

Planning Committee

A meeting of the Planning Committee was held on Wednesday 19 April 2006.

Present: (Site Visit) Councillor Stoker (Chairman); Councillors Brown, Cains, Cherrett, Leonard, Perry, Mrs Rigg, Rix, Salt and Womphrey.

Officers: B Jackson and Miss H Smith (DNS)

Apologies for Absence were submitted on behalf of Councillors Mrs Beaumont, Coombs, Faulks, Kirton, Patterson, Smith and Walmsley.

Present: (Meeting) Councillor Stoker (Chairman); Councillors Mrs Beaumont, Brown, Cains, Cherrett, Leonard, Patterson, Perry, Mrs Rigg, Rix, Salt, Smith and Womphrey.

Officers: F Farooqui, B Jackson, S Milner, Miss J O'Donnell, Mrs J Salisbury, C Snowdon, Mrs C Straughan, Mrs M Whaler and P Whaley (DNS); Miss J Butcher and Mrs T Harrison (LD)

Apologies for absence were submitted on behalf of Councillors Coombs, Faulks, Kirton and Walmsley.

68 Declarations of Interest

Councillor Stoker declared a personal prejudicial interest in relation to agenda item 12 (planning application 06/0486/LA) – Parkside Centre, Melrose Avenue, Billingham, erection of two metre high galvanised steel solid round bar fence with rounded heads powder coated in dark green colour due to knowing some of the objectors.

Councillor Cherrett declared a personal prejudicial interest in relation to agenda item 10 (planning application 06/0300/FUL) Willow Bridge works, Letch Lane, Carlton, residential development of ten number detached dwelling houses and associated means of access and landscaping, due to being a friend of one of the objectors.

Councillor Mrs Beaumont declared a personal/non-prejudicial interest in relation to agenda item 5 (planning application 06/0586/FUL) land at 5 Foreland Point, Ingleby Barwick, erection of detached bungalow, due to knowing the objector.

69 Minutes of the Meeting held on 22nd February 2006

Resolved that the minutes of 22nd February 2006 were signed by the Chair.

70 (Planning Application 06/0375/ARC) Hide Café Bar, 32 High Street, Yarm, Application to Modify Condition 3 of Planning Approval 00/1380/P to read 'the use hereby permitted shall not be open to customers outside the following times – 08.30- 00.30 hours on any day. The premises shall be vacated not later than one hour after the closure of the premises to customers'.

A site visit took place prior to the meeting.

Members were advised of an application which sought permission to the extension of the approved opening hours of the café/bar from 8.30 am to 12.30 am and for the premises to be vacated by 1.30 am.

Hide Bar was located within Yarm Centre, set back off the High Street within a small development of shops and services at Fairfax Court. To the rear of the premises were car parks, beyond which lay residential properties on Castle Dyke, Mill and Atlas Wynds.

One letter of objection had been received from agents acting on behalf of ten residents of Atlas and Castle Dyke Wynd and another letter of objection was received from a local resident. Yarm Town Council objected to the proposed application on the basis of increased late night noise and inconvenience to adjacent residents. A response had been received from Cleveland Police who verbally confirmed that they had no objections to the proposals.

The concerns raised by the objectors were the unacceptable location, no justification particularly in the light of previous refusals, later hours would result in noise disturbance to local residents as customers left and staff cleaning and leaving the premises would take place later, sleep patterns would be seriously disturbed as a result of car engines starting, doors being slammed, talking, rubbish being collected, bottles being disposed; an unacceptable situation would be exacerbated, the area was not suitable for later operations given the level of residential accommodation, the Councils Environmental Team had previously raised concerns over customer activity patterns and poor acoustic properties of the building, Yarm was already considered a no go area by many locals at night especially during summer evenings and weekend evenings all the year round, later opening hours would result in significant harm to the amenities of local residents and an already unacceptable situation would be made worse. An extension to the hours of operation would have a major impact on the lives of the residents in the immediate vicinity and would restrict the hours residents would be able to sleep. Noise and loss of privacy due to the volume of deliveries of goods by large vehicles several times a day during the week affected local residents and the area was not constructed to accommodate the volume and size of vehicles delivering goods to support commercial premises. Measures negotiated by Environmental Health to minimise disruption to residents had not been adhered to.

