

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 11th April, 2018.

**Present:** Cllr Mick Stoker (In the Chair), Cllr Jean O' Donnell (Sub Cllr Norma Stephenson O.B.E), Cllr Helen Atkinson, Cllr Derrick Brown, Cllr Carol Clark, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Tony Hampton, Cllr Kevin Faulks (Sub Cllr David Harrington), Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Marilyn Surtees, Cllr Mrs Sylvia Walmsley and Cllr David Wilburn.

**Officers:** Greg Archer, Simon Grundy, Martin Parker, Peter Shovlin (EG&DS), , Julie Butcher (HR,L&C) , Peter Bell (DCE)

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

**Apologies:** Cllr David Harrington and Cllr Norma Stephenson O.B.E.

**P           Evacuation Procedure**

**1/18**

The Evacuation Procedure was noted.

**P           Declarations of Interest**

**2/18**

There were no declarations of interest.

**P           Minutes from the Planning Committee meeting which was held on the 27th**  
**3/18       February 2018.**

Consideration was given to the Draft Minutes of the Planning Committee Meeting which was held on the 27th February 2018 for approval and signature.

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

**P           17/2912/FUL**

**4/18**

**Land East Of Jasper Grove, Morrison Street, Stillington**  
**Residential Development comprising 55 dwellings with associated access.**

Consideration was given to a report on planning application 17/2912/FUL, Land East of Jasper Grove, Morrison Street, Stillington, which had previously been presented to the Planning Committee on the 21st March 2018 with a recommendation for approval.

Members deferred the application requesting the applicant explore the provision of an alternative access before determining the application.

Milestone Transport Planning (MTP) were commissioned by Amethyst Homes to provide a review of the concerns raised by Members of the Planning Committee and prepared options that had been fully assessed by the Highways Transport and Design Manager who had provided further comments as detailed within the update report.

Following a request from Members, at the Planning Committee held on 21st March 2018, the provision of a roundabout, again at the junction of Morrison

Street and Whitton Lane had been explored further by the applicant and two potential options had been prepared which could be seen at Appendix 1 and 2 of the main report and submitted for review.

The Officers recommendation of the main report remained unchanged, which was that planning application 17/2912/FUL be approved with conditions, informatives and subject to the applicant entering into a Section 106 Agreement.

Further comments had been received from Stillington Parish Council but the comments did not affect the recommendations as listed in the report.

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

- The Officers update report outlined an array of potential junctions that had been looked at to access the site. The highways advice was that the scheme already had an acceptable scheme. The access and a potential roundabout was re-visited by the applicant and officers had done the same. Two sets of engineering specialist had looked at a potential roundabout and had both come up with the same conclusion that a roundabout won't work at the site.
- The issue was not all about money as the Parish Council had indicated. The roundabout won't work on the site for four reasons – it is unsafe, a number of houses will be lost from the scheme, a lot of the planting will be eroded from the village and utility services would have to be diverted.
- Existing parking problems were nothing to do with this scheme and needed resolving by the school and Education Officers.
- There was nothing wrong or improper with the developer of the existing scheme to choose not building a house in the cud-de-sac at the site.
- A further deferral from Members would not help anybody and on behalf of the applicant requested that the application be determined one way or another.

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:

- The developer should have come back with a revised set of plans with an alternative access and also included the number of houses that needed to be deleted from the scheme.
- The Members concerns that were raised at the previous meeting about the development had not been addressed by the applicant.
- The possibility of a roundabout hadn't been given serious consideration by the applicant.
- Option B in the report should not be disregarded as it is a 60mph zone as the 30mph zone could be extended towards Whitton.
- The new plans showed an excessively large roundabout at a point that would show maximum reasons why it couldn't work. Whilst the developer was happy to show a small loss in housing that was all they had shown. They haven't shown the extra land that they would gain or the additional plot that they wouldn't develop on.
- The other proposal that hadn't seen on any of the plans was a traffic light system.

- The developer submitted their plans within two days of the last meeting, that was not enough time for them to have given professional constructive thought or expectation to meet the required criteria, suggesting it was a token gesture.
- The size of the roundabout on the plan was excessive. If it was smaller and moved slightly north and the 60 mph limits reduced to 30 mph or less then the site lines could meet the criteria.

