

# Planning Committee

A meeting of the Planning Committee was held on Wednesday 10 May 2006.

Present: (Site Visit) Councillor Stoker (Chairman); Councillors Mrs Beaumont, Cherrett, Coombs, Perry, Salt and Womphrey.

Officers: B Jackson Mrs M Whaler (DNS).

Present: (Meeting) Councillor Stoker (Chairman); Councillors Mrs Beaumont, Brown, Cains, Cherrett, Coombs, Faulks, Mrs O'Donnell (Vice Councillor Leonard); Perry, Mrs Riggs, Rix, Salt, Smith and Womphrey.

Officers: F Farooqui, B Jackson, R McGuckin, Miss J O'Donnell, Miss H Smith, 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 Kirton, Leonard, Pattison and Walmsley.

## 129 **Declarations of Interest**

Councillors Cherrett and Salt declared a personal prejudicial interest in relation to agenda item 4 – (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 due to being a friend of one of the objectors and due to submitted an objection respectively.

Councillor Stoker declared a personal prejudicial interest in relation to agenda item 5 – (planning application 06/0486/LA), Parkside Centre, Melrose Avenue, Billingham, erection of 2 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 Perry declared a personal prejudicial interest in relation to agenda item 7 – (planning application 06/0799/COU), Hartburn Post Office, 73 Hartburn Village, Stockton, change of use from post office to 2 no. flats and two storey extension to the side due to living near the application site and being known to the resident.

## 130 **Minutes of Meeting held on 15 March 2006**

RESOLVED that the minutes were signed by the Chair.

## 131 **(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**

A site visit was held prior to the meeting.

Members were reminded that at the Planning Committee meeting of 19 April 2006, Members deferred consideration of the application in order to visit the site and receive clarification on how and where the commuted lump sum for public open space would be spent. Details were also requested by members of the ridge heights of the existing residential properties adjacent to the site which were provided at the site visit.

Outline planning permission was approved for a residential development of 10 dwellings on the site on the 3 May 2005. The current proposal was a detailed application for the erection of 10 dwellings and associated ancillary development on the same site as the earlier outline approval.

A total of ten letters of objection had 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, effect on wildlife, health and safety, noise, security implications and loss of trees. An objector also requested that a fence be erected on the western boundary to minimise inconvenience to neighbouring properties.

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 the properties made adequate provision for the surrounding properties, land use and highway safety whilst being considered to be generally in keeping with the surrounding environment. The proposal was considered to accord with relevant local plan policies.

An update report was provided to members which advised that the Head of Integrated Transport and Environmental Policy had responded stating that the applicant had submitted a "departure from standards".

The planning officer advised that the existing conifer hedge forming part of the site boundary would offer screening between existing and proposed properties. However, the proposed dwellings were located a suitable distance from surrounding properties and were orientated in such a manner to prevent any significant adverse impact on privacy or amenity being raised were the hedge to be removed. In order to ensure sufficient landscaping and screening was achieved as part of the proposed development, conditions were recommended which prevented existing landscaping from being removed until the landscaping scheme had been approved for the entire site and which required the boundary treatments for the sites to be agreed by the Local Planning Authority prior to the development being occupied.

The agent addressed the Committee and advised that members had requested the site visit in relation to their concerns regarding the height of the proposed dwellings and observed that members had seen that they would be much lower than the existing dwellings. The agent advised that the separation distances were more than acceptable and borders had been accepted.

The agent was in discussions with Northumbrian Water to carry out a flood risk assessment and obtain a good drainage system.

The agent confirmed that the development was in accordance with the Local Plan.

A member advised that they were not against the principle of the application but requested that the four properties to the south and the turning head be moved slightly to make room for more landscaping which would be essential for the existing properties because without doing so the new dwellings would be extremely close to the existing properties.

The agent advised that if there was flexibility with the Highways Department they were happy to attempt to move the four properties and turning head, however the agent observed that there were existing trees on the other side which they would be less than happy to lose but they would address the Members suggestion.

