

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 12th December, 2007.

**Present:** Cllr Roy Rix (Chairman), Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Mrs Maureen Rigg, Cllr Fred Salt, Cllr Mick Stoker, Cllr Steve Walmsley

**Officers:** B Jackson, P Whaley, C Straughan, H Smith, R McGuckin, P Shovlin, J Roberts, J Edmonds, C Snowdon (DNS); S Johnson, J Butcher (LD)

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

**Apologies:** Cllr Hilary Aggio, Cllr John Gardner, Cllr David Harrington, Cllr Ross Patterson

### **P       Declarations of Interest**

**98/07**

Councillor Mrs Beaumont declared a personal prejudicial interest in the item entitled (A) 07/2730/FUL, Bede Sixth Form College, Hale Road, Billingham Erection of 3 no. storey education facility with associated car parking (demolition of existing building), (B) 07/2731/FUL Erection of 2 No. Storey sports centre adjacent to proposed educational facility including all weather pitch at Bede Sixth Form College, Hale Road, Billingham due to being a member of Stockton Riverside College Board, but made representations under paragraph 12(2) of the Code of Conduct and then left the meeting room for the consideration and voting of the item.

Councillor Walmsley declared a personal prejudicial interest in the item entitled 07/2582/FUL Cheltenham Road, Portrack, Stockton on Tees, Mixed development of B1, B2 and B8 units including associated external works and footpath diversion as his wife worked for the applicant and left the room for the consideration and voting of the item.

Councillor Rix declared a personal non prejudicial interest in the item entitled 07/2582/FUL Cheltenham Road, Portrack, Stockton on Tees, Mixed development of B1, B2 and B8 units including associated external works and footpath diversion due to being a member of the Ramblers Association.

Councillor Mrs Beaumont declared a personal prejudicial interest in the item entitled 07/2267/FUL 62 - 64 High Street, Yarm, TS15 9AH Revised application for conversion of ground floor into 2 no. shop units and extension to rear due to being friends with some of the objectors, but made representations under paragraph 12(2) of the Code of Conduct and then left the meeting room for the consideration and voting of the item.

### **P       Minutes of the Meetings Held on 25th September 2007, 10th October 2007, 99/07   31st October 2007**

The minutes of the meetings held on 25th September 2007, 10th October 2007, 31st October 2007 were signed by the Chairman as a correct record.

### **P       07/2684/OUT 100/07   Land to the Rear of the Stables, Kirk Hill, Redmarshall Outline application for erection of 21 no. two and three bedroom affordable dwellings**

Consideration was given to a report that sought outline planning permission for 21 affordable dwellings on a site immediately adjoining the existing settlement of Redmarshall and outside of the defined limits to development. The application sought permission for access only and had indicated that appearance, layout, scale and landscaping would all be reserved matters, although an indicative site layout had been supplied. It was explained that access to the development was indicated as being taken off Kirk Hill Road to the north.

The proposed development would require the relocation of the existing bus stop and the applicant had advised that he would be prepared to fund a highway improvement scheme for traffic calming and to move the 30mph limit for the village.

Members were advised that neighbours had been notified and a total of 48 letters of objection, 7 letters of support and 1 letter of no objection had been received. The main objections related to the impact of the scheme on highway safety, the character of the village and there being no requirement for affordable housing within Redmarshall. Letters of support mainly related to the need and benefits that provision of such a scheme would bring to the local communities.

It was advised that the Head of Technical Services objected to the application on highway safety grounds, on the basis that there was insufficient visibility, the location of the westbound bus stop and also insufficient parking within the site. Furthermore, the under provision may cause on-street parking to the detriment of highway safety and the inconvenience of village residents. It was also advised that the recent accident history for the location was 2 injury accidents in the last 3 years, 1 resulting in a serious injury and the other in a slight injury.

It was considered that the development of the site for an affordable housing scheme was unjustified. Redmarshall was considered to have insufficient services and was inherently unsustainable. The aim of the development, to provide a level of affordable housing, was not supported by any robust and sound study as being needed by the village or the immediately surrounding settlements. The site was therefore considered unjustified as a rural exception site.

It was considered that the development would be out of keeping with the form, layout and scale of surrounding properties, at a prominent position in the landscape, and failed also to provide adequate parking, structural landscaping and open space. It was considered that the proposed new access would be detrimental to highway safety whether or not a scheme was implemented to move the bus stop and speed limit due to potential highway conflicts.

The Development Services Manager read out a written statement from the applicant, who was unable to attend the meeting.

