

Planning Committee

A meeting of the Planning Committee was held on Wednesday 21 June 2006.

Present: (Meeting) Councillor Stoker (Chairman); Councillors Mrs Beaumont, Brown, Mrs Cains (vice Councillor Coombs), Cains, Cherrett, Faulks, Gibson (vice Councillor Leonard), Mrs O'Donnell (vice Councillor Kirton), Patterson, Perry, Mrs Rigg, Rix, Salt and Womphrey.

Officers: B Jackson, F Farooqi, J Hall, C Llewellyn, M Jenkins, R McGuckin, M Robinson, P Shovlin, C Straughan (DNS); P K Bell, Mrs J Grant (LD).

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

265 Declarations of Interest

Councillor Mrs Beaumont declared a personal and non-prejudicial interest in respect of Agenda Item Nos 12 and 13 (Planning Application 06/0766/OUT) – Jasmine Field, Forest Lane, Kirklevington – Outline application for residential development and (Planning Application 06/0322/FUL) – Land to the rear of Yarm Station Car Park, Green Lane, Yarm – Erection of 20m high sectorised telecommunications column with radio antennae, associated equipment and ancillary development due to being a member of Kirklevington Parish Council.

Councillor Mrs Cains declared a personal and prejudicial interest in respect of Agenda Item No 9 (Planning Application 06/0951/REM) – Reserved matters application for the erection of 148 no dwellings and associated road and sewer works – Land east of Blakeston Lane, Norton due to being the Chair of the Governing Body at Blakeston School.

Councillor Cherrett declared a personal and non-prejudicial interest in respect of Agenda Item No 5 – (Planning Application 06/1064/OUT) – Land in the vicinity of Bettys Close Farm, Ingleby Barwick – Outline application for 17 no self-build housing plots and the creation of a riverside park/local nature reserve due to being a member of the Ramblers Association.

Councillor Gibson declared a personal/non-prejudicial interest in respect of Agenda Item No 13 (Planning Application 06/0322/FUL) – Land to the rear of Yarm Station Car Park, Green Lane, Yarm – Erection of 20m high sectorised telecommunication column with radio antennae, associated equipment and ancillary development as he knew one of the objectors.

Councillor Patterson declared a personal and prejudicial interest in respect of Agenda Item No 5 – (Planning Application 06/1064/OUT) – Land in the vicinity of Bettys Close Farm, Ingleby Barwick – Outline application for 17 no self-build housing plots and the creation of a riverside park/local nature reserve as he had objected to this application.

Councillor Perry declared a personal and prejudicial interest in respect of Agenda Item No 14 – (Planning Application 06/1845/AAC) – Outline application for development of a container terminal – Land at Tees Port, Redcar due to being a member of the Tees Port Authority.

Councillor Mrs Rigg declared a personal/non-prejudicial interest in respect of Agenda Item No 8 (Planning Application 06/0957) The Bungalow and Glenrea, The Avenue, Eaglescliffe – Revised application for the erection of 41 no sheltered apartments for sale to the elderly, resident house manager's accommodation, 20 no car parking spaces and associated landscaping due to being a Member of Egglecliffe Parish Council.

Councillor Rix declared a personal and non-prejudicial interest in respect of Agenda Item No 5 – (Planning Application 06/1064/OUT) – Land in the vicinity of Bettys Close Farm, Ingleby Barwick – Outline application for 17 no self-build housing plots and the creation of a riverside park/local nature reserve due to being a member of the Ramblers Association.

266 Minutes of the Meetings held on 19 April and 10 May 2006

RESOLVED that the minutes of the meetings held on 19 April and 10 May 2006 were signed by the Chairman as a correct record.

267 (Planning Application 06/1037/REV) Land on the Corner of Thornaby and Ingleby Way, Thornaby – Revised Application for Indoor Children’s Play Area and Creche with Outdoor Sports Facilities and Associated Landscaping and Parking

Consideration was given to a report which outlined that a previous application was submitted in 2005 (Planning Application 05/1310/REV) but was withdrawn by the applicants due to several issues that were outstanding on the application.

The application site was situated on an area of green land on the corner of Thornaby Road and Ingleby Way. The site was currently laid to grass with areas of trees and shrubs situated across the site. The proposed building would provide approximately 2600 square metres of floor space for a children's soft play centre and crèche, outdoor sports facilities and associated car parking.

496 letters of objection had been received in relation to the proposal, along with 3 letters of representation and 112 letters of support and a petition of 565 people in support of the application. These responses had been detailed and addressed in the material planning considerations section of the report.

Since the original report was distributed to Members further responses from consultees and letters of objection and support had been received.

A revised planning statement and letter had also been received by the Developer in relation to the application.

Health and safety implications regarding a major high pressure gas main had been received from Northern Gas Networks and the recommendation remained as per the original report with an additional reason for refusal regarding the health and safety implications.

