

Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th July, 2018.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chairman), Cllr Helen Atkinson, Cllr Derrick Brown, Cllr Carol Clark, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Tony Hampton, Cllr Jean O'Donnell (Sub Cllr Eileen Johnson), Cllr Paul Kirton, Cllr Marilyn Surtees, Cllr Mrs Sylvia Walmsley, Cllr Lisa Grainge(Sub Cllr David Wilburn)

Officers: Greg Archer, Stephen Donaghy, Simon Grundy, Joanne Roberts, Peter Shovlin, Sam Tidy (EG&DS), Julie Butcher (HR,L&C) Sarah Whaley (DCE)

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

Apologies: Cllr David Harrington, Cllr Eileen Johnson, Cllr David Wilburn

P 24/18 Evacuation Procedure and Planning Protocol

The Chairman announced the Evacuation Procedure and Planning Protocol to the Committee and Members of the Public.

P 25/18 Declarations of Interest

There were no declarations of interest.

P 26/18 Minutes from the Planning Committee meeting which was held on the 13th June 2018

Consideration was given to the Draft Minutes of the Planning Committee Meeting which was held on the 13th June 2018 for approval and signature.

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

P 27/18 18/0471/FUL Former Education Centre, Junction Road, Norton Erection of 96 residential dwellings with associated access and infrastructure.

Consideration was given to a revised planning application 18/0471/FUL Former Education Centre, Junction Road, Norton.

The application sought full planning permission for 96 dwellings with associated access and infrastructure on the site of the former Education Centre comprising house types ranging from 2 to 2 ½ storey detached, semi-detached and terraced properties containing a mix of 2, 3 and 4 bedroom properties.

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 nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and the layout was acceptable in terms of highway safety and was in accordance with policies in the Development Plan identified within the main report.

The NPPF made clear that housing applications were to be considered in the context of the presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development 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.

Other material considerations had been considered in detail and it was recommended that the application be approved for the reasons specified within the main report.

The Major Projects Officer of Planning Development Services gave a verbal update, as since the original report, a request to the Secretary of State had been submitted to call in the application. Members were informed that since that request, to enable the Secretary of State to consider the application, the Officers recommendation was therefore for the Committee to be minded to approve the application if not called in by the Secretary of State and subject to the conditions, Heads of Terms and Informatives as set out within the report.

The Committee were also informed that there as an error in the report and condition 20 referred to plot 96 but should refer to plot 1.

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

-The revised proposal had increased from 40 to 96 properties made up of 2, 3 and 4 bed properties. 2 and 3 bed properties had been squeezed into restricted areas of the site.

- Existing properties within the area were heavily characterised by their openness without impinging on their neighbours. The design and appearance of the proposed development did not match architecturally with the majority of the existing Victorian and Edwardian homes. Previous individual residents applications in and around the local vicinity had been refused by this Planning Authority on the basis of not matching architecturally and therefore this should apply to the proposed development.

-Objectors felt that Officers had made an assumption that there would be an estimated increase of over 241 vehicles entering and leaving the development once completed. This would add to the already recognised congestion on Junction Road and the adjoining A1027. It was felt that the traffic survey transport assessment, which objectors believed was carried out on the 11th July 2018, was not undertaken during the recognised time periods therefore was likely to be underestimated and potentially flawed as it had not taken into

account other nearby developments such as Summerville Farm, the newly proposed Crematorium and the recently completed Lidl development, all of which would and had added traffic congestion with an increase in pollution levels.

- The number of estimated car journeys during the a.m. periods seemed greatly underestimated as these were to be less than 50% of the 96 proposed dwellings suggesting that less than 50% of the households would not be attending school or work. Concerns were also raised in relation to the applicants' junction assessment and the increase in queuing traffic. Both issues seemed to be in contradiction with condition 23 (vii) contained within the main report, stating that the Travel Plan to be submitted by the Local Planning Authority in consultation with the Highway Authority shall include a reduction in all vehicle trips and mileage. The junction assessment also indicated that the roundabout was also approaching capacity and would be over capacity by 2023 without further developments. Therefore why was Stockton Borough Council sponsoring a project that further increased the burden of car journeys contradicting condition 23? The proposed mitigation at Junction Road was to shave off a sliver of the pavement and keep the single lane profile which wasn't considered satisfactory.

- In terms of car exhaust emissions one objector explained that he had been advised by DEFRA that the proposed planning application was not to be looked at in isolation but considered alongside applications within the same area which would impact on the road itself. A request had been made to the Environmental Department for a Sniff Test on Junction Road due to a local resident struggling to breathe due to emissions, the request however was turned down.