It was considered that taking into account the nature of the area, the proposed extension of time and the likely impact of the surrounding area, the proposed variation of hours could prove acceptable.

The applicant addressed the Committee and advised that Hide Bar had been trading for five years; they now employed 50 members of staff.

They had worked closely with Environmental Health and the Police and had incorporated recommendations made from Environmental Health by addressing the issues regarding the containment of noise within the building, fire door, refuse and waste which was now kept in the unit until the following morning, therefore avoiding noise disturbance late at night.

Food was served from 9.00 am throughout the day and bar deliveries did not take place until 9 am. Staff from other bars and pubs used the car parks behind the Hide Bar. The bar closed at 11.30 and no bottles were put out in the morning until 9.00 am and all mess and waste was cleaned up and disposed of correctly.

A member observed that a licensed premises in the vicinity already has longer opening hours and observed that this did not seem fair in relation to the Hide Café Bar. A member observed that there had been assurance that the concerns regarding sound damping of the ceiling would be addressed, however the member requested that the temporary consent be reduced from 18 months to 12 months and that the ceiling and timing advice be put in place and included in the conditions.

A member requested whether monitoring of the noise and its source could be undertaken over the twelve month period to enable Committee to have the information on completion of the twelve months without having to undertake further studies. The member was advised that monitoring routinely took place and would continue to do so with licensing and planning monitoring being undertaken at the same time.

Councillor Mrs Beaumont put forward a motion to reduce the temporary approval from 18 months to 12 months which was seconded by Councillor Cains. The motion was carried.

Resolved that planning application 06/0375/ARC be approved subject to the following conditions attached to the original planning permission (00/1380/P) in respect of approved documents, car parking spaces, restriction of live entertainment and amplified music and odour control; and the following conditions in respect of temporary consent, amended opening hours and an operational management plan

1. The use hereby permitted shall be for a period of 12 months from the date of this permission hereof.
2. The use hereby permitted shall not be open to visiting members of the public outside the following times: 08:00 to 00:30. The premises shall be vacated by staff by 01:30 hours.
3. No development shall commence until a management plan relating to the operation of the external areas of the premises, including bin area, rear access and exit doors and shall specify that the management will operate whilst ever the premises is open for business after 23:00 hours has been submitted and approved by the Local Planning Authority and the approved scheme has been brought into operation. The approved scheme shall operate for the life of this consent.

71 (Planning Application 06/0586/FUL) Land at 5 Foreland Point, Ingleby Barwick, Erection of Detached Bungalow

A site visit took place prior to the meeting.

Members were advised that the application site had been subject to a previous planning application in early 2004, outline planning consent was sought for the erection of one number dwelling house. An appeal was subsequently lodged and dismissed.

Planning permission was now sought for the erection of an 11 m x 7.1 m two bedroom bungalow reaching a maximum height of 4.5 metres to the east of the host property. The proposal also included extensive planting on the most southern part of the slope to replace existing coarse grass.

In light of the previous appeal decision it was considered that the proposed development did not overcome previous concerns and that the plot was not a sufficient enough size to accommodate a residential dwelling. The development was therefore considered to be contrary to policies GP1, H03, H011 and EN7 of the adopted Stockton-on-Tees Local Plan.

The agent addressed the Committee and advised that no reason had been given why the application would have an impact on the special landscape area as the proposal included a landscaping plan and there was no explanation given as to the reasons for refusal of the size of the bungalow. The size of the bungalow would be the same size of some newer properties.

The agent advised that the side windows could be moved to the rear of the property which would address any issues relating to privacy. The agent also advised that the government had advised of the need to make the best possible use of land, which was the applicant's intention.

