

# Planning Committee

A meeting of the Planning Committee was held on Wednesday, 1<sup>st</sup> February 2006.

**Present:** (Site Visits 31<sup>st</sup> January 2006) Councillor Cains (Chairman); Councillors Mrs Beaumont, Brown, Cherrett, Coombs, Perry, Mrs Rigg and Rix.

**Officers:** B Jackson, J Salisbury, H Smith (DNS)

**Apologies for absence** were submitted on behalf of Councillors Faulks, Kirton, Leonard, Patterson, Smith, Stoker, Walmsley and Womphrey.

**Present:** (Meeting) Councillor Cains (Chairman); Councillors Mrs Beaumont, Cherrett, Coombs, Dixon (vice Councillor Faulks), Leonard, Patterson, Perry, Mrs Rigg, Rix, Stoker, Walmsley and Womphrey.

**Officers:** J Elliott, S Grundy, B Jackson, C Llewellyn, S Pilkington, P Shevels, C Straughan (DNS), P K Bell, Miss J Butcher (LD).

**Apologies for absence** were submitted on behalf of Councillors Brown, Faulks, Kirton and Smith.

## 989 Declarations of Interest

Councillor Cains declared a personal and prejudicial interest in respect of Agenda Item No. 4 – Outline application for the erection of two detached dormer bungalows, Land to the rear of 103-105 Junction Road, Norton (05/3400/OUT) as he was a personal friend of an objector.

Councillor Rix declared a personal and prejudicial interest in respect of Agenda Item 15 – Application to vary Condition No 2 of Planning Approval 01/0600/P (Mixed Development including offices, Centres, Call Centres, Motor Dealerships, Hotel, Health Club, Housing, Amenity Areas, Sailing Centre and associated landscaping/roads) to allow an extension of time to five years from date of approval of outline permission for submission of reserved matters – Bowesfield Farm, Bowesfield, Lane, Preston Farm, Industrial Estate, Stockton (05/3404/ARK) as he was a friend of an objector.

## 990 Erection of Apartment Block for 18 No two bedroom apartments – Land at Thornaby Place (05/1911/FUL)

Prior to consideration of this item a site visit had taken place.

Consideration was given to a report which detailed an application for the erection of an apartment block for 18 two bedroom apartments at land at Thornaby Place.

The application site was situated on the corner of Thornaby Place and Mandale Road. The Victoria Bridge lay adjacent to the site with the River Tees to the west. Recent developments which included residential and office buildings could be found in close proximity to the north and south of the site, while existing commercial premises were located to the east and included Auto Electrics and Hadrian Caravans.

The proposed development had been amended from 27 residential apartments down to 18 apartments and 24 parking spaces. The design of the building was modern and reflected the character of the nearby modern office and residential development.

Several letters of objection had been received from the neighbouring premises, concerns were primarily focused upon the potential impacts of the development on highway safety although issues relating to the suitability of the site for residential development had also been raised. These issues were addressed in the material planning considerations of the report.

Members considered that the application site was in a suitable location for high density residential development of this nature due to the proximity of both local amenities and services and the public transport infrastructure. The development was judged to be in keeping with the scale, style and character of nearby development and was visually acceptable.

The Head of Engineering and Transportation Department was also satisfied that the development would not have any significant impacts on highway safety. He also considered that an acceptable Transport Statement had been provided and subject

to the applicant entering into a Section 106 agreement to contribute £5k towards planned bus and pedestrian phasing improvements to nearby traffic signals to assist pedestrian and bus movements.

Overall the proposed development accorded with Policies GP1, EN17, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan.

