery is the battery of choice for Grid services throughout the world. The system design in itself prevents fire however, in the event that there is a fire the comprehensive fire suppression system operates. The facility is remotely monitored and faults (that might lead to a fire) are picked up by operators before the Fire Suppression System is activated. Emergency Services can be notified should the need arise".

The Health and Safety Executive had confirmed that there was no information in the planning application and associated documents to indicate that the site would require hazardous substances consent, or be subject to the Control of Major Accident Hazard Regulations 2015 (COMAH); The COMAH Regulations related solely to the safe operation of the site and if applicable, these were matters for the applicant to consider and apply for consent and notify HSE under the COMAH regime if necessary. In addition the Environment Agency raised no objection to the proposal and confirmed that a Permit would not be required for the proposed scheme and the informative would be removed from the recommendations in the main report.

Cleveland Emergency Planning Unit and Cleveland Fire Brigade were aware of the proposed scheme and whilst had no objections to the scheme would ensure that appropriate methods of dealing with an emergency at the site were in place should the application be approved.

#### Condition 5 –Noise from Plant

The condition had been amended (to ensure that appropriate further measures should they be required were implemented to safeguard residential amenity.

#### 05 Noise disturbance from New Plant

On completion of the installations and before the plant is brought into use, the applicant shall carry out a noise survey at the nearest noise sensitive premises (Thorpe Thewles Lodge). The survey should demonstrate that the design mitigation measures as recommended in table 7.2 of the submitted Noise Report No. JAS9081-REPT-06-R0 (dated 21 September 2016) have been implemented and the noise levels as set out in the table are not exceeded. In the event that the survey does not demonstrate that the noise levels are not exceeded additional mitigation measures shall be submitted to and approved by the Local Planning Authority. All noise mitigation measures shall be thereafter maintained to the reasonable satisfaction of the Local Planning Authority.

#### Construction Hours

A condition had been recommended in relation to construction hours; however since the writing of the report a neighbour had expressed concern over the hours conditioned.

The advice of Environmental Health was sought who confirmed that the applicant was required to apply for a "prior consent" under The Control of

Pollution Act 1974 to address the impact of noise and construction activities. Specific restraints could be applied upon construction and demolition activities, hours of work or the type of plant to use, so that noisy activities could be identified and controlled in advance with mitigation used to minimize the impact.

As this matter could be adequately addressed through the prior consent process, it was recommended that the construction hours condition be removed should the application be approved.

The recommendation of the main report remained unchanged, which was that the application be approved with conditions along with the amended condition 5 Noise disturbance from New Plant as set out above and removal of condition 12 Construction/Demolition Noise. In addition the informative in relation to and Environment Agency permit would be removed.

The Planning Officer presented the Committee with the report and associated diagrams, photographs and slides.

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

A resident whose home was opposite Norton substation on Letch Lane explained to the Committee that there were two sets of pylons heading away from his property that were directly going down to the junction of New Road and Haverton Hill Road towards the old substation. It was suggested that if the proposed battery operated facility was relocated close to the old substation, power could be accessed without any problems. The suggested site was also a brown field site as oppose to the proposed green field site. In addition access would be easier for the emergency services. It was felt that access for emergency services at the proposed site was appalling as the vehicles would have to go through the village of Thorpe Thewles. The proposed road which a fire engine would have to travel was only a lane and not considered suitable for such vehicles. The objector raised concerns in relation to the type of equipment which would be required by the fire service should there be an emergency at the proposed site, which would include full chemical suits etc. due to the fact the batteries were lithium based. It was felt that the site was unsuitable and the proposal should be relocated.

The owner of a small bed and breakfast next to the proposed site raised concerns relating to the loss of the peace and quiet clients usually came for at the B&B. A condition had been recommended that the construction of the plant could take place during the summer for 13 hours per day from 7.00am to 8.00pm; no consideration had been taken into account for the enjoyment of their home or their livelihood.

It was suggested that the application site was outside the limits to development as per policy EN13.

Where the developer had stated within the application that it was essential that the proposal be next to the substation this was later contradicted. The developer had clearly stated that the site either needed to be next to a 33KV network or a substation. A map showing overhead lines with 33KV capacity within the area was referred to and it was also stated that there were underground lines which

could meet the capacity. Members were asked to note that the lines did run to industrial sites within the area.

Within the planning application the developer stated that out of 300 substations identified the proposed site was one of ten which was suitable due to it being next to a gas line and the required capacity at the substation. The gas line was no longer a consideration as the proposal had changed to a battery operated facility. There was no reference made by the developer within the application in relation to any other sites being investigated due to the gas line constraint being removed and he had not investigated any other locations near a 33KV network.

The Planning department were currently in receipt of planning applications for peaking plants for Billingham and Seal Sands locations therefore highlighting it was possible to relocate.

Why would the Council allow the development on a green field site if there were many other viable options on brown field sites?

In the first round of tenders to the National Grid over 64 site locations were identified which already had planning approval, this equated to 1.4GW of electrical storage for the UK. A great number of the site locations were from old or existing plants. Was it not government responsibility and planning policy to reuse the old plants and brown field sites rather than to industrialise the local countryside with new plants.

