

Planning Committee

A meeting of Planning Committee was held on Wednesday, 2nd September, 2009.

Present: Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Robert Gibson, Cllr Jean Kirby, Cllr Bill Noble, Cllr Ross Patterson, Cllr Mrs Maureen Rigg and Cllr Fred Salt.

Officers: C Straughan, K Campbell, B Jackson, R McGuckin, J Roberts, C Snowdon, P Shovlin, Mrs M Whaler (DNS), Miss J Butcher, P K Bell (LD).

Also in attendance: Cllr Ken Dixon; Applicants, Agents, Objectors and Supporters.

Apologies: Cllr Broughton, Cllr Kirton and Cllr Large.

P Declarations of Interest

60/09

Councillor Mrs O'Donnell declared a personal non prejudicial interest in respect of agenda item 6 - Site of Former Running Track, Finchale Avenue, Billingham - New Class D1 Primary Care Centre and Class A1 Associated Pharmacy (09/1418/FUL) as she would be a possible user of the new facility.

Councillor Mrs Aggio declared a personal non prejudicial interest in respect of agenda item 6 - Site of Former Running Track, Finchale Avenue, Billingham - New Class D1 Primary Care Centre and Class A1 Associated Pharmacy (09/1418/FUL) as she would be a possible user of the new facility.

P 09/1340/REM

61/09

**17 Plots, Bettys Close Farm, Ingleby Barwick
Reserved matters application for 17 no. self-build housing plots and the creation of a country park/local nature reserve.**

Consideration was given to a report on planning application 09/1340/REM - 17 Plots, Bettys Close Farm, Ingleby Barwick - Reserved matters application for 17 no. self-build housing plots and the creation of a country park/local nature reserve.

The application site was a large area of former agricultural land situated to the south-west of Ingleby Barwick. Residential properties were 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 granted in June 2006 for 17 no. houses and the provision of a nature reserve/riverside park (06/1064/OUT). Following on from the Outline Planning Approval, planning permission was sought under a reserved matters application for 17 no. self build housing plots and the creation of a riverside park/local nature reserve.

The application sought approval for all matters (Access, Appearance, Landscaping, Layout and Scale). Various other pieces of information had also been submitted in support of the application including a development brief that sets out basic design principles. It was noted that although the application was

for self build plots, detailed house types had been submitted in order to keep the permission extant.

Although concerns had been raised from local residents regarding the need for further housing land and the impact on the green wedge, it was recognised that the application sought reserved matter approval and that the principle of residential development on the site was established in approving the outline planning application.

The design and layout of the proposed development was generally considered to be acceptable and the provision of the Country/Riverside Park would provide an excellent community resource and bring a scheduled ancient monument back into public ownership. Given some additional/revised details were required it was recommended that the application be delegated to the Head of Planning for approval subject to all outstanding issues being resolved.

An update report was circulated at the meeting that outlined that revised details had been received in relation to plots 1 and 4. The proposed details showed an increase in separation distance between plot 1 and No.4 Caldey Gardens and also an increase in drive length to plot 4.

An additional planning condition was also suggested with regards to the final location of the proposed kick-about area.

The applicant, agent, objectors and Councillor Dixon and were in attendance at the meeting and were given the opportunity to state their case.

RESOLVED that Planning application 09/1340/REM be Delegated to the Head of planning for approval with conditions subject to all outstanding issues being resolved prior to the 21st September 2009.

If the issues are unresolved by 20th September 2009 the application be refused.

01. 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

SBC0001

19 June 2009

100

19 June 2009

101

19 June 2009

103

19 June 2009

104

19 June 2009

105

19 June 2009

106

19 June 2009

10

19 June 2009

12

4 June 2009

102

19 June 2009

HS70017-D-104

4 June 2009

HS70017-D-105

4 June 2009

HS70017-D-114

4 June 2009

HS70017-D-115

4 June 2009

HS70017-D-116

4 June 2009

HS70017-D-103

4 June 2009

11

4 June 2009

02. Notwithstanding the submitted details the proposed development shall be carried out in full accordance with the submitted SJR 'Development brief' (March 2009) unless otherwise agreed in writing with the Local Planning Authority.