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

- There had been a full examination of the options that were put forward by Members. The options were fully explored.

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

- Options 3 and 4 that were put forward by Stillington and Whittion Parish Council had not been fully explored. Why can't the speed limit not come down to 30 mph.
- If there was a 30 mph limit, would Option B be viable.
- 20 mph limit on the school crossing should be applied.
- Could the developer be asked to put in traffic calming measures as part of a 106 agreement?
- Can we move deferment on this application to look at the T junction option with traffic calming measures?
- The applicant and officers had done what Members asked them to do and they were back to square one which was the access through what would have been number 9 Jasper Grove.
- Members had every sympathy with the residents but unfortunately Members hands were now tied and there was no other safe access.

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

- With regard to the 30 mph limit, Officers could make recommendations to the Police but they would ask if it could be enforced and the guidance that Officers had was that moving that 30 mph limit further out of the village was unenforceable and as such it would not be possible to move the 30 mph limit.
- Officers couldn't simply put in a smaller roundabout in and there were a number of reasons for this. The scheme the applicant put in had been explored fully using the AutoCAD system by the highways consultancy team. This was something that Officers did not usually do, it was normally up to the applicant to do that, Officers did this as the authority to test the scheme. Officers proved not only that the roundabout did not work, we assessed the diameter of the roundabout in terms of visibility and safe usage by other vehicles such as heavy goods vehicles. The option had been fully explored and could not be accommodated at that location for the size that was required within the Highways Design Guide.
- T junctions were looked at and again this was something that Officers don't usually do. Officers considered that Jasper Grove was an acceptable solution. 5.5 meters being the normal requirement in the Design Guide. It complied with the Design Guide. Other solutions were looked at. One was a

crossroads with the school, this could not come forward. Traffic signals would fail for the same reason as the roundabout, Officers would not be able to achieve satisfactory sightlines and stopping distances. Officers believed that the authority had done more than they would usually do on an application. All the options had been explored and Officers still considered that Jasper Grove was a safe access.

- With regard to the construction management plan, it would not be coming off the corner, it had not been discharged. It was a condition that had been put on the previous outline consent, Officers would never allow them to come off there for the reasons highlighted for the access. The sales traffic would have to come off the Jasper Grove as well, that was a safe access and that would suffice for all of the work.

- When it came down to an actual position of a construction access, a temporary access could be provided off Morrison Street, that could be under traffic management controls that would be safe to operate. The construction management plan that was in front of Members basically demonstrated that access would not be operational in school drop off / pick up times. This was still an outstanding condition, should the application be approved that condition would have to be discharged at an appropriate point.

- Officers had done everything that had been asked in terms of the full assessment of the scheme.

- The school crossing operated on a flashing system, this could be upgraded to 20 mph during school time should Members wish.

- The existing problems were not down to this developer to resolve.

- The promise of a quiet cul-de-sac couldn't be given to anybody. Even if the plot hadn't been built there would be nothing stopping a developer purchasing the plot and demolishing the house and then putting in an access.

- There had been a previous planning permission in 2014 granted for 54 houses on the site and any search for this site would have revealed this.

- The estate was finished a long time ago and there was a ten year time limit and had since expired so this couldn't be enforced. Even if Officers had been aware that the plot hadn't been built it had to be expedient to enforce it. There was nothing to say that it was expedient, there had to be some harm from not building that plot.

- To change the speed limit Officers would have to go through a TRO process and the Police would have to support that process and there would have to be a legitimate reason why that change in speed limit was required. The only reason being put forward was to accommodate an access which Officers considered could already be accommodated through St Johns Park so there would be no reason for the Police to support the TRO.

A motion was proposed and seconded that the application be deferred.

A vote took place and the motion was not carried.

A motion was proposed and seconded that the application be approved as set out in the officer recommendation.

A vote took place and the application was agreed.

