

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 22nd February, 2017.

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

**Officers:** Greg Archer, Barry Jackson, Simon Grundy, Joanne Roberts, Peter Shovlin, Colin Snowdon, Jonathan Stocks (DEGDS), Julie Butcher(DHR, L&C), Sarah Whaley

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

**Apologies:** Cllr Stephen Parry(Vice-Chairman), Cllr Gillian Corr, Cllr Elsi Hampton, Cllr Mrs Sylvia Walmsley,

### **P Evacuation Procedure**

**104/16**

The Evacuation Procedure was noted.

### **P Recording of Council Meetings**

**105/16**

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**

**106/16**

Councillor Ian Dalgarno declared a personal none prejudicial interest in relation to item 16/3022/REV Land South Of Cayton Drive, Thornaby, as he was Ward Councillor for Village Ward and had participated in public consultation events. Councillor Dalgarno stated he was not pre determined and reserved the right to speak and vote on the item.

### **P Minutes from the meeting which was held on the 1st February 2017 for approval and signature**

**107/16**

Consideration was given to the minutes of the meeting which was held on the 1st February 2017 for approval and signature.

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

### **P 16/2445/FUL**

**108/16**

**Former Site of Blakeston School, Junction Road, Norton  
Hybrid planning application comprising 1) full planning application for A1 retail food store with car parking and associated ancillary development and 2) outline permission for circa 80 dwellings and associated access with all other matters reserved**

Consideration was given to a report on planning application 16/2445/FUL Former Site of Blakeston School, Junction Road, Norton, Stockton on Tees.

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

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

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the application site was located with the limits to development and was considered to be a sustainable site. Whilst the proposed developments would result in the loss of playing fields Sport England were satisfied that the Council was committed to ensuring sufficient playing pitches would remain elsewhere within the Borough and the proposal was considered to accord with the requirements of paragraph 74 of the NPPF.

The proposed retail store was considered to satisfy the requirements of national and local planning policy guidance and would not have any detrimental impacts on the vitality and viability of the Borough's retail centres. In addition the proposal was considered to have some social and economic benefits which outweighed any limited harm that would arise.

In terms of housing, the Council was only able to demonstrate a 4.5 years housing land supply the provision of housing to address the shortfall in the 5 year housing land weighed in favour of the scheme. As the application sought only outline planning consent the final details would be subject to a future application although it was considered that a form of residential development could be accommodated on the site without it significantly affecting the character of the areas residential amenity or highway safety and was therefore acceptable.

In view of the above considerations the proposed development was therefore considered to be in broad accordance with the relevant national and local planning policies and was considered to be acceptable in planning terms with regards to the other material planning considerations. However, in view of a press advert and associated consultation which was yet to expire (2nd March 2017) it was recommended that Members be minded to approve the application subject to no new material planning considerations being raised and subject to those conditions set out in the main report.

The Applicants Agent was in attendance at the meeting and was given the opportunity to make representation. With the exception of the information already provided and detailed within the main report, the Agents comments could be summarised as follows:

- The proposed new Lidl store would bring new jobs to the local area.
- It was highlighted that 95 people had attended a public exhibition where public and officer comments had been taken on board which resulted in improvements

being made to the application.

- The application complied with all policy tests.

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

Discussion took place around the hybrid element of the application and access and egress to the proposed site and to that of a separate application involving the proposed neighbouring crematorium which had already been given outline planning approval.

- Clarity was sought as to whether there was a covenant on the site.

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

- The Chief Solicitor explained that in terms of questions raised relating to a covenant, that this could not be taken into account. All development constraints would have to be taken into account by the developer.

- The Urban Landscape Manager confirmed all proposed access points to the proposed site and the proposed crematorium. Access to the crematorium had been extended to accommodate the slow queuing nature of how vehicles travel into a crematorium. It was also confirmed that access to the proposed Lidl store had been designed in accordance with the Councils Design Manual.

A vote then took place and the application was approved.