03. 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).

04. 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.

05. Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall 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).

06. 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 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.

07. 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.

08. 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.

09. 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.

10. 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.

11. Prior to commencement of development a scheme for the removal of all detritus arising from the construction of the proposed dwellings shall be submitted for consideration and approval by the Local Planning Authority. Those details, shall be submitted in writing and amongst others include schemes for the management of dust and noise including wheel washing facilities. The approved scheme(s) and details shall be implemented in full.

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

13. No construction activity shall take place on the hereby approved housing site outside the hours of 8.00 a.m. - 6.00 p.m. Monday to Friday, 9.00 a.m. - 1 p.m. Saturday and nor at any time on Sunday's or Bank Holiday's.

14. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of giant hogweed (*Heracleum mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of giant hogweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

15. Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of water vole, a protected species under The Wildlife and Countryside Act 1981 (as amended), and its associated habitat during construction works and once the development is complete. Any change to operational; including management responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

16. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:-

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)

- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term

- details of any footpaths, fencing, lighting etc.

17. 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

18. 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.

19. No development shall take place unless in accordance with the mitigation detailed within the protected species reports An otter and water vole survey at Betty's Close Farm, Ingleby Barwick E3 Ecology Ltd. R01 Draft 31.05.2006; An Ecological Assessment of Land at Betty's Close Farm, Ingleby Barwick, E3 Ecology Ltd. R01 Final 04-04-2006 including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming/checking surveys as stated; adherence to precautionary working methods.

20. Notwithstanding any details contained within this application, prior to the occupation of the hereby approved development full details of the location of the proposed kick-about area shall be submitted to and approved in writing with the Local Planning Authority. The proposed kick-about area shall be implemented in full accordance with the agreed details.

21. Notwithstanding any details contained within this application, prior to the occupation of plot 4 of the proposed development, full details of the location of the proposed garage and driveway shall be submitted to and approved in writing with the Local Planning Authority. The proposed garage and driveway shall be implemented in full accordance with the agreed details and retained for the life of the development, unless otherwise agreed in writing.

P **08/3620/COU**
62/09 **Stables Shed 2, Ouston Moor Farm, Darlington Back Lane**
Permanent change of use from skinning shed to Horse breaking, training,
stud and livery yard.

Consideration was given to a report on planning application 08/3620/COU - Stables Shed 2, Ouston Moor Farm, Darlington Back Lane - Permanent change of use from skinning shed to Horse breaking, training, stud and livery yard.

Planning permission was sought for the permanent use of land as buildings in

connection with an equine business. The site was previously granted temporary approval for a similar business operation. The business had expanded and although this earlier approval lapsed and the site was being operating without the benefit of planning permission.

Several objections had been received in respect to this and another application on the same site for the erection of a residential dwelling. Objections relevant to this proposal mainly related to the business proposal not being viable, to the previous application being lapsed, to previous conditions associated with the site not being addressed and to the general statements made in respect to the nature of the business.

No objections had been raised from the Councils Environmental Health or Urban Design Teams subject to the imposition of appropriate conditions.

The proposal related to the permanent use of the site and associated buildings in connection with the equine business. Equine related businesses were generally supported by both local and national planning policy within rural locations as they related to a land based use which can contribute to the rural economy. The buildings on site (in part) already had as a permanent presence as a result of earlier approvals and as such their impact on the countryside was accepted.

RESOLVED that Planning application 08/3620/COU be approved subject to the following conditions:-

01. Approved plans

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
SBC0001	15 December 2008
0883/02	15 December 2008
0883/01	15 December 2008

02. No burning of waste

There shall be no burning of waste at the site except in accordance with a scheme of waste burning to be first submitted to and approved in writing by the Local Planning Authority.