The Highways and Transportation Officer advised that he had no problem with the moving of the proposed dwellings and turning head.

A member advised that they had received a phone call from an objector who had noticed that the original plan for the proposed dwelling which backed onto her property had originally been a separate garage from the dwelling. The new plans however, indicated a link between the garage and the dwelling which would result in her view being a continuous wall of which she was not happy. The Member therefore requested a greater distance between the existing houses and the proposed dwellings in that particular part of the site.

A Member commented on the recreational site, which was to be part of the heads of terms and observed that dog waste bins were in situ in the middle of the site and requested that they be moved and forms of deterrent for dog walkers such as fences round the park be erected.

Members required that the siting of plot 4 be adjusted to move it further away from the objector's property which would entail repositioning the turning area and some of the other plots.

RESOLVED that planning application 06/0300/FUL be delegated to the Head of Planning subject to the satisfactory amendment to the turning head and repositioning of the four properties to the south of the site further away from the boundary and repositioning of plot 4 and subject to the applicant entering into a Section 106 Agreement for a commuted lump sum for the provision of active off-site recreation within the village.

#### Heads of Terms

A commuted lump sum of £23,800 is required in lieu of the provision of informal and formal recreation space.

This would be used towards the provision of active off-site recreation within the village.

(Councillor Cherrett and Councillor Salt declared personal/prejudicial interest in relation to the above item due to being a friend of one of the objectors and having submitted objections respectively and therefore left the room for the duration of the item).

**132 (Planning Application 06/0486/LA) Parkside Centre, Melrose Avenue, Billingham, erection of 2 metre high galvanised steel solid round bar fence with rounded heads powder coated in dark green colour**

A site visit was held prior to the meeting.

The application had been deferred at the Planning Committee meeting of the 19 April 2006 to enable Members to visit the site.

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 twelve letters of objection from the occupants of neighbouring properties and the Ward Councillor, Councillor Woodhouse had also objected.

It was considered that the proposal was necessary to stop the acts of vandalism and misuse of council property, however the Planning Officer observed that efforts could be made to reach a compromise in relation to the fencing which would not be visually intrusive to the local residents but which would still fulfil the need to deter vandalism and misuse of the property.

A Member enquired whether guidance had been given to the applicant and was advised that the applicant would need to have discussions with the Landscaping Officers.

RESOLVED that planning applications 06/0486/LA be refused as it was the opinion of the Local Planning Authority that the proposed fencing would have an unacceptable detrimental impact on the street scene and result in a substantial loss of amenity to adjacent residents contrary to policy GP1 of the adopted Stockton-on-Tees Local Plan.

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

**133 (Planning Application 06/0816/FUL) 6 Seamer Road, Hilton, Yarm, erection of 2 No. five bedroom detached dormer bungalows (demolition of existing dwelling)**

A site visit took place prior to the meeting.

Members were advised that the application site was a detached bungalow known as 'Brigadoon' situated at the eastern edge of Hilton village. The residential properties of Falcon Walk lay to the west of the site, with Fir Tree House lying to the south.

Planning permission was sought for the erection of 2 no. five bedroom dormer bungalows with integral garages. Vehicular access to the proposed property was via the existing access, which was divided into two, off Seamer Road.

Three objections had been received from neighbouring properties in relation to loss of privacy and daylight and over the height of the dwellings and whose concerns had been addressed in the material planning consideration of the report.

The application was put before the Planning Committee for determination at the request of the Ward Councillor as it involved an issue of principle.

An update report was provided to members which provided comments from Northumbrian Water who had no objection but required the developer to contact them regarding connections to the water supply and foul and service water discharges.

The Environmental Health Unit had no objections in principle; however they requested that a planning condition be imposed on the development in relation to contaminated land.

Comments were also received from Engineers and Transportation, which advised that following the Applicants letter dated the 2 May 2006 it was noted that the access was located to a section of Seamer Road, which was subject to a 30 mph speed limit, however it was situated close to the national speed limit boundary, which could have an influence on vehicle speeds at the entrance.