That members be minded to approve planning application 16/2445/FUL subject to no new material planning considerations being raised out of the consultation period and subject to the following conditions, informative and Heads of Terms below;

A) Retail store permission;

Approved plans;

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

Plan Reference Number	Date on Plan
1412 PL 101	22 September 2016
1412 PL 102 A	22 September 2016
1412 PL 103 A	22 September 2016
1412 PL 100 A	22 September 2016
1412PL 105 F	21 December 2016
A(00)GAE001 REV 4	8 December 2016
A(00)GAP001 REV 4	8 December 2016
A(00)GAP101 REV 3	8 December 2016
A(00)GAP201 REV 2	8 December 2016
R/1869/1A	20 December 2016

Materials;

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

Existing and Proposed Site levels;

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

Soft landscaping details;

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

Tree Protection;

05 No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority. Such protection shall comply with (Section 7, BS 5837:2012 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Landscape Maintenance;

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

Hard Landscaping;

07 Prior to the occupation of the hereby approved store a scheme for all hard landscaping works shall be submitted to and be approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme and implemented in full prior to the development being

brought into use.

#### Boundary treatments

08 All means of enclosure associated with the development hereby approved, including railing to the front of the premise shall be in accordance with a scheme to be agreed with the Local Planning Authority prior to the occupation of the hereby approved store. Such means of enclosure as agreed shall be erected before the hereby approved store is brought into use.

#### Lighting;

09 Details of the external appearance of any lighting to the building and car park area, along with the colour and luminance level shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation of the hereby approved car park.

#### Hours of demolition/construction Activity;

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

#### Construction Management Plan;

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

#### 10% Renewables;

12 No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO<sub>2</sub> emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

#### Travel Plan;

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

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services

- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

Foul and Surface water drainage;

14 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any surface water drainage scheme shall include details of discharge rates with sufficient storage within the system to accommodate a 1 in 30 year and a 1 in 100 year event without surcharging the drainage system or a watercourse; micro Drainage design files; and, any flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event. Thereafter the development shall take place in accordance with the approved details.

Opening times;

15 The hereby approved retail store shall not be open for business outside the hours 07:00- 22:00 Monday to Saturday and 10:00 to 17:00 on Sundays and Bank Holidays.

Servicing Arrangements;

16 No servicing or deliveries shall be made to the hereby approved retail store between the hours of 23.000-07.00.

Retail restriction:

17 The hereby approved premise shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class revoking or enacting that Order. The hereby approved premises shall have a maximum net retail floor space (net sales area) of 1,424sqm. In addition no more than 20% of the permitted retail floor area shall be used for the sale of comparison goods and the number of lines that shall be available for sale in the store at any one time shall not exceed 1,800. The hereby approved store shall also not include any post office, pharmacy, butcher or bakery other than the heating of pre-prepared products. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

No subdivision:

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

Ecological mitigation;

19 All ecological mitigation measures shall be carried out in full accordance with

the advice and recommendations contained within submitted 'Ecology Habitat and Protected Species Assessment' (prepared by Tees Valley Wildlife Trust; July 2016).

Noise disturbance from plant/machinery;

20 Prior to any plant or machinery being installed and being brought into use, details shall first be submitted to and be approved in writing by the Local Planning Authority. Where any plant is expected to increase background noise levels, it shall be enclosed with insulation or other appropriate sound control measures such as acoustic fencing including provision for an appropriate maintenance regime which must also first be agreed in writing with the Local Planning Authority. Thereafter the plant and agreed sound control measures shall be maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any acoustic screening or vibration mounts.

Land contamination;

20 No development shall be permitted to start until a report detailing staged intrusive site investigation and characterisation has been completed and submitted to the Local Planning Authority for approval. Where appropriate a risk management report including any remediation and validation reports may also be required and shall also be approved by the Local Planning Authority. Thereafter the proposed development will be carried out in accordance with those agreed details.