- An Objector referred to the roadside emission and UK plans for tackling roadside nitrogen dioxide concentrations. Local Authorities were to set out initial plans by the End of March 2018, had Stockton done this? What steps did Stockton have to reduce roadside pollution? Many residents had to live in the back of their properties as the air pollution was having health implications on the local children as well as older generations.

- The proposed one entrance / exit to the proposed development was in close proximity to other junctions and existing individual driveways and access points, this was likely to lead to an increase in road traffic and pedestrian related accidents.

- It was currently recognised that Junction Road was a main route for all emergency vehicles. The additional increase in traffic from the planned development and the addition of slow moving vehicles due to the planned crematorium and the nature of a funeral cortege would only add to the congestion and impede emergency vehicles. The construction phase would also exacerbate issues surrounding congestion and with the addition of mud and debris on the road from said vehicles would only add to the potential of increased road traffic related accidents.

- It was highlighted that due to the Victorian houses on Junction Road having limited depth foundations due to being built to different building regulations, it was expected that piling style foundations requiring heavy construction machinery for the proposed development was likely to cause damage to existing buildings.

- A brief history of how the Education Centre had come about was given. It was explained that it was the first school in the Borough designed by the Authorities Architect in an Art deco style. The building witnessed the depravation, poverty and unemployment of the 1930's. Blue boards with yellow chalk were introduced as this was thought to be better for children's eyes. The centre was built on land owned by everyone and was for the use of all. It was stated in Sport England's principles and criteria 'if you take a public facility away then you must replace it with something as good or better, as big or bigger, as accessible or more accessible'. It was felt that the only consideration when demolishing the site was the price with no conditions for its replacement. There had been a vital opportunity missed when dealing with the education of young people, such as the obesity crisis and the tragic underachievement of working class boys. The application was not a valid replacement for what had been lost, it was against not just the will but the interests of the people.

- One objector expressed his concern in relation to building sites attracting criminals.

- In terms of vehicle deliveries to the site, although there were conditions in relation to permitted delivery times, this did not stop vehicles arriving early and parking up with their engines running, increasing emissions, air pollution and impacting on local amenity.

- Although there were conditions to keep roads clean, free of mud and debris, it was stated that a Persimmon development site at Hemlington had not adhered to this and the objector was able to provide photographic evidence.

- Reference was made to a decision made by the Secretary of State on 13th June 2008, where it had been agreed that the proposed site could only support a maximum of 82 dwellings not 96 as proposed.

- In terms of the principles of inclusive design it was expressed that the environment was to be convenient and enjoyable for everyone to use. In the past, design had been dominated by some stake holders at the expense of others. Public open space was being greatly reduced and the site was being overdeveloped. The site also impacted on the loss of privacy for some residents.

- Patrick Parsons phase 2 report August 2017 test pit 7 results stated a putrid smell. Where was the putrid smell coming from if there was no domestic waste as reported in paragraph 33 of the Officers report? Public domain information indicated that there was building waste on the proposed site. Some could remember how the land was infilled many years ago, which was described as Council Building Waste. Waste of that era could have well included asbestos. Condition 4 within the Officers report appeared to contradict paragraph 33 as it stated 'unexpected contamination may exist at the site which may pose a risk to human health and controlled waters'. Other results from test pit 7 also confirmed that large amounts of roofing felt had been encountered which had been ignored. HSE would confirm that roofing felt of that era contained asbestos, how would it be known that there would not be a release of fugitive particles over time into the atmosphere from the roofing felt which had been disregarded. If asbestos was found and released into the atmosphere, who would be liable

should someone be effected by it?

- A resident who lived in the first house that was built on Junction Road in 1870 explained that her house was one of the nearest to Junction Road and she was not able to open her windows due to car fumes coming from bumper to bumper traffic. Local children walked to school within the vicinity and crossed the road to school during peak traffic times, breathing in the car fumes. How could the building of nearly 3000 homes from the various sites close to Junction Road not impact on local resident's lives or health. The resident also raised concerns relating to the fact the house was built on sand and may suffer damage from heavy duty traffic during construction. The resident had been in touch with her insurance company, a video had been taken and it was stated by the resident that legal action would be taken against the developer should any new cracks appear due to construction vehicles connected with the development.

- In terms of infrastructure where were the school places, dentist and doctors' appointments to come from?

- Sport England had originally objected to the application, however the provision of a football pitch had now been agreed. Questions were raised as to who would fund the pitch, and its location. There was also no promise of the pitch within the report, the phrase that had been used was best endeavours! How would it be enforced that the football pitch would be provided?