An objector addressed the Committee highlighting the following reasons for objection: Leven Valley was a protected area and a bungalow would impose on the area, the bungalow would not be in keeping with other dwellings, the roofline would be different to neighbouring properties and would be imposing, other residents would experience loss of light, there would be no provision for private/open space, there would be a wider amenity issue, restrictive covenants were in place which restricted development, annoyance and nuisance, the area was a sight of natural beauty where hawks were seen and the planning inspector gave reasons for refusals, however none of the reasons had been addressed.

A member advised that the height of the bungalow ridge was high and commented that it was unusual to have infill in Ingleby Barwick however, if the builder of the existing properties around the application site had been able to erect another house on the land they would have done so.

The bungalow would be four metres outside the building line and would be visible to all and would result in direct neighbours losing privacy. Residents could lose the view they had enjoyed though it was observed that this was not a planning consideration. It was also observed that deeds of the other properties stated that no further building could take place.

A member observed that other houses in the area had big gardens and therefore if the application was allowed it could set a precedent for other applications within the area. The lack of amenity space would be significantly reduced for both the application property and existing neighbouring residence.

Members were advised that it would not be impossible to fence the two properties but it would require fencing across the front gardens, which would not be suitable.

RESOLVED that planning application 06/0586/FUL be refused for the following reasons:-

1. The erection of a dwelling house as proposed would have an adverse impact on the Special Landscape area of the Leven Valley and would therefore be contrary to the provisions of Policy EN7 of the adopted Stockton-on-Tees Borough Council Local Plan.
2. In the opinion of the Local Planning Authority, the application site is contrary to Policy GP1 and HO3 of the Stockton-on-Tees Local Plan as it is of insufficient size to satisfactorily accommodate the proposed dwelling and would result in lower amenity standards for the residents of the host property.

(Councillor Mrs Beaumont declared a personal/non-prejudicial interest in the above item due to knowing the objector).

72 (Planning Application 06/0486/LA) Parkside Centre, Melrose Avenue, Billingham, Erection of 2m High Galvanised Steel Solid Round Bar Fence with Rounded Heads, Powder Coated in Dark Green Colour

The application was for the erection of a 2 metre high galvanised steel solid round bar fence with rounded heads, powder coated in dark green colour on the boundary at the Parkside Centre, Melrose Avenue, Billingham.

The application had generated 12 letters of objection from the occupants of neighbouring properties and Councillor Woodhouse had also objected.

It was considered that the proposal was necessary to stop the acts of vandalism and misuse of Council property.

RESOLVED that planning application 06/0486/LA be deferred for a site visit.

(Councillor Stoker declared a personal/prejudicial interest in the above item due to knowing some of the objectors and left the room for the duration of the item)

73 (Planning Application 06/0660/FUL) 46 Redwing Lane, Norton, Stockton-on-Tees, Erection of Attached Garage to Side with a Bedroom in the Roof and Dormer Windows to Front.

Members were advised that the application site was located in Crooksbarrow, Norton. Planning permission was required for the demolition of an existing attached garage to the side and the erection of an attached garage to the side with bedroom in the roof and dormer window to the front of 46 Redwing Lane. The proposal would provide a garage and master bedroom with en-suite.

The current application was the third scheme submitted, the previous two were considered at committee however both were refused due to the unacceptable overbearing effect they would have on the neighbouring property. It was considered that the revised scheme proposed with a significant reduction in the mass of the

proposed gable wall adjacent to the neighbouring property overcame the reasons for refusal.

An objector addressed the Committee and advised that the lowering of the roof which had been requested by planning officers had no bearing on their reasons for objection which related to the wall that faced them and reduced light in their conservatory. The brick wall would be 7.3 metres high and would only be 1 metre from their conservatory which they felt was not acceptable.

The application had been refused previously and the objector observed that an application to build a similar extension had been refused at a nearby property. The extension would be 40% larger than some homes on Redwing Lane and they therefore considered it to be an over development.

The objector observed that the planning officer had not been to see them and observed the impact the application would have on their property.

The Ward Councillor addressed the Committee and advised that she had not talked or shared her views with her husband who was a member of the planning committee and was there to offer her support to the objectors. The Ward Councillor advised that she did not think the Planning Officers had paid much attention to the inspectors report as the inspector had refused the application point blank.