The response from Northern Gas Networks had the following comments:-

1. The proposed development is close to a major high pressure pipeline and above ground installation.
2. The proposed development proximity to the pipeline is closer than that recommended by IG/TD1/Edition 4 (the Institute of Gas Engineers Recommendations on Transmission and Distribution Practice).
3. The HSE have issued risk-based guidelines to Local Planning authorities (Planning Advice for Developments near Hazardous Installations – PADHI) as to whether a new development may be allowed in close proximity to a high pressure pipeline. These guidelines should be followed and the HSE consulted prior to the granting of any planning permission.
4. The proposed multi-use sports area in a close proximity to the above ground installation requires risk assessment particularly with regards to ignition sources for any operational release of gas.

The applicant was given the opportunity to outline the application and the reasons why he felt it should be approved. He stated that there was a need for this facility at Ingleby Barwick and that the scheme would not erode the green wedge but would enhance the area around Bassleton Beck. There would be nature trails and landscaping. The applicant then went onto list the facilities the venue would have and asked the Committee to note that he had a 3500 name petition in support of the application.

A spokesperson spoke on behalf of the objectors. He outlined that the application did not comply with planning policies. He also raised concerns about the traffic and noise impact the proposed development would have on the surrounding area. He also made reference to the fact that there was already a facility of this type on Thornaby Industrial Estate which was directly opposite Ingleby Barwick.

A Member questioned why the response from Northern Gas Networks had been received so late. The Planning Officer outlined that the response had only been received the morning of the meeting and that he did not know the reasons why Northern Gas Networks had taken so long to respond to the consultation. Members agreed that a letter should be sent from the Head of Planning Services asking for an explanation as to why the response was sent to Planning Services so late and that this should not happen again in the future. Members requested that a copy of this letter and a copy of the response from Northern Gas Networks be circulated to all Members of the Planning Committee.

Members felt that the proposed development would be an incursion into and result in the erosion of the green wedge and have a detrimental impact on the visual amenities of the locality. Issues regarding the highway network and access to the site were also outstanding, and in light of the Head of Integrated Transport and Environmental Policy Department's comments, the proposal was judged to be contrary to various Local Plan policies. Also, Members had regard to the health and safety implications regarding a major high pressure gas main and agreed that this should be given as one of the reasons for refusal.

RESOLVED that:-

1. The Head of Planning Services be authorised to write to Northern Gas Networks expressing Members' concerns at the lateness of their response to the consultation.
2. Planning Application 06/1037/REV be refused for the following reasons:-
 - (a) The proposed development by virtue of its size and scale within an area designated as Green wedge in the adopted Stockton on Tees Local Plan would be contrary to the provisions of Policy EN14 of the adopted Local Plan which states that development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the green wedge.
 - (b) It is considered that the proposed development does not complement the character of the site and would be detrimental to the visual amenities of the locality, contrary to policies GP1 and REC9 of the adopted Stockton on Tees Local Plan.
 - (c) In the opinion of the Local Planning Authority the applicants have failed to satisfactorily demonstrate through submitting a Transport Assessment that the proposed development would not have a detrimental impact on the free flow of traffic upon Thornaby Road and the Ingleby Barwick highway network, contrary to policy GP1 of the adopted Stockton on Tees Local Plan
 - (d) In the opinion of the Local Planning Authority the applicants have failed to demonstrate that the proposed development will not have a detrimental impact on the existing landscaping features through a detailed tree survey, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.
 - (e) The redevelopment of the site for commercial and leisure purposes would introduce a large number of persons in close proximity to a major hazard installation, which is an unacceptable health and safety

risk to contrary to the Tees Valley Structure Plan policy ENV27 and Stockton on Tees Local Plan policy EN39.

268 (Planning Application 06/1064/OUT) Land in the Vicinity of Bettys Close Farm, Ingleby Barwick – Outline Application for 17 No Self Build Housing Plots and the Creation of a Riverside Park/Local Nature Reserve

Consideration was given to a report which outlined that the application site had been the subject of several applications in recent years which had included the provision of a country park in order to facilitate a housing development. In 2000 an application was originally submitted for 98 dwellings and later amended to 60 dwellings and a country park, this was refused in December 2000. A further application was received in 2001 which reduced the area of land occupied by the housing and included a large area of planting to separate the proposed housing from the country park. This application was determined by the Planning Committee and it was resolved that the Committee were minded to approve the application. The application was referred to Government Office North East (GONE) as a departure to the Development Plan and was "called-in" for determination by the Secretary of State. However, the application was withdrawn before it was determined at Inquiry.

Members were made aware that a subsequent application was received in 2005 that proposed 19 no self build plots and the provision of a country park and this application was subsequently withdrawn. This new application had reduced the number of proposed dwellings to 17 and the amount of land proposed for housing.

The application site was a large area of former agricultural land situated to the south west of Ingleby Barwick. Residential properties were currently situated to the east of the application site while the River Leven and River Tees bound the site to the south and west with further former agricultural land to the north.

Outline planning consent was sought for 17 no self build housing plots and the creation of a Riverside park/local nature reserve. The applicants wished only for the siting of the proposed allocated housing site and the means of access into the development to be considered.