- Issues surrounding noise were raised. Currently there were issues starting from 5.30 a.m. from tractor vehicles coming from the KP crisp factory on Cowpen Lane. As Junction Road was an emergency vehicle route, the noise of ambulances could be heard all day.

- Where was the protection of Green Spaces for the youngsters to play?

- An objector informed the Committee that he had struggled to find a plan which showed the newly proposed housing next to the existing housing. The objector had produced a plan himself and explained that when looking at the housing side by side the new development was 4 to 10 times denser than anything surrounding it.

- There were Concerns relating to the displacement of parked cars down narrow streets off Junction Road.

- Questions were raised as to why Persimmon Homes were providing affordable homes on the proposed site when they had provided executive houses on other sites as it was felt Junction Road was considered a prime high end housing market.

- It was felt that the building designs and materials were of poor quality.

- Light pollution was a concern with the addition of extra street lighting and the increased amount of car lights.

- The Committee had a duty of care to get the balance right for residents.

Ward Councillors David and Norma Wilburn were in attendance at the meeting and given the opportunity to make representation. Their comments could be summarised as follows;

- Junction Road was an elegant gateway into Stockton which was at risk of being spoilt by a number of features of the proposed scheme such as;
- Overdevelopment and an unsympathetic proposal of a number of houses which were considered to be incompatible with the existing street scenes.
- Officers claims that there were a number of varieties of house types around the Junction Road site was disagreed with. Councillor Norma Wilburn believed there were only 2 house types, elegant Victorian / Edwardian on one side and Bungalows to the South. Neither of those types had been matched on the current proposed designs and the original estimate of 40 houses would be more in keeping. More retirement properties in the area would be much welcomed by residents who would like to down size, allowing other families to move into their family homes.
- The proposed site together with other developments further along Junction Road and Harrowgate Lane would generate major additional traffic congestion, further slowing down traffic on what was considered an already slow road. This in turn would increase emissions. Many of residents on Junction Road were already unable to open windows due to car fumes. It was highlighted that Stockton already exceeded the World Health Organisations maximum emissions.

It was highlighted that the report referred to unexpected contamination on the land. Many residents on Junction Road would not find this to be unexpected as it was already believed that a number of units were to be built on land which was full of building materials. A number of major documents including the remediation strategy and geoenvironmental appraisal had been posted to the Planning Portal only this week. It had been said that remediation of toxic dust had been included for workers but not for local residents.

- Where was the plan to provide additional education for the newly moved in families in the already oversubscribed schools?
- In terms of traffic flows, these had been based on the 2011 census data for the area. Questions were raised in relation to how accurate this was now considering the amount of new development within the area.
- It was understood that Sport England had withdrawn their objection to replace the football pitch which was currently on the proposed site. This couldn't be located in Norton West as there was no other publicly available land. It may be provided for Stockton however promises were made that it would be provided for residents of Norton West.
- The Education Centre was a community facility, it was promised that there would be compensation for its loss in terms of a compensation for further community facilities.
- The developer Persimmon introduced so many difficulties relating to access it

was no longer possible for a local community group who had been active on the proposed site for more than 27 years to continue.

- If the proposed application was approved today it would look as if the requirements of Persimmon were more important than needs and aspirations of the local community.

Councillor Matthew Vickers Ward Councillor for Hartburn was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised follows;

- Cllr Vickers explained he was speaking as a resident of the Borough and on behalf of family members that lived within the area. Cllr Vickers expressed his disappointment relating to notice period given to residents of the meeting and the date, time and venue that it was being held.

- Initially Officers of the Council saw the proposed site fit for just 40 houses. The nature of the development was completely out of character with the local area. The Councils own Core Strategy suggested that parts of Norton were characterised by mature dwellings and large gardens which required a lower density than 30 dwellings per hectare.

- In terms of traffic, Junction Road was one of the busiest roads in the Borough where local residents already struggled to get in and out of their homes or streets onto Junction Road. This wasn't just about the impact on local residents this was a hugely important road for the Borough, as the jams on Junction Road had an impact on residents throughout the Borough which in turn had an impact on the local economy. There was no projection for peak time traffic from Officers, just an a.m. and p.m. projection as an average.

- In terms of air pollution no effort appeared to have been made to measure the particulate per million.

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

- The Planners had worked tirelessly with the Council to bring the application forward today.

- The Officers recommendation was fully supported.

- The scheme conformed to both local and national planning policy.

- In terms of density the red line areas on the plans measured 3.5 hectares of which 0.9 hectares was identified as open space at the east of the site. The overall developable area was 2.6 hectares across which 96 units were proposed creating a density of 27 dwellings per hectare gross across the full site, or 36.9 dwellings per hectare net across the developable area. The scheme therefore complied with Core Strategy Policy 8.