A member advised that the bulk was too big and that they would have liked to have seen a percentage of how great the bulk was and the proximity to the neighbouring property.

A member advised that the issue of overbearing had not been picked up at all.

RESOLVED that planning application 06/066/FUL be refused for the following reason: The development proposed by virtue of its size and location will have an unacceptable, overbearing effect on the neighbouring property, no 48 Redwing Lane, harming the existing residential amenity, which residents could reasonably expect to enjoy contrary to Policy HO12 of the adopted Stockton-on-Tees Local Plan.

74 (Planning Application 05/3125/FUL) Land to the Rear of the Old Rectory, Grammar School Lane, Yarm, Erection of 3 No. Detached Dwellings and New Access Road from Spitalfields.

Members were reminded that the application had been deferred at the Planning Committee of the 1 February 2006 in order that the site layout could be amended to achieve greater separation distances, internally within the site. The applicant's agent had addressed the issue by submitting amended plans.

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, outlined planning consent was granted in June 2005 for the erection of 4 no. detached dwellings (05/0751/REV).

The application site was situated to the west of the Old Rectory, on Grammar School Lane, Yarm. Yarm School and the associated playing fields were located to the north of the site and the residential properties of Spitalfields to the south.

Planning permission was sought for the erection of 3 no. detached dwellings located in the centre and northern area of the site. Vehicular access to the proposed properties was served by an existing cul-de-sac from Spitalfields.

Objections received in relation to the proposed development were detailed in the report and had been addressed in the material planning considerations of the report. In light of both the Planning Inspectorates decision and the outline consent granted, the principle of residential development on the site was considered to be acceptable. It was considered that the appearance of the dwellings, size of amenity areas and distances between properties were acceptable and that on balance the development

accorded with policy GP1, H03, H011 and TR15 of the adopted Stockton-on-Tees Local Plan, consequently the application was recommended for approval.

An objector addressed the Committee and advised that they were an employee of Yarm Grammar School and that the field had been used for many years by the School; however they had been evicted after the first application had been submitted.

The objector raised concerns regarding the impact the Schools sport activities would have on the residents of the properties in the proposed application and pointed out the close proximity to the boundary.

It was observed that Yarm Grammar School were looking to relocate, however the objector wished to raise all concerns regarding the application should the relocation not take place.

A member noted that only five dwellings were permitted from private access but observed that there were seven dwellings which would use the private access and requested clarification.

The agent advised that the road was adoptable highway until it met the applicant's land and that it had been built to adoptable standard; however the Highways Officer advised that the access was not adopted.

A Planning Officer advised that the inspector had considered the seven dwellings to be acceptable.

A member advised that the objections were "in principle" and seeing as the application was agreed in principle, it was their opinion that the objection should be ignored.

RESOLVED that planning application 05/3125/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):- SBC0001, 3305/1/2G, 3305/1/3B and 3305/1/5.
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 roof of the building(s).
3. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
4. 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.
5. 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.
6. Details of a scheme in accordance with BS5837, 1991 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include detail of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction

commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

7. No storage of building materials shall take place underneath the crown spread of the tree(s) to be retained on site.
8. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the building(s) hereby approved shall not be extended or altered in any way without the prior written approval of the Local Planning Authority.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1005 (or other Order revoking and re-enacting that Order), no buildings or structures for the accommodation of motor vehicles shall be erected other than those of the type and in positions expressly authorised by this permission, without the prior written approval of the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosures shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without prior written approval of the Local Planning Authority.
12. No development approved by this permission shall be commenced until a desk study report providing information on the previous land uses and an evaluation as to whether land contamination is likely to be present is submitted and approved by the Local Planning Authority (LPA). If the site may have a contaminative use, a site investigation including risk assessment report and full details of the proposed method for the removal/treatment shall be submitted. A validation report upon completion of the works shall also be submitted and approved by the LPA; all works referred to above shall be carried out by or under direct supervision of a qualified environmental consultant.
13. No construction activity shall take place on the site before 8.00 am on weekdays and 8.00 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays)
14. Prior to the commencement of the development, details of the vehicle access from Spitalfields shall be submitted to and approved in writing and thereafter implemented to the satisfaction of the Local Planning Authority

75 (Planning Application 06/0357/ARC) Paddock to the Rear of St Columbas Avenue, Billingham, Application to Remove Condition 1 of Planning Approval 92/1887/P

The application was to remove condition 1 of planning approval 92/1887/P, which was for the erection of three stables, tack room and feed store at the above address.