B) Outline residential permission;

Approved Plans;

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

Plan Reference Number	Date on Plan
1412 PL 101	22 September 2016
1412PL 105 F	20 December 2016

Time limit for submission of the reserved matters;

02 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Time limit for commencement;

03 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reserved matters;

04 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Dwelling numbers;

05 The total number of dwellings authorised by this permission shall not exceed

80.

Conformity with the submitted masterplan

06 The details of the reserved matters shall broadly follow the principles and parameters set out of drawing 1412 PL105 Rev F submitted with the planning application.

Existing and Proposed Site levels;

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

Affordable housing;

08 Development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall deliver 15% of affordable housing provision unless supported by relevant viability evidence or an alternative provision as identified by government.

The affordable housing shall be provided in accordance with the approved scheme(s), which shall include:

- i. the numbers, type, tenure, mix and location on the site of the affordable housing provision to be made within the relevant phase;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or to ensure that the affordable housing is affordable to both first and subsequent occupants; ; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced.

Ecological mitigation;

09 All ecological mitigation measures shall be carried out in full accordance with the advice and recommendations contained within submitted 'Ecology Habitat and Protected Species Assessment' (prepared by Tees Valley Wildlife Trust; July 2016).

Scheme for the protection of trees

10 No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2012) has been submitted to and approved in writing by the Local Planning Authority. 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.

Foul and Surface water drainage;

11 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any



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

Construction Management Plan;

12 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

Construction activity;

13 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

Railway Construction Method Statement;

14 Prior to the commencement of any residential development, a method statement for construction of the residential development shall be submitted to and be approved in writing by the Local Planning Authority. Such a scheme shall include provisions for details of the methods of demolition; any excavations and earthworks to be carried out near the railway undertaker's boundary; provision for cranes or other mechanical plant working to be carried out in a "fail safe" manner or other suitable arrangements to secure the safety of the railway; provision for the notification of the Asset Protection Project manager; and, the storage and security of materials. The hereby approved development shall be carried out in strict accordance with those agreed details during the demolition and construction of the building.

10% Renewable energy requirement;

15 No development shall take place until details of how the hereby approved development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources or other alternative measures such as a fabric first approach, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Travel Plan;

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

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

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

Noise disturbance from adjacent rail traffic

17 Prior to the construction of any of the proposed dwellings, a noise report and mitigation scheme for the protection of the proposed dwellings from noise from the adjacent railway line shall be submitted to and be approved in writing by the local planning authority. All works which form a part of such a scheme shall be completed before any of the permitted dwellings are occupied.

Land contamination;

20 No development shall be permitted to start until a report detailing staged intrusive site investigation and characterisation has been completed and submitted to the Local Planning Authority for approval. Where appropriate a risk management report including any remediation and validation reports may also be required and shall also be approved by the Local Planning Authority. Thereafter the proposed development will be carried out in accordance with those agreed details.

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

## HEADS OF TERMS

The applicant will be required to provide the following infrastructure requirements under the sale of the land (or such other Heads of Terms as may be agreed by the Director of Economic Growth and Development Services);

- Contribution towards primary and secondary education in line with Council's adopted formula
- Provision of a commuted lump sum of up to £172,700 for off-site provision at Newham Grange Park

**P 16/3022/REV**  
**109/16 Land South Of Cayton Drive, Thornaby,**  
**Revised application for reserved matters approval (appearance,**  
**landscaping, layout, access and scale) for the erection of 45 No.**  
**dwelling, 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 16/3022/REV Land South Of Cayton Drive, Thornaby.

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

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

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that in view of the above considerations contained within the main report, the proposed development was considered to satisfactorily address the concerns of the Planning Inspector so that it now represented a suitable layout which was in keeping with its surroundings, while providing adequate access and levels of residential amenity for the nearby residential properties in terms of privacy and amenity. It was recommended that the application be approved with conditions for the reasons specified within the main report.