There was also a greater concern that the application was just a stepping stone to convert it to a gas plant at a later date which was considered very possible due to it being next to a gas line and gas being more commercially viable.

Although it had been advised that there would be no adverse impact due to noise, the objector had raised concerns to environmental health and the planning department highlighting noise issues which would come from inverters and transformers to which there had been no response. When the noise assessment had been carried out background noise levels were artificially higher. The National Grid (Norton Substation) had been replacing an old transformer. Whilst this work had been carried out the old transformer had been taken offline and the electricity had been re-routed through another transformer, this therefore temporarily increased the load on the transformer and subsequently increased the noise levels. The substation was currently in the process of putting in a brand new 132KV transformer which would be more than efficient and certainly less noisy. The background noise levels stated in the noise assessment were therefore not accurate or correct.

It was felt that the proposal should either be adjacent to the transformer station or integrated into the transformer station, and if this could not be accommodated an alternative site should be sought.

In terms of access to the proposed site, concerns were raised in relation to the access road which would run through Thorpe Thewles village with a right angle end which was very difficult for heavy lorries to take. A tractor unit had been witnessed trying to manoeuvre that part of the road which could only be described as interesting.

An objector explained to the Committee that Durham Road was built for horse and cart in approximately 1852 and not heavy lorries.

Reference was made to the bridges and whether the bridge over the beck would stand the weight of the heavy goods / construction vehicles. It was stated that 50 metres from the bridge over the beck was a mill race and that bridge was not in very good condition.

A bypass had been built in Thorpe Thewles to divert heavy traffic travelling through the village as this type of vehicle had been hazardous to children and older residents. If Heavy traffic was to be brought through the village now during construction the old problems prior to the bypass would be back.

Various buildings in the village such as the Hamilton Russell Arms would be put under increased vibration from the Heavy Goods Vehicles.

The former Durham Road was a public amenity used by cyclists, residents on horses, children etc. It was an amenity that was considered to be a lovely place and used frequently by the villagers. It was noted that Castle Eden went right across it and the Council used it as a cycle route for a cycle event which had been held by Stockton Borough Council recently.

It was felt by some residents that the application was not taking into account the needs of human beings. If badgers or crested newts were on the road, these would have had to have been taken into consideration.

The Planning Committee had an important position to protect the small amounts of green belt which was in this area of Tees conurbation. It was the Committees responsibility to protect the green land as far as possible for the generations that follow.

A resident expressed that he felt his civil rights were as much as important as that of the protection of birds. Alex Cunningham MP for Stockton North, on the 16th September stated that he was particularly concerned about a statement in one of the companies' submissions that they couldn't put the plant in the industrial area of Seal Sands due to air quality and noise issues which would impact negatively on the natural environment. If it affected birds then it must do so on the lives of people living in the area. It was acknowledged that the Planning Department were looking very closely at those issues as well as the visual impact. Any justification for building such a plant in the countryside was contrary to the Local Plan of the Borough. Surely if this protection was offered to wildlife it should also apply to humans in the proposed locality as it was on a green field site.

A public meeting had been held in Thorpe Thewles with the developer. Some residents were not convinced that the company involved actually knew what they were doing. There were no reassurances on the following:

- 1) No confirmation on the total number of vehicle journeys on a daily basis.
- 2) There was no confirmation in relation to the number of people working on the site.
- 3) There was no confirmation of the actual size of the building or the batteries proposed.



- 4) There was no confirmation of how long it would take to develop and complete the plant.
- 5) There was no confirmation as to the size of the vehicles using the minor roads during construction.

At this stage of a planning application the finer points as stated above should have been addressed.

There were massive concerns in relation to the safety of people using Durham Road as highlighted by previous speakers. The road was a minor road which ran parallel to the A177. The road was crossed by the national cycle way E1 which had not been mentioned by the Planning Officer. This would also come into conflict when Heavy Goods Vehicles leaving the road to join the farm track to the proposed site.

The safety for adults and children was also a concern that lived or used the village. The size of vehicles travelling down narrow roads which were made even narrower by parked cars was a scenario for disaster.

The village had a children's play park and 2 public houses and a pick up point for local school buses which was used twice a day. There was also an hourly bus service into Stockton which stopped in the village. The Planning Committee needed to consider the mix of adults and children when such large lorries were planned to travel through the village.

A resident who lived on Durham Road where these vehicles would be passing through the village explained that after communicating with residents of Thorpe Thewles it was felt that the majority of the village did not want the plant to be built for the lengthy construction movement of heavy plant passing through it.

Narrow roads and parked vehicles would make it impossible for the construction traffic to manoeuvre safely.

When turning into Durham Road from Wynyard Road off the A177 it was so narrow that traffic would have to drive onto the wrong side of the road to continue to the site. Therefore if a vehicle was to turn left it would need to move over to the opposite side of the road due to parked vehicles.

Young children crossed this road to and from school, to catch buses and to enter the children's playground all of which would become dangerous in their own right.