RESOLVED that planning application 07/2684/OUT be refused for the following reasons:-

1. In the opinion of the Local Planning Authority, development of this site for an affordable housing scheme is considered to be unjustified. Insufficient, robust

and sound evidence to indicate any clear need for a development of this scale which would make a contribution to the settlement as a sustainable, mixed and inclusive community, which would outweigh policies of restraint has not been provided, contrary to PPS3 Housing.

2. The proposal is on a greenfield site and outside of the limits of development for Redmarshall as defined by the adopted Stockton on Tees Local Plan. The development does not relate to forestry, farming, tourism, sport, recreation or diversification of the rural economy, and would have an urbanising affect on the character and appearance of the countryside, contrary to Policy EN13 of the adopted Stockton on Tees Local Plan and PPS 7 Sustainable Development in Rural Areas.

3. In the opinion of the Local Planning Authority, the proposed site is in an unsustainable location for additional residential development, in view of the settlement having limited services and provisions, thereby requiring occupants to travel for employment, education, retail and recreational uses. It is considered that the proposed development is contrary to Government guidance with respect to locating residential development in sustainable locations as set out in PPS 1 - Delivering sustainable development, PPS 3 - Housing and PPS 7 - Sustainable Development in Rural Areas.

4. In the opinion of the Local Planning Authority, the proposed development would fail to achieve adequate visibility at its access which would compromise traffic movements and visibility in close proximity to a crossroads, to the detriment of highway safety contrary to Policies GP1, HO3, HO11 and TR15 of the adopted Stockton on Tees Local Plan.

5. In the opinion of the Local Planning Authority, the density, indicated layout and scale of development would, by virtue of its prominent location on the edge of Redmarshall village, have an unacceptable detrimental impact on the character of the existing settlement and surrounding countryside contrary to Policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and PPS 1 - Delivering Sustainable Development, PPS 3 - Housing and PPS 7 Sustainable Development in Rural Areas.

6. In the opinion of the Local Planning Authority, the scheme provides insufficient usable open amenity space for the future occupiers of the site, contrary to the requirements of Policy HO11 of the adopted Stockton on Tees Local Plan.

7. In the opinion of the Local Planning Authority, the proposed development fails to provide sufficient parking spaces which may lead to on street parking to the detriment of pedestrian and highway safety contrary to Supplementary Planning Document 3: Parking Provision for New Developments and Policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

**P 07/2680/REM**  
**101/07 Former Corus Pipe Mill, Portrack Lane, Stockton.**  
**Reserved matters application for residential development of 375 no. dwellings with associated access, carparking and landscaping.**

Consideration was given to a report that sought reserved matters planning permission for a residential development of 375 dwellings with associated access, carparking and landscaping. The site was located at the former Corus Pipe Mill, Portrack Lane, Stockton.

It was explained that outline planning consent was granted in 2006 for mixed use development comprising residential (C3) and commercial business (B1) with associated access, carparking and landscaping on the former Corus Pipe Mill (05/0026/EIS), and therefore the principle of the development had been established. All matters were reserved except for access as part of the original approval. The application was concerned with these matters and related to the form and design of the development including parking and landscape provision.

Members were advised that a condition attached to the outline consent required the submission of a Masterplan and Design Guidance Document which addressed the siting of the main buildings, the landscape framework and landforms, the phasing of the development and the access arrangements for vehicles, pedestrians and cyclists at the southern end of the site to connect to North Shore.

The Masterplan provided a framework that enabled the proposals for residential and employment elements of the scheme to be progressed separately by the respective developers. The application for approval of Reserved Matters related to the residential element.

It was noted that the Head of Technical Services had no objections subject to comments covering detailed design issues being addressed.

It was explained that the scheme proposed landscape works to the perimeter woodland which was in the ownership of British Waterways who were supportive in principle but discussions were ongoing as to the nature of the works, maintenance and long term management. Subject to satisfactory resolution of these matters the proposal was considered to be satisfactory.

Members considered that the development, as proposed, was acceptable and did not adversely impact on the neighbouring properties and character of the area.

RESOLVED that planning application 07/2680/REM be delegated to the Head of Planning for approval subject to the outstanding issues being resolved and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and including the following conditions:

In the event of the legal agreement having not been signed, or there still being outstanding matters on the 19th December 2007 that the application be refused.

## SECTION 106 AGREEMENT

### Heads of Terms

1. A commuted lump sum of £170,000 for the provision of off-site play equipment.
2. A commuted lump sum based on calculation for the maintenance of trees and

soft landscaping in the adopted highway.