- Where concerns were raised relating to house type designs, there was various types of designs developed in phases over the last 120 years. Each phase

reflected the era in which it was built. Whilst Junction Road was characterised by the larger properties, more recent developments around the South and East were more reflective of modern residential estates, therefore there was not one dominant design influence within the area.

- Persimmons approach aimed to represent the natural progression of how house type designs were within the area. Units were to be traditional in appearance. The homes were to be of a high quality, attractive, respectful and complimentary to the existing residential area.
- Comments had been received relating to house type sizes. The scheme was formed by the conclusions of need contained within the Councils own strategic market assessment of 2016. The SCHLAA identified a need for approximately over 9000 dwellings over the next 15 years. 80% of the need within the Borough related to smaller 2 and 3 bed properties.
- In respect of land contamination a detailed intrusive ground investigation had been undertaken to determine the developments ground conditions along with the presence of any contamination, of which the latter had been proven to be minor. The remediation strategy had been developed and approved with Stockton Borough Councils Environmental Officer to ensure the protection of both the end user and local residents. On completion of the minor remediation works a validation report would be produced and submitted to the Environmental Health Officer to confirm works had been completed in accordance with the remediation strategy.
- The application was also supported by a transport assessment, which assessed the transport related impacts associated with the development. As part of the assessment full transport and traffic surveys were undertaken on the roundabouts either end of Junction Road to establish the existing traffic patterns in the area.

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

- The Major Projects Officer highlighted that in terms of density the development was well within density range of 30 to 50 houses per hectare and was reinforced by the latest NPPF which was published on 24th July 2018.
- The wider area was characterised by a variety of dwelling types built over a number of different times. One of the main characteristics of Junction Road was that properties were set back with landscaping features and the proposed dwellings had been set back from the highway to an existing landscape treatment following the existing building line.
- Where concerns had been raised in relation to construction traffic in terms of mud and disturbance, a condition was recommended covering working hours and a construction management plan which sought to minimise the inconveniences. This had to be submitted and approved and would be enforceable should there be any breach.
- In terms of impact to foundations of existing properties, the developer was responsible for construction methods not causing damage to neighbouring land

or property and this would be a civil matter should any issues arise.

- Education matters raised relating to school places, if there were no places available then this would form part of the formula to calculate the impact of available school places. This had been agreed within the Heads of Terms and contribution would be made as per the agreed formula if needed.

- It was confirmed that the proposed site was listed as part of the 5 year supply of affordable housing, was in a sustainable location and within the limits for development.

- Regarding the comments made relating to the initial estimate of 40 dwellings, this was referenced within the Officers report at paragraph 44 where it was stated that 'the Strategic Housing Land Availability Assessment (SCHLAA) is a technical study that comprises part of the evidence base for the emerging Local Plan'. The SCHLAA was not a planning policy document and is not part of the development plan. The number of dwellings were initially based on an indicative allocation comprising the old building footprint and associated car park. The increase in number of houses simply took account of further land as referenced when the site was earmarked for disposal by the Council. Any scheme was still subject to scrutiny by the planning application process.

- In terms of the open space on the site, this exceeded the land required for a development of this size and polarised public access and therefore there were no issues from a policy perspective.

- Sport England had been consulted and had withdrawn their objection they stated that the replacement would secure formal public access and for greater sporting benefit. The Council had made a commitment to the provision of alternative facilities and the term 'best endeavours' was to bring about that in a 3 year period. The location hadn't been formalised as work was still ongoing on the preparation plan in partnership with Sport England and other stakeholders.

- Where comments had been made regarding the lack of executive properties on the proposed development, this was based on the SCHLAA and Persimmons market assessment and the need for 2 and 3 bed properties.

- The Urban Landscape Manager explained that in terms of highway impact, this had been fully and correctly considered and the impact in terms of additional journey times with and without the proposed mitigation could not be considered severe in terms of national planning policy.

- In terms of transportation planning the former Education Resource Centre was an ideal location for new residential development. The development was close to a dual carriageway and the A19. Notwithstanding location benefits the application had been fully considered in terms of highway impact.

- It was highlighted that the transport assessment undertaken was robust in terms of highway modelling and individual junction and queue length. The modelling was commissioned to confirm the acceptance of the highway impact and mitigation measures associated with the Local Plan of which the former Education Centre of 100 units was fully considered. The transport assessment submitted was robust as it did not seek to gain an obvious benefit to existing

traffic conditions on Junction Road which could be applied due to the closure of the former Education Resource Centre. The centre regularly had over 200 parked cars within the site occupying 135 available spaces and with additional parking on grassland within the site. The Urban Landscape Manager explained for clarity that the proposed site was included in the wider modelling including the houses in West Stockton, all houses on Blakeston Lane, and other associated developments which supported the Local Plan. Persimmons undertook an independent test which was verified by the Highway Department who had subsequently checked the model and both the Persimmon transport assessment and the findings of the Councils independent work were very similar therefore the mitigation to be included was flaring at the roundabout.