If the application was to be approved then an alternative route must be found to alleviate all the traffic hazards and dangerous occurrences for all concerned.

Enforcement teams were regularly called out to Thorpe Thewles due to illegally parked vehicles. If the application was to go ahead then enforcement teams would be coming out day after day.

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

This was an application for a battery system. It was originally to be a gas

peaking plant however after listening to concerns it was changed to a battery system.

The battery system provided frequency services to National Grid, it was required because of the amount of renewables on system, it was therefore used to keep the whole of the national grid system in frequency. It had come about over the last couple of years and would increasingly be required to keep the system imbalance. At no point was it ever indicated that the battery facility would be connected to a 33KV line. It had to be connected to a grid supply point. It was not possible to put the facility at Saltholme or Seal Sands because the kit at that substation would not allow the connection for import and export. Norton however was an extremely good grid supply point to do that. The kit was relatively new and able to take the import/export. It was extremely expensive to have anywhere other than adjacent to the substation.

In terms of construction traffic the application was completely precise about the maximum number of construction vehicles and the type anticipated which would be required to build the facility. It was absolutely definitive about the number, and although it had been indicated that on a single day there could be up to 50, putting it in to perspective if the plant was constructed over 6 months that would amount to 3 lorries a day.

Having had meetings with residents in Thorpe Thewles it had been indicated that there would be consultation to back up highways and that it would be done at the right time of day conscientiously.

It was stated that the only noisy bit of kit associated with the battery system was the transformer and inverter which was to be located in the building and noise modelling had been carried out on that and it would not exceed the background noise level. Once the plant was built there would be no traffic generated, as the plant would be remotely controlled. In addition there were no air emissions.

Officers were given the opportunity to respond to concerns and issues raised. These could be summarised as follows:

In terms of concerns raised relating to the background noise levels which were detailed within the noise report. Officers explained that they were aware of the existing noise from the National Grid which was a low level hum. The existing noise was not something that would constitute a statutory noise nuisance or something that officers would be able to take enforcement action upon. It was also only present at certain frequencies. As the tonal noise was only present at certain frequencies it had no impact upon the background decibel level of the area and therefore it would not be a factor in background levels that were taken as part of the noise report. Officers were satisfied that the background levels which were taken as part of the noise report were a true reflection of what was going on in the area.

With regards to construction noise at the site, Officers had recommended that the applicant apply for a prior consent. Prior consent would come under the 'Control of Pollution Act 1974' and it would act to address the impact of noise and construction activities going on at the site and specific restraints could also be applied upon construction and demolition activities and hours of work which could address some of the objectors concerns.

Where concerns had been raised in relation to the possibility of harm to residents from the batteries themselves. Officers explained that there was no evidence to suggest that there was any health implications from the site.

It was confirmed that Salthome had been discounted as a site during the original application when the plant was to be gas operated due to grid connection and also the possible impacts on wildlife which would have come from the air emissions however due to the change to a battery operation there were no longer any air emissions to be considered.

The Traffic and Network Safety Manager addressed the Committee in relation to the possibility of alternative routes for construction traffic to avoid the traffic going through Thorpe Thewles village. The application had been looked at on its own merits from the information provided., in terms of was the construction proportionate to the development and what mitigation could be suggested? In terms of HGV vehicles access through Thorpe Thewles village, the maximum number would be 50 in any one day which although sounded a large quantity would only be during peak construction. This would be acceptable in highways terms. The Wind Farm at Hilton which had been an approved site was used as a comparison to demonstrate, this had been allowed up to a maximum of 84 vehicles per day and had the addition of articulated vehicles for the wind turbines. The mitigation that officers would ask to be put in place would be condition surveys of the highways before and after any work and it would also include a condition survey for the bridge. Therefore if work was required on the bridge this would be carried out at the applicant's expense.

In terms of public amenity and use of the old Durham Road by pedestrians and cyclists, it was acknowledged to be a rural area and something obviously used by those groups of highway users. The road would only be needed for a short period of time and this was about allowing the construction to be carried out. The drivers that would be using the route were professional drivers and should articulated vehicles be using the route they would be asked to carry out a pre-survey to ensure that they were aware of the location.

Where concerns had been raised in relation to the Wynyard Road Junction this was something that officers felt could be achieved for the regular use of the HGV vehicles in that area. This was a rural area and would be used by tractors and other rural vehicles currently.

Where suggestions had been made in relation to alternative routes for the construction vehicles there was direct access to the site from the A177 and Durham Road itself. There was a bus stop in that location which was infrequently used, however officers had concerns relating to this alternative route as officers would need to be satisfied that motorists which were already travelling on the A177 would have forward visibility if a slow moving HGV was pulling out and there was no evidence which had been put forward to prove this. The proposed Construction Management Plan provided was acceptable and therefore no alternatives had been provided.

Officers explained to Members that there was no requirement for the applicant to look around at any other alternative sites. The site had been proposed on the northern side of the railway due to National Grid constraints and contracts, and

the southern side was not a feasible proposal.