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): - Numbers to be finalised

2. Notwithstanding the submitted information, details of all external finishing materials including roads and footpaths shall be agreed with the Local Planning Authority before the development is commenced and shall be implemented as approved.

3. Notwithstanding the proposals detailed in the Masterplan and submitted plans no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. Where works are to be adopted by the Council these works will be subject to a Section 38 Agreement.

4. Notwithstanding the proposals detailed in the Masterplan and submitted plans no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the Council's Design Guide, Specification (Residential and Industrial Estates Development) current edition BS4428:1989, Code of practice for General Landscape operations, and the Horticultural Trades Association (2002) Code of Practice. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

5. Notwithstanding the proposals detailed in the Design Masterplan and submitted plans A soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden (unless sub-divided by enclosure) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development

period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

6. The detailed location, design, spacing, signage and materials of the speed reduction features shall be agreed with the Local Planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

7. The detailed design and materials of the sub stations shall submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

8. Notwithstanding the submitted plans all means of enclosure and street furniture associated with the development shall be submitted to and approved in writing with the Local Planning Authority before the development commences. Such means of enclosure and street furniture as agreed shall be erected before the development hereby approved is occupied.

9. Details of the public art provision shall be submitted to and approved in writing with the Local planning Authority before the development commences and such art provision shall be erected before the development hereby approved is occupied.

10. The arrangements for the storage and collection of refuse waste shall be submitted to and approved in writing with the Local Planning Authority before the development commences and shall be provided before the development hereby approved is occupied.

11. Development shall not be commenced until the Local Planning Authority has approved in writing the details of the lighting columns, lighting and colour and luminance, including the specification of the lighting units for the illumination of the garage areas.

12. Notwithstanding the submitted plans precise details and extent of the cycle track/footpath proposed through the site shall be submitted to and approved in writing by the Local Planning Authority before development commences.

13. Notwithstanding the submitted plans precise details of the emergency access/path proposed across the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority before development commences.

14. A Stage 1 Safety Audit for the new roundabout artwork should be undertaken in line with national guidance in order to inform the Highway Authority on the safe operation of the proposed development.

15. Garages on drive lengths less than 6 metres in length shall be fitted with roller shutter garage doors in accordance with details to be submitted and approved in writing by the Local Planning Authority and the type of garage door shall be maintained during the life of the dwelling.

16. Notwithstanding the submitted plans the detailed design of the highway squares indicated on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

17. All shrub planting within vehicular sightlines should be less than 600mm to afford unobstructed visibility.

18. A management plan and schedule for the maintenance of the parking courts including non-adopted lighting for the parking courts describing how these areas will be maintained and the frequency of such maintenance for the perpetuity of the development shall be submitted to and approved in writing by the Local planning Authority and implemented in accordance with the approved scheme.

**P 07/2732/REM**  
**102/07 Land off Greenwood Road, Billingham**  
**Reserved Matters Application for the erection of 30 no. Dwellinghouses**

Consideration was given to a report that sought reserved matters planning permission for 30 dwelling houses. The site was located at land off Greenwood Road, Billingham.

It was explained that outline planning permission was issued in October 2006 for 30 dwellings on 2.23 hectares of land located on Greenwood Road, Billingham opposite the Belasis Hall Business Park. The land was currently largely disused but was previously used as part of a golf course. The remainder of the former golf course (some 9 hectares) was deeded to the Council at a cost of £1 for use for open space purposes together with a financial contribution of £80,000 towards the development and maintenance of the site. The transfer was secured by means of a section 106 agreement. It was explained that additional money (£15,000) was to be provided as a contribution to pitch upgrades at Billingham Campus School together with a contribution (£10,000) towards improvements in public transport, cycling, pedestrian and safe routes to schools within 2 miles of the application site. It was noted that the money towards pitch improvements may need to be spent elsewhere and the money relating to transport improvements was to go towards local traffic calming.

Members were advised that approval was limited to 30 dwellings because of concerns raised by the Health and Safety Executive. The whole of the application site was within the middle zone of Consultation Distance (CD) for the Billingham hazardous installation apart from a very small section on the southern boundary.

It was explained that only part of the outline site was to be developed because the applicant indicated local housing requirements was for smaller plot sizes and to utilise the whole of the site approved at the outline stage would result in a

density significantly lower than government guideline of 30 dwellings per hectare. The remainder of the site was to be maintained to avoid it becoming overgrown and a draft unilateral planning obligation had been prepared to make it a legal requirement.