RESOLVED that Application 05/1911/FUL be approved subject to the entering into of a Section 106 Agreement for a commuted lump sum for improvements to public open space provision and a contribution to improvements in traffic signalling and the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s):- TP/56746/ES01 TP/RE/1 Rev C, TP/005, TP/PP1 Rev A and TP/PE1 Rev A.
2. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).
3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
4. Before any building for which permission is hereby granted is occupied, the sewage disposal works required shall be completed in accordance with the plans submitted with the application for the planning permission, to the satisfaction of the Local Planning Authority.
5. Notwithstanding any description contained within this application, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be implemented in accordance with the approved details. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials. A detailed planting plan indicating soil depths, plant species, numbers, locations and sizes, planting methods, maintenance and management; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting etc) proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc) retained historic landscape features and proposals restoration, where relevant.
6. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with these agreed details.
7. Before the permitted dwellings are occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68db(A)L10 (18 hours) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority for the protection of this proposed accommodation from traffic noise. Such a scheme shall be implemented in accordance with these agreed details.
8. No construction activity shall take place on the premises before 8.00am on weekdays and 8.30am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).

9. Notwithstanding any description contained within this application no development shall take place until full details of the width and construction of the proposed riverside walkway/cycleway have been submitted to and agreed in writing by the Local Planning Authority. The walkway/cycleway shall be constructed in accordance with these agreed details prior to the occupation of the hereby approved development.

Policies GP1, HO3 and HO11 adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No. 3; Housing were considered relevant to this decision.

#### Heads of Terms

A commuted lump sum of £4,500 for improvements to nearby public open space provision.

Agreement to contribute £5,000 towards planned bus and pedestrian phasing improvements to nearby traffic signals to assist pedestrian and bus movements.

#### **991 Outline application for the erection of two detached dormer bungalows, Land to the rear of 103-105 Junction Road, Norton (05/3400/OUT)**

Prior to consideration of this application Members had visited the site.

Consideration was given to a report which detailed an outline application for the erection of two detached dormer bungalows, land to the rear of 103-105 Junction Road, Norton (05/3400/OUT).

The application site was a large plot of land located to the rear of two semi detached properties (103-105) off Junction Road, Norton. The residential properties of Nos. 101, 103 and 105 Junction Road were located to the north of the site while the residential properties of 27, 29 and 31 Hemsley Court were located to the south of the application site. The application sites slopes gradually from north to south although there was a steep drop in levels between the rear boundary and the properties located on Hemsley Court.

Outline planning consent was sought to establish whether the principle of two residential properties in this location was acceptable. The applicant asked that only the siting and means of access into the site were considered for two dormer bungalows. Full planning consent had also recently been granted by the Planning Committee for a detached dwelling house to the rear of 101 Junction Road in June 2004 (04/1370/FUL).

The neighbour consultation period had expired on 5<sup>th</sup> January 2006. Nine individual letters of objection had been received from the local residents, these comments had been addressed in the material planning considerations detailed within the report.

Mr P Smith (Local Resident) spoke at his concern that the existing mature hedge to the rear access lane provided an important wild life and bird life habitat. There was general support for his view in Member discussion and members felt that a condition should be included in with any approval.

The Planning Officer advised Members that the hedge did not lie within either the application site or the control of the applicants and was a civil issue, therefore a planning condition could not be imposed. An objector commented that the local residents would work together to ensure that the hedge would be retained.

Members felt that given the previous approval for residential development to the rear of 101 Junction Road, that the application site lay within the limits to development and on "previously developed land" as defined in PPG3, the site was judged to meet the necessary criteria for an approval in principle for residential development. It was considered that the proposed dwellings would be accommodated within the site without lowering the existing amenity standards that prevail in the locality and that access to the site was suitable. The development was judged to be in accordance with Policies GP1, HO3 and HO11 of the Adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No. 3.

RESOLVED that Planning Application 05/3400/OUT be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s): 0530/LP and 0530/01.
2. Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).
5. Approval of details of the design and external appearance of the building(s) and the landscaping of the site shall be in accordance with the details of a scheme to be submitted to and approved by the Local Planning authority before development commences.
6. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.
7. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
9. Notwithstanding any description or plans submitted as part of this application, the hereby-approved development shall be restricted in height to a maximum height of 6.5 metres.
10. No construction activity shall take place on the site outside the hours of 8.00am – 6.00pm Monday to Friday, 8.00am – 1.00pm Saturday and nor at any time on Sundays or Bank Holidays.

(Councillor Cains declared a personal and prejudicial interest in respect of the above item and withdrew from the Chair)

(Councillor Cherrett was in the Chair during consideration of the above item and during the site visit).

