

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th October, 2006.

**Present:** Meeting: Cllr M Stoker (Chairman), Cllr Mrs J Beaumont, Cllr D T Brown, Cllr D Cains, Cllr M Cherrett, Cllr K Faulks, Cllr K Leonard, Cllr R Patterson, Cllr M Perry, Cllr Mrs M Rigg, Cllr R Rix, Cllr F G Salt, Cllr S F Walmsley, Cllr W Woodhead (Vice Councillor Womphrey).

Site Visit: Cllr M Stoker (Chairman), Cllr Mrs J Beaumont, Cllr D Cains, Cllr M Cherrett, Cllr K Leonard, Cllr M Perry, Cllr Mrs M Rigg, Cllr F G Salt.

**Officers:** Meeting: Miss J Hall, S Milner, Mrs D Moody, Miss H Smith, Mrs M Whaler, P Whaley, Mrs R Young (DNS); Miss R Boyers, Miss J Butcher, Mrs T Harrison, Miss S Johnson (LD).

Site Visit: Miss J Hall and Miss D Moody (DNS)

**Also in attendance:** Applicants, Agents and members of the public.

**Apologies:** Meeting: Cllr C Coombs, Cllr P Kirton, Cllr M Smith and Cllr M Womphrey.

Site Visit: Cllr D T Brown, Cllr C Coombs, Cllr K Faulks, Cllr P Kirton, Cllr R Patterson, Cllr R Rix, Cllr M Smith, Cllr S F Walmsley, Cllr M Womphrey.

### 656      **Declarations of Interest**

Councillors Cherrett and Rix declared personal/non prejudicial interests in relation to agenda item 3 due to being members of the Ramblers Association.

Councillor Walmsley declared a personal/prejudicial interest in relation to agenda item 4 due to the fact that his nephew worked for Harpers Garden Centre.

### 657      **06/2522/FUL**

**Land at east end of Lunedale Road, Billingham  
Revised application for the erection of 5 supported living, single storey dwellings and associated carparks and landscaping**

A Site Visit took place prior to the meeting.

Members considered the application.

RESOLVED that the decision in respect of planning application 06/2522/FUL be delegated to the Head of Planning for approval subject to resolution of the outstanding highway safety issues, the completion of a unilateral undertaking in accordance with the Heads of Terms and subject to the planning conditions as outlined below.

In the event of there still being outstanding matters on 22nd November 2006 that the application be refused.

Conditions:

- To accord with the submitted plans
- Time limits
- Materials
- Noise protection from Railway

- Contaminated Land
- Hours of Construction (9am-6pm Monday-Friday and 9am-1pm Saturday with no construction on Bank/Public Holiday's)
- Drainage
- Foul drainage
- Tree protection measures
- Landscaping
- Means of enclosure
- Scheme of lighting to be submitted
- Risk assessment and evacuation plans to form part of approved documents
- Area within site for construction vehicles to be located
- Any other conditions as necessary and relevant

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below:

Stockton on Tees Local Plan policies GP1, HO3, HO11, REC 11 and EN38  
And Planning Policy Guidance No.3: Housing

Heads of Terms

Commuted lump sum of £14,000 towards the enhancement and improvement of nearby open space provision.

**658**

**06/2783/FUL**

**Harpers Garden Centre, Junction Road, Norton**

**Revised application for residential development comprising 46 no. dwellinghouses and 36 no. apartments together with associated means of access and landscaping**

The applicant advised that the two previous reasons for refusal had been addressed.

Two speakers spoke in objection to the application.

Members considered the planning application.

RESOLVED that determination of the application be delegated to the Head of Planning, Chairman and Ward Councillor and that planning application 06/2783/FUL be approved in accordance with the conditions within the main report and update report listed below, subject to the highways related matters and relocation of bin stores being addressed, reconsideration of amenity open space provision and subject to the applicant entering into a Section 106 agreement relating to the provision of on site affordable housing and monies in lieu of open space. However, if there are still matters outstanding on 5th December 2006 that planning permission be refused.

Conditions as follows:

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): - To be confirmed.

2. 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.

3. 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.

4. 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.

5. A survey of the site shall be conducted to test for the presence of landfill gas within the existing ground. The results of this survey shall be submitted to the Local Planning Authority and written agreement shall be reached over any gas monitoring or control measures, which may need to be exercised.

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. 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.

8. 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.

9. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

10. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent roads and railway shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of such a scheme, shall be completed before any of the permitted dwellings are occupied.

11. Notwithstanding details shown on the plans hereby approved, the low wall forming the western boundary of the site shall be retained in position until a scheme of boundary enclosure has been approved for the site.