The site line distance for a junction of that type within the 30 mph speed limit was 2.4 x 90 m; which could be relaxed to 2.4 x 70 metres if the actual speed of traffic on the priority road was known.

The applicant referred to the achievable site lines of 2.4 x 70 metres but had not provided any information of substantiation. Subject to the receipt of an acceptable drawing confirming achievable site lines, further consideration would then be given to the acceptable site line distance, which could include a vehicle speed survey to be undertaken at the applicant's expense.

The Highways comments were in relation to a letter which had been received from the applicant stating that the access was not located on a section of Seamer Road, which was subject to the national speed limit of 60 mph and that it was well within 30 mph limit and should therefore be treated as such.

The applicant was of the opinion that a visibility splay of 2.4 m x 70 metres would be adequate and could easily be achieved. The traffic was minimal, which could be borne out by a full traffic survey and the applicant felt it would be outrageous to expect a visibility splay of 2.4 x 215 metres.

The applicant also observed that a recent new access had been allowed to the adjacent property, which was much closer to the national speed limit section of the road.

The update report summarised that having considered the applicants response, the Head of Integrated Transport and Engineering Department had commented that the site did indeed lie within the 30 mph speed limit and therefore would require site lines of 2.4 x 90 metre. However, it was close to the national speed limit boundary and concerns were raised that there were speeding vehicles entering the village, therefore greater site lines should be required.

In absence of any supporting information to allow for a relaxation of the site lines to 2.4 x 70 metres or any diagram to demonstrate they could be achieved, it was considered that the required site lines could not be achieved and therefore the reasons for refusal of highway safety grounds remain.

The applicant addressed the Committee and spoke in support of the application.

The Highways officer advised that a slight amendment had been made to the required site line; however it could not be relaxed any further due to the closeness of the national speed limit.

A member advised that on the site visit it had been observed that there was a dip in the road, which would also have a significant impact on the site line and therefore shared the opinion of the Highways Department.

A member queried whether the dwellings could be moved further back into the site and be limited to single storey, however the applicant advised that limitations had been imposed on the siting of the development by the previous land owners.

A member observed that the proposal was overbearing and raised issues regarding sustainability and observed the need to be mindful of what was being put into the villages as it was important to preserve the villages.

RESOLVED that planning application 06/0816/FUL be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the limited services within Hilton village, which would require occupants to travel via the private car for employment, schools, retail and recreational purposes. The settlement could not meet the demand placed on it from such a development in respect to these uses and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in PPG 1 – Delivering sustainable development, PPG 3 – Housing and PPG7 – Sustainable development in rural areas and also the Tees Valley Structure Plan policy SUS2.
2. The means of access is considered to be unsatisfactory by virtue of its lack of proper site lines at the junction with Seamer Road. The proposed development would therefore lead to the intensification and unsatisfactory access to the detriment of highway safety and the free flow of traffic on Seamer Road, contrary to policy GP1 of the adopted Stockton-o-Tees Local Plan
3. In the opinion of the Local Planning Authority the proposed development by virtue of its scale and siting would have an unacceptable bearing impact on the amenities of the adjacent residential properties contrary to policies GP1 and HO11 of the adopted Stockton-on-Tees Local Plan.

**134 (Planning Application 06/0799/COU), Hartburn Post Office, 73 Hartburn Village, Stockton-on-Tees, change of use from Post Office to 2 no. flats and two storey extension to side**

The planning application sought approval for the change of use from former Post Office to 2 no. flats and the erection of a two storey extension to the side at Hartburn Post Office, 73 Hartburn Village, Stockton.