**992 Residential development of 128 dwelling houses together with associated car parking, means of access and landscaping (Demolition of Billingham House and associated structures) – Cowpen Lane/Belasis Avenue/Central Avenue, Billingham (05/3365/FUL)**

Prior to consideration of the above application Members had visited the site.

Consideration was given to a report which detailed an application for residential development of 128 dwelling houses together with associated car parking, means of access and landscaping (demolition of Billingham House and associated structures) at Cowpen Lane/Belasis Avenue/Central Avenue, Billingham (05/3365/FUL).

The report outlined that whilst there appeared to be public support for the development as it meant the demolition and removal of the existing nine storey building on the site, which was seen as an eyesore and a public safety risk, there was a serious health and safety concern because of the proximity of the site to a hazardous installation. A formal objection from Health and Safety Executive had been made. Adjacent industry (Terra Nitrogen and Avecia) had also raised concerns because of the implication of having new housing immediately adjacent which might have a potential detrimental effect on any future development.

There was a clear planning gain if approval for the development had been given by means of the removal of Billingham House. However, to approve the development contrary to the advice of HSE would be against established planning policy, which only permitted such development where there was no significant threat to public safety. Whilst the threat was small, given the recent example at Buncefield it could not be ignored and there was sufficient reason for the application to be refused notwithstanding the local benefits it would bring. However, discussions should continue to secure an alternative form of redevelopment of the site that would result in the demolition of Billingham House but not give rise to the same level of health and safety concerns generated by housing development on the site.

The potential prejudicial impact on development aspirations for the adjacent industrial and the unsatisfactory proposed layout and general land use arrangements were not sufficiently strong reasons alone to justify refusal of planning permission but needed to be imposed on any refusal should an appeal be lodged.

Members were advised that if they were reminded to approve the application, HSE had to be notified to allow it time to decide whether it would seek to have the application 'called in' for determination by the Office of the Deputy Prime Minister. Any such inclination to approve the application should also allow for further discussions on a redesign of the scheme which at present was unsatisfactory, to overcome concerns about the layout, open space provision and landscaping.

The Managing Director of Brosely Homes (The Applicant Developer) circulated an up to date risk assessment from HSE which showed considerably reduced risk from the adjacent industrial site to that shown in the HSE objection to the development. This was due mostly to continuously reducing production volumes.

Members felt that although there was huge benefits of securing the removal of Billingham House it could not overcome the fundamental health and safety risk of an incident, no matter how small or remote, at the adjacent hazardous installation site which could adversely impact on the potential occupiers of the new houses. However, Members felt that discussions should continue to secure an alternative form of redevelopment on the site that would result in the demolition of Billingham House but would not give rise to the same level of health and safety concerns generated by housing development on the site.

RESOLVED that Planning Application 05/3365/FUL be refused for the following reasons:-

1. The redevelopment of the site for housing purposes would introduce a large number of persons in close proximity to a major hazard installation, which is an unacceptable health and safety risk contrary to the Tees Valley Structure Plan policy ENV27 and Stockton-on-Tees Local Plan policy EN38. .
2. In the opinion of the local planning authority the development of large scale housing development proposed on the site could be prejudicial to the future development potential on the adjacent industrial land which is allocated for general and potentially polluting or hazardous industrial uses (Policy IN 7).
3. In the opinion of the Local Planning Authority the submitted development is deficient in terms of open space provision and has an unsatisfactory layout and proposed means of enclosure which if implemented would be contrary to policy GP1, HO3 and HO11 of the adopted local plan.

**993 Erection of two storey building comprising two units to be used as Estate Agents (A2) and Doctor's Surgery (D1), each with ancillary offices at first floor level, Land adjacent to The Stables Public House, The Wynd, Wynyard, Billingham (05/3226/FUL)**

Consideration was given to a report on a planning application for the erection of a two storey building comprising two units to be used as Estates Agents (A2) and Doctor's Surgery (B1), each with ancillary offices at first floor level, land adjacent to The Stables Public House, The Wynd, Wynyard (05/3226/FUL).