Concerns raised in relation to fire safety, officers explained that the Health and Safety Executive (HSE) had been contacted who did not consider it to be a COMAH site however it was up to the applicant to make a notification to the HSE which would then determine if it was a COMAH site. Cleveland Fire Brigade and Cleveland Emergency Planning Unit were contacted and confirmed that as long as they were aware of the site to enable them to make plans should there be an incident that the appropriate emergency services could be sent to deal with it.

Where comments had been made about the site becoming a gas peaking plant a new application would be required and presented to the Planning Committee.

Officers confirmed that issues surrounding the anomalies within the report such as the size of the building etc. where the applicant had applied for the maximum size could possibly be reduced.

Members were given the opportunity to ask questions/make comments. These could be summarised as follows:

Did the application pass the sequential test in terms of alternative sites and connecting to the network?

The main concern seemed to be that of the construction phase of the development. Members referred to the Construction Management Plan and suggested that if the community and the developer worked together along with the Traffic and Network Safety Manager then all concerns could be addressed. It was felt that residents' concerns regarding construction vehicles and the route they would take should be mitigated to the nth degree, and once construction was completed all should go back to how it was before.

The development helped the production of carbon production targets which was very important for the National Energy Policy going forward.

It was felt that by being able to provide a continuous electricity supply in the UK was a positive thing and was of national importance.

Members requested an alternative route be looked at from the A177 where there was a tunnel under the road. This would prevent vehicles having to enter the village at all.

Concerns were raised in relation to the impact construction vehicles would have on the infrastructure of the village. Reference had been made by the applicant that there would be a maximum of 3 lorries passing through the village on a daily basis however officers stated this could be up to 50. It was essential that another access into the site be looked at before the application could be considered further

Thorpe Thewles could not be allowed to suffer 6 months of construction vehicles as detailed with the application.

Why was such an industrial development being put on a greenfield site when

there was so much brownfield land throughout the Borough?

Questions were raised in relation to how the power was transferred from the proposed development into the National Grid.

The Applicant had mentioned that the construction period would be over 6 months however the report stated that it would take between 12 to 15 months. Clarity was sought as to which was correct.

Officers were given the opportunity to respond to concerns and issues raised. These could be summarised as follows:

There was no requirement for the applicant to carry out the sequential test however officers did ask the question as part of the application and it was indicated that there was no capacity or other connection to take this facility.

Where Members had raised concerns relating to how power would get into the National Grid, Officers explained that the plan indicated that the grid connection would be linked to an existing pylon under the railway, and Network Rail had been made aware of this. The Applicant also confirmed to Members that the connection would not require a new pylon. There would be a 132 cable which was underground under a boxed Culvert under a railway, up to the connection point and up to the grid station.

In relation to Members concerns relating to access and egress The Traffic and Network Safety Manager explained to the Committee that direct access from the A177 was not guaranteed to be safe at this time as no information had been provided. If Members were minded to approve the application subject to access from the A177 being available officers could not give Members that guarantee. The access which had been assessed was through the village. Members concerns regarding the maximum number of construction vehicles in any one day being 50. It could be that this would only be 2 or 3 days at that level, and other days may only see 3 or 4 vehicles per day.

In terms of the 6 months which the applicant had referred to for the construction period, officers had looked at the period as being 12 to 15 months.

A move to defer the application was made and seconded. A vote then took place and the deferral was approved.

A request was made by Members that access and egress routes be re-examined and submitted when the application was to be resubmitted to a future meeting of the Planning Committee.

RESOLVED that the application be deferred to a future meeting of the Planning Committee.

**P  
74/16**

**16/1024/REM  
Land South Of Cayton Drive, Thornaby,  
Application for reserved matters approval (appearance, landscaping,  
layout, access and scale) for the erection of 45 No. dwellings, access from  
Cayton Drive and ancillary works pursuant to outline planning consent  
ref:15/1466/OUT**

Consideration was given to a report on planning application 16/1024/REM Land South Of Cayton Drive, Thornaby.

The Planning committee considered the application on the 6th July 2016 and 7th September 2016 which was based upon the officer's report and update report presented to committee as attached at Appendices 4 & 5. The Officer recommendation was for approval subject to conditions and informatives.

In considering the proposal, the Planning Committee raised a number of concerns in relation to the proximity of development to the existing dwellings adjacent to the northern site boundary and due to the lack of a second access serving the development. The Planning Committee requested that these matters be looked into further and for the application to be placed back to the Committee at a later date. The applicant made some minor site layout changes although remained to propose a single point of access. On the 7th September, Committee considered the revised scheme and supporting information. Committee remained to be concerned over the scheme and deferred from making a decision and requested the applicant reconsider the scheme and ways in which to provide the 2nd access and reduce the impact on neighbours.

The applicant had now submitted an appeal with the Planning Inspectorate based on the Local Planning Authority's non-determination of the application. The appeal had been confirmed as valid and the Local Planning Authority could no longer determine the application. In such circumstances, the Local Planning Authority were required to provide the Inspectorate with information as to how they were minded to determine the application and thereafter make a case based on that 'minded to' decision.

In view of this, the application was now being placed before the Planning Committee to gain a 'minded to' decision.