The application site was located in Hartburn Conservation area and twenty letters of objection had been received from neighbouring properties and one letter of objection from the Ward Councillor. The comments were summarised: -

The provision of car parking to the front of the dwelling would set a precedent for the village and be out of character with the conservation area, the proposals for the bow window and UPVC windows were out of character with the area, the majority of the properties in the conservation area had deep fronted gardens surrounded by hedges, which should be retained, the area should be designated resident only parking then some objections would be withdrawn, as it would stop the decay of a building. The Local Planning Authority should prevent any unacceptable changes as such changes like those proposed in the application would result in areas devoid of

greenery and the local character and charm would be lost. The removal of cars from the side of road was supported but there was an objection to the removal of the garden to create car parking spaces, however they preferred this from a road safety perspective and believed a green space should be provided with hedgerows retained and improved so that it would not be detrimental to the village. The removal of the hedgerow was not in keeping with the recent conservation area document. A wildlife study should be carried out to assess the damage that the proposal would create. There was insufficient car parking for two flats, the driveway to the front was not a car parking area and currently the post office closed at 5.30 pm, therefore vehicles were not parked outside all day and night.

The Planning Officer had responded to the objector's queries by advising that the proposed car parking to the front was accessible from a side road and the hedge around the remainder of the site was to be retained. A condition relating to the retention and supplementary planting of the existing hedge had been recommended.

The historic buildings officer had viewed the plan and had raised no objection to the provision of car parking to the front providing suitable material were used.

A condition relating to the materials used in the construction of the driveway has been suggested if the application was approved. Examples of existing hard standing areas could be seen at 85, 87 (The Masham), 89 and 93 Hartburn Village.

The description 'UPVC' windows as shown on the plans were in error. The applicant had not removed the UPVC description from the plans, however this had now been amended and the proposed wooden windows had been considered acceptable.

Whilst it would be desirable that hedges be retained, as outlined in the conservation document, it could not be controlled by the Local Planning Authority as permission was not required for the removal of a hedge unless it fell within the criteria as defined in the hedgerow regulation at 1997.

Whilst there could be wildlife in the garden it would be unreasonable to request the study for a small garden area.

The requirements and provision of car parking for 2 no. flats and the highway implications were covered in the report.

Many objectors had commented that the existing hard standing to the front was not a car parking space; however this was not a proposed car parking space for the development.

Residents only parking was not a planning issue.

A letter of support had been received from the vendor of the property, who advised that the property had been up for sale as a shop with a first floor flat for 15 months with no interest. The applicant wished to convert to two flats, which would look better than a boarded up shop. Since closure of the post office, all traffic had ceased, therefore any objections to the parking of two vehicles to the front did not add up. Fraser Road was a cul-de-sac. Any changes would enhance the site. The applicant submitted a letter in support of the application.

The Ward Councillor addressed the Committee and observed that a number of off street parking places existed within Hartburn, however this had been done some time ago. It was observed that Hartburn suffered with a significant parking problem at night.

The parking bays on the plans barely housed the cars and the site lines would be very poor. If curtilage parking was allowed it would set a precedent and therefore if the application was to be approved the Ward Councillor requested that no parking provisions be allowed as the area was a Conservation Area and should therefore be protected with the inclusion of the hedges, fences and trees.

A member queried whether the existing hard standing could not be used by installing a drop kerb, which would allow one car to park off road while the other car would park on the road as it seemed that a lot of hedgerow would be lost for minimal impact and it was observed that there appeared to be no allocation for refuse.

The applicant advised that he owned the Post Office and had built the hard standing area to enable him to park his car; however he did not get planning permission and was therefore told that he could not use it. In relation to refuse collection the dustmen collected refuse for the post office and other residents from the back lane, which would still be accessible if the application was approved.

A Member expressed amazement at the consideration of removing hedge rows as it was observed that it was a Conservation Area and therefore moved refusal.

RESOLVED that planning application 06/0799/COU be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed provision of car parking in the front garden of the property would create an unacceptable precedent and adversely affect the character and appearance of the Hartburn Conservation Area contrary to policies GP1 and EN24 of the adopted Stockton-on-Tees Local Plan.
2. In the opinion of the Local Planning Authority the erection of the two storey extension to the side would result in an unacceptable loss of amenity space at the rear of the property contrary to policies GP1 and HO12 of the adopted Stockton-on-Tees Local Plan

(Councillor Perry declared a personal prejudicial interest in relation to the above item due to living close to the application site and being known to the resident.