Members were presented with an update report detailing the Planning Inspectorates dismissal of the applicants appeal for non-determination and costs for the previous outline application for the site (16/1024/REM) which members were minded to refuse. In addition further objections had also been submitted from neighbours at 33 Liverton Crescent, 25 Lockton, 10 Cayton Drive and 91 Bassleton Lane. Full details of the Planning Inspectorates dismissal and the additional objections received from neighbours were contained within the update report. The Planning Officers recommendation remained unchanged which was that the application be approved with conditions as detailed within the main report.

A further update from ELG was presented to members which detailed the Applicants appeal.

Objectors attended the meeting and were given the opportunity to make representation. With the exception of those submissions already provided during the consultation period, and detailed within the report, objector's comments could be summarised as follows:

- Concerns were raised in relation to the difficulties of getting large HGV vehicles up and down the narrow roads during construction, including the installation and removal of workman's cabins.
- Questions were raised in relation to who would clean the site.

- It was requested that issue surrounding the ransom strip should be investigated further, and a second access onto the proposed site should be insisted on.
- A site visit was requested to enable Members to appreciate how narrow and congested the proposed one point of access was.
- In terms of the Appeal , it was felt that the time of 10.00am when the Planning Inspector visited the site was the wrong time, as this did not show when the area was at its busiest and when the risk of accidents was at its highest.
- With regard to the recent appeal decision it was noted that the Planning Inspectors report stated that the benefits of the scheme would not outweigh harm to neighbours.
- Plot 1 and Plot 45 had crept into the 10 metre buffer zone.
- Some existing neighbours would be overlooked by the proposed development whilst others wouldn't be. Questions were raised as to why it was ok that some home owners would be penalized and others wouldn't, every existing neighbour should be afforded the same amount of privacy.
- The timing of this Planning Committee had been too soon which did not allow enough time for evidence gathering.
- Concerns were raised in relation to the high water table in the area. Existing residents were experiencing boggy gardens and overflowing drains. Objectors questioned why any prospective buyer would want to buy a house with gardens that were inclined to flooding.

Officers were given the opportunity to respond to comments/issues raised by the Objectors. Their responses could be summarised as follows:

- Officers highlighted that a number of concerns which had been made by Objectors could not be considered as reasons for refusal as they related to the principle of the development which had already been established.
- The Outline Planning consent still stood.
- Separation distances were well in excess of what was required.
- In terms of concerns raised relating to 2 accesses, it was up to the applicant to choose whether they had 1 or 2 access points and they had chosen 1 which was considered acceptable.
- In terms of land ownership of the ransom strip, this would be a civil matter due to it being privately owned.
- Matters of highway safety had been considered by the inspectorate and there were no issues to consider.
- Issues surrounding Green Wedge had been dealt with by the High Court and

the Local Authority and the Applicant were bound by the High Court decision.

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

- Members were disappointed that the Applicant was repeatedly coming back to Committee with what was felt were unsatisfactory applications in terms of the detail.
- The site plans were not accurate.
- Plot 1 and plot 45 were located close to trees and therefore would be in shade during the summer months. Those houses should be refused.
- Comments made by Northumbrian Water in relation to the high water table were discussed and the fact that there was still to be a foul and surface water scheme submitted.
- Although the development could not be stopped it was important that the detail at reserved matters stage was right for residents.

A motion was proposed to defer the determination of the application for a site visit, which was then amended to ask the Chair of Planning request a site visit through the protocol. The amended motion was seconded and a vote took place.

RESOLVED that the application be deferred until the Chair of the Planning Committee could request a site visit.

RESOLVED that Members agreed to defer consideration of the item pending a site visit.

**P 110/16 16/1603/OUT**  
**Car Park, Navigation Way, Thornaby**  
**Outline application with some matters reserved except for access for the erection of up to 150 residential dwellings and associated access.**

Consideration was given to a report on planning application 16/1603/OUT Car Park, Navigation Way, Thornaby.