Condition 1 stated "The development, hereby approved, shall only be for the benefit and use by Mr and Mrs Potter and family of 3 St Columbas Avenue, Billingham and by no other persons and on the cessation of the use of the development by these persons, the development of three stables and tack room shall be removed from the site and the land reinstated to its former condition".

There has been one letter of objection and seven letters of support for the application.

The Head of Integrated Transport and Environmental Policy had advised that the removal of condition 1 could lead to an intensification of use of the access, which would be detrimental to highway safety and the free flow of traffic. However, a condition preventing the use of the stables for commercial reasons would limit the use of the site and help to prevent an over intensification of use and the previous conditions and Section 106 Agreement relating to the access of the site would remain.

The agent advised that the use of the site would be for personal use only and was still used.

There had been no complaints regarding parking and the issue relating to who would own the land next was not relevant to the application but observed that a condition had been put in place to address the matter.

The agent advised that the current access had been deemed acceptable by the inspector.

An objector addressed the Committee and advised that the previous owner had caused problems and the objector wished to ensure that when the current owner sold the land that the stables be removed. The objector advised that he was happy with the condition relating to Wolviston Road and that if the condition restricted the use of the land for personal use only he would be happy.

The objector also observed that the letters of support were from people who did not live near to the site.

A planning officer advised that if the current application was approved, the condition preventing use for commercial purposes would effectively be a further personal permission to the owner of the land as it currently stood and as there had been no concerns raised with the current permission, there was no reason to refuse the continuation of the land for personal use.

RESOLVED that planning application 06/0357/ARC be approved subject to the following conditions and a variation of the Section 106 Agreement to remove the personal restriction but retain the other restrictions.

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.
2. The development of three stables, tack and feed rooms, to which this application relates, shall not be used for commercial purposes.
3. The vehicle access onto Wolviston Road shall remain closed off and shall not be re-opened unless previously agreed in writing by the Local Planning Authority.

76 (Planning Application 06/0300/FUL) Willow Bridge Works, Letch Lane, Carlton, Residential Development of 10 No. Detached Dwelling Houses and Associated Means of Access and Landscaping.

Outline planning permission was approved for a residential development of ten dwellings on the site on 3rd May 2005. The current proposal was a detailed application for the erection of ten dwellings and associated ancillary development on the same site as the earlier outline approval.

A total of twelve letters of objection have been received in respect of the development with objections including concern over the impact on existing landscaping and the character of the area in general, the design and scale of the development, its proximity to existing houses and effect on the wildlife and that amended plans did not address previous concerns.

The site fell within the limits of development as defined within the local plan and had a current outline approval for the same number of dwellings; therefore the principle of development was accepted. The layout and design of properties made adequate provision for the surrounding properties, land uses and highway safety whilst it was considered to be generally in keeping with the surrounding environment therefore the proposal was considered to accord with relevant local plan policies.

Members were advised that the applicant had not submitted the departure standard and therefore should the application be approved it was recommended that the conditions would be amended stating approval subject to receipt of departure from standards form.

The agent addressed the Committee and advised that the site already had an outline planning application for ten houses as the applicant wished to enlarge the site.

The agent observed that he understood an objector had stated that the outline planning permission was originally for eight houses but the agent advised that this was never the case.

Contrary to objectors comments in the report the agent confirmed that the dwellings were not three storey, they were two storeys with the use of the loft space; the roof height was lower than that of a three storey house.

The agent advised that the departure from standard form had been submitted over a week previously and expressed concerns that the papers had not made it to the officers. The agent advised that most of the objections made had been addressed with the remaining being covered in conditions.