The proposed housing development would be situated to the west of the western edge of the existing residential properties on Ingleby Barwick with a landscaping buffer of approximately 10 metres separating the access road from the rear boundary of the existing residential properties. A riverside park was proposed to the west and north of the proposed housing with a local nature reserve to the south of the housing area adjacent to properties on Caldey Gardens and Trevine Gardens.

Access into the application site was proposed to be via the existing residential roads of Nevern Crescent and Ramsey Gardens, a link road would link these two existing roads together within the site and serve the proposed residential properties and provide access to a small car park serving the country park.

At the time of the original report being written 107 objections had been received in relation to the proposed development, along with 7 letters of representation and 51 letters of support. These responses were been detailed within the report and were addressed in the material planning considerations section.

Since the writing of the report several further comments had been received in relation to the proposed development.

The Head of Integrated Transport and Environmental Services had also confirmed that a contribution towards a footbridge (total cost £1m) across the River Tees would be required, discussions were taking place to negotiate a reasonable contribution.

No significant new issues had been raised in relation to the proposed development and the recommendation made in the previous report to Members stood.

The agent for the applicant addressed the Committee and outlined the application. She also reported that Members had been minded to approve a previous application for a similar development in 2001. This current application had a smaller number of houses. She went on to outline no environmental effects had been identified. The only objections were on traffic grounds and she felt that this would be insignificant to Ingleby Barwick as a whole. She concluded by outlining the need for Riverside Park in Ingleby Barwick as this was something the area lacked.

The applicant then addressed the Committee and showed Members a copy of the Development Plan for Riverdown Park that had been issued by Yuill Homes when the original plots were sold. The Development Plan showed the current application site as "possible future development".

A Councillor from Ingleby Barwick Parish Council addressed the Committee and outlined objections to the proposed development. She reported that the additional houses were not needed in Ingleby Barwick and that other sources of funding should be sought to secure a riverside park. She urged the Committee to refuse the application.

The Vice Chairman of CPRE outlined that he had attended the recent Examination in Public (EIP) and had argued that the Green Wedge should be turned into Green Belt. He also stated that at the EIP Stockton-on-Tees Borough Council Officers had said the Green Wedge was safe in their hands. He concluded by saying the area should be turned into Heritage Park and that houses should not be built on the site.

A spokesperson on behalf of the Roundhill Action Group addressed the Committee. She requested Members to listen to residents and refuse the application. She outlined her concerns at the proposal which included highway safety problems, parking problems and noise pollution. She also stated that Yuill had confirmed that they would not sell the land that would be required for the application. In conclusion the spokesperson said this would be disastrous for the area near the application site and sent out the wrong message.

Members spoke both for and against the application and after much debate a vote took place and it was agreed that subject to the applicant entering into a Section 106 Agreement the application be approved.

After the vote took place an objector outlined that they had not been given the opportunity to speak. The Chairman gave the objector permission to speak. The objector spoke and raised concerns at the potential disruption to wildlife. As the objector had not raised any issues that were not already covered within the report and after taking legal advice it was decided that there was no need to take the vote again and the original decision stood.

RESOLVED that Planning Application 06/1064/OUT be approved subject to the following conditions and the applicant entering into a Section 106 Agreement:-

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.
2. 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) :- NT03651/001, NT03651/005, NT03651/006, NT03651/008, NT03651/0015 NT03651/0016,

3. 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.
4. 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.
5. Notwithstanding the submitted details prior to the submission of details relating to the reserved matters, a Design Guidance document shall be submitted to the local planning authority for its approval. The Design Guidance document shall indicate:
 - The position of the individual plots
 - Development zone for the property of each plot.
 - The approximate location of the proposed dwellings
 - Eco homes principles
 - The relationship between the proposed housing and the landscape framework and landforms (indicating a maximum height of the landscaping mound and incorporating drainage infrastructure).
 - Finished floor levels
 - Detailed design code of, materials, scale and massing of buildings (including a maximum height).

The development shall be implemented in general conformity with these approved documents unless otherwise agreed in writing.

6. Approval of the details of the siting, design and external appearance of the building(s), the means of access, and the landscaping of the site, shall be in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority before the development commences.
7. 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).
8. 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 has a contaminative use a site investigation including risk assessment report and full details of the proposed method for the removal/treatment shall be submitted and a validation report shall be submitted upon completion of the works and approved by the LPA. All works referred to above shall be carried out by or under direct supervision of a qualified environmental consultant.
9. No construction activity shall take place on the hereby approved housing site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sundays or Bank Holidays.