RESOLVED that planning application 17/2912/FUL be approved subject to the following conditions and informatives and subject to the applicant entering into a

Section 106 Agreement in accordance with the Heads of Terms below;

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

Plan Reference Number Date on Plan

P07 5 December 2017

A-001 A 30 November 2017

A-002 B 30 November 2017

B-001 A 30 November 2017

B-002 B 30 November 2017

E-001 A 30 November 2017

E-002 B 30 November 2017

F-001 D 30 November 2017

D-001 B 30 November 2017

D-002 B 30 November 2017

R-001 C 5 December 2017

R-002 B 5 December 2017

N-001 B 30 November 2017

N-002 C 5 December 2017

P08 A 30 November 2017

P09 B 7 March 2018

118657/8001 D 12 March 2018

F 023 12 March 2018

02 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.

03 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.

04 If, during development, contamination not previously identified is found to be present within a Phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that Phase until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

05 The development hereby approved shall be built in accordance with a scheme of finished floor levels which has been submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. The scheme shall detail existing land level and levels of nearby properties as necessary as well as the finished floor levels of the proposed properties.

06 No development hereby approved shall be commenced on site until the site is investigated and reported to determine the nature and extent of landfill gas. The site investigation and risk assessment report shall be carried out in accordance with Guidance on Evaluation of Development proposals on sites

where methane and carbon dioxide are present [NHBC March 2007] and CIRIA document C659. The findings of the report shall be submitted to the Local Planning Authority and no development shall commence on site until any necessary mitigation has been undertaken to the written satisfaction of the Local Planning Authority.

07 An investigation and risk assessment 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, archeological 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.

08 All ecological mitigation measures within the 'Preliminary Ecological Appraisal' (May 2017) shall be implemented throughout the development in full in accordance with the advice and recommendations contained within the document.

09 Within each phase, 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 including any restrictions on delivery times;
- (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, including but not limited to wheel washing facilities and the use of mechanical road sweepers, to avoid 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 Within each of associated HGVs including any measures necessary to minimise the impact on other road users;
- (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.

10 No development shall take place (except for the purposes of constructing the initial site access) until that part of the access(es) extending 15 metres into the

site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

11 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.

12 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking courts shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of external lighting and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

13 No development shall commence until full details of Soft Landscaping 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:

- (i) Commencement of the development;
  - (ii) or agreed phases;
  - (iii) or prior to the occupation of any part 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.

14 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 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ). 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.

15 No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.) The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden [delete as required] shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan prior to the occupation of the

(i) Development ;

(ii) or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

16 Within each phase, construction of the external walls beyond damp proof course shall not commence until samples of all materials, colours and finishes to be used on all external surfaces of the hereby approved dwellings have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

17 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "October 2017". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 8501 and ensure that surface water discharges to the surface water sewer at manhole 8502. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

18 The development hereby approved shall not be commenced on site, until a scheme for "the implementation, maintenance and management of a Sustainable Surface Water 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;

19 The dwellings hereby approved shall not be brought into use until:-

I. The approved surface water management system for the development, or any phase of the development is in place and fully operational.

II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development

#### 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 : Surface Water Management

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to 7.2l/sec with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilizing the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a "management train" is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS intergrate into the landscape

The FRA makes no reference to "Urban Creep", an allowance of 10% should be included within the detailed surface water drainage design

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

If any drainage system is identified on site during construction works the Lead Local Flood Authority should be notified.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
  2. 1 in 100 year plus 20% climate change;
  3. 1 in 100 year plus 40% climate change;
- Drainage systems can be designed to include a 20% allowance for climate change;
  - A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
  - If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.
- The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

#### HEADS OF TERMS

- Precautionary Education Contribution to provide primary/secondary school places should they be required at the appropriate time.
- Open Space Contribution of £131,023 to be spent in respect of open space and recreation within the local area.
- A total of 15% of housing provision within the site shall be affordable

**P  
5/18**

- 1. Appeal - Mr Peter Hall - 28 Maria Drive, Stockton-On-Tees, TS19 7JL  
17/1472/REV - DISMISSED**
- 2. Appeal - Mr Frank Andrew - Land South Of Kirk Hill, Carlton Village,  
Carlton  
16/0185/OUT - DISMISSED**

The Appeals were noted.