12. Notwithstanding details hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority which addresses the future management of the area of Public Open Space within the site. The management plan shall identify the precise areas of maintenance and schedule works to be carried out. Works within the approved management plan shall be carried out in perpetuity within the site or until such time that the site is no longer in residential use.

13. 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.

14. Notwithstanding details hereby approved a scheme of security measures for dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include security measures for external lighting and rear access gates and be implemented on site as required by the approved scheme.

15. Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority.

16. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

17. No development shall commence until a suitable off-site car park has been constructed, laid out and brought into use in association with the existing golf course to the north of the site, in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.

18. Notwithstanding details hereby approved, the precise details of the pumping

station shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved plans.

19. No development shall take place unless in accordance with the mitigation detailed within the protected species report (A bat and barn owl survey of land north of Harpers Nursery, Norton, Stockton on Tees, E3 Ecology Ltd; R02 Final 25/08/06) including, but not restricted to adherence to timing and spatial restriction; provision of mitigation in advance; undertaking confirming surveys; adherence to precautionary working methods; provision of bat boxes in advance; provision of 16no. bat roost sites type C apartment buildings.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no integral garages shall be converted into part of the house without the prior written consent of the Local Planning Authority.

21. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

22. Notwithstanding any description of the materials in the application, the precise details of the surface materials for the car park areas and the emergency access shall be submitted to and approved in writing by the local Planning authority. The development shall be carried out in accordance with these details.

23. Notwithstanding details hereby approved, properties located on plots 66 and 82 as indicated on layout plan reference QD55-01-05 rev.E shall not be constructed until their precise location within the site, their precise elevation details and location of windows has been submitted to and approved in writing with the Local Planning Authority.

#### Heads of Terms

A Section 106 agreement is required in respect of the provision of six Affordable Housing Units on the site and monies in lieu of open space which may be providing additional open space adjacent to the site or a contribution towards improving facilities for the public at the local school.

659

**06/2250/FUL**

**Bowesfield Lane, Stockton-on-Tees**

**Revised application for the erection of 6 no. industrial/commercial units, substation/switch rooms and office accommodation and associated car parking together with new means of access**

Members considered the planning application.

RESOLVED that determination of the application be delegated to the Head of

Planning and that planning application 06/2250/FUL be approved in accordance with the recommendation within the main report and any necessary additional conditions, subject to outstanding matters being resolved with regards to the layout of the site, its access and subject to the findings of the transport assessment being satisfactory to the Local Planning Authority and in any event, being determined by no later than 7th November 2006 and subject to the applicant entering into a Section 106 agreement for a commuted lump sum for the provision of two new bus stops and relevant infrastructure.

Conditions as follows:

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 Numbers: - To be confirmed

2. 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.

3. 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.

4. 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.

5. Prior to the commencement of the development on site, details of the areas of external parking and proposed new access including the type of materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and no buildings hereby approved shall be brought into use until the approved scheme has been implemented on site.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for hard and soft landscaping and its maintenance, details of ground modelling, an entrance

gateway scheme, protection of existing trees, drainage runs and street furniture for all areas of open space within the site. The approved scheme 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.

7. The premises shall be used for uses falling within classes B2 and B8 of the Town and Country Planning Use Classes Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

8. Notwithstanding the details hereby approved the following details shall be submitted to and approved in writing with the Local Planning Authority prior to commencement on site;

The design and appearance of the bin stores.

The approved scheme shall be implemented on site and brought into use prior to the occupation of the property.

9. Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

10. A minimum of two weeks notice will be given in writing by the developer of the permission hereby approved to both the Local Planning Authority and the occupants of Unit 7 Riverside View, Bowesfield Crescent, Bowesfield Lane Industrial Estate, Stockton on Tees, TS18 3BL prior to the commencement of any ground works at the site and any other works involving the compaction of the ground being carried out in conjunction with the development hereby approved.

#### Informative

There is a public sewer and water main running through the site, which would be affected by the development and as such, requires consideration in terms of their protection or re-routeing prior to any commencement on site. As such, the applicant is advised to contact Northumbrian Water on 0870 608 4820 in order to address these matters.

#### Heads of Terms

A commuted lump sum of £12,000 is required as a contribution towards the provision of two new bus stops and relevant infrastructure.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below

Stockton on Tees Local Plan policies GP1 and IN15

**660 06/2763/FUL**  
**Roseville House, Yarm Back Lane, Stockton-on-Tees**  
**Raise ground level of highway verge**

Members considered the planning application upon hearing a local resident advise that the area needed to be cleaned up as rubble and other rubbish was dumped in the area of the application.