03. Removal of unauthorised structures within 2 months from the date of this approval the 2 no. static caravans located at the site which did not form part of previous planning application ref: 03/2978/COU shall be removed from the site. Should the static caravans not be removed within this timeframe then the use of the site hereby approved shall cease immediately and no further use of the site shall occur until the caravans have been removed from the site to the written satisfaction of the Local Planning Authority.

04. Access improvement works within 3 months from the date of this approval a scheme shall have been submitted to the Local Planning Authority in writing detailing access improvement works at the junction of Drovers Lane and the site

access track. The scheme shall include details of achievable sightlines.

a) If acceptable to the Local Planning Authority, the Local Planning Authority shall agree this in writing within 8 weeks from the date of the schemes submission and the approved scheme shall have been implemented on site within 8 weeks following the written agreement being issued by the Local Planning Authority.

b) If unacceptable to the Local Planning Authority, the Local Planning Authority shall have advised the applicant in writing within 8 weeks following its submission. Should no further scheme be agreed in writing with the Local Planning Authority within 21 weeks from the date of this approval then the use on site shall cease immediately and no further use of the site shall occur until such a scheme has been both agreed in writing with the Local Planning Authority and implemented on site to the written satisfaction of the Local Planning Authority.

P 09/1696/FUL
63/09 25 Portchester Close, Ingleby Barwick, Stockton-on-Tees
Erection of detached dwellinghouse with attached double garage

Consideration was given to a report on planning application 09/1696/FUL - 25 Portchester Close, Ingleby Barwick, Stockton-on-Tees - Erection of detached dwellinghouse with attached double garage.

The application site was 25 Portchester Close, Riverside View. This was a building plot located within a self-build development in Ingleby Barwick. The applicants were seeking permission for the erection of a 1 no. detached dwelling with an attached double garage.

The site was located within a development area, where the plots were under various stages of construction, with some dwellings under construction and others completed.

The planning application had been publicised by means of individual letters and no objections had been received from the owners of neighbouring plots or properties. The application was to be determined at planning committee as the agent was a relative of an employee of the Council. The main planning considerations related to the visual impact upon the street scene and any impacts upon the privacy and amenity of the occupants of neighbouring properties and highway safety.

It was considered that overall the proposed development would not have a significant detrimental impact on the amenities of the area and is in accordance with policies GP1, HO1(f), HO3, HO11 and TR15 of the Stockton on Tees Local Plan.

Members received an update to the main report following receipt of superceding plans from the applicant. The plans had adjusted the position of the proposed house so that it was further away from the position of an existing house in Portchester Close. Some minor corrections had been made to the fenestration

so that the plans and elevations were consistent with the number and position of mullions and annotated details of decorative railings. No correspondence had been received as a result of neighbour notification of the changes.

RESOLVED that planning application 09/1696/FUL be approved subject to the following conditions:-

01. 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
1504/1 REV A	8 July 2009
022/09/01REV A	24 August 2009
022/09/10	24 August 2009

02. 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.

03. 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 and finished floor levels. Thereafter the development shall be completed in accordance with the approved details.

04. No development shall commence on site until full details of hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

05. 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.

06. Notwithstanding the submitted details, all means of boundary enclosure shall be submitted to and approved in writing by the Local Planning. The approved boundary treatments shall be erected prior to the development, hereby approved, being occupied and shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

07. The garage to which the permission relates shall be used for the parking of private motor vehicles, incidental to the enjoyment of the occupants of the dwellinghouse, and no other purpose.

P 09/1418/FUL
64/09 Site of Former Running Track, Finchale Avenue, Billingham
New Class D1 Primary Care Centre and Class A1 Associated Pharmacy

Consideration was given to a report on planning application 09/1418/FUL - Site of Former Running Track, Finchale Avenue, Billingham - New Class D1 Primary Care Centre and Class A1 Associated Pharmacy.