10. 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.
11. 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.
12. No development shall take place on the Riverside Park until full details of both hard and soft landscape works for the Riverside Park have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include (car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures, refuse or other storage units, signs and lightings etc.) retained historic landscape features and proposals for restoration, where relevant
13. A detailed scheme for landscaping and tree and/or shrub planting for landscape area A (see appendix A attached to this decision notice) shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is completed. 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 completion of access road serving the proposed development 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. Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishments), schedules of plants, noting species, plant sizes and proposed numbers/densities.
14. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
15. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details and implemented prior to the completion of the access road.
16. All means of enclosure associated with the housing development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before each individual development commences. Such

means of enclosure shall be erected before the each individual property is occupied.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which front onto the highway, without the prior written consent of the Local Planning Authority.
18. Notwithstanding any description or plans submitted as part of this application, the hereby approved housing development shall be restricted to a maximum height as indicated within the Design Guide document to be submitted in accordance with condition 4 of this approval.
19. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels, finished floor levels for dwelling houses and road levels. Thereafter the development shall be completed in accordance with the approved details.
20. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
21. The development hereby approved shall be carried out in full adherence to the mitigation recommendations as contained within the report (An Ecological Assessment of land at Betty's Close Farm, Ingleby Barwick; E3 Ecology Ltd, R02 Final 22/3/06 - section E) including all checking surveys proposed, and if the checking survey of the off-site pond to be undertaken in 2006 were to identify the presence of great crested newts, no works to facilitate the development can commence until a detailed mitigation strategy has been devised which adequately addresses all potential impacts on this species and has been submitted to and approved in writing by the Local Planning Authority.
22. Prior to the commencement of the development full details regarding the creation and ongoing management of the proposed SUDS system shall be submitted to and approved in writing by the Local Planning Authority. The details provided should be sufficient to reasonably demonstrate that the biodiversity benefits identified in the submitted Ecological Assessment report will be delivered.
23. Notwithstanding any information submitted as part of this application details are required to be provided and agreed with the local planning authority prior to commencement of the development regarding the creation and ongoing management of the proposed Riverside park/local nature reserve in relation to pond creation and scrub/tree and hedge management.
24. A scheme for the protection of riparian habitats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall incorporate the mitigation & compensation measures identified in Section E of the Otter and Water Vole Survey for the site produced by E3 Ecology Ltd.

Heads of Terms:

£5,000 towards the provision of an informal kickabout area
£5,000 towards grassland management
£15,000 towards fencing and barrier to control access onto the site
£10,000 towards additional tree planting
£15,000 towards the provision of interpretation facilities on site
£15,000 towards footpath provision
£15,000 towards the provision of woodland management
£15,000 towards site maintenance
£40,000 towards the provision of a mooring jetty
Contribution toward footbridge over the River Tees – to be negotiated.

(Councillor Cherrett declared a personal/non-prejudicial interest in respect of the above application due to being a Member of the Ramblers Association.)

(Councillor Patterson declared a personal/prejudicial interest in respect of the above application as he had objected to the application and withdraw from the meeting and left the room.)

(Councillor Rix declared a personal/non-prejudicial interest in respect of the above application due to being a Member of the Ramblers Association.)

269 (Planning Application 06/0843/FUL) Close Paddock, Ingleby Barwick – Replacement of Roof to Provide Dormer Style Bungalow

Consideration was given to a report on an application site in Close Paddock near Bettys Close Farm, Ingleby Barwick. A large bungalow was currently located towards the centre of the site with modern residential properties to the east.

Recently outline planning consent had been granted for the erection of 2 no detached dwellings to the front of the existing property and for the erection of 2 no single storey extensions to the side and rear.

Letters of both objection and support had been received in relation to the proposed development, the main issues were detailed within the report.

Originally planning consent was sought to increase the height of the existing roof by approximately 4.5 metres to form two further storeys and a total of 14 bedrooms for the applicant's extended family. After discussions with the Case Officer over the external appearance of the original proposal a revised scheme was submitted.

Revised plans had subsequently been submitted to try and address the Local Planning Authority's concerns. The proposal now involved large dormer windows and increasing the height of the roof to a maximum of 7 metres to provide a total of 10 bedrooms.

Further discussions had taken place between the applicants and the Case Officer. The view was taken that the proposed development was out of keeping with the proportion with the dwelling and a letter and sketch had been provided to demonstrate what style of dormer bungalow would be considered acceptable, this was contained as appendices to the report. Other alternatives had also been suggested, such as including a single storey extension with a dormer arrangement to provide additional living areas on the ground floor.

The applicant was in attendance at the meeting and was given the opportunity to outline his case. When doing so he stated that there would be 8 bedrooms and not 14 as previously stated.

Members appreciated that the applicant had attempted to overcome the Local Planning Authority's concerns by revising the application, but felt that the proposed development was still out of proportion with the property and was viewed to be

contrary to policies GP1 and HO12 of the adopted Stockton-on-Tees Local Plan and the Council's householder extension guide.

RESOLVED that Planning Application 06/0843/FUL be refused for the following reason:-

In the opinion of the Local Planning Authority the proposed development is considered to be out of proportion and keeping with the existing property to the detriment of the aesthetic quality and character of the property, contrary to policies GP1 and HO12 of the adopted Local Plan and the Council's Supplementary Planning Guidance No 2.

270 (Planning Application 06/1076/FUL) Substitution and Repositioning of House Types and Apartments for Residential Development of 418 No Dwelling Units, Renumbering of Plot Numbers and New Electricity Sub Stations – Village 5, Broomwood, Ingleby Barwick

Consideration was given to a report on a reserved matter planning permission that was granted to Persimmon Homes in October 2005 for the erection of 418 dwellings comprising 104 flats/140 sheltered apartments and 172 terraced, semi and detached houses together with associated means of access and landscaping at Broomwood, Village 5, Ingleby Barwick (Planning Application 05/0381/REM). The applicant now sought to amend the approved layout through the substitution of house types and the repositioning of a few of the dwellings consequent upon the changes of house types. The new plan also showed the provision of 3 small electricity substations. At the same time the applicant had taken the opportunity to renumber the plots.