RESOLVED that planning application be approved with 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):- MAK002

2. Notwithstanding the submitted plans, work shall not commence until details of the materials to be used to level the highway verge, hereby permitted have been submitted to and approved in writing by the local planning authority and development shall be carried out in accordance with the approved details. The materials to be used shall be a clay mixture with a minimum of 100mm of topsoil above. No rubble shall be used to level the highway verge.

3. The land subject of this application shall be seeded with grass during the first planting and seeding season following completion of the works.

**661 06/2578/VARY**  
**Land off Queen Elizabeth Way, Bowesfield, Stockton-on-Tees, Application under Section 73 to vary condition no. 2 of planning approval 05/0947/REM to allow the rotation of the I Pad apartment block**

Members considered the planning application.

RESOLVED that planning application 06/2578/VARY 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):-

P05:3486:01 Revision N

PO5:3486:05 – 10

P05:3486:11

2. This approval relates solely to this application for housing and does not in any way discharge the conditions contained in planning approval 01/0600/P, dated 6th May 2003 which conditions apply to this consent.

3. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by



the local planning authority. Development shall be carried out in accordance with the approved details.

4. Notwithstanding the details of the means of enclosure submitted, full details of fencing, walls and other means of enclosure shall be submitted for consideration and agreement in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented in full.

5. 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 and include a maintenance schedule for such a period to be agreed and to be operative from the completion of the landscaping scheme hereby approved. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

6. 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 dwellinghouses and road levels. Thereafter the development shall be completed in accordance with the approved details.

7. 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.

8. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB (A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority and retained thereafter for the life of the development hereby permitted.

9. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent units shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied and retained thereafter for the life of the development hereby permitted. Within such a scheme, some boundaries may require acoustic fencing and mounding, the height and acoustic quality of which should be justified in relation to potential noise source from the immediately adjacent units. Where appropriate, provision should be made for acoustic double-glazing and mechanical ventilation to first floor bedrooms.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting

that Order), the building(s) hereby approved shall not be extended or altered in any way without the prior written approval of the Local Planning Authority.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or other Order revoking and re-enacting that Order), no buildings or structures for the accommodation of motor vehicles shall be erected other than those of the type and in positions expressly authorised by this permission, without the prior written approval of the Local Planning Authority.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without the prior written approval of the Local Planning Authority.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below

Stockton on Tees Local Plan policies GP1, HO3, HO11, EN11 and TR15

#### **662 Unauthorised Works, 13-15 Station Road, Eaglescliffe**

The newly appointed agent advised he had recommended to the applicant that he submit a revised application, however the agent agreed with the Officers recommendations.

Members considered the report and raised concerns in relation to the following:

- Render finish
- Height and size of the building
- The fact that the applicant had repeatedly exceeded the size of the approved applications
- The windows opened out onto the road which were a hazard and prevented cars passing.
- The Drainpipe ran out onto the road, which was also a hazard.

Members discussed the expediency of taking enforcement action.

A number of issues could not be resolved during the meeting.

RESOLVED that the item be deferred to allow:

- Officers and the Chair of Planning Committee to examine issues raised in the report and by Members, including any subsequent discharge of conditions, windows opening onto the alley, drains discharging into the alley and materials.
- Report all findings to Planning Committee of 15th November 2006.

#### **663 Stockton on Tees Borough Local development framework Annual Monitoring Report**

Members Considered the second Local Development Framework Monitoring

Report.

RECOMMENDED that Members: -

1. Note and endorse the second Local Development Framework Annual Monitoring Report
2. Note the schedule of policies from the existing Local Plan to be saved/deleted, prior to submission to Government Office North East for consideration.

**664 Report for Stage 1 of the Employment Land Review**

Members considered the results of Stage 1 of the Employment Land Review.

RECOMMENDED that Members: -

1. Endorse the findings of the Employment Land Review;
2. Agree that the following sites currently allocated for employment purposes in Stockton-on-Tees Local Plan are considered for de-allocation during the process of preparing the Local Development Framework;
  - Belasis Avenue North and South
  - Urlay Nook
3. Agree that the following sites should not be considered for allocation for employment uses in the preparation of the Local Development Framework and should be retained as green wedge:
  - Land Adjacent to Synthonia sports ground.
  - Bowesfield North.
  - Smiths farm site.
  - Former Cable Ski Site.
4. Agree that the following site, which currently has no allocation and lies outside the development limits to Stockton, is no longer considered suitable for employment uses:
  - Eaglescliffe Inward Investment Site.

**665 Appeal - McCarthy & Stone (Development Ltd.), The Bungalow and Glenrea, Eaglescliffe (06/0957/REV & 05/1194/FUL) - ALLOWED**