The application site was situated to the north of Billingham Town Centre and lay immediately to the west of Finchale Avenue in Billingham, and formed part of the Former Billingham Technical College running track/sports field.

Planning permission was sought for the creation of a new health centre (D1 use) and an associated Pharmacy (A1 use). The proposal was to provide a total of 2625 sq m of floorspace for 3 no. doctors' surgeries and associated waiting areas, consultation rooms, treatment rooms, minor surgery space, staff rooms and associated administration facilities.

A total of 3 no. objections had been received, raising concerns in relation to parking issues, increased congestion, the loss of recreational land and the potential to create a precedent for further development on the former sports field.

The application site was within easy walking distance of Billingham Town Centre and was well served by a range of transport means. Whilst the proposal would result in the loss of the former running track, it was within private ownership and significant funds would be provided to improve and enhance existing playing fields elsewhere in Billingham. Sport England were satisfied that this was an acceptable mitigation approach, subject to the developer entering into a section 106 agreement to secure the required heads of terms.

The proposed development was considered to be of a modern design with the use of materials complementing the more traditional materials elsewhere in the surrounding area and associated landscaping enhancing the development as a whole. The development was also considered not to have any significant impacts to existing levels of residential amenity, highway safety, public safety or protected species.

RESOLVED that Planning application 09/1418/FUL be approved with Conditions subject to the developer entering into a Section 106 agreement and the conditions set out below:-

01. 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
SBC 0001	10 June 2009
1619-P-22-001	10 June 2009
1619-P-22-002	10 June 2009
1619-P-22-003	10 June 2009
1619-P-22-004	10 June 2009
1619-P-90-001	10 June 2009
1619-P-90-002	10 June 2009
1619-P-20-001	10 June 2009
1619-P-90-003	10 June 2009
1619-P-20-002	10 June 2009

02. 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).

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

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

05. Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and 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 occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. 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.

06. Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall 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.

07. Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the

Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall 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 shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

08. 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 is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

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

10. No construction activity shall take place on the premises before 9.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

12. Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of a scheme for refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

13. Notwithstanding the details submitted as part of this application full details of the proposed access arrangements into the site shall be submitted to and agreed in writing with the Local Planning Authority. The access shall be constructed in accordance with these agreed details, prior to the occupation of the hereby approved development.

14. All works to the tree in the north-east corner of the site shall not be undertaken within the period 1 March to September 30 inclusive, unless otherwise agreed in writing with the Local Planning Authority.

15. Prior to the commencement of the development an amended Travel plan Framework shall be submitted to and approved by the Local Planning Authority. The approved travel plan framework shall be used to inform a detailed travel plan.

16. Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures and actions of how to reduce car travel and car dependency to and from the site. The travel

plan shall be implemented in accordance with these agreed details.

17. Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 and amendments, the proposed retail unit shall be used as a Pharmacy only, unless otherwise agreed in writing with the local planning Authority.

**P
65/09**

- 1. Appeal - Mr Kevin Chitty - Synthonia Club Belasis Avenue Billingham - 08/3576/ADV - DISMISS**
- 2. Appeal - Mr Paul Dowell - The Mains Nursing and Retirement Home Drovers Lane Redmarshall - 08/2983/OUT - ALLOWED WITH CONDITIONS**
- 3. Appeal - Greggs PLC - Land at Cheltenham Road Portrack Stockton - 09/0317/FUL - ALLOWED WITH CONDITIONS**
- 4. Appeal - Mr D Brennan - 6 Manor Drive Hilton Yarm - 08/2180/FUL - DISMISS**
- 5. Appeal - Mohbhat Ali - 61 Yarm Road Stockton - 08/3461/FUL - DISMISS**
- 6. Appeal - Shamshad Bibi Mamood - 63 Yarm Road Stockton - 08/3460/FUL - DISMISS**

RESOLVED that the Appeals be noted.