The changes proposed to the approved layout were very minor and would, before the recent Sage decision, have been agreed by letter as a minor amendment to the approved development. The proposed substitution of house types affected approximately 60 out of the 400 plus dwellings and largely replaced the same type with one of a different design.

Members agreed that the application sought only very minor and modest changes to the approved plan. The same controls over the development as imposed previously including the retention of the boundary hedgerows (including any trimming, lopping or topping) and provision of detailed landscaping plans would be attached to any planning approval. In respect of the hedgerow protection measures, it was noted that the developer had removed a short section adjacent to Warbler Close to facilitate the provision of a drainage connection without first securing formal Council approval. Discussions on that matter were continuing but the developer had agreed to early replanting and the provision of a screened fence whilst the planting becomes re-established.

RESOLVED that Planning Application 06/1076/FUL be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or before the expiration of three years from the date of approval of the outline application whichever is the later.
2. 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; BW-001 REV A; SGD-01 REV A; SGD-02; AM-WD1 REV B; HF-WD1 REV B; HG-WD1 REV M; HY-WD01 REV L; LY06-WD01; MR-WD01; NL-WD1 REV J; SI-WD01 REV H; SL06-WD01; UL-WD1 REV K; WM-WD1 REV C; DL-WD1 REV E; HM-WD1 REV D; LN-WD1 REV D; HK-WD01; KW-WD1 REV D.
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 implemented in accordance with a phased programme to be agreed with the Local Planning Authority before the development authorised by this permission is commenced 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. Soft Landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities.
5. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished floor levels for dwelling houses and road levels. Thereafter the development shall be completed in accordance with approved details.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and reenacting that Order) no vehicular access shall be created other than those hereby approved, without the prior written consent of the Local Planning Authority.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and reenacting that Order) no integral garages shall be converted into part of the house without the prior written consent of the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and reenacting that Order) all boundary means of enclosure shall be in accordance with details hereby approved. Any future proposals to amend these details shall be made the subject of a formal application to the Local Planning Authority.
12. Development works on site shall not occur outside the hours of 8:00am - 6:00pm weekdays and 8:00am - 1:00pm on a Saturday and there shall be no works carried out on Sundays and Public Holidays.
13. The existing hedges located along the eastern and southern boundary of the development hereby approved shall be retained and shall not be removed,

trimmed, lopped or topped without the written consent of the local Planning Authority.

14. Notwithstanding the submitted plan No BW-001 REV A, before the dwellings hereby approved are occupied, a revised scheme for the provision of parking for each residential unit in accordance with the Council's Design Guide & Specification shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the revised plan unless otherwise agreed in writing.

271 (Planning Application 06/0957/REV) The Bungalow and Glenrea, The Avenue, Eaglescliffe – Revised Application for the Erection of 41 no Sheltered Apartments for Sale to the Elderly, Resident House Manager's Accommodation, 20 no Car Parking Spaces and Associated Landscaping

Consideration was given to a report on an application for the erection of 41 sheltered apartments on land currently occupied by two residential dwellings comprising one bungalow (The Bungalow) and one two storey detached house (Glenrea) on the Avenue, Eaglescliffe. The proposal would require the demolition of the existing properties.

A previous full application for 42 sheltered apartments on the application site (05/1194/FUL) was refused planning permission in October 2005. The reasons for the refusal were detailed within the report.

The applicant had appealed against the refusal of planning permission and an appeal hearing was scheduled for September 2006.

The proposal comprised 30 no 1 bed and 11 no 2 bed sheltered apartments for sale to the elderly. While anyone may purchase an apartment, they were sold on the basis of a 125 year lease requiring the accommodation to be occupied by persons over 60 years and in the case of a couple where one of the occupants is over the age of 60 years and the other is over the age of 55 years.

The application had given rise to a significant degree of objections from local residents and the parish council. The objections were summarised as follows: access and highway safety matters; inadequate on-site parking provision; impact on appearance and character of the surrounding area; impact on residential amenity; lack of local facilities; over development of the site; impact on archaeological remains and impact on trees and ecology.

In the light of the previous refusal, the applicant had amended the proposed scheme to reduce the scale and mass of the two storey projection facing the properties on Ashville Avenue. A unit of accommodation previously utilising the roof space had been removed allowing for a decrease in roof height. The bulk had also been broken down into two elements that were pulled further away from the shared boundary with the Ashville Avenue properties.

A representative spoke on behalf of the applicant without prejudice to the current appeal. She outlined that this application had a reduced scale, bulk and mass. She then went on to outline the application, the need for apartments and the steps they had taken which they felt addressed the three original reasons for refusal.