- The Transport Strategy and Road Safety Manager explained that due to work being carried out in Norton on the overbridge on the A139 by Autolink was causing traffic issues. There were signs in and around the area warning motorists of the work to enable them to try and avoid the area.

- In terms of traffic flow information and data, the information had been gathered from the 2011 census as this was the most up to date information available.

- In terms of access and the design of the site, all accorded with Highways Design and current guidance therefore there was no reason why this would impact or increase the risk of highway collisions or accidents. The collisions which had occurred on Junction Road had been analysed as part of the traffic transport assessment and there weren't any inherent issues and therefore were down to driver behaviour.

- It was confirmed that the TRICS database was a national guide and used to interrogate various similar developments across the country. The database was nationally recognised and interpreted data for Local Authorities. In terms of the development in question it was accepted that there would be over 200 cars as most households do have 2 cars. The data set filtered out the number of journeys made at what times of day as not everyone used their cars at the same time.

- Where comments had been made relating to the junction improvements at the roundabout at the A1027, this had already been tested and mitigated its own development.

- The traffic impact from the crematorium was included in the traffic modelling.

- The Environmental Health Service Manager addressed concerns relating to air quality, noise pollution and land contamination.

- In terms of Land contamination both phase 1 and phase 2 assessments were undertaken in line with the associated British Standards and there were only minor hotspots identified as part of that. One of the particular hotspots contained lead which would be removed from the site by a licensed contractor. Assessments had been taken for aquifer and there hadn't been any issues in terms of ground vulnerability. There had been a subsequent planning condition added to the development so that during the process with the land contamination the Contaminated Land Officer would work with the developer to ensure that if anything subsequently was determined then it would be

addressed. A full validation report would be issued at the end of the development which was subject to an examination by the Council.

- Where concerns were raised relating to the impact of noise, dust and debris on the road. This would be conditioned and would be utilising the function of the Control of Pollution Act 1974. No construction activity or deliveries would be permitted outside of the hours 0800 and 1800 Monday to Friday and 0900 and 1300 Saturdays or on any Sunday or Bank Holiday. In addition to this subsequent controls in terms of water suppression, bowsers, street sweeping would be undertaken, and similar to the land contamination issues that would be subject to an inspection provided by the Environmental Health Team, to ensure that it was adequately addressed.

- Concerns around air quality were addressed. The Council had submitted its annual air quality status report for national approval via DEFRA. Each year the air quality assessment had been approved and validated and the Council had not been in breach of limit values. Norton High Street had the closest Nitrogen Dioxide Diffusion Tube in the area and this was 50% lower than the national limit. In terms of the references made to the limits set by the World Health Organisation, this was a media story which highlighted that over 30 councils across the UK were in breach of the World Health Organisations limits when it came to air pollution. The overall ambient concentration for PM 2.5 across Stockton was 11 microns per cubic metre, the World Health Organisation Standard was 10 microns per cubic metre, what the article did not highlight was that Stockton was in a much better position than over 70 to 80% of other local authorities in the UK and what it also failed to recognise was that the legally binding standard within the UK being worked on towards 2020 was 25 microns per cubic metre.

An objector had provide Members with additional information in the form of a site plan which was circulated to Members for consideration.

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

- Concerns were raised in relation to land contamination and how the Authority would instil confidence in local residents that they would be safe, when working with the developer.

- Local residents were right to be concerned about increased traffic at peak times. This was also a main route for emergency vehicles traveling to North Tees Hospital. Questions were raised as to whether the Committee had been given mean averages for a.m. and p.m. or a measure of peak times? If mean averages were given then the impact would be greater than the Committee had been led to believe.

- Reference was made to paragraph 47 of the Officers report which referred to 'Means of access Parking and Traffic' issues, stating that the proposed development with suitable mitigation was considered to be acceptable however detailed within the Highways Transport and Design Managers executive summary it stated the diagram showed the proposed mitigation at the A1027 roundabout. This would not help residents turning left onto Junction Road and proceeding to the roundabout at the top of Durham Road. This was an obvious

route for anyone wishing to take the A177 to Sedgefield to join the A1 North.

- Why was an independent traffic survey not undertaken? Clarity was sought as to whether most local authorities conduct independent traffic surveys themselves?