The officer recommendation remained as that of the previous report which was to approve subject to conditions and informatives. The approved plans list from the main report had been amended as detailed within the previous update report and the conditions detailed below now formed the current conditions being recommended. Officers stood by the earlier considerations within the previous reports as at appendix 4 & 5. Should committee still be minded to refuse the reserved matters scheme for the development of the site, it was strongly suggested that the lack of a second access for the site not be used as a reason for refusal as there was no technical support for such an objection from the Council's professional officers. With regards to Committee's concerns over the impacts on residents, it was accepted that members may disagree with officers on this point. Impacts on amenity of existing residents was controlled by saved Local Plan Policy HO3(v) which required new residential development to not 'result in an unacceptable loss of amenity to adjacent land users' and the National Planning Policy Framework at paragraph 17 indicated a core planning principle as being to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Officers consider due regard had been had to the privacy and amenity impacts of the scheme on the occupiers of existing properties as detailed within the main report.

The Senior Planning Officer informed the Committee that he had received confirmation that morning that the appeal the applicant had submitted with the Planning Inspectorate based on the Local Planning Authority's non-determination of the application was now valid. The Council were therefore now in a position where they could only issue a decision on what they would be minded to determine and this would then form the basis of the Council's statement at the appeal.

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

An overview was given as to how the original approval had come about. In early January 2015 Cabinet had recommended to Council that the site at Thorntree Farm and Land to the south of Cayton Drive which were proposed by officers for removal from the green wedge as part of the regeneration and environmental local plan be reinstated as such that Cayton Drive be removed as a potential housing site under Policy H222 and remain as part of open space and part of the Tees Heritage Park. This was unanimously endorsed at Council, however this did not seem to have been relayed to the Planning Inspector.

On appeal the Planning Inspector did not consider the site to be within green wedge and Council did not contest this. Reference was also made to the Tiviot Way application which had been lost at appeal; however there had been an application made within the same green belt area where the applicant was told his application was part of the green wedge. It appeared that there was no consistency.

In relation to the second access, the Committee had been shown pictures of a refuse vehicle passing two cars; however the picture was not taken when people were at home. The access route was on narrow quiet roads where children could play when it should be on Middleton Avenue which was wider.

Reference was made to an approved site at Mount Leven where the authority had insisted on safe access; therefore it should have been the case here.

There was little more that could be said to Committee as it had been said over and over again.

Members of the public felt due to the fact nothing had changed within the application the developer was arrogant.

The developer had sent letters to local residents, which some felt were intimidating, trying to get them to change their minds.

Accept the developers proposals with minimum improvements and they would go easy on us, or go against and they will be punish us for daring to value the current amenities and standard of life which would be detrimentally effected by the proposed houses.

At this time of year especially when British summer time ended and with clocks going back, the sun was lower in the sky, especially over Bassleton Woods. All the neighbours gardens were half in the shade and with proposed housing

being built a few feet from everyone's back fence all the gardens would be in total shade. This could not be right as the minutely altered plans made no difference whatsoever.

It should be virtually impossible for the Committee to approve the application with clear consciences and accept the exact same proposals which they rejected a little over a month ago.

The Planning Committee had acted with dignity and respect for local people and local matters throughout the whole process.

What sort of message would this send out to developers if the mere threat of an appeal would make this Council quiver on the back of common sense policies?

Reject these plans and ask the developer to resolve the second access issue which they seem to have misled the Inspector into believing that they had and ensure that residents were not made to sacrifice their current standard of life for the benefit of someone else and where someone else profited.

By holding this meeting the developer once again was defying the Committees authority.

Were Members of the Planning Committee and Planning Department aware that some residents had received intimidating letters from the developer's agent? The unacceptable letter gave a misleading statement by stating that; 'My client made an offer to Council to move all the buildings back by 3 metres from the northern boundary and this did not come across at the meeting'. It did not come across because it was not mentioned at the last meeting, so the developer was not only content to mislead the Planning Inspector but also sought to change what was said at the last meeting. The Developer was still refusing to show one resident living room extension on their site plans which was on the eastern side of his house. By doing so they once again give a misleading impression, that a gable end of a 2 bed semi-detached house with the window and the side door looking directly into the residents' living space. By studying the plans some existing residents would have large detached houses right across their entire shallow gardens, whilst others had part of the house dominating and imposing on their privacy. Only 1 or 2 houses on the northern boundary got an open space behind them, surely all residents deserved better than that. Planning Committee were asked to protect residents from this uncooperative company.

It was up to the Planning Department to work with the developer so that the decisions made by the Planning Committee were followed through.

When the original outline planning application was made the Planning Department stated that it was desirable to have 2 entrances. What made them change their mind? They also stated they would have preferred, due to the linear nature of the site a single line of houses as shown on the visual application. Contrary to what the Planning Department had said the issue of a second entrance was not a matter for reserved matters as the appeal inspector approved 2 entrances. The Committee also needed to know why the Planning Department did not carry out Stockton Borough Councils instruction to re-instate the site as green wedge and Tees Heritage Park status. This was just not good enough. There needed to be an enquiry into the behaviour of both the developer



and the Planning Department. The reputation of local government demanded it.