Members were advised that trees along the frontage to Greenwood Road were subject to a Tree Preservation Order and there were initial concerns that the development would adversely affect these trees. Following further discussion and agreement on tree protection measures and construction methods, the concern had been satisfactorily resolved. It was noted that it did not give rise to any significant highway concerns.

Members were presented with an update report that outlined that discussions had continued on the signing of a unilateral agreement. It had been broadly agreed that the strip to the front would be cut at the same rate as the existing verge, which was 14-16 times per year and the other land twice a year in line with the land to the south, which the Council was to assume control over.

It was explained in the update report that there were still some fine details to be resolved over the maintenance aspect of the trees and the hedgerow. It was expected that the matters would be satisfactorily resolved by the expiry date but it was considered prudent to revise the recommendation in case agreement was not reached in time to include maintenance of the residual area as a condition of approval.

On the whole Members considered that the form and layout of the site was appropriate for its location and sought to ensure a good quality peripheral treatment particularly along its important road frontages.

RESOLVED that, subject to the completion of a unilateral agreement, application number 07/2732/REM be approved subject to conditions covering the following matters:

- Development to be carried out in accordance with the approved plans;
- The development to comply with the Design Guide and Specification (Residential Estates Development);
- Implementation, timing and management of the approved landscaping to include tree protection measures
- Removal of permitted development rights
- Any other relevant matters

**P  
103/07**

**(A) 07/2730/FUL**

**Bede Sixth Form College, Hale Road, Billingham**

**Erection of 3 no. storey education facility with associated car parking (demolition of existing building)**

**(B) 07/2731/FUL**

**Erection of 2 No. Storey sports centre adjacent to proposed educational facility including all weather pitch at Bede Sixth Form College, Hale Road, Billingham**

Consideration was given to two related applications that sought permission for the erection of a three storey college building, associated car and cycle parking, landscaping and a 2 storey sports centre, playing pitches and cricket square on



land generally to the east of Marsh House Avenue and north of Low Grange Avenue. The facilities would serve Stockton and Billingham and Bede Colleges.

It was explained that both buildings would be modern, and finished in contemporary materials. Car and motor/cycle parking would be provided to the Marsh House Avenue frontage of the new building. Access would be taken from Marsh House Avenue, via a signal controlled junction. Landscaping was proposed within and around the boundaries of the college site.

It was noted that eight letters of representation had been received. Two letters (from the same neighbour) raised no objection to either proposal, one accepted the scheme for the extension to the college whilst others objected to both proposals because the pitches were too close to residential properties, noise and disturbance arising from use of the pitches, danger and damage from flying balls, lighting, maintenance of new pitch area, risk of flooding and impact on gardens from excess water, car parking and impact on volume of traffic which would use Marsh House Avenue.

It was noted that consultations responses received contained an objection from the Environment Agency on flood risk grounds. The Urban Design Manager, in respect of highway matters, required further information. The Spatial Planning Manager and Environmental Health Officer raised no objection to the proposal.

Members of the Committee were presented with an update report that set out the responses received from Sport England and Councillor Cunningham. The update also outlined that details of proposed landscaping for both sites and a revised layout of the playing pitches had been received. It was advised that given the late submission of the plans and the need to consult residents, that any approval for the sports centre should exclude the precise layout of the playing fields.

It was explained that all concerns and objections had been forwarded to the applicant. In view of the fact that the scheme may of changed, a complete assessment of the proposed development could not be made in all respects. However, it is considered that the principle of proposed development on this site was acceptable. Because of the surrounding highway safety, flood risk, playing space, protected species and residential amenity matters meant that full consideration of the unresolved matters could not be made at this stage.

Members considered that in view of the fact that the scheme may be changed, a complete assessment of the proposed development could not be made in all respects. However, it was considered that the principle of proposed development on this site was acceptable, subject to individual environmental impacts, and on considering those impacts, the design and layout of the proposed buildings and the landscaping around the college building was considered acceptable. The lack of information and attendant uncertainties surrounding highway safety, flood risk, playing space, protected species and residential amenity matters meant that full consideration of the unresolved matters could not be made at this stage.

The applicant was in attendance at the meeting and addressed the Committee.

RESOLVED that determination of planning application numbers 072370/FUL and 07/2731/FUL be delegated to the Head of Planning for approval subject to the conditions outlined below provided there were no irresolvable issues or other matters which indicated a decision should be otherwise. If there were matters, which indicated that planning permission be refused or matters that could not be resolved on or before 20th December 2007, then planning permission be refused on the grounds of adverse impact on amenity of the occupants of neighbouring properties, access and highway safety, and flood risk, or any other matters arising from the outstanding consultation responses.

