

Planning Committee

A meeting of Planning Committee was held on Wednesday, 2nd August, 2006.

Present: (Meeting) Cllr M Stoker(Chairman), Cllr Mrs J Beaumont, Cllr D Brown, Cllr M Cherrett, Cllr C Coombs, Cllr K Faulks, Cllr J A Fletcher (Vice Cllr Mr M Rigg), Cllr K Leonard, Cllr Mrs J O'Donnell (Vice Cllr P Kirton), Cllr R Patterson, Cllr M Perry, Cllr R Rix, Cllr F G Salt, Cllr M Smith, Cllr S F Walmsley, Cllr M E Womphrey.

(Site Visit) Cllr M Stoker (Chairman); Cllr Mrs J Beaumont, Cllr M Cherrett, Cllr C Coombs, Cllr J Fletcher (Vice Cllr Mrs Rigg); Cllr K Leonard, Cllr R Patterson, Cllr M Perry, Cllr R Rix, Cllr F Salt and Cllr M Womphrey.

Officers: (Meeting) P Copeland, Miss R Hindmarch, B Jackson, R McGuckin, S Milner, P Morris, Miss H Smith, Mrs M Whaler and P Whaley (DNS); Miss J Butcher and Mrs T Harrison (LD)

(Site Visit) B Jackson, S Milner and Miss H Smith (DNS)

Also in attendance: Cllr T Laing (Ward Cllr), Cllr K Lupton(Ward Cllr); members of the public, applicants and agents.

Apologies: (Meeting) Cllr D Brown, Cllr R Cains, Cllr P Kirton and Mrs M Rigg.

(Site Visit) Cllr D Brown, Cllr R Cains, Cllr K Faulks, Cllr P Kirton, Cllr Mrs M Rigg, Cllr M Smith and Cllr S Walmsley.

399 Declarations of Interest

Mr R McGuckin (Group Leader Highway & Transport Strategy) declared a personal prejudicial interest in relation to agenda item 4 (planning application 06/1182/FUL) 69-71 Greens Lane, Hartburn, Stockton, Erection of 14 no. apartments and 5 no. dwellinghouses and new access road due to his parents house being opposite the application site.

Councillor Womphrey declared a personal prejudicial interest in relation to agenda item 4 (planning application 06/1182/FUL) 69-71 Greens Lane, Hartburn, Stockton, Erection of 14 no. apartments and 5 no. dwellinghouses and new access road due to knowing the architect and his family.

Councillor Coombs and Rix declared a personal non prejudicial interests in relation to agenda item 15 (planning application 06/0538/OUT) Land at Boathouse Lane, Stockton, Outline application for residential development and associated means of access due to their positions as school governors at one of the schools to whom a contribution under the section 106 was to be made.

400 Minutes of the meetings held on 31 May and 21 June 2006

The minutes of the meetings held on 31st May and 21st June 2006 were signed by the Chairman as a correct record.

401 06/1182/FUL 69 - 71 GREENS LANE, HARTBURN, STOCKTON ERECTION OF 14 NO. APARTMENTS AND 5 NO. DWELLING HOUSES AND NEW ACCESS ROAD

Planning permission was sought for a residential development comprising 14 apartments, 5 no. houses and access and parking on a site currently occupied by two residential properties and their associated curtilage.

A total of 147 letters of objection and 2 letters of general comment had been received in respect to the development. Objections were mainly based on the loss of the existing dwellings, design, density of the proposed new development, its impact on the character of the area, the impact on traffic, highway safety and the impact on adjoining properties, not a sensitive enhancement, tree not shown in drawing and no consideration had been given to 5 Levisham Road although houses had been moved on the plans to prevent overlooking of the conservatory for 6 Levisham Close.

The objections were summarised and addressed in the Officers report and update report.

The site was classified as a brownfield site within the limits of development as defined within the Stockton on Tees Local Plan and the principle of development was therefore accepted.

The Head of Planning advised that the layout and design of properties made adequate provision for the amenity and privacy of surrounding properties and highway safety was considered to be generally in keeping with the surrounding environment. The additional traffic associated with the development was not considered to be significant. As such, the proposal was considered to accord with relevant Local Plan policies.