The Ward Councillor requested a site visit however members were advised that outline planning permission had already been approved for ten dwellings therefore members would need to provide strong reasons for requesting a site visit as it would take the application over its time limit and it had been the intention of the Committee to increase the number of slides shown at Committee to reduce the number of site visits.

The Ward Councillor advised that he was requesting a site visit to enable members to see for themselves how the height and size of the properties would affect the area.

It was observed that in some cases it could be difficult to visualise the height and impact of dwellings on an open site.

Some members queried the ridge height of the dwellings and were advised that to the ridge the measurement would be 8.7 compared to an average ridge height of 8.5.

A member noted that the commuted lump sum under the heads of terms would be £23,800 but queried what could be purchased for that sum of money for the off site facility. Members were advised that the developer could provide a play space within the development or the Council could request the commuted lump sum.

Resolved that planning application 06/0300/FUL be deferred for a site visit to clarify the height of the proposed buildings to the existing surroundings and look at the location where the commuted lump sum would be spent.

(Councillor Cherrett declared a personal/prejudicial interest in the above item due to being a friend of one of the objectors and left the room for the duration of the item and Councillor Salt

abstained from voting due to a pre-determination of the matter, having submitted his formal objection to the proposal)

77 13/15 Station Road, Eaglescliffe – Planning Approval 05/0178/FUL, Increase in Width of Extension to Building and Encroachment towards the Highway

Members were advised that a number of complaints had been brought to the attention of the Head of Planning regarding the exact size of the development in relation to planning application 05/0178/FUL for a two storey extension to extend 4 no. flats granted approval on 11 January 2006.

Investigations had taken place and it was put before committee to consider whether it was expedient to take any enforcement action with regards to the complaint.

A member of Eaglescliffe Preservation Action Group and an independent observer working with the Action Group requested that the items be deferred to the following meeting as they understood that other enforcement matters relating to the application would be heard on the 10 May and requested that the items be discussed together.

The Principal Solicitor advised that enforcement was not an accumulative effect therefore each item was looked at individually and was therefore not required to be addressed together. The Principal Solicitor observed that democratic procedures had been met giving no reason why the item could not be discussed that day.

Members agreed to discuss the item.

The Chair advised that although a wall was 8 cm longer than approved and a bay window increased in size by 1 cm, it was still within the acceptable level of engineering standard instrumentation.

RESOLVED that it is not expedient to take any enforcement action against the owner of 13/15 Station Road, Eaglescliffe for the following reasons:-

1. It is the opinion of the Head of Planning that the increase in length of the rear wall of the extension by a maximum of 0.08 metres would be regarded as de minimis.
2. It is the opinion of the Head of Planning that the increase in the depth of the bay window by 0.01 metres would be regard as de minimis.

78 (Planning Application 04/0738/OUT), Land off Greenwood Road, Billingham, Outline Application for Residential Development

Members were advised that approval was sought for the outline planning application for residential development on 2.23 hectares of land located on Greenwood Road, Billingham opposite the Belasis Hall Business Park. The land was currently largely disused but had previously been used as part of a golf course operated originally by ICI for its employees. The applicant Osbourne House, were the current owners. The site was within the established urban limits and as a former golf course it was allocated for playing space used in the adopted local plan. The proposal sought outline approval for the erection of 30 no. dwellings on the site with the remainder of the former golf course (some 9 hectares) being offered to the Council for use for open space purposes together with a financial contribution of £90,000.

An objection had been made by an occupier of one of the units of the business park concerned about the proximity of the proposed housing to a hazardous installation and that the site should remain in an open space use. Sport England were also initially concerned about the loss of the recreation land.

Notwithstanding the conflict with the land use allocation in the local plan, the bulk of the site would not only remain in open space use but also be upgraded and become publicly available for use by the local community. The land was currently private open space and as such it would accord with planning policy.

The concerns by Sport England about the loss of sports facilities had been overcome by the offer of the development through a Section 106 Agreement to contribute towards the provision of facilities at Billingham Campus. The engineer had also asked for a financial contribution relating to public transport and other highway safety matters. The concerns of local businessmen were noted but issues raised were not sufficient for a recommendation of refusal.