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

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

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the proposed development had been considered in the context of the submitted information, consultee and consultation responses. The impacts of the proposal had been considered against national and local planning guidance, the development was proposed

on an allocated site for mixed use development including housing and was a sustainable core brownfield site and housing applications were to be considered in the context of the presumption in favour of sustainable development in economic social and environmental benefits.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of highway safety, it did not adversely impact on neighbouring properties or flooding. Other material planning considerations including noise had been fully considered.

It was considered that there were important material benefits arising from the proposed development and that the presumption in favour of sustainable development applied and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Therefore the application was accordingly recommended for approval with conditions as detailed within the main report.

Members were presented with an update report which detailed the submission of an additional representation objecting to the application, full details of which were contained within the update report. The Planning Officers recommendation remained unchanged which was that the application be approved with conditions as detailed within the main report.

Members attention was brought to the fact that the applicant was not proposing affordable housing, as the site was constrained by a number of site 'abnormals' (particularly relating to ground conditions) which made the provision of affordable housing on the site unviable. The HCA stated that it had spent significant amounts of time and resources redesigning the engineering and delivery strategy for the site to try to make costs savings to accommodate an affordable product, but the site abnormalities and constraints, made this impossible.

The Site Manager of Johnson-Matthey-Davey and objectors attended the meeting and was given the opportunity to make representation. With the exception of those submissions already provided during the consultation period, and detailed within the report, their comments could be summarised as follows:

- Concerns in relation to industrial noise levels and the impact on neighbouring properties
- Johnson-Matthey-Davey had planning consent to build an extension, there was an expected chance in the future that on completion of the extension noise levels could increase. There was a fear that if noise levels did increase and new residents did not accept these noise levels enforcement could be sought which would not be acceptable.
- There had been no attempt by the Applicant or their Agent to contact Johnson-Matthey-Davey to discuss concerns at any point which had resulted in no confidence that mitigation regarding noise was adequate, therefore Johnson-Matthey-Davey could not support the application.
- It was highlighted that although the site was identified as an industrial

brownfield site, not every bit of brownfield site should be developed, as stated in paragraph 17 of the NPPF.

- The Land was to always be used for Leisure as agreed by the Stockton/Middlesbrough Partnership.

Officers were given the opportunity to respond to comments/issues raised by Objectors. Their responses could be summarised as follows:

- There had been much communication between Environmental Health, Johnson-Matthey-Davey and the Applicant in relation to concerns raised relating to noise. Three noise reports had been produced which had concluded that a 115 metre buffer would be required and properties would have to have the appropriate orientation and high quality windows which should prove to be enough with regards to acceptable noise levels.

- Discussion took place in relation to Johnson-Matthey-Davey concerns regarding the production of potential noise generated from their air compressors. It was confirmed that Environmental Officers had calculated that if the output from those compressors was doubled it should still reach acceptable levels for the proposed development, however if Johnson-Matthey-Davey were expecting noise levels from their plant to increase further then concerns from Environmental Health may not necessarily be in relation to the proposed development but from the existing residential development on the other side of the river.

- Officers confirmed that the site had a long standing allocation which was identified within the Development Plan for a mixed use scheme which included housing.

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

- Discussion took place in relation to the lack of affordable housing.

- Noise levels were raised as a concern.

- Members discussed soil contamination at the site and the requirement for soil sampling.

- In terms of sustainability the proposed site was in an ideal location, close to walkways, cycle paths and bus routes connecting to neighbouring towns.

- Concerns relating to flooding were highlighted and suggestions made that the appropriate measures were taken such as stipulating flood resilient doors and windows and raising gas and electricity supplies.

- Clarification was sought as to the number of homes which were being proposed as the application stated 150, however Officers had referred to 96 homes.