A representative of Egglecliffe Parish Action Group (EPAG) addressed the Committee and outlined that EPAG felt that the proposed building was out of character with The Avenue and the Conservation Area on which it borders. EPAG also felt the building would be too close to neighbouring properties and would be overbearing. Also it would result in a loss of amenity for all those on its north, east and west. In conclusion EPAG felt that this application was quite simply the wrong thing in the wrong place and would be contrary to PPG3, GP1 and HO11.

The Vice Chairman of CPRE spoke on behalf of an Independent Observer who had been present at the meeting but had had to leave before the item had been heard.

He outlined that he felt there would be a problem with car parking. He felt there would be a need for a 53 space car park but only a 20 space car park had been proposed. This would cause overspill parking which would adversely affect Swinburne Road and Albert Road businesses and would tend to be long stay unlike the present short stay pattern of existing business customers. He then went on to list evidence that he claimed had affected local economies after McCarthy and Stone developments in four other localities.

He went on to say that these were based examples and based on McCarthy and Stone inadequate car parking provision for their residents. The problems at all sites were considerably exacerbated by visitors' car parking requirements at weekends and on bank holidays – there was no provision whatever for visitor parking on site. There was also no dedicated parking provision on site for the many trades visitors. Nurses, hairdressers, florists, caterers, repairs, maintenance and supermarket delivery would all require parking and compete for the few spaces available to residents.

Members felt that although the applicant had amended the proposed scheme to reduce the scale and mass of the two storey projection facing the properties on Ashville Avenue, the application should still be refused on the previous grounds.

RESOLVED that Planning Application 06/0957/REV be refused for the following reasons:-

1. The proposal would be out of keeping with the general pattern, standard and character of the area by reason of general bulk and massing within the site thereby resulting in an incongruous pattern of development to the detriment of neighbouring properties and the amenity of the area generally, contrary to Policy GP1 of the adopted Local Plan.
2. In the opinion of the Local Planning Authority the proposal would be contrary to Supplementary Planning Guidance 4: High Density Development: Flats and Apartments in that the location is considered to be unsustainable as it does not satisfy the sequential criteria to develop at the density proposed.
3. The proposed vehicular access serving the application site is in close proximity to a principal road junction and the use of this access point would be likely to be prejudicial to the safety of pedestrians and the free flow of traffic on The Avenue and Yarm Road.

272 (Planning Application 06/0951/REM) Reserved Matters Application for the Erection of 148 No Dwellings and Associated Road and Sewer Works – Land East of Blakeston Lane, Norton

Consideration was given to a report on an application which sought reserved matter planning approval for 148 dwellings on 10.5 hectares of largely derelict industrial land outside but adjacent to the urban area off Blakeston Lane, Norton. Outline planning approval was granted in April last year (Planning Application 03/2954/OUT). That application reserved all matters of detail with the exception of the means of access onto Blakeston Lane. In granting outline approval the Planning Authority recognised that the site was outside of the defined urban limits and was also partially a Site of Nature Conservation Importance (SNCI). However, the site was previously developed land that had been subject to tipping with an extant permission for the storage of up to 350 haulage vehicles and an approved use for car boot sales. The development also avoided impacting significantly on the SNCI, which the applicant sought to preserve and enhance through new planting and landscape management.

A number of planning conditions were imposed including details of siting, design and layout of the housing to be reserved for future approval, a limit on the number of houses (150), provision of affordable housing, site to be developed in accordance with the design statement accompanying the application, a limit of developable area, the provision of a comprehensive landscape and visual impact assessment, new tree planting and protection of existing trees and hedgerow, a conservation management plan for SNCI including possible public access arrangements to woodland and

footpath links, mitigation measures to protect wildlife including controls over timing of any site clearance works and an assessment and remediation of any contamination and landfill gas on the land.

The details submitted related primarily to the reserved matter conditions ie details of the siting and design of the dwellings, external appearance and landscaping. The submitted layout indicated that mixed house types were proposed and includes an element of affordable housing as required by the outline approval. It restricted development to the previously "developed" part of the site ie hardstanding concreted areas avoiding the heavily wooded areas that formed part of the SNCI. The development also proposed a large public open space area and new planting and open spaces. There were some concerns with the level of detail in respect of general landscaping in that the applicants had not initially provided the required visual assessment, a full tree survey, tree protection details but this information had recently been submitted and was being assessed.

Submitted with the application for approval of reserved matters were details of the remediation strategy and other information required to discharge the relevant conditions of the outline approval.

The current application had given rise to a number of objections from local residents primarily concerned about the traffic impact. However, this issue was thoroughly examined at the outline stage and agreement reached on a contribution for off-site highway improvements to the junction of Junction Road and Blakeston Lane. English Nature had also objected on the grounds of insufficient information regarding the impact on protected species primarily bats, had not been submitted with the application. However, that information was submitted at the outline stage and it was expected that the objection would be withdrawn.

Members agreed that the proposed development was acceptable though some minor changes to the layout were required to meet Council standards and it was still to be established whether the recently submitted additional information satisfied the requirements of the Landscape Architect.

Members also requested that there should be some sort of provision in the play area for older children.