RESOLVED that planning application 04/0738/OUT be delegated to the Head of Planning to approve subject to a section 106 agreement, which in addition to the identified Head of Terms, includes provision for traffic calming in the area and appropriate planning conditions.

79 (Planning Application 06/0470/LA), Tithe Barn Road, Stockton-on-Tees, Erection of 210 Place Primary School with Integral 26 Place Nursery with 3 Additional Community Rooms and Changing Rooms. Hard Playing Areas and Playing Fields, External Lighting and Perimeter Fencing (Demolition of Existing Housing).

The application sought planning permission for a new 210 place replacement primary school for the existing Hardwick Primary School, which was proposed to be re-located to the application site in order to facilitate the new access into the Hardwick Garden Village re-development scheme approved earlier this year (05/3466/FUL).

The new school was proposed to be built on the site of the former St Gregory's Catholic Primary School (the site was still referred to as "English Martyrs site" the name of the school previously).

New premises for St Gregory's were under construction at the Roseworth site on Rothwell Crescent near "The Mile House" on Durham Road (03/2086/FUL).

The replacement primary school would also feature a 26 place nursery. Additional land comprising of 17 flats and green space known as Coundon Green had also been added to the site to enable approximately 1.1 hectares of playing field space to be provided. The provision of the junior football pitch and recreation area had been developed in consultation with Sport England. Adult team changing facilities were also provided on the site to encourage community use of playing field facilities outside school hours.

Extensive community consultation had been carried out in relation to the proposed development of Hardwick and specifically with the School and parents and also residents surrounding the application site. The comments received helped to shape the submission of the planning application for the School layout and design.

The proposal was considered to be in line with general planning policies set out in the development plan.

Resolved that planning application 06/0470/LA 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.
2. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.
3. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and

surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

4. No development approved by this permission shall be commenced until:-
 - a) A desk study report providing information on the previous land uses and an evaluation as to whether ground contamination (i.e. landfill gas, leachate, ground/surface water pollution) is likely to be present shall be submitted and approved by the Local Planning Authority (LPA)
 - b) If the outcome of the above indicates that the site may have a contaminative use or is likely to be contaminated (as defined in Section 57 of the Environmental Protection Act 1990 with respect to the proposed use), a site investigation including a risk assessment report shall be submitted to and approved by the LPA.
 - c) Full details of the proposals for the removal, containment or treatment of any contamination (the 'reclamation statement') shall be submitted to and approved by the LPA.
 - d) If during any construction or reclamation works any contamination is identified that was not considered in the reclamation statement, the reclamation proposals for this material shall be agreed with the LPA.
 - e) On completion of the remediation scheme a validation report shall be submitted to and approved by the LPA.
 - f) All works referred to above shall be carried out by or under the direct supervision of a qualified environmental consultant using current guidance.
5. No construction/building works shall be carried out except between the hours of 8.00 am and 6.00 pm on Monday to Fridays and between 8.00 am and 1.00 pm on Saturdays. No Sunday working.
6. Details of external lighting shall be provided to the Local Planning Authority for their consideration and approval prior to the completion of the development, and such lighting as is approved by the Local Planning Authority shall be retained permanently thereafter.
7. 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.
8. A School and Workplace Travel Plan shall be submitted to the Local Planning Authority. The Travel Plan shall establish clear targets and procedures for monitoring and review of such targets and any requisite infrastructure improvements and implementation timetable shall be agreed by the Local Planning Authority. The Travel Plan shall be implemented as approved.

80 Open Plan Estates in the Bishopsgarth and Elm Tree Wards – Unauthorised Front Walls and Fences

Further to the previous Planning Committee Agenda item 14 dated 26 October 2005, as agreed consultations had take place with the local Ward Councillors and the local residents over the issue of walls and fences of 1 metre in height or below in the open plan estates for the Bishopsgarth and Elm Tree Ward.

Upon completion of the latest investigation, Members were requested to consider the open plan nature of the ward and consider whether the open plan condition related to the front boundary enclosures were still relevant and could be enforced if the Local Planning Authority decided it was expedient to do so.