Proposed conditions: Approved documents, time limits, materials, temporary parking and storage area, details of hard and soft landscaping, details of playing pitches, levels, travel plan, drainage, external illumination, secure cycle storage, contaminated land, working period, means of illumination, means of enclosure, and any other matters arising.

**P 07/2582/FUL**  
**104/07 Cheltenham Road, Portrack, Stockton on Tees**  
**Mixed development of B1, B2 and B8 units including associated external works and footpath diversion.**

Consideration was given to an application that sought planning consent for the erection of a mixed development of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. The proposed development would provide a range of units ranging between two and four storey's in height.

It was explained that the application site was situated on Cheltenham Road to the north of the existing commercial and industrial activities of Portrack Lane. The A19 ran along the northern and eastern edge of the site, Holme House prison laid to the west whilst other commercial/industrial units laid to the south of the site.

Members were presented with an update report that outlined additional comments from the Highways Agency and the Council's Highways Engineers which had led to one condition from the original report being removed and the inclusion of 4 additional conditions. The additional conditions related to Travel Plan Co-ordinator, Initial Travel Survey, Annual Travel Surveys and Travel Plan Measures.

Members considered that the proposed development was acceptable in this location, was visually acceptable, would not have a detrimental impact on the amenity of the neighbouring businesses and did not pose any significant threat to public safety, flood risk or highway safety.

The agent for the application was in attendance at the meeting and addressed the Committee.

RESOLVED that planning application 07/2582/FUL be approved subject to the following conditions;

1. The development hereby approved should be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local

Planning Authority.

Plan Reference Number	Date on Plan
0540/012G	4 September 2007
0540/022P	17 September 2007
0540/031C	4 September 2007
0540/032C	4 September 2007
0540/033B	4 September 2007
0540/034C	4 September 2007
0540/039	4 September 2007
0540/040	4 September 2007
0540/045B	4 September 2007
0540/046B	4 September 2007
0540/049B	4 September 2007
0540/051	4 September 2007
0540/053	4 September 2007
0540/054A	4 September 2007
0540/055A	4 September 2007
0540/056A	4 September 2007
0540/060	4 September 2007
0540/061	4 September 2007
0540/062	4 September 2007
0540/063	4 September 2007
SBC0001	4 September 2007
SBC0002	4 September 2007
SBC0003	4 September 2007
SBC0004	4 September 2007

2. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) would be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

3. No development would take place until the Local Planning Authority had approved in writing a report provided by the applicant identifying how the predicted CO<sub>2</sub> emissions of the development would be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which resulted from this would be above and beyond what was required to comply with Part L Building Regulations. Before the development was occupied the renewable energy equipment would have been installed and the local planning authority would be satisfied that their day-to-day operation would provide energy for the development for so long as the development remained in existence.

4. Before the occupation of the development hereby permitted, works for the disposal of sewage would be provided on the site to serve the development. Details of such drainage works would first be submitted to, and approved by, the Local Planning Authority; the sewage disposal would be completed in accordance with the approved details.

5. The development would not be occupied until drainage works had been carried out in accordance with details which would be submitted to and

approved in writing by the Local Planning Authority.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings would be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water would not pass through the interceptor

7. Any facilities for the storage of oils, fuels or chemicals would be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound would be at least equivalent to the capacity of the tank plus 10%. If there was multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses had to be located within the bund. The drainage system of the bund would be sealed with no discharge to any watercourse, land or underground strata. Associated pipework would be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets would be detailed to discharge downwards into the bund.

8. No development approved by this permission would commence until a scheme for the provision and implementation of a surface water run-off limitation had been submitted to and approved in writing by the Local Planning Authority. The scheme would be implemented in accordance with the approved programme and details.

9. Floor levels would be set no lower than 5.0 metres above Ordnance Datum.

10. Development would not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, were submitted to and agreed in writing by the Local Planning Authority. This route had to be in place before the occupancy of the building(s).

11. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works would be provided in accordance with details previously submitted to and approved in writing by the LPA. The approved scheme would be retained throughout the construction period.

12. The commencement of the development authorised by this permission would not begin until:

a. The Local Planning Authority had approved in writing a full scheme of works of improvement to:

- (i) The Portrack Lane/Haverton Hill Road/Cheltenham Road junction to accommodate development flows
- (ii) the Holme House roundabout
- (iii) A separating island between the ahead and right lanes with appropriate signals at the Haverton Hill approach road.

and

b. the approved works had been completed in accordance with the local

planning authority's written approval and had been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works had been approved in writing by the Local Planning Authority.

13. Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works would be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details should include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg incidental buildings, public art and street furniture).

14. Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and shrub planting would be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme would specify types and species, layout contouring and surfacing of all open space areas. The works would be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever was the sooner. Any trees or plants which within a period of five years from the date of planting die, were removed, become seriously damaged or diseased would 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.

15. Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years would be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

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

17. Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels would be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

18. Details of all external lighting of the buildings and car-parking areas would be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting should be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting should be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

19. Notwithstanding any information contained within this application full details of the covered cycle storage facilities shall be submitted to and agreed in writing

with the Local Planning Authority before the hereby approved development was occupied.

20. Notwithstanding any information contained within this application full details of the Bin storage facilities would be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development was occupied.

21. No waste products derived as a result of carrying out the development hereby approved would be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

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

23. No Development hereby approved would commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment had been carried out, submitted to and approved in writing by the Local Planning Authority. The study had to identify industry and geologically based contaminants and include a conceptual model of the site. If it was likely that contamination was present a further Phase 2 site investigation scheme involving risk estimation would be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

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

25. Any dust emission from material less than 7.5mm in diameter, stored, loaded or transported externally, would be prevented by covering, sheeting or water suspension.

26. The hereby approved café unit should not be open for business outside the hours of 8am-6pm Monday - Saturday and at no times on a Sunday/Bank Holiday Monday.

27. Prior to first use or occupation of any part of the development, the applicant shall appoint a Travel Plan Co-ordinator, and contact details for this individual shall be provided to the local planning authority.

28. As set out in the Interim Travel Plan document Revision 2, 29/11/07 prepared by WSP, a detailed travel survey shall be undertaken no later than

three months after first occupation of the development. The results of this survey shall be provided to the local planning authority, and used to agree appropriate mode share targets, outcomes, and corresponding timescales.

29. As set out in the Interim Travel Plan document Revision 2, 29/11/07 prepared by WSP, a detailed travel survey shall be undertaken on an annual basis (at the same time as the baseline survey identified in Condition 28 for as long as the development remains occupied. The results of these surveys shall be provided to the local planning authority, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the agreed mode share targets and outcomes within the specified timescales.

30. Following the results of the fifth annual travel survey (i.e. 5 years post occupation), and any subsequent travel surveys, if the employee car driver modal split value exceeds 58.4% and the Site is generating more than 426 vehicles (two way) or more than 256 vehicles (two way) during either the AM Highway Peak Hour of 08:00 – 09:00 or the PM Highway Peak Hour of 16:00 to 17:00 respectively, then additional measures shall be implemented having been agreed with Local Planning Authority, and these could include the following:

Either:

- Car Park Charging – a small employee car parking charge will be introduced for each single occupancy vehicle wishing to park on the Site. The monies raised will be ring fenced for other travel plan measures; and
- Cash Out for not Parking Scheme – a cash incentive will be provided for employees not to drive to work as a single occupancy trip. The incentive could take several forms including free entry into prize draws, accumulation of vouchers redeemable at retail outlets or a direct financial payment. The cost is likely to be funded by the car parking charging measure described above.

And/Or:

- Access Control – vehicular access to and from the Site will be physically restricted to control the number of employees parking at work. The access control will take the form of traffic lights or gated barriers which will either be manned or will automatically read number plates. The gated barrier option would be implemented in conjunction with a parking permit system; and
- Control of Adjacent Off-Site Parking – The Travel Plan Co-ordinator will liaise with nearby car park owners to ensure that enforcement measures are being implemented.

**P 07/2746/FUL**  
**105/07 7 Station Road, Billingham,**  
**Construction of single apartment block with six flats across three levels with adjacent ground level car parking for six vehicles**

Consideration was given to an application that sought planning consent for the erection of a three-storey building that was to contain 6 one bedroom flats. The proposed building was to measure 9.5m (w) x 10m (l) and reach a maximum height of approximately 9.5 metres.

It was explained that the application site was situated to the south-west of Station Road, Billingham. The existing host property, No 7 Station Road was

situated to the north of the site. A variety of commercial units and services were provided within the nearby Billingham Green local centre. The application site was also situated within the Billingham Green Conservation Area and in close proximity to the Grade II listed No's 2-5 Chapel Road.

Members were informed that the planning application was presented before the Planning Committee for determination due to the number of letters of support received.

The Committee were presented with an update report that outlined that one further letter of objection had been received. The report also outlined the amended recommendation to reflect the situation with regards to the appeal to the planning inspectorate on non-determination.