The site was located within close proximity to a wide range of services, conforming with Supplementary Planning Guidance note 4 in respect to the location of flatted development.

The Head of Integrated Transport and Environmental Policy had advised that a commuted sum of £1500 would be required for the provision of a Traffic Regulation Order whilst the open space adoptions officer had advised that a commuted sum of £11,900 would be required in lieu of on site provision of open play space.

The agent spoke in support of the application advising that they had worked closely with the Planning Officers and had made changes as a result; Housing stock of this kind was in demand in the area; The development would be a sensitive enhancement; The distances were in excess of Stockton Borough Council guidance; and highways had approved the scheme.

Objectors highlighted many of the national and local planning guidelines which they felt had not been followed in the development; Bus stops and neighbourhood centre were not close enough to the development; The sewage system was already running to full capacity and was at the edge of the design limit; visibility splay will not be good enough; parking restrictions were already in place, development would restrict neighbouring bungalows light; Three Storey buildings were unacceptable next to a single storey building, Bungalows attracted the elderly and disabled who needed to be considered; The proposed play area would not get any light due to the height of the development; The Landscape Officers report was wrong as they were looking at the wrong plans.

The Ward Councillor advised that he had tried to get a Traffic Management Order, however Officers were reluctant as it could not be policed by their Wardens. Traffic congestion was a problem, particularly during term time and there was also an access problem. Northumbrian Water had stated that the sewage system was running to maximum capacity and the water table would be affected. The Ward Councillor enquired where the commuted lump sum would be provided. Housing should not be allowed where it was not needed and therefore the application should be refused.

Members provided the following comments:

- Know of a fatality and injury to pedestrian on the road
- Traffic is really bad especially during term-time
- Concerned with height and character of development
- Bungalows should be next to bungalows
- Premature and out of keeping with the area

RESOLVED that planning application 06/1182/FUL be refused due to Highway Safety, being overbearing and an overdevelopment of the site.

402

06/1440/OUT

CASTLEGATE SHOPPING CENTRE, AND LAND SOUTH OF TOWER STREET, STOCKTON ON TEES.

OUTLINE APPLICATION FOR DEVELOPMENT OF CLASS A1 RETAIL FOODSTORE, OTHER COMMERCIAL USES WITHIN CLASSES A1, A2, A3, A4 AND A5 AND REPLACEMENT CAR PARKING.

The outline application proposed the redevelopment of land and buildings at the southern end of the Castlegate Shopping Centre to provide:

- A 45,000 sq. ft. net floorspace (61,000 sq. ft. gross) retail foodstore;
- 643 parking spaces including a new multi-storey car park to replace those lost at Castlegate/Tower Street, through the redevelopment.

An accompanying drawing also showed for illustrative purposes only:

- New public open space, together with hard and soft landscaping; and
- Additional floorspace to be occupied by either commercial or civic uses, adjacent to the public open space.

The latter elements had been removed from the description of the development, as they could not be provided within the site boundaries. A contribution was sought for the open space through the Section 106 Agreement.

The application was in outline with all matters reserved except for means of access and was supported by a Planning Statement; Transport Statement; a Design Statement to set out the design principles was to be adopted in formulating the reserved matters, and included an illustrative scheme and layout. A Flood Risk Assessment also supported the application.

The site was located within the Primary Shopping Area (in the context of Planning Policy Statement 6 (PPS6): Planning for Town Centres guidance) of Stockton Town Centre and therefore issues of need for the development and the

sequential approach to site selection were not material considerations.

In relation to retail impact, PPS 6 advised that the test of impact should only be applied to in-centre proposals that would significantly increase the attraction of the centre, and potentially have an impact on other centres. A Retail Impact Assessment (RIA) had been undertaken to assess the likely impact of the proposal upon the vitality and viability of existing centres. It concluded that the majority of the turnover of the new foodstore would be diverted from facilities of a comparable scale and nature. The majority of these foodstores, including various facilities operated by Tesco, Asda, Morrisons and Sainsbury, were located in out- of-centre locations, and were therefore unprotected in PPS6 terms.