**135 (Planning Application 06/0606/FUL), Erection of 1 no. dormer bungalow and associated access works, rear of 646 Yarm Road, Eaglescliffe**

A member of the public sought permission to address the committee about procedural matters prior to the introduction of the item which was agreed by the Chair. The resident of Eaglescliffe then addressed the committee referring to a previous application in Eaglescliffe which had been refused due to the excessive ridge height at 2.8metres and submitted that this application was recommended for approval with a ridge height of 6.375 metres and asked for clarification of the gross disparity and lack of consistency

The principal Solicitor advised the committee that the matters raised were not matters of procedure which required separate consideration by members prior to the consideration of the application but should be taken into account as the representations of a resident of Eaglescliffe as any other representation would.

Members were advised that the application site was formed by what was currently part of the rear garden area of 646 Yarm Road, Eaglescliffe. The property was a large detached property and had a large extensive garden area to the rear.

The plot size measured approximately 35 metres by 23 metres and planning consent was sought for the erection of a detached dormer bungalow and its associated access.

45 letters of objection had been received to the proposed development. Concerns were raised on the loss of amenity and privacy, the setting of precedent, highway safety, the impact on the character of the area and the loss of a green open space.

On balance and given that the principle for a residential dwelling within the site had already been established by an earlier approval (05/2580/REV) it was considered that the proposed development was acceptable and could be accommodated within the site without having any significant adverse effect on the character of the area,

highway safety or the privacy and amenity of the surrounding properties. 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.

The agent addressed the Committee and advised that planning permission had already been approved; however the question to be answered was whether the dwelling could be a dormer bungalow.

The agent advised that it would not be an over-development or a burden on the neighbours and the roof ridge sloped down as it approached neighbours properties and therefore had been designed to protect privacy.

It was observed that the only windows looking on to the neighbouring gardens were 13.5 metres away and that in fact the neighbour's bedrooms would overlook the bungalow and garden. The agent observed that the principle of development had already been accepted.

An objector addressed the Committee and observed that a single storey condition had already been stipulated by the members of the Planning Committee.

A second objector addressed the Committee and advised that the latest plan showed a huge bungalow with huge dormer windows and was of the opinion that the dormer windows were too big and would overlook his garden. The apple trees, which would apparently act as a shield were not in good condition or sufficient.

It was the suspicion of the objector that the long term plan for the bungalow would be to convert it to flats, which the objector did not wish to see happen.

Member's comments were of disappointment at the design of the bungalow as it was boring and very large and that there would be loss of amenity and the potential for overlooking and that there was over-intensity of the sight. It would be out of character with the area and that a single storey dwelling had already been stipulated in conditions by the Planning Committee.

A Member observed that there was already an appeal on the refusal for a two storey/single storey and observed that the Committee could lose the appeal, which would then result in a two storey property being built regardless of the wishes of Planning Committee.

RESOLVED that planning application 06/0606/FUL be refused for the following reasons:-

In the opinion of the Local Planning Authority the proposed development by virtue of its scale, siting and design which is considered to be out of character with the area would have an unacceptable over-bearing impact and would result in a substantial loss amenity and privacy to the occupiers of the adjacent residential properties contrary to policies GP1, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan.

**136 (Planning Application 06/0809/FUL), erection of detached double garage and single storey rear extension at 646 Yarm Road, Eaglescliffe**

Members were advised that an application for an attached double garage and a single storey rear extension at 646 Yarm Road, Eaglescliffe. The property was a large detached dwelling and the proposal would also involve the demolition of the existing detached garage and rear conservatory.

The application had been referred to the Planning Committee as application 06/0606/FUL referred to the same property which was considered at the same planning meeting.

The agent spoke in support of the application.



A member requested that the construction and finish be in keeping with the existing property and the surrounding area.