The report outlined that planning permission (05/0245/FUL) was refused on 5<sup>th</sup> April 2005 for the erection of two retail units with offices above. The Local Planning Authority's reason for refusal was as follows:-

In the opinion of the Local Planning Authority the extensions proposed by virtue of their size and location would have a detrimental impact on the existing building and the open character of this well planned area, contrary to the provisions of Policy GP1 of the Adopted Local Plan.

An appeal was lodged in respect of the refusal, which had been determined. In reaching their decision, the Inspectorate concluded that the proposed scheme would occupy a position on the service area of The Stables Public House, which was not an attractive part of the village scene, noting that there had been an addition which was similar in character to the appeal proposal on the northern side of the group of buildings. The Inspector therefore suggested that the proposed development would increase the townscape interest of the immediate area. The Inspector's report accepted that the car parking requirements of the proposal would increase use of existing parking spaces, but considered the evidence to indicate that the spaces had plenty of day time capacity. The Inspector allowed the appeal on 29<sup>th</sup> September 2005.

The application sought planning permission for the erection of two commercial units on land to the rear of The Stables Public House at Wynyard. The units were intended to be used as Estate Agents and a Doctor's Surgery, each having ancillary office accommodation at first floor level.

There had been six neighbour objections received following consultation as well as an objection from the Head of Highways and Transportation. Much of the concerns raised related to issues, which had been considered during the determination of a previous application on the site for two retail units and associated appeal.

The main issues in determining the application related to the principle of development in this location, its visual impacts on the area and the impacts of additional traffic generated by the scheme.

The proposed users were considered to be services which would support a local demand without affecting the role of other centres whilst were of a scale and appearance which was reflective of its immediate surroundings. Although the proposal would have demand on available parking, overall provision should not be significantly affected. Taking into account the material planning considerations including the previous appeal decision and being in line with the principles of policies GP1 and S17 of the Stockton-on-Tees Local Plan Members considered the application acceptable.

RESOLVED that Planning Application 05/3226/FUL be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s): SBC001 – SBC011.
2. Details of all external finishing materials shall be agreed with the Local Planning Authority before the development is commenced.

**994 Revised application for the erection of 1 No dormer bungalow and associated means of access and landscaping, Kentisbury, The Spital, Yarm (05/3472/REV)**

Consideration was given to a report on a revised application for the erection of 1 dormer bungalow and associated means of access and landscaping, Kentisbury, The Spital, Yarm (05/3472/REV).

The report outlined that this was a revised application and that a previous application for a two storey house was refused at the Planning Committee held on 7<sup>th</sup> December 2005.

The reason for refusal was “the development proposed by virtue of its size, height and location of the proposed dwelling on the site would have an unacceptable overbearing impact and loss of privacy on the neighbouring properties, harming the existing residential amenities which the residents could reasonably expect to enjoy.”

The revised application was for a dormer bungalow, with a similar footprint and siting to the previous application. The height of the proposal was reduced from 8.95 metres for the previous application (05/2805) to 6.68 metres.

Ten objection letters had been received from the occupants of neighbouring properties and the Ward Councillor. These primarily related to the size and bulk of the proposed building and the resulting loss of privacy for the occupants of adjacent buildings. The objectors also commented that the proposals would be unsympathetic for the character of the area, affect protected trees and have an adverse impact upon highway safety, the objectors did not feel that the amendments made to this application overcame the reason for refusal given for the previous application.

There would be no loss of protected or unprotected trees through the proposed development, the loss of shrubs etc. on the site would be kept to a minimum. It was not considered that the proposals would have an unacceptable impact upon highway safety and the attached double garage provided sufficient car parking.

The distances to adjacent dwellings were broadly in line with those set out in SPG2.

Members felt that the revised application did not address the original reasons for refusal and felt that they could not approve this application. Members suggested to the applicant that the application be deferred to enable further discussions to take place on a reduced and revised scheme. At this point the applicant outlined that he did not want the application deferring and that if Members refused the revised application then he would take his original application to appeal.

RESOLVED that Planning Application 05/3472/REV be refused for the following reason:-

The development proposed by virtue of its size, height and location of the proposed dwelling on the site, will have an unacceptable overbearing impact and loss of privacy on the neighbouring properties, harming the existing residential amenity which the residents could reasonably expect to enjoy.