RESOLVED that subject to the recently submitted revised drawings and additional information being satisfactory, the views of the Landscape Architect and the withdrawal of the objection from English Nature, determination of the application be delegated to the Head of Planning Services and with the approval subject to conditions covering the below matters. However if it is not resolved by 30 June 2006 the application be refused.

- Retention and protection of identified trees and hedges
- Full details of and implementation of open space provision including children's play area
- Details of play equipment to be agreed
- Implementation and validation of remediation works
- Satisfactory implementation of landscaping and planting
- Securing minor amendments to access to reflect Networks Rail's requirements
- Restriction of hours for construction work
- Details of drainage including protection of the local water environment
- No garage conversion to habitable accommodation without prior consent
- Removal of permitted development rights
- Details of all finishing materials including surface treatment
- and any other relevant matters

(Councillor Mrs Cains declared a personal/prejudicial interest in respect of the above item due to being the Chair of the Governing Body at Blakeston School and withdrew from the meeting and left the room.)

273 (Planning Application 06/1054/REV) Land at Cheltenham Road, Portrack, Stockton-on-Tees – Revised Application for Trade Park Development comprising 10 No Trade Units and Associated Car Parking

Consideration was given to a report on an application that had been subject to a previous application in 1999 (Planning Application 99/1770/P) for the erection of 10 no warehouse units which was subsequently approved. A further application was submitted in 2005 and refused on highway safety grounds and a policy objection to a proposed cafeteria.

The application site was an area of vacant land situated to the north of B&Q and Lustrum Industrial Estate off Portrack Lane, Stockton. Further vacant land was situated to the north and east, with the A19 beyond. Access into the application site was proposed to be Cheltenham Road.

Planning permission as again sought for the creation of a trade park which was to include the erection of 10 trade units providing approximately 6000 square metres of floorspace.

Members considered the principle of the proposed development acceptable and the proposal would not have a detrimental impact on the visual amenities of the locality. Issues in relation to the impact of the development on the highway network were still outstanding although may be able to be overcome through a revised Transport Assessment. On this basis the application was recommended to be delegated to the Head of Planning and Environment for approval subject to these issues being addressed prior to the expiry of the 13 week deadline.

RESOLVED that Planning Application 06/1054/REV be delegated to the Head of Planning and Environment for approval subject to the outstanding highway safety issues being resolved prior to 30 June 2006, otherwise the application be refused on highway safety grounds.

274 (Planning Application 006/1211/ARC) Darlington Lane, Stockton-on-Tees – Application to Vary Condition No 9 of Planning Approval 04/2220/REV

Consideration was given to a report which outlined that the application site had a previous history with outline planning consent and a subsequent reserved matters application being approved for the erection of 108 no dwellings with associated landscaping and means of access.

The application site as situated to the north of Darlington Lane, Stockton-on-Tees, a modern residential development lay immediately to the east of the site, further residential properties to the south adjacent to a landscaping buffer with an area of green open space to the north. Planning consent was sought for the removal of condition No 9 of Planning Application 04/2220/REV that referred to the occupation of the new dwellings being restricted until highway improvements at the Mile House junction had been carried out.

17 letters of objection had been received in relation to the proposed development primarily relating to an increase in traffic and highway safety, these issues had been addressed within the report.

RESOLVED that Condition 9 of Planning Application 06/1211/ARC be varied to read:-

9. Prior to the completion of the development, improvement works to the Mile House signal controlled junction on Durham Road consisting of re-phasing of the signal cycle, providing formal 2 lane entry and allowing dedicated right turn lanes and a protected right hand turn from Darlington Lane shall be completed to the satisfaction of the Local Planning Authority.

275 (Planning Application 06/0766/OUT) Jasmine Field, Forest Lane, Kirklevington – Outline Application for Residential Development

Consideration was given to a report on outline planning permission which was sought for a residential development at Jasmine Fields, Kirklevington. The details submitted initially related to the access and siting for the site, however, the applicant had amended the application to relate only to the principle of the development and the access, leaving siting, design, external appearance and landscaping to be considered under reserved matter applications.

The proposed development was served off a recently completed development of 12 dwellings.

The application submission was supported with the submission of a Protected Species Report, a Flood Risk Assessment and a Traffic Assessment.

A total of 69 letters of objection from residents had been received in respect to the proposal. Objections to the application were mainly based on traffic concerns relating to inadequate junctions onto Forest Lane and the A67, increased traffic levels, pedestrian safety, the nature of the highway network, the development of a greenfield site, the impact on the character of the village, sustainability and impact on privacy and amenity.

The proposal related to the development of a designated housing site within Kirklevington village. It was considered the proposed development could achieve adequate access to the site for such use whilst making provision for the implementation of a road safety scheme considered to be required as an impact of further residential development within this area. Sufficient survey information had been submitted to consider the flood risk element of the proposal whilst consideration of the ecological survey remained outstanding.

Since the writing of the report additional information had been received. Five additional letters of objection had been received and those objections were based on those already considered within the main report.

English Nature had been unable to assess the submitted information to date and had suggested that the application be refused, withdrawn or suspended until the Council had adequate information. English Nature had confirmed, however, that they would respond within 21 days from the date of them receiving the consultation. It was therefore anticipated that this matter could be dealt with prior to the expiry of the application on 30 June 2006.