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

- In terms of Land contamination there was a condition which stated that the land would have to be fully investigated prior to the commencement of any work.
- Where issues had been raised relating to noise, Officers explained that there was a complex condition within the recommendation. Industrial noise was assessed to catchall elements of industrial noise BS4142.
- It was confirmed that Officers would be tying the developer down to ensure that quality homes were proposed at the reserved matters stage.
- The number of homes to be proposed was now at approximately 96 due to the site constraints however the final number would be determined at Reserved Matters but to a maximum of 150.

A vote took place and the application was approved.

RESOLVED that planning application 16/1603/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement as detailed within the Heads of Terms within the main report or such other terms as may be deemed necessary by the Director of Economic Growth and Development Service.

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

Plan Reference Number	Date on Plan
C.950.SK.001	13 February 2017
FIGURE 1	20 June 2016
PRINCE-RYD-00-00-DR-A-1001 PL-2	10 November 2016

02 Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

03 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

04 Approval of details of the appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details to be submitted to and approved by the Local Planning Authority before the development commences.

05 The development hereby approved shall not be commenced on site, until a scheme of 'Foul and Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall



include but not be restricted to providing the following details;

- (i) Detailed design of the surface water management system
- (ii) A build program and timetable for the provision of the critical surface water drainage infrastructure
- (iii) A management plan detailing how surface water runoff from the site will be managed during construction Phase
- (iv) Details of adoption responsibilities;
- (v) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

06 No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the routing of associated HGVs;
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

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

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

providing evidence of compliance.

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

08 Prior to the erection of the buildings within any phase a report shall be submitted to the Local Planning Authority by the applicant identifying how the predicted fabric energy efficiency of the development (kWh/m<sup>2</sup>/yr) will (on average across the whole development phase) be improved by at least 10% on-site. The carbon energy efficiency savings which result from this fabric first approach will also be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the local planning authority shall be satisfied that the stated improvements against building regulations have been met and will reduce energy demand for the development.

09 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

10 The development shall be implemented in general conformity with the approved Design and Access Statement and Illustrative Masterplan submitted with the planning application.

11 Notwithstanding any description of the materials in the application, no development shall commence on the erection of any dwellings (except up to damp proof course level) within each phase of development until precise details of the materials to be used in the construction of the external walls and roof of the dwellings for each phase or individual dwelling, as appropriate have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

12 Prior to the commencement of the first dwelling within each phase details of the finished floor levels shall be submitted to and approved in writing by the Local Planning Authority for each phase or individual dwelling, as appropriate. Thereafter, the development must be implemented in accordance with the agreed details.

13 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: A site investigation and detailed risk assessment must be submitted with the planning application and if potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

(Only clean subsoils/topsoils are imported for use in residential gardens and areas of landscaping. Further validation of this would be required upon completion of the development.)

14 In the event that contamination is found at any time that was not previously identified, (either during initial investigations or 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 prior to resumption of the works.

15 Prior to the commencement of the first dwelling within each phase a detailed scheme for the provision, maintenance and management of areas of open and play space (excluding private gardens) for each phase shall be submitted to and approved in writing by the Local Planning Authority. Details to be submitted shall include:

- i Details of landscape management and maintenance plans;
  - ii Details of planting, grass cutting, weeding and pruning;
  - iii Inspection, repair and maintenance of all hard landscaping and structures;
  - iv Management, monitoring and operational restrictions;
  - v Maintenance and planting replacement programme for the establishment period of landscaping; and
  - vi A procedure that would be implemented in the event of any tree (or item of soft landscaping) being removed, uprooted/ destroyed or dying.
- The development of each phase shall thereafter be carried out, maintained and managed in full accordance with the approved details.

16 All ecological mitigation measures within the 'Ecological Appraisal' (March 2016) shall be implemented throughout the development in full in accordance with the advice and recommendations contained within the document.

17 As part of any application for reserved matters, details of the construction and layout of the dwellings and boundary noise attenuation shall be submitted to the local planning authority for approval. Noise attenuation measures should ensure the following criteria are met:

- A maximum of 50dB(A) 16 hour LAeq 0700-2300 hours within back garden external amenity areas.
- A maximum of 35dB(A) 16 hour LAeq 0700-2300 hours within indoor living areas with windows shut.
- A maximum of 30dB(A) 16 hour LAeq 2300-0700 hours within bedrooms with windows shut.