It appeared there had been no changes to the developers' plans and therefore there was confusion as to why the meeting was being held.

There should be 2 accesses to the site.

Referring to the plans which were presented during the meeting an objector highlighted that that the plans were out of date and misleading. Pointing to his own house on the plan he highlighted that the plans were inaccurate. The distance between the objectors' house and one of the proposed new houses was inaccurate. The objector stated that he himself had measured the distance which was 7.25 metres which was a lot less between. The objectors' garden was a south facing garden and the proposed new dwelling would cause a huge amount of shade, not only on the garden but on his house also.

If the application was to go to appeal then it was felt that the appeal inspector should receive the opinions of the public as well as the developer.

Ward Council Mick Moore was in attendance and given the opportunity to make representation. His comments could be summarised as follows:

If Stockton Borough Council had stuck to its policy to preserve green wedge there would be no need for this.

Reference was made to documentation from 1986 which stated that the area was part of green wedge and the amount of traffic created would be harmful to the area and that was only when 20 houses were proposed.

A request was made to call the application in for a full public enquiry.

Officers were given the opportunity to respond to concerns and issues raised. These could be summarised as follows:

Officers confirmed that on a previous application there had been a greater buffer between the proposed houses and existing houses which had been achieved by moving the development further to the south, however officers had concerns about the impacts on the future occupiers in that the trees in the southern tree belt would mature at 20 plus metres and officers' felt that the new houses shouldn't be too close to those for long term amenity issues given they were south facing gardens. A suggestion had been sent to Members that the applicant could move the development 3 metres further south. From an officers' perspective that would not gain officers support. Ultimately that was not part of the committees' consideration at this meeting. Now the appeal had been validated this would have to come through as a separate application.

If the application did end up at appeal all the comments from residents and all the committee reports would be sent to the Planning Inspector. If there was a hearing then members of the public would get the chance to speak at that hearing.

Members were given the opportunity to ask questions/make comments. These could be summarised as follows:

Having 2 accesses was paramount to this application. It wasn't possible to take housing away from the site as that was already agreed however what could be done was fight for the best possible outcomes for the residents and get the best possible layout for the development.

At the last meeting it had been discovered that there had been no contact between the developer and the owner of the ransom strip and this was still the case. This needed to be addressed to move forward.

Officers had already indicated that the layout could be improved. It appeared that the developer was looking to maximise his profits.

If officers were really saying that one access was sufficient that access must come off Middleton Avenue.

A Members had received an e mail from a resident describing an incident which had occurred during the previous week on the 12th October at the corner of Liverton crescent and Cayton Drive.

Photographs presented to Committee were showing the roads during quiet times of the day, if the roads were visited on a weekend it would show a completely different story.

Reference was made to information contained within the main report where officers' had strongly suggested that lack of a second access site not be used as a reason for refusal as there was no technical support for such an objection from the Councils professional officers. However it stated on the same page that the Committee remained concerned over the scheme, requested the applicant reconsider the scheme in ways in which to provide the second access and reduce the impact on neighbours'. In the minutes of the Planning Committee which was held on the 7th September 2016 it stated that a Senior Planning Officer had been informed that the applicants' solicitor had contacted the current owners of the strip of land leading onto Middleton Avenue which was preventing additional access. There had been no response as yet. Had the applicant followed this up with the housing association?

Reference was also made to the same minutes where it was stated that 'Clarification had been sought as to the intention of the developer should they acquire the ransom strip and if so could they provide a second access to the site'. The applicant was not in attendance to clarify the situation. Did we know what the current situation was, and were any negotiations taking place?

Within the report it stated that the submission indicated that based on the 2011 statistics from the National Office of National Statistics that the average car ownership for this ward was 1.02 cars per household however according to the same 2011 statistics, the Village Ward had a mix of housing including social housing at 22.2% and private rented at 14.5% where car ownership was likely to be lower than the area being considered today. Members questioned the relevance of those statistics around the Cayton Drive area as they would be much higher than this.

The Committees attention was drawn to the statement made within the report

which stated that the width of Cayton Drive and Liverton Crescent were 5.3 and 5.5 metres respectively and this was sufficient to allow an emergency vehicle to pass even in the instance of there being parked cars within the street. It was suggested that even if this was the case that during construction of the development, construction vehicles would be considerably larger than many emergency vehicles and Cayton Drive would be totally unsuitable as a single access.

The developer had not tried very hard at all to contact the owners of the ransom strip.

The letter which had been sent to residents from the developers agent stating that they would move the proposed properties 3 metres, which according to Planning Officers was not acceptable, questioned whether there were too many houses on the development, and maybe the application should revert to the 20 properties which had been submitted in an application in 1986.

The resubmission of the application was highly disrespectful of the Committee and there was no reason to change the decision from the last meeting which considered the application.

Officers were given the opportunity to respond to concerns and issues raised. These could be summarised as follows:

In relation to a comment raised regarding the outline application and the appeal inspector and the issue of accesses, there was nothing within the appeal decision which inferred or stated that a second access was required and in terms of best practice, had the appeal inspector considered that it was essential for a second access then that should have been a condition of the application at outline approval which wasn't the case.