**995 Erection of 3 detached dwellings and new access road from Spitalfields Land to the Rear of the Old Rectory, Grammar School Lane, Yarm (05/3125/FUL)**

Consideration was given to a report on a planning application for the erection of three detached dwellings and new access road from Spitalfields, Yarm to the rear of the Old Rectory, Grammar School Lane, Yarm (05/3125/FUL).

The report outlined that the application site had been subject to various planning applications over recent years. However, having been granted a retrospective change of use of the land from playing fields back to garden area in 2004, outline planning consent was granted in June 2005 for the erection of four detached dwellings (05/0751/REV).

After giving consideration to the report and listening to the applicant and objectors Members felt that the application should be deferred to enable further discussions on a revised layout of the scheme.

RESOLVED that Planning Application 05/3125/FUL be deferred to enable further discussions take place regarding a revised layout of the scheme.

**996 Two storey extension to rear, porch to front and 1 dormer window to the front – 57 Willow Bank Cottage, Forest Lane, Kirklevington (05/1865/FUL)**

Members felt that a site visit would be beneficial before consideration of the above application.

RESOLVED that Planning Application 05/1865/FUL be deferred for a site visit to take place to the application site.

**997 Retrospective application for the erection of 2.1m high wrought iron gates to rear of garden, 44 High Street, Wolviston, Billingham (05/3289/FUL)**

Consideration was given to a report on retrospective permission for the erection of 2.1m high wrought iron gates to the rear of the site of 44 High Street, Wolviston.

The application site lay within Wolviston Conservation Area and six objections had been received from local residents/parish council.

Members felt that the proposal was in accordance with the Policy GP1, HO12 and EN24 of the Stockton-on-Tees Local Plan.

RESOLVED that Planning Application 05/3289/FUL be approved subject to the following condition:-

1. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s):- SBC001, WOFT 05-01 and WOFT 05-02.

**998 Application for the change of use of private open space and the relocation of boundary fence at the side of 13 Colsterdale Close, Billingham – side of 13 Colsterdale Close, Billingham (05/0583/COU)**

Consideration was given to a report on an application for the change of use of private open space and the relocation of boundary fence at the side of 13 Colsterdale Close, Billingham – side of 13 Colsterdale Close, Billingham (05/0583/COU).

The report outlined that the application had previously been considered by the Planning Committee on 3<sup>rd</sup> August 2005 when the application was deferred by Members for the applicant to submit a more suitable scheme.

The application site was located in High Grange, Billingham. In the resubmitted scheme the applicants sought permission to change the use of a 2m x 23.5m strip of land and the relocation of the boundary fence, which is located to the north of 13 Colsterdale Close.

Following the reconsultation of the amended application, two letters of representation had been received.

Members felt that there would be a loss of public open space which was used by young children in the immediate area and that a better way of alleviating the problems of nuisance would be to attempt to design them out by a member of the Care for your Area Team. Members requested that the Planning Officers alert the Ward Councillors to the situation and inform them of the Care for your Area Team contact details.

RESOLVED that Planning Application 05/0583/COU be refused for the following reason:-

The change of use would adversely impact on the remaining public open space and be detrimental to the amenities of the area residents would be reasonably be entitled to enjoy.



**999 The Stockton-on-Tees Local Plan: Alteration No. 1: Summary of Representations received to the Proposed Modifications and the Intention to Adopt**

Consideration was given to a report which summarised the responses received to the statutory Proposed Modifications of Alteration Number 1 to the Local Plan and sought formal sanction for its adoption.

Members recalled that in October 2005, it considered and endorsed a series of statutory proposed modifications to Alteration 1 of the Stockton-on-Tees Local Plan. These modifications were prepared having regards to the Inspector's recommendations into objections received to the deposit draft (September 2003), the revised deposit draft (June 2004) and two proposed pre inquiry changes documents.

Between November and 19<sup>th</sup> December the proposed modifications were formally placed on deposit for a six weeks consultation period. Statutory notices were published in the press and London Gazette and all previous respondents to the documents (including the statutory consultees) were notified of its publication and availability. Accordingly, six responses had been received from six individuals/organisations (these were appended to the report). Members noted that no formal objection had been received.