Industrial noise should not exceed 5dB above the daytime measured background noise (LA90) (07:00-23:00) when assessed in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. Where properties are subject to industrial noise, Noise Rating Curve NR 25 will be required to be met at all octave band frequencies between the hours of 0700 and 2300 (daytime period) when measured within the properties with acoustic ventilation open.

Industrial noise should not exceed 0dB above the night time measured background noise (LA90) (23:00-07:00) when assessed in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. Where properties are subject to industrial noise, Noise Rating Curve NR 20 will be required to be met at all octave band frequencies between the hours of 2300 and 0700 (night-time period) when measured within the properties with acoustic ventilation open.

Submitted details must incorporate the suggested orientation and proposed setback distance for properties of 115m from the dominant noise source at Johnson Matthey Davy Technologies, as indicated in the Acoustic Site Suitability Assessment by ARUP dated 21st December 2016.

None of the dwellings shall be occupied until the noise attenuation treatment has been provided in accordance with the approved details.

18 Prior to the commencement of the first dwelling within each phase a scheme for the provision of a refuse storage area for each individual dwelling within that phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme and be retained for the storage of refuse at all times.

19 The development permitted by this planning permission shall only be carried out, in accordance with the approved Flood Risk Assessment (FRA), the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 5.7 metres above Ordnance Datum (AOD);

20 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans (whichever is applicable) .All trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations section 4.

The assessment should concur with the latest site plans and include for the following information:

- (i) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.
- (ii) A tree schedule as detailed in BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations
- (iii) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- (iv) Details of any ground level changes or excavations within 5 metres of the Root Protection Area of any tree to be retained including those on adjacent land.
- (v) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.
- (vi) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

## HEADS OF TERMS

### Education

Contribution for primary and secondary school places based on the Council's standard formula, to be calculated at commencement and reduced to take account of any vacant primary school places in Harewood and St Patrick's Catholic Academy for the primary contribution and any vacant secondary school places in Thornaby Academy and St Patrick's Catholic College for the secondary contribution.

### Local Labour Agreement

- To use reasonable endeavours to ensure that 10% of the jobs on the development are made available to residents within the Target Areas
- To use reasonable endeavours to ensure that 10% of the total net value of the services and materials used in the development are provided by Businesses within the Target Areas
- To use reasonable steps to procure that any contractor and / or subcontractor nominate an individual to liaise with the Principal Employability Officer.
- Submit a Method Statement to the Council prior to the commencement of each Phase of the development which demonstrates that reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and businesses within the Target Area and shall include details regarding the provision of monitoring information to be provided to the Principal Employability Officer

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

### Informative: Working Practices

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

### Informative : Works Permit

Any works to be carried out within 16 metres of this tidal reach of the River Tees

may require a Flood Risk Activity Environmental Permit. I would therefore advise the applicant to follow the guidance available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> to identify if a permit is required and for guidance on how to make an application.

The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

- P 111/16**
- 1 - Appeal - Mersen Uk Teesside Limited - 2 Boltby Way, Durham Lane Industrial Park, Eaglescliffe, Stockton-On-Tees, TS16 0RH - 15/3067/RET - ALLOWED WITH CONDITIONS**
  - 2- Appeal - Peter Nicholson - 8 Mill Lane, Norton, TS20 1LG - 16/1549/REV - DISMISSED**
  - 3- Enforcement Appeal - Mr Mellor - Land North East Of 51, Mandale Road, Thornaby - DISMISSED**
  - 4 - Appeal - Mandale Construction North Ltd - Land South Of Cayton Drive, Thornaby - 16/1024/REM - DISMISSED AND COSTS DISMISSED**

The Appeals were noted.