The scale of the proposed store was considered to be appropriate to Stockton Town Centre and its catchment. Redevelopment of the existing site would also result in economic benefits and contribute to regeneration objectives to Stockton Town Centre and in particular the southern end of the centre.

The proposal was considered to be in line with general planning policies set out in the Development Plan.

RESOLVED that planning application 06/1440/OUT be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or such other Heads of Terms as may be deemed necessary by the Head of Planning and the following conditions:

SECTION 106 AGREEMENT Heads of Terms

1. Prior to Commencement of the Development the Owner shall pay to the Council a commuted lump sum for Highway Works to the Riverside.
2. Prior to Commencement of Development the Owner shall pay to the Council a commuted lump sum for the provision by the Council of a length of access road necessary to join the car park ramp to be built for the Development to the re-aligned Riverside Road.
3. Prior to the Commencement of the Development the Owner shall pay to the Council a commuted lump sum by way of contribution towards the provision by the Council of an At Grade Pedestrian Crossing over Riverside Road in the vicinity of the Development
4. Prior to Commencement of Development the Owner shall pay to the Council a commuted lump sum by way of a contribution towards the construction of a public Plaza, or other such public realm or space, as the Council shall determine, for the improvement of the visual impact of the Southern gateway to the town centre.
5. Prior to the Commencement of Development the Owner shall enter into a Section 278 Agreement with the Council for the provision of traffic signals and associated highway works in connection with the access and egress from the Development.
6. The Owner shall reimburse the Council for all costs incurred in the preparation

and completion of any Stopping up Orders or Road Traffic Regulation Orders required to prevent the use of that part of Tower Street from the Riverside to Wharf Street by vehicles and/or pedestrians.

The commuted lump sums referred to above shall be as agreed by the Head of Planning.

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): - L0519 (08) 01, L0519 (08) 02 RevA, L0519 (08) 03 RevA.

2. This permission relates solely to the development of Class A1 Retail foodstore, other commercial uses within classes A1, A2, A3, A4 and A5 and replacement car parking.

3. The development shall be implemented in general conformity with the approved "Design Statement" document submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority.

4. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

5. Approval of details of the siting, design and external appearance of the buildings and the landscaping of the site, shall be in accordance with the details of the scheme to be submitted to and approved by the Local Planning Authority before the development commences.

6. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

7. The operation of the store and car park shall not begin until the Tower Street/Riverside Road junction is removed and the new highway access to serve the store and car park from the adopted highway has been constructed in accordance with the approved layout.

8. The operation of the store shall not begin until the car park approved by this permission is operational.

9. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.

10. 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.

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

12. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

13. Roof drainage down-water pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off.

14. Prior to the building being occupied, facilities for secure and covered cycle parking shall be provided on the site in accordance with a scheme to be agreed in writing with the local planning authority.

15. No development shall be commenced until details of all the means of enclosure on the site have been submitted to and approved by the Local Authority. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

16. 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

17. 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.

18. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority.

19. A recycling facility shall be provided during opening hours in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the facility shall be located in its approved position before the store shall begin operating.

(Mr R McGuckin and Councillor Womphrey declared personal/prejudicial interests in the above item due to the site being opposite from his parents and knowing the architect and his family, respectively and therefore left the room for the duration of the meeting).

**403 06/1561/OUT
654-656 YARM ROAD EAGLESCLIFFE STOCKTON-ON-TEES
OUTLINE APPLICATION FOR THE ERECTION OF NURSING HOME AND
ASSOCIATED MEANS OF ACCESS (DEMOLITION OF EXISTING PAIR OF
SEMI-DETACHED DWELLINGS)**

The outline application proposed the demolition of a pair of semi-detached Victorian dwellings and the erection of a 75 bed nursing home. The site was to be found between 658 Yarm Road to the south and properties on Highfield Drive to the north.

A Supporting Planning Statement, Transport Statement, Condition Survey of 654 and 656 Yarm Road, a Bat and Barn Owl Survey and Pre-development Arboricultural Report accompanied the application documents.