RECOMMENDED that:-

1. The responses received to the proposed modifications to Alteration No. 1 of the Adopted Stockton-on-Tees Local Plan be noted.
2. The formal adoption of Alteration Number 1 together with the replacement text inserted as set out at paragraph 5(b) of the report be endorsed so that it may be forwarded to Cabinet and Full Council in March 2006.

**1000 The Stockton-on-Tees Local Development Framework – The Revised Development Scheme**

Consideration was given to a report which sought approval on the Revised Local Development Scheme. The document formed the project plan and timetable for the various documents that would be prepared that collectively comprise the Stockton-on-Tees Local Development Framework.

Under the Planning and Compulsory Purchase Act 2004, Councils were required to prepare and adopt a Local Development Scheme (LDS). This set out those documents that the Council intended to produce for its Local Development Framework and the timetable for the production and review of these documents. In effect, the Local Development Scheme would be the Council's project plan for the entire Local Development Framework process.

RECOMMENDED that:-

1. The content of the Revised Local Development Scheme (LDS) be endorsed so that it may then be forwarded onto Cabinet and Full Council in February and March 2006 respectively, for formal approval.
2. Delegated authority be given to the Head of Planning (HOP) to secure agreement from both Government Office North East and the Planning Inspectorate and to amend the revised LDS as appropriate in the light of their comments, or as deemed necessary by HOP, in preparation of the LDS for submission to the Secretary of State.
3. The delegation to HOP (in consultation with Chair of Planning and Portfolio Holder for Regeneration and Transport), by Cabinet and Council, of the authority to make a resolution to adopt and bring into effect the revised LDS, on a date to be determined by HOP, upon the conclusion or expiry of the Secretary of State's consideration of the revised LDS, including the variation of the Scheme to give effect to any directions of the Secretary of State and all other decisions necessary to bring the revised LDS into effect be endorsed.
4. Delegated authority be given to the HOP to amend, modify, vary, or revoke the revised LDS or parts thereof, to give effect to the requirements of the

Secretary of State, or as otherwise deemed necessary, in consultation with the Chair and Vice Chair of Planning Committee.

**1001 Application to Vary Condition 2 of Planning Approval 01/0600/P (Mixed development including offices, centres, call centres, motor dealerships, hotel, health club, housing, amenity areas, sailing centre and associated landscaping/roads) to allow an extension of time to five years from date of approval of outline permission for submission of reserved matters – Bowesfield Farm, Bowesfield Lane, Preston Farm Industrial Estate, Stockton (05/3404/ARC)**

Consideration was given to a report on an application (Application to Vary Condition 2 of Planning Approval 01/1600/P (Mixed development including offices, centres, call centres, motor dealerships, hotel, health club, housing, amenity areas, sailing centre and associated landscaping/roads) to allow an extension of time to five years from date of approval of outline permission for submission of reserved matters – Bowesfield Farm, Bowesfield Lane, Preston Farm Industrial Estate, Stockton (05/3404/ARC).

The report outlined that outline planning permission was granted on 6<sup>th</sup> May 2003. Condition No. 2 of this approval required the reserved matters application to be submitted within three years from the date of approval i.e. 6<sup>th</sup> May 2006.

A planning application under Section 73 of the Town and Country Planning Act had been submitted to vary Condition 2 of this planning approval (01/0600/P). This application sought an extension of time for submission of reserved matters to five years from the date of approval of outline planning permission i.e. up to 6<sup>th</sup> May 2008.

The majority of responses received had raised no objection although two letters of objection were received which related more to the actual development itself as against the extension of time for the submission of reserved matters, although within these submissions reference was made to the extension of time not allowing humans and wild life to have the peace, quiet and enjoyment they require.

Members considered that there had been no change in policy since the approval of the outline application, which would require this new application to be either refused, or subject to amended or additional conditions. Therefore in order to secure the vision that the Master Plan established on the basis on which it was originally approved and to ensure a continuity of the development in a well structured and planned manner it was considered suitable to allow an extension of time within which the reserved matters applications could be submitted for the various areas of the site.