RESOLVED that the open plan condition is no longer appropriate to enforce and for the roads listed in Appendix 1 only require planning permission for a front boundary enclosure where it exceeds 1 metre in height adjacent to a public highway.

81 Interim Supplementary Planning Guidance on the Validation of Planning Applications

Members were invited to note and endorse the interim document to assist Officers of Stockton Planning Department in the validation of planning applications. It was the Council's intention to build upon the document and work towards a future Supplementary Planning Document (SPD) which would be formally adopted as part of the Council's Local Development Framework (LDF).

The purpose of the document was to outline the compulsory requirements of the Local Planning Authority and possible additional requirements for various planning applications in order for the Local Planning Authority to consider them as 'valid' planning applications.

It was aimed at enabling the Local Planning Authority to have sufficient information to confidently determine planning applications from the outset, in order to provide a fast and efficient planning service.

The report would also be forwarded to Cabinet in May 2006 and then Full Council for adoption.

A member advised that they were unsure about the wording in the bullet points under the pre application discussion as they were concerned that it would give the public the wrong idea. However, they were advised by Mr Jackson that it was an informal officer wording of a purpose of the report and would not be worded in such a way in the main document.

A member referred to page 10 and suggested a further definition of "major development".

Resolved that:-

1. Approval is given for Officers to consult on the validation of planning applications as a Supplementary Planning Document (SPD) as detailed in Appendix 1.
2. Authority be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee and Cabinet Member of Development and Regeneration to refer this report to Cabinet and Full Council for its approval and adoption to an SPD. The result of the consultation and analysis of representations made would be duly considered prior to adoption of the SPD.

82 Conservation and Historic Environments Folder

The report invited the Planning Committee to consider and endorse the content of the draft conservation and historic environment folder prior to its publication for public consultation. Thereafter it could be adopted as a supplementary planning document for consideration primarily in town planning.

As a supplementary planning document, the draft conservation and historic environment folder had undergone a draft sustainability appraisal incorporating the requirements of strategic environmental assessment also to be considered prior to its

publication. It would be published alongside the main document, and would also be subject to consultation.

RESOLVED that Members:

1. Consider and approve the content of the draft conservation and historic environment folder so that it may be put forward to Cabinet, and then published for public consultation leading to its adoption to use as a material planning consideration in determining planning applications.
2. Grant delegated authority to the Head of Planning and the Cabinet Members for Regeneration to approve any amendments prior to public consultation.

83 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 1 & 2 of Part 1 of Schedule 12A of the Act.

84 14 The Green, Norton, Creation of a First Floor Balcony Area to the Rear

It had been brought to the attention of the Head of Planning that a rear single storey extension roof was now being used as a formal balcony area at 14 The Green, Norton to which planning permission would have been required.

After investigation it was now the purpose of the Committee to consider whether it would be expedient to authorise the Director of Law and Democracy to instigate all appropriate legal action for the breach in planning regulations.

An objector referred to the test applied to determining how long the balcony had been erected and was advised that the correct test, as set out by the office of the Deputy Prime Minister was the balance of probability as the more stringent 'beyond reasonable doubt test' did not relate to planning enforcement.

RESOLVED that it was not expedient to take any enforcement action against the owner of 14 The Green, Norton as it was the opinion of the Head of Planning the Director of Law and Democracy that on the balance of probability the balcony had been erected for more than four years and therefore exempt from any action the Local Planning Authority could take.

85 Items for Information

1. Appeal by P Leng, land to the rear of 82 Darlington Road, Stockton (planning application 05/0866/OUT) – **Allowed**
2. Appeal by Mr & Mrs S McLean, land to the rear of 74-80 High Street, Norton (planning application 05/0691/FUL) - **Dismissed**
3. Appeal by Monarch Securities Ltd, adjacent to 34 Mount Leven Road, Yarm (planning application 05/0817/OUT) – **Dismissed**
4. Appeal by Dr W L Dehnay, 11 Pennyman Green, Maltby (planning application 05/0062/X) - **Dismissed**