Member considered that proposed development would have a detrimental impact on the character of the area and that of the conservation area. Concerns remained over the level of amenity for the future residents of the scheme and impact of the development on highway safety.

Members were advised that the applicant had lodged an appeal against the local planning authority's failure to determine the application within the required timescale however officers were of the opinion that the application was still within the determination period and could be determined by committee but the recommendation will be in the alternative should the Planning Inspectorate disagree with the local planning authority's interpretation.

The Planning Officer read out a statement on behalf of a resident who was unable to attend the meeting.

The agent for the application was in attendance at the meeting and addressed the Committee.

RESOLVED that planning application 07/2746/FUL be refused on the following basis or in the event of the appeal being registered by the Planning Inspectorate then the recommendation should be that the Local Authority are minded to refuse the application for the following reasons.

1. In the opinion of the Local Planning Authority the design of the proposed development is considered to be unacceptable and fails to make a positive contribution to the character of the surrounding area or to preserve or enhance the character of the Conservation Area contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Guidance 15; Planning and the Historic Environment and Policies GP1, HO3, HO11 and EN24 of the adopted Stockton on Tees Local Plan.

2. The proposed development by virtue of its lack of in-curtilage parking provision will result in on-street parking along station road and the surrounding area to the detriment of highway safety and the free flow of traffic, contrary to policy GP1 of the adopted Stockton on Tees Local Plan and Supplementary Planning Document 3: Parking Provision for new developments.

3. In the opinion of the Local Planning Authority the application site is of



inadequate size to satisfactorily accommodate the proposed apartments resulting in a cramped form of development, contrary to policy GP1 and HO11 of the adopted Stockton on Tees Local Plan.

4. The proposed development will result in the intensification of a substandard access by virtue of its narrow width which would not enable vehicles to pass one another and in the opinion of the Local Planning Authority would be detrimental to the free-flow of traffic and highway safety and for which the applicant has no control over to carry out the required improvements, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

5. In the opinion of the Local Planning Authority the proposed arrangement of the proposed dwellings would result in amenity standards below that which could reasonably be expected for the existing and future residents, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

**P 07/2267/FUL**  
**106/07 62 - 64 High Street, Yarm, TS15 9AH**  
**Revised application for conversion of ground floor into 2 no. shop units and extension to rear**

Consideration was given to a report that sought planning permission for the conversion of the ground floor into 2 shop units and an extension to the rear of 62-64 High Street, Yarm.

The application related to commercial units which had a frontage onto the High Street in Yarm within the Conservation Area. It was explained that the ground floor had been operating as one combined unit as a café, bakery and retail shop (A1 and A3). On the two upper floors were separate offices (A2) and a second floor residential flat (C3). The units shared a rear yard with separate pedestrian access through a side passage to the main and rear streets.

The proposals were to extend the premises and change the use to two units on the ground floor as a separate shop (A1) and financial and professional services unit (A2). One of the shop fronts had been changed in the past and would be replaced to match the remaining original. The two storey rear extension would contain an additional office (A2) at first floor and a new rear staircase. It was explained that a temporary staircase would be inserted into a front room of the building to allow for safe access to the residential flat during the course of the building works.

On the whole Members considered that the proposed development was unacceptable. Concerns were raised over the scale and massing of the proposed development in relation to the adjacent residential property and considered that it would have a detrimental effect on their amenities.

The agent for the application was in attendance and addressed the Committee.

A resident was in attendance at the meeting and objected to the proposal.

RESOLVED that planning application 07/2267/FUL be refused for the following reason:

1. In the opinion of the Local Planning Authority the proposed development by virtue of its scale and massing would be detrimental to the amenities of the adjacent residential property and the character and appearance of the Yarm Conservation Area and is therefore contrary to the saved Policies GP1 I, ii, iii and viii and EN24 ii of the adopted Stockton on Tees Local Plan.

**P 07/2923/FUL**  
**107/07 Former site of the Bungalow and Glenrae, The Avenue, Eaglescliffe. Retrospective application for erection of single storey substation/buggy store**

Consideration was given to a report that sought retrospective planning permission for the erection of a detached building containing a substation/buggy store for the 42 sheltered apartments currently being constructed on land formerly occupied by two residential dwellings.

It was explained that the building constructed had a different form to that shown on the drawings approved on appeal for the 42 sheltered apartments under applications 05/1194//FUL and 06/0957/REV. The erected building was in an almost an identical location to that as approved but its proportions had changed to make it a squarer floor plan. Members were advised that this was a completely new full application for the building as constructed and not a variation of the consent granted on appeal. It was noted that the developers could revert to the previously approved form, but the details were not as comprehensive and the authority would have little or no control over the elevational treatments.