RESOLVED that Planning Application 05/3404/ARC) be approved.

(Councillor Rix declared a personal and prejudicial interest in respect of the above item and withdrew from the meeting).

**1002 Erection of 1 Detached Dormer Bungalow and Detached Garage – Land Rear of 670 Yarm Road, Eaglescliffe (05/3471/FUL)**

Consideration was given to a report on a planning application for the erection of one detached dormer bungalow and detached garage at Land to the Rear of 670 Yarm Road, Eaglescliffe (05/34371/FUL).

The report outlined that the application site was the subject of previous planning applications (02/1155/P, 04/2581/OUT and 04/3504/OUT) for a bungalow. Applications 02/1155 and 04/2581 were refused and 02/1155 was the subject of an unsuccessful appeal, dismissed on pedestrian highway safety grounds. At that time the proposed access was from a narrow unadopted road to the south of the site, which was considered unsuitable for the proposed development.

Following these previous refusals, outline planning permission was conditionally approved on 6<sup>th</sup> January 2005 for the erection of one detached bungalow with a detached double garage and associated means of access being taken from Yarm Road.

This application related to the erection of one detached dormer bungalow with a detached double garage and associated means of access on the land to the rear of 670 Yarm Road.

Six letters of objection had been received in respect of the proposal along with a request from the Council's Landscape Architect for a survey to be undertaken which indicated the impact of the development on existing tree cover. Both Engineering and Transportation and Environmental Health had indicated they had no objection to the proposed development subject to certain criteria being achieved.

Discussion took place with regard the outline planning permission and it was agreed that the permission was given for a single storey bungalow only. Mrs Farish spoke as an objector on behalf of Eaglescliffe Parish Action Group and emphasised the single storey condition and also raised concerns about the hazard from increased traffic to school children who used the adjacent access.

Members felt that as the outline planning permission was for the erection of one detached single storey bungalow and not a detached dormer bungalow the application should be refused as it would have a detrimental impact on the neighbouring properties.

RESOLVED that Planning Application 05/3471/FUL be refused for the following reason:-

In the opinion of the Local Planning Authority the proposed development, by virtue of its size, height, location and specifically as a result of having dormer windows, would have an unacceptable overbearing impact on the neighbouring properties and area in general, harming the amenity and privacy currently enjoyed by the occupants of surrounding properties, being contrary to Policies GP1 and HO11 of the Stockton-on-Tees Local Plan.

#### **1003 Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.

#### **1004 Development in breach of planning conditions: Retrospective application for the installation of floor mounted air line machine adjacent to jet wash bay (04/1981/FUL), 2 wall mounted air conditioning units (04/1635/FUL) and installation of free standing car vac machine (04/1982/FUL) – Fairfield Service Station, 318 Bishopton Road West, Stockton-on-Tees**

Members were aware that three previously approved developments at the Fairfield Service Station were subject to the requirement of the installation of three automatic timer switches to control the approved development in order that there would not be any significant impacts on the residential amenity of the neighbouring properties.

After a visit from the Planning Enforcement Officer to the site it had been discovered that these automatic timer switches as detailed in the three conditions above had not been installed and the applicant was therefore in breach of these imposed conditions.

RESOLVED that enforcement action be taken as the three previously approved developments at Fairfield Service Station had the requirement of the installation of three automatic timer switches to control the approved developments in order that there would not be any significant impacts on the residential amenity of the neighbouring properties and this had not been the case.

#### **1005 Items for Information**

1. Appeal by Gurmeet Singh Takhar – 34 Langley Avenue, Thornaby (05/0453/COU) – Dismissed.
2. Appeal by Mrs J Cuthbert – 27 Ramsbury Avenue, Stockton-on-Tees (05/1505/FUL) – Dismissed.

3. Appeal by TRS Developments – Former Petrol Filling Station and Service Station, Durham Road, Stockton-on-Tees (04/2373/FUL) – Allowed.

**1006 On-Line Planning**

The Chairman reported that the Planning Department had received top marks in a National Survey for on-line planning.

RESOLVED that the above information be noted.