- It was a fact that 40 properties were identified in the SCHLAA on this site in 2015. A technical report at the time based on availability and achievability. The land was advertised and the number increased to 100 dwellings. There had been various other applications agreed within the vicinity all impacting on Junction Road. With the formal planning application submitted 2nd March 2018, it had now become the duty of the Council to do a detailed impact assessment. Highways offered no objections albeit with caveats. Highways had stated that traffic flows would cope with traffic mitigation. Within the Heads of Terms contained within the main report it detailed that the costs for such mitigation would not be decided until the sale which suggested a conflict of interest. Although the sale of the land was not a material planning consideration, impact on highways was.

- Clarity was sought in relation to a number of conditions contained within the main report. Why had exhaust fumes been omitted and air quality not been included.

- The West the South and the East of the site were showing signs of contamination such as metal, polycyclic aromatic hydrocarbon, asbestos and elevated concentrations of lead. Officers were asked to clarify on the map the location of TP02, TP07 and the hotspot identified with the lead content.

- It was believed that 90 to 100 tonnes of material consisting of brick waste and building material was tipped on the proposed site in the 1970's.

- In terms of the condition relating to the Construction Management Plan, clarity was sought as to how the emission of dust could be measured if there was no base measurement of pollutants.

- Were there any Tree Preservation Orders (TPOs) in place for the proposed site?

- The boundary treatment was still to be agreed which was not good enough.

- The character of the proposed development was not in-keeping with other properties in the area.

- A development of 40 bungalows was suggested as being more in-keeping allowing local residents to down size and free up their family homes whilst still in walking distance of a high street which was needed to be kept viable.

- The Junction Road area had been characterised as a low density area. Questions were asked as to whether the 37 houses per hectare on the proposed development could be considered low density and in-keeping with the character of Junction Road and did it comply with the core strategy.

- It was felt that the measurement of air quality taken from Norton High Street

was not acceptable in terms of using that measurement to assess the air quality on Junction Road. Junction Road was far more congested than the High Street and therefore an air quality test should have been conducted on Junction Road.

- Concerns were raised in relation to the access onto Junction Road and increase in traffic.

- In terms of surface water management, concerns were raised relating to updated guidance which stated that the new allowances for climate change now required both +20% scenario and a +40% scenario. It also stated that it was crucial that the additional runoff from the 40% was contained within the site, however further on in the Officers report the applicant had not supplied a detailed design for the management of surface water runoff from the proposed development. Therefore neither the public nor Members of the Committee had much idea how this would be achieved.

- Members raised questions as to why there were two accesses to the development. 1 access for 91 properties and 1 for 5 properties which would be on a private drive.

- Regarding the Playing fields on the proposed site which was grassed and could accommodate a wide range of sports, the proposed alternative would be suited principally to football. The size of the newly proposed pitch would also be smaller indicating a loss of facility in use and size. As the location was also to be determined it was not known how accessible to residents the new pitch would be.

- Further explanation was requested in terms of school places. How did the formula Officers eluded to work?

- When investigating trial holes for contamination at what stage was it dealt with,

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

- In relation to character and density, Members were shown a slide which detailed the surrounding area and the differing house types which had been built in phases over many years which showed the variation in character and density. The proposed development was to be set back as was existing houses on Junction Road retaining and adding to the greenery which was already present.

- In terms of the Core Strategy and density issues, it was confirmed that the Core Strategy was superseded by the 1st version of the NPPF and now superseded by the 2nd version. However the Core Strategy policy CS83 gave a density range of between 30 and 50 dwellings per hectare which the proposed development was well within. From a legal interpretation the density of the site did comply with the policy.

- Regarding the SCHLAA and the original indication of 40 units, that was a technical exercise and any application brought forward had to be considered on its own merits. From a planning perspective the development was considered to be acceptable.