The Inspector had stated that a suitable access could be achieved at outline stage which could have been either or access. Therefore the Middleton Avenue access or Cayton Drive or both.

In terms of consideration about traffic in relation to the 1986 application. The application was considered at that time of the outline application. Officers now had to look at traffic in terms of the NPPF which this application did not demonstrate that it was severe; therefore there was no highway objection to the levels of traffic associated with the development.

Where Members had quoted statistics in terms of car ownership, the application did conform to car-parking standards so therefore there should be sufficient parking within the curtilage of the properties.

Highways were satisfied that access could be achieved for refuse vehicles and emergency vehicles etc. In terms of the possibility of the three options of access, the proposal was the least preferable however there was no highway reason why it could not be accepted as satisfactory access.

Where concerns had been raised in terms of construction vehicles, as part of the outline application it was considered that the Construction Management Plan would be included in that. The condition had not been discharged however

comments had been noted in relation to Members views.

The Chief Solicitor highlighted the 2 reasons which had been discussed at this and prior meetings, one being the access where Members had expressed a requirement for a second access, or, if only one access then this should be off Middleton Avenue, and the second being impact to amenity on neighbours. The Chief Solicitor expressed a word of caution on using the access as a reason for refusal as there was no highway technical evidence to back that up. If this was used as a reason for refusal then significant harm of using the sole access off Cayton Drive must be demonstrated. Technical Officers had no reasons or evidence for that which would be needed at appeal. A similar argument was lost on a previous application at Busby Way, Yarm and costs were awarded. Where there was a reason in relation to the impact on amenity to neighbours, layout and scale, this was a matter which could be considered at reserved matters. If Members felt the houses were too close to existing houses and impact on the amenity of both the existing residents and the residents of the proposed development then that was a subjective matter which Members could determine. Members would need to look at how close the houses were to the existing properties to determine what the harm was. This was reasonable and would be supported if this was chosen as a reason for refusal.

The Chief Solicitor explained and clarified points which had been raised in relation to green wedge which was a matter for outline application and not reserved matters.

It was explained and confirmed that the more reasons for refusal a committee may have, the longer the appeal, the more evidence would be required and the more likely an inspector may find some of the reasons unreasonable and possibly grant the appeal and associated costs would be awarded against you. If. Also for clarity the Chief Solicitor explained that the applicant had not brought the application back as they had appealed for non determination against the Committees request to defer. It was officers who had brought the application back to tell the inspectorate whether the Committee would have approved it or if not what the reasons for refusal would have been. If access was to be used as a reason against officers advice then it would need to have highways evidence as to why that one access off Cayton Drive be unacceptable and what was the significant harm which would be brought about by the applicants' proposal.

There was no criticism of the Committee for trying to get a better scheme from the developer, however it was the developers right to go to appeal.

A vote took place in relation to the reason for refusal being based on access as detailed above which was not carried.

A vote took place in relation to the reason for refusal being based on amenity and layout and the reason was carried.

A vote took place and the application was minded to refuse given that the appeal had already been made against the non-determination of the application for the reasons as detailed below.

**RESOLVED** that the application 16/1024/REM Land South Of Cayton Drive, Thornaby be determined as follows:

Minded to refuse as the proposal would adversely impact on amenity of existing and proposed residential properties by virtue of form, layout and scale of the proposed development.

**P 15/3122/FUL**  
**75/16 Townend Farm, Whitton, Stockton-on-Tees**  
**Erection of a detached dormer bungalow with attached double garage.**

Consideration was given to a report on planning application 15/3122/FUL Townend Farm, Whitton, Stockton-On-Tees.

Planning permission was sought for a detached four bedroomed dormer bungalow with attached garage located to the south of the host property at Townend Farm, Whitton. The site was the former tennis court located within the residential curtilage of Townend Farm. The majority of the site was located outside of the limits of development as set out under saved policy EN13, with part of the driveway area being within the limits. The site nevertheless now reads as being part of the residential curtilage of the original farmhouse. Whitton village was also identified as a Tier 4(1) village within the Council's Planning the Future for Rural Villages Study (2014).

One neighbour comment had been received concurring with the opinion of the Planning Inspectorate in the 2007 appeal for Town End Farm that Whitton should be considered as a sustainable village and location. Also commenting that the tennis court area was previously developed land and the style of the bungalow fit in with the surrounding area.

Whilst noting the limited service provision within Whitton village, recently there had been a number of appeal decisions which had accepted that sites had been sustainable even though they may have been within or on the edge of tier 3 and 4 villages and which were considered as unsustainable locations by officers. In particular planning appeal decisions in the villages of Redmarshall and Cowpen Bewley had made it clear that reliance on the Planning the Future of Rural Villages study (2014) to control new residential development was no longer appropriate.

Careful consideration had therefore been given to the implications of these appeal decisions as well as the more recent appeal decisions for new dwellings in Elton which were dismissed due to its unsustainable location. Despite the Council having successfully defended appeals for residential development within some villages which were considered to be in unsustainable locations (as identified within the villages study, 2014), some of these decisions predated the publication of the National Planning Policy Framework (NPPF) with regard to sustainable development and in particular paragraph 55 relating to development in one village supporting services within a village nearby.