RESOLVED that planning application 06/0809/FUL be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the following approval plan(s); unless otherwise agreed in writing with the Local Planning
2. Prior to the commencement of the construction of the external walls and roofs of the development, hereby approved, precise details of the materials to be used in these structures shall be approved in writing, by the Local Planning Authority.

**137 Tees Valley Joint Strategic Flood Risk Assessment – Local Development Framework**

Members were invited to note the Joint Tees Valley Strategic Flood Risk Assessment, which would form part of the evidence base of the Local Development Framework.

Consultation Draft Planning Policy Statement 25; Development and Flood Risk stated that all Local Planning Authorities should prepare a Strategic Flood Risk Assessment, in consultation with the Environment Agency to determine the variation in flood risk across the Borough as the basis for preparing appropriate policies for flood risk management of these areas. It would also enable the Council to determine the acceptability of flood risk in relation to emergency planning capability. Strategic Flood Risk Assessments should either form part of the sustainability appraisal of local development documents, or be used to inform the sequential approach to flood risk for site allocations and in determining planning applications.

The submission draft of the Regional Spatial Strategy for the North East (June 2005) also advocated that in developing Local Development Frameworks and considering planning applications a sequential risk-based approach to development and flooding should be adopted. In addition it would be necessary to undertake a Strategic Flood Risk Assessment.

Following a meeting with the Environment Agency and the other Tees Valley Authorities in January 2006, the Head of Planning Services was in agreement to pursuing a Strategic Flood Risk Assessment in conjunction with the other Tees Valley Authorities, joint working was particularly encouraged and there were numerous examples of such joint working.

The Council's Procurement Team were satisfied that Redcar and Cleveland Borough Council would go out to tender for the Tees Valley Authorities to ensure that best value for money was achieved. The Environment Agency would be invited to submit a competitive tender by linking work carried out on the River Tees Catchment Flood Management Plan.

Once the joint approach was agreed by all the Tees Valley Authorities a steering group would be set up and attended by various officers. Redcar and Cleveland Borough Council would act on the behalf of the four remaining authorities and go out to tender for the Strategic Flood Risk Assessment in order for the best value for money to be achieved.

A member requested that although it would be a joint assessment, that separate parts would be highlighted specifically for Stockton and requested that it be put in the criteria. Members were advised by the Planning Officer that it would mostly be a joint assessment, however there would be factors highlighted that would be individual to Stockton-on-Tees Borough Council.

**RECOMMENDED that members: -**

1. ***Note the content of the report and endorse the principle of undertaking a Joint Strategic Flood Risk Assessment.***
2. ***Endorse the appointment of consultants to carry out the work.***

**138 Tees Valley Joint Minerals and Waste Development Plan Document – Local Development Framework**

Members were advised that the item dealt with the proposal for the preparation of Tees Valley Joint Minerals and Waste Development Plan Document by the Joint Strategy Unit, on behalf of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils.

The Local Development Framework would include a number of development plan documents that formed part of the statutory development plan. Development plan documents (DPD) in unitary authorities should include minerals and waste policies, which could be prepared as separate minerals and waste development plan documents. One of the Government's key planning objectives was the preparation and delivery of planning strategies which helped implement the national waste strategy and supporting targets, and were consistent with obligations required by European legislation.

Joint working on local development documents was particularly encouraged. Two or more local planning authorities could work jointly to prepare minerals and waste development plan documents.

A meeting of the Tees Valley Planning Manager was held in June 2004 where the Joint Strategy Unit (JSU) was invited to prepare joint Minerals and Waste Development Plan Documents on behalf of the five Tees Valley Authorities.

It was proposed that consultants were engaged to assist with the preparation of the minerals and waste development plan documents.

Costs incurred would be split between the five Tees Valley Authorities, over the period from 2006/07 to 2009/10.

The JSU had the remit to carry out all the processes and procedures involved, with the exception of the adoption of the final minerals and waste core strategy and site allocation development plan documents. Each individual authority would be responsible for the adoption of the documents and would have the opportunity to comment at each stage of preparation.