The indicative plans showed an 'H' shaped 2.5 storey building following the same orientation as the existing buildings. External amenity open space was provided to the east and west of the site. Car parking was arranged along the northern boundary of the site in three blocks, with a turning area to the rear of the site.

Thirteen letters of representation have been received, objecting to the proposal.

The Head of Integrated Transport and Environmental Policy required amended layout plans to accommodate cycle store, bin storage and an enlarged turning area, which would result in the reduction in private open space to the rear of the building. Parking at the front of the building had been increased by one space and two spaces and be designated for disabled use. Upon inclusion of the Head of Integrated Transport and Environmental Policy confirmed that all concerns in relation to the proposal had been addressed.

The Development Plans Officer and Egglecliffe Parish Council gave their approval to the scheme.

Network rail had not responded to both contacts, it was therefore regarded that they had no objection to the proposal.

In principle the development accorded with the general locational requirements of adopted Stockton on Tees Local Plan policies GP1 and HO8. Indicative elevations and the detail of the site layout showed that the building could be accommodated on site, whilst providing for adequate amenity for the occupiers of Whingroves, properties on Highfield Drive and the new nursing home. The details also showed that a building could be designed to incorporate local features, and respect the local context.

Furthermore, the proposed development would not have an unacceptable impact

on landscape features or protected trees and measures and safeguards could be put in place to ensure that protected species were not adversely affected by the development.

A Ward Councillor approved of the application but advised that he would like to see such properties retained, however he was aware that planning policies could not dictate the retention of houses although the area did not fit neatly within planning policies.

He expressed concern regarding the amenity of houses on Highfield Drive and observed that the requirements of carehomes were constantly changing and therefore requested an acoustic barrier between neighbours and the drive and car parking.

A Planning Officer advised that there was a possibility that it would not work in a domestic situation.

A Member enquired whether there was room for landscaping on the part that was shown bare on the plans.

A Planning Officer advised that it would be put in conditions but the application was an outline application and therefore he could not yet give a definitive response.

A Member advised that the Committee would need to be more forceful in the matter by imposing reserved matters, which was agreed.

RESOLVED that outline planning permission for application number 06/1561/OUT be approved with conditions in respect of approved documents, time limits, details of design, external appearance and landscaping, (soft and hard), tree and vegetation protection, levels, external illumination, secure cycle storage, provision of internal footpath link to Yarm Road, means of enclosure, drainage, working period, insulation from railway noise, land contamination, Bat and Barn Owl mitigation and any other matters arising.

**404 06/1709/FUL
THE FAIRWAYS, WYNYARD PHASE 3B AND 4A
RESIDENTIAL DEVELOPMENT OF 31 DWELLINGS**

The application sought full planning permission for 31 dwellings on 2.121 hectares (5.2 acres) of land (14 dwellings per hectare) known as Phase 3B and 4A The Fairways. The site was to be found nestled in the golf course, and between the existing dwellings on Wellington Drive, adjacent to Annigate and Lion Bridge Close, and the more recently constructed dwellings on Wellington Drive, Vane Close and Davison Close. The site had been cleared and was used, in part, for site cabins, storage and car parking.

The site formed part of a wider site allocated for housing under policy HO1 r, for which planning permission was granted in September 2003 for 71 dwellings (11 dwellings per hectare) on Parcels 71 – 73. The application increased the number of dwellings on this part of the site from 21 to 31.

An amended plan had been received showing alterations to the layout as required by the Head of Integrated Transport and Environmental Policy.

The application had been publicised by means of a site notice, press notice and individual letters. Seven letters of representation had been received, objecting to the proposal on the grounds that the extra dwellings would increase the density of development, change the character of the area, economic devaluation of property, impact on privacy, increase in background noise levels, increase in pollution, add to the volume and time period required for construction traffic and add to domestic traffic, increase would thereby be to the detriment of pedestrian and highway safety. Letters of objection had also been received from Grindon Parish Council and Committee for Protection of Rural England (CPRE).

Further neighbour notification had taken place and response from some consultees was outstanding. However, a preliminary assessment had taken place and the proposed development was found to be acceptable.

The letter of an objector who could not attend the committee was read out to Members.

Members raised concerns regarding the increase in numbers of dwellings, over development