The more recent appeal decisions which had been allowed, had therefore focused on this element including the 'clustering' of certain villages with other nearby and more sustainable settlements. As an example this had included the close proximity of Redmarshall to the villages of Carlton and Stillington.

However, it remained clear that within the Borough there would remain village locations which were more isolated and did not possess the characteristics of being able to be considered as functioning as part of a recognised cluster of villages would continue to be considered to be unsustainable. Villages that may also have limited opportunities for use of alternative modes of transport were also likely to be unsustainable

In considering the merits of this particular case, an assessment had been undertaken of the recent planning appeal decisions, the village boundary for Whitton and whether the village was sustainable given the proximity and service provision available within Stillington. It was considered that Whitton remained at the very limits of sustainability in having no service provision within the village itself. It was only as a result of its relative close proximity to Stillington and its regular and well-connected bus service that it was able to be considered as part of a cluster of villages. It could therefore be argued that this development would help maintain and enhance the vitality of the adjacent villages thereby reflecting the approach of paragraph 55 of the Framework.

In addition the proposal would also bring some economic benefits in the short-term during the construction phase and through on-going support for local businesses in the area by future occupiers of the new dwelling. These positive benefits were given weight in favour of this proposal.

Taken in the round, with the services and facilities that would be available to the village combined with the public transport offer both to Stillington and Stockton Town Centre would mean that future residents would have reasonable levels of access to the range of services to meet their day to day needs, from a reasonable choice of alternative transport modes which were commensurate with the location of the site. In view of this, the proposal would conform to the principles set out within section 4 of the Framework and guidance on the provision of rural housing within the Practice Guidance.

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 whilst noting the limited service provision within Whitton village, recently there had been a number of appeal decisions which had accepted that sites had been sustainable even though they may have been within or on the edge of tier 3 and 4 villages and which were considered as unsustainable locations by officers. Careful consideration had therefore been given to the implications of these appeal decisions as well as the more recent appeal decisions for new dwellings in Elton which were dismissed due to its unsustainable location. It was evident that these recent appeal decisions which had been allowed, had focused on the 'clustering' of certain villages with other nearby and more sustainable settlements. As an example this had included the close proximity of Redmarshall to the villages of Carlton and Stillington.

It was considered that the specific location of the development site within Whitton village along with the footpath links from the site and bus service provision and access to social and economic facilities within the neighbouring villages. However, Whitton was considered to remain at the very limits of sustainability in having no service provision within the village itself and it was only as a result of its relative close proximity to Stillington and its regular and well connected bus service that it was able to be considered as part of a cluster of villages.

There was no undue risk to highway safety with adequate parking provided, while the design fit in with the existing character of the village. The separation distances to the neighbouring properties also ensured there would be no significant impact on the amenity of the neighbouring residential properties.

In view of all of the above and taken in the round, the services and facilities that would be available to the village within Stillington combined with the public transport offer both to Stillington and Stockton Town Centre would mean that future residents would have reasonable levels of access to the range of services to meet their day to day needs, from a reasonable choice of alternative transport modes which were commensurate with the location of the site. Consequently it was considered that the proposal was in broad accordance with the Development Plan and the National Planning Policy framework and there were no material planning considerations which indicated otherwise. It was recommended that conditional planning permission be granted.

A vote then took place and the application was approved.

RESOLVED that application 15/3122/FUL Townend Farm, Whitton, Stockton-on-Tees Erection of a detached dormer bungalow with attached double garage be approved subject to the following conditions and informatives;

Approved plans

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

Plan Reference Number    Date on Plan

1590/03 C 21 March 2016  
TCP02 21 March 2016  
1590/01 O 16 December 2015  
1590/02 O 16 December 2015  
1590/04 O 16 December 2015  
1590/05 O 16 December 2015

#### Hours of Construction

03. No construction activity shall take place on the site outside the hours of 8.00 - 18.00 Monday to Friday, 8.00 - 13:00 pm Saturday and nor at any time on Sundays or Bank Holidays.

#### Unexpected land contamination

04. 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. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### Driveway materials

05. Notwithstanding the submitted drawings, the proposed driveway to be constructed shall be permeable materials and shall be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

#### Tree protection

06. Notwithstanding the submitted information no development shall commence until an Arboricultural Method Statement (including no dig construction) and Tree Protection Plan are submitted and be approved in writing by the Local Planning Authority. These documents must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction - Recommendations
2. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007
3. And the details mentioned in section 5.2 of the Arboricultural Impact Assessment submitted with this application (except point 2 that mentions excavations as these should not be carried out in the no dig area). 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.

#### Soft landscaping

07 No development shall commence until full details of Soft Landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works



indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following occupation of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

### Informative 1: 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 2- Northern Gas Networks

Northern Gas Networks has commented that there may be apparatus in the area that may be at risk during construction works and should the application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in details. Should diversionary works be required these will be fully chargeable.