An objector was in attendance at the meeting and outlined his objections to Members. The objections centred around access issues and visibility splays.

Ward Councillor Jones reported his concerns about the development and outlined that some of the residents that had been consulted thought the application had been withdrawn. He felt that the Village had already exceeded the number of houses it should have and that there was an inadequate footpath which would compromise road safety.

After some debate between Members a vote took place and it was agreed that the application should be approved.

RESOLVED that determination of the application be delegated to the Head of Planning and that Planning Application 06/0766/OUT be approved subject to the applicant entering into a Section 106 Agreement for a commuted lump sum for the provision of an off site road safety scheme, subject to no objections being raised by English Nature by 30 June 2006 and subject to additional conditions attached as necessary in respect of ecological issues together with the conditions below: However if the outstanding issues were not resolved the application be refused.

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): - SBCOO01, SBCOO05.
2. Application for the approval of reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
3. Approval of the details of the siting, design and external appearance of the building(s), and landscaping of the site, shall be in accordance with the details of a scheme to be submitted to, and approved in writing by the Local Planning Authority, before development commences.
4. No development shall take place on the site until a phased programme of archaeological work has been completed in accordance with a written scheme of investigation, which is first to be submitted to and approved in writing with the Local Planning Authority.
5. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.
6. No trees or landscaping on the site shall be lopped, topped, pruned or felled until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall indicate those areas of landscaping to be retained and a scheme for their protection in accordance with BS5837.
7. During construction of the scheme hereby approved there shall be no operation of plant outside the hours of 8.00a.m. - 6.00p.m. Weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.
8. During the construction phase of the development there shall be no burning of waste on the site.
9. Prior to works commencing on site a scheme for a temporary car park to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use during the initial construction phase to provide in curtilage parking for persons working on the site.
10. No development shall be commenced until details of all the means of enclosure on the site have been submitted to and approved by the Local Authority. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.
11. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall be built in accordance with these approved details.
12. No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

13. No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

(Councillor Mrs Beaumont declared a personal/non-prejudicial interest in respect of the above application due to being a Member of Kirklevington Parish Council.)

276 (Planning Application 06/0322/FUL) Land to the Rear of Yarm Station Car Park, Green Lane, Yarm – Erection of 20m High Sectored Telecommunications Column with Radio Antennae, Associated Equipment and Ancillary Development

Consideration was given to a report on a planning application that sought the erection of a 20m high telecommunications column with radio antennae, associated equipment and ancillary development including landscaping and a scheme of fencing.

7 letters of objection had been received which in the main objected to potential health risks associated with the development and to the impact on visual amenity.

The applicant has submitted a 'Declaration of Conformity' to ICNIRP guidelines and as such the health implications of the antennae were accepted.

The proposed development was sited away from residential properties and the nearest highway, adjoining a train station car park and open fields. There was already an array of street furniture associated with the car park, which gave a vertical emphasis to the built form of the environment. As such, it was considered that the proposed development should not unduly compromise the amenity of residential properties or the character of the area in general.

RESOLVED that Planning Application 06/0322/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): - KDC/D5901/01a, 02, 03b, 04a, 05b.
2. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping, tree and/or shrub planting. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The work shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.
3. Notwithstanding the details included on the approved documents, the precise colour of the external face of the column and equipment cabin shall be submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be implemented on site.

(Councillor Mrs Beaumont declared a personal/non-prejudicial interest in respect of the above application due to being a Member of Kirklevington Parish Council.)

(Councillor Gibson declared a personal/non-prejudicial interest in respect of the above application as he knew one of the objectors.)

277 Outline Application for Development of a Container Terminal – Land at Tees Port, Redcar (Planning Application 06/1845/AAC – Consultation by Redcar and Cleveland Borough Council

Consideration was given to a report which outlined that Redcar and Cleveland Council has consulted Stockton-on-Tees Borough Council as an adjoining planning authority on a proposal by PD Tees Port to construct a deep sea container terminal on its side of the River Tees. The application site included the existing Tees Port Container Terminal 1, the redundant former Shell jetty and the Riverside Ro-Ro No. 3 at Tees Port located opposite Seal Sands on the other side of the River Tees from Stockton. Dredging of the approach channel would be undertaken to provide the required access to the proposed terminal for container vessels. The proposed development was known as the Northern Gateway Container Terminal.

The application was subject to a formal Environment Impact Assessment and the Environment Statement which sets out the results of the assessment and the necessary mitigation measures accompanied the planning application. Included as appendices to that statement was a flood risk assessment as well as ecological and archaeological reports.

Members felt that the proposal was welcomed as it had the potential not only for significant job creation but would provide a base for North England and Scotland container traffic helping significantly to reduce overland road transport.

RESOLVED that Redcar and Cleveland Borough Council be informed that Stockton-on-Tees Borough Council, as an adjoining authority, had no objection to the development on planning grounds and fully supported the principle of the development.

(Councillor Perry declared a personal/prejudicial interest in respect of the above application and took no part in the discussion of the item.)