It was noted that the application had given rise to a degree of objections from local residents, CPRE and Eaglescliffe Preservation Action Group. The objections related to access and highway safety matters; impact on appearance and character of the surrounding area; impact on residential amenity; impact on archaeology, trees and ecology. It was noted that the application did not involve a new access and footpath other than the arrangements previously approved on appeal.

On the whole Members considered that the changes to the scheme were relatively minor. The impacts on residential amenity, access, appearance and character of the area, trees, archaeology and ecology had previously been considered under the previous applications and was found to be acceptable by the Planning Inspector.

RESOLVED that planning application 07/2923/FUL be approved subject to:-

1. The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number Date on Plan  
1333/101 12 October 2007  
1333/102 12 October 2007

## **108/07 SUSTAINABILITY APPRAISAL AND CONSULTATION STATEMENT.**

Members of the Committee considered a report relating to the adoption of the Planning Obligations Supplementary Planning Document (SPD) Sustainability Appraisal and Consultation Statement.

It was explained that the Council's Local Development Scheme (LDS) required the production of a Planning Obligations Supplementary Planning Document (SPD). The purpose of the Supplementary Planning Document (SPD) was to set out the Council's approach to Planning Obligations (also known as S 106 agreements) within the Borough.

It was noted that SPDs were documents intended to expand on existing higher-level policies, such as those in the Adopted Local Plan, Alteration Number 1, and be consistent with national and regional policies. Policy within the SPD was also based on circular 05/05 which stated that when a Council had a gap in planning policy an SPD could be based on advice within that document. It was advised that SPDs did not form part of the statutory development plan, but they were a material consideration in determining planning applications.

Members were presented with information relating to planning obligations and Government guidance (Circular 05/2005 'Planning Obligations').

Members were advised that typically, obligations were secured through negotiation between the developer and the Council; however, developers may wish to submit a 'Unilateral Undertaking' alongside a planning application. This was obligation offered by the applicant in support of an application (or appeal), as opposed to agreeing an obligation following negotiation with the Council.

The SPD aimed to provide clarity to developers, development control officers, stakeholders and local residents as to the Council's expectations concerning developer contributions in appropriate circumstances. Areas where it was intended to seek obligations were affordable housing, education, employment and skills, open space and recreation, landscape, biodiversity, highways and transport, social and community infrastructure. It was noted that the list was not exhaustive, and that there may be circumstances where other provisions were sought.

Members were reminded that the draft SPD and its associated documents were approved for consultation by Planning Committee and Cabinet earlier in the year. The consultation took place between the 30th July and the 10th September 2007.

It was noted that a number of comments were received from interested parties including amongst others, public bodies (Natural England, Sport England etc), representatives of developers (Home Builders Federation, Consultants). Members were presented with the consultation statement which provided a list of comments received, the Council's response and notes on any changes made to the document.

It was explained that since the end of the consultation period Council officers had been preparing changes to the document. The majority of the changes

involved minor wording changes with the most significant change involving the removal of the 'two strand approach' from the Highways and Transportation section and the inclusion of an appendix relating to public realm contributions.

RESOLVED that:-

1. The report be noted.
2. The Planning Obligations SPD be adopted.
3. Minor amendments to the content of the document be delegated to Officers prior to formal adoption of the document.

- P  
109/07**
- 1. Appeal - Mr and Mrs Holmes - The Stables Kirk Hill Redmarshall - 03/2705/REV - PART ALLOWED PART DISMISSED and Appeal Mr and Mrs Holmes - The Stables Kirk Hall Redmarshall - 06/3790/FUL - DISMISSED**
  - 2. Appeal - Mr R Johnson - 1a,1b,1c,1d South View Eaglescliffe - 07/0723/ARC - DISMISSED**
  - 3. Appeal - Sangha Properties - 65-67 Yarm Lane Stockton - 07/0003/COU - DISMISSED**
  - 4. Appeal - Peter and Julie Higginbotham - 1 Baffin Court Thornaby - 06/3436/COU - DISMISSED**
  - 5. Appeal - Mr M Bonar - 43 The Green Norton - 07/0564/REV - DISMISSED**
  - 6. Appeal - Mr Neil Farthing - 65 Dunedin Avenue Stockton - 07/0667/FUL - ALLOWED WITH CONDITIONS**

RESOLVED that the information be noted.