- Sport England had removed their objection and were satisfied with the Councils approach.
- Regarding school places, there was a standard formula which effectively worked out the cost of providing a school place. If a school was oversubscribed and there were no school places then the yield each dwelling created would be looked at and a monetary value calculated based on the square meterage each child would require and then a decision would be based on that. So if the answer was that an extension was required to the school then this would be looked at. The children from the proposed development would clearly go the schools within their area, if that meant children who attended those schools from out of the area due to parent preference they would have to go to a school in their area and it could be that the money be spent on capacity in those schools, therefore Education would look at it in the round as to the impact on the schools where the children would go and where the spare places were needed.
- A S106 agreement could not be entered into as the Council owned the land on the proposed site. Any mitigation and measures would be down to negotiations with the Council and Developer in terms of land value and how that would be facilitated.
- Members suggestions proposing bungalows on the site was not necessarily considered to be in-keeping in a predominantly 2 storey area.
- The site was a sustainable site. Close to Norton High Street which provided good service provision. Officer also highlighted that the NPPF which had only been updated 24th July 2018, encouraged the efficient use of land and it was only in very distinct areas where a development may be pushed down a low density route. That was not prevalent in the area of Junction Road.
- Where concerns had been raised relating to Open Space, although it was acknowledged that there would be less than what was currently there, the Open Space which was to be provided would be over and above what was required from a development of that size.
- With regards to questions raised relating to the calculation of journey times, Offices confirmed that a mean average was used for a.m. and p.m., which was industry standard to do so.
- There was always going to be daily fluctuations in traffic, and these fluctuations could be impacted on things such as roadworks etc.
- Where it had been highlighted that residents would have difficulty turning left at the Horse and Jockey roundabout, there was to be significant improvements at that roundabout, mitigation measures had been agreed with AVANT homes as part of the Somerville development and also other works associated with the wider West Stockton sustainable extension.
- The traffic surveys were independent they had been undertaken by Persimmon for their own traffic assessment and also by ARUP who were independent engineers.

- The wider impact on traffic had been considered as part of the aims of modelling for West Stockton development, and was extended to include Junction Road and the Ring Road and Durham Road itself.
- In terms of the Crematorium and how they had a policy regarding how they approached traffic. They had to obey the rules of the road just as everyone else.
- The application mitigated its own impact, it was not there to improve any current situation in terms of highways.
- Where Members had sought clarity in terms of the separate entrance for 5 homes, it was explained that it was partly to do with the character of Junction Road and also making the most efficient use of the site.
- In terms of the cost of highways mitigation, this would form part of the agreement of the sales process and whatever the cost of the highway mitigation this would be met from the developer through the development of the site.
- With regards to TPO's , there was no requirement to have any TPO's on the site as it was Council owned land, however the Council was in the process of applying TPO's to the trees which had been agreed to be retained.
- Concerns relating to surface water management, the site had been conditioned as detailed within the report as it was considered that there was enough space within the proposed site to create a viable scheme.
- Questions relating to how Officers could instil residents and members confidence regarding land contamination. The Land Contamination Report had been undertaken in terms of national guidance and had included phase 2 desk top modelling and phase 2 intrusive investigation. The intrusive investigation had lined itself with BS10175 and BS8485 in terms of the land and gassing, therefore Officers were confident that the report had been conducted thoroughly. In terms of continuing the work with the developer and some of the potential contamination which may arise the developer would be continuously contacting the Environmental Health Department and the Land Contamination Officer should that be required. Officers would proactively visit the site and also conduct unannounced visits as standard practice. There was an additional condition which meant that the developer would have to notify and address any further potential issues they may come across. Proactive and unannounced visits were undertaken to allow Council Officers the ability to carry out physical assessments of the site and make sure that there wasn't anything that concerned them.
- In terms of workers on site, the Local Authority was not the governing body for occupational health and safety, this was the Health and Safety Executive (HSE). However Officers of the Council would continue to work with HSE should they have any concerns at any point?
- The development and the remediation strategy had included both gas membrane for a number of the properties and through negotiation with the Environmental Health Department 750mm clean soil in landscaped and garden areas.

- Where Members requested the location of TP02 and TP7. TP02 was to the South West and TP7 was to the North East of the site boundary. The material at those hotspots would be taken away to a suitable waste treatment facility by a licensed contractor prior to any development being taken further.

- Any potential dust which was developed during construction on the site would be controlled. Stockpiles would be maintained at a low height, that the developer would damp down regularly if there was natural suppression from the weather and the periphery of the site was to be maintained and cleaned and the developer would note any other emissions from the site.

- In terms of air quality analysis, the Council reported their report on a 12 monthly basis which is reported and ratified to National Government which had to be carried out annually by the Local Authority. There wasn't a base line condition for the site as is. The standard procedure across the country was to look at the mapping and the nearest local Nitrogen Dioxide Diffusion Tube. If an air quality assessment was to be undertaken then the assessment would be undertaken using Atmospheric Dispersion Modelling System (ADMS) and would be based upon the nearest Nitrogen Dioxide Diffusion Tube which was currently at half of the national standard.

A motion was moved by Councillor Hall; seconded by Councillor Tony Hampton, that a recorded vote be taken. More than a quarter of members presents supported the motion.

In accordance with Council Procedure Rule 16.4.1 a recorded vote was taken on the officer's amended recommendation;

For;

Councillor Helen Atkinson
Councillor Derek Brown
Councillor Carol Clark
Councillor Lisa Grainge
Councillor Paul Kirton
Councillor Jean O'Donnell
Councillor Norma Stephenson
Councillor Mick Stoker
Councillor Marilyn Surtees

Against;

Councillor Lynn Hall
Councillor Elsi Hampton
Councillor Tony Hampton
Councillor Sylvia Walmsley

RESOLVED that Members be minded to approve the application subject to whether the Secretary of State exercised his discretion to call in the planning application 18/0471/FUL subject to the following conditions and informatives below and subject to the applicant entering into an agreement with the council to meet the Heads of Terms set out below;

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

Plan Reference Number Date on Plan

AN-WD01 Rev L 2 March 2018

HB-WD01 Rev W 2 March 2018

HE-WD01 Rev C 2 March 2018

HT-WD01 Rev U 2 March 2018

PW-WD01 Rev K 2 March 2018

CT-WD01 REV F 15 June 2018

CD-WD01 REV Y 15 June 2018

CD-WD01 rev T 15 June 2018

SU-WD01 rev X 15 June 2018

LT-WD01 REV D 8 May 2018

N(JR)-001 REV T 8 May 2018

WK-WD01 REV E 8 May 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 All ecological mitigation measures within the 'Preliminary Ecological Appraisal' (July 2017) shall be implemented throughout the development in full in accordance with the advice and recommendations contained within the document.

07 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.

08 No development shall take place (except for the purposes of constructing the initial site access) until that part of the access 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.

09 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.

10 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority. This 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

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.

11 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 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

12 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.

13 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;

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated October 2016 (Revision 4 dated 14/2/18) and the following mitigation measures detailed within the FRA

I. Surface water to discharge to NW combined sewer at manhole 8204

II. Surface water discharge rate must not exceed 9.6l/sec

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

15 The building hereby approved shall not be brought into use until:-

I. Requisite elements of the approved surface water management scheme for

the development, or any phase of the development are in place and fully operational to serve said building.

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.

16 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "FRA and Drainage Strategy" dated "October 2016". The drainage scheme shall ensure that both the foul and surface water flows shall discharge to the combined sewer at manhole 8204. The surface water discharge rate shall not exceed the available capacity of 90.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

17 The development shall not be brought into use until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

18 Notwithstanding the provisions of Classes A, B, C, and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015, the buildings hereby approved shall not be extended or altered in any way.

19 Notwithstanding the provisions of class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front elevation and the highway.

20 Notwithstanding the submitted drawings, the gable windows of Plot 1 shall be obscure glazed to a minimum level 4. The obscure glazed windows shall be installed prior to the occupation of the dwelling and shall be retained for the lifetime of the development.

21 No development shall commence until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including:

- a) The type and nature of the facilities to be provided within the POS including street furniture etc;
- b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development;
- c) The arrangements the developer shall make for the future maintenance of the Public Open Space;
- d) The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed by the Local Planning Authority.

22 A total of 15% of housing provision within the site shall be affordable in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The details shall include but not be restricted to including the precise units to be affordable, the nature of tenure and mechanism for delivery.

23 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.

24 A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by

the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

25 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no hard landscaping works (excluding base course for access roads and carpark) shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship

appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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 9.6l/sec (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event 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. Any existing watercourses situated within the boundary of the proposed development site must be protected and the LLFA must be informed of any proposed works to the existing watercourses. If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

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

The requirement for a contribution to education provision in accordance with the council's formula and highway mitigation works will be dealt with as part of the sale process.

- P
28/18**
- 1. Appeal - Mr And Mrs M Parker - 1 Leven Bank Road, Yarm, TS15 9JL
16/2339/OUT - DISMISSED**
 - 2. Appeal - Mr George Sayers - 10 High Street, Wolviston, TS22 5JX
17/2533/FUL - DISMISSED**
 - 3. Appeal - Mr Tom Howson - Land At Thorntree Farm And, Rear Of 93
Bassleton Lane, Thornaby
17/0103/FUL - ALLOWED WITH CONDITIONS**
 - 4. Appeal - Mandale Construction Ltd - The Griffin, Bader Avenue,
Thornaby, TS17 0EH
17/2813/RET - ALLOWED WITH CONDITIONS**
 - 5. Appeal - Banks Property Ltd - Land West Of St Martins Way,
Kirklevington
16/3035/OUT - ALLOWED WITH CONDITIONS**
 - 6. Appeal - Mr J Mason - Land At 18A Braeside, Kirklevington, Yarm
17/0511/OUT - DISMISSED AND COSTS REFUSED**

The Appeals were noted.