Once the joint approach had been agreed by all five of the Tees Valley Authorities, the JSU would begin the tendering process to appoint consultants to undertake the preparation of the two development plan documents.

A Member observed that Stockton-on-Tees Borough Council already had their own waste strategy.

A Member queried the amount that Stockton-on-Tees Borough Council would have to pay and how it would be re-charged and was advised by the Head of Planning that Stockton-on-Tees Borough Council's contributions would be spread over four years; however the costs had not been fully worked out and was not able to advise how Stockton-on-Tees Borough Council would be re-charged.

***RECOMMENDED that members:***

1. ***Note the content of the report, and endorse the principle of the Joint Strategy Committee taking responsibility for the preparation of the Tees Valley Joint Minerals and Waste Development Plan documents on behalf of Stockton-on-Tees Borough Council and the other four unitary Tees Valley Authorities.***

2. ***Endorse the appointment of consultants to carry out the work.***
3. ***Endorse the expenditure of about £60,000 over four years from the Local Plan budget.***

**139 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 6 of Part 1 of Schedule 12A of the Act.

**140 Unauthorised Development of Non Compliance with Planning Conditions (03/2705/REV) in Respect to Development at the Stables, Rear of Greencroft Bungalow, Redmarshall**

Planning permission was granted conditional approval on the 8 April 2004, under application reference 03/2708/REV for the erection of one dwelling and other ancillary development at land known as The Stables, Redmarshall.

Following this, planning application 04/1194/COU was submitted for the repositioning of the access associated with the development, the change of use for agricultural land to domestic garden and the erection of a stable block.

Planning permission was refused on the 24 June 2004, the decision of which was appealed against, which was subsequently dismissed by the Planning Inspectorate.

It was brought to the attention of officers that the approved development had been commenced without first discharging all relevant conditions of approval. Correspondence from officers advised the site owner of the need to discharge the relevant conditions and that any works carried out prior to the necessary discharge would effectively be a breach of condition and would be at their own risk.

Various correspondence had been sent to and from the owner of the site in respect to the condition information whilst officers of the Local Planning Authority had visited the site. The dwelling now appeared to be substantially complete and was currently for sale, without having been carried out in accordance with the conditional approval.

In addition to the breach of condition, development had been undertaken at the site and the change of use of land had taken place without the benefit of planning approval. Some of the works had previously been considered and a planning application 04/1194/COU, which was refused and subsequently dismissed at appeal.

A member requested that the action be taken quickly.

RESOLVED that three separate recommendations relating to the two separate breaches of planning control be approved:-

- 1a. The owner be given 28 days from the date of this Committee to submit adequate information to the Local Planning Authority in respect to the outstanding conditions of the planning approval and which is sufficient to allow the conditions to be discharged.
- 1b. If the owner of the site fails to comply with the requirements listed in paragraph a. above then it is recommended that the Head of Planning Services be authorised to issue a Breach of Condition Notice in respect to planning application ref: 03/2705/REV.
- 2a. The owner be given a period of 3 calendar months from the date of this Committee to remove all unauthorised development from the adjoining land and return the land to agricultural use.

- 2b. If the owner of the site fails to comply with the requirements listed in paragraph 2a above then it is recommended that the Head of Planning Services be authorised to issue a Planning Enforcement Notice in respect to the unauthorised development.
3. In view of the property currently being for sale, it is recommended that the Council's Land Search Officer and the Estate Agents who are currently advertising the property as being for sale, be advised of the development having not been carried out in accordance with the approved details and the Local Planning Authorities intended action on this matter should compliance with the above not be forthcoming.

**141 Items for information**

1. Appeal by IGP Investments Limited, Retail Warehouse Trading as Magnet Portrack Lane, Stockton-on-Tees (planning application 05/3336/CPL) – **WITHDRAWN**
2. Appeal by Chat Khi Cuni Vinh Linly, Golden Rainbow, 28 Bishopton Road, Stockton-on-Tees (planning application 05/2137/ARC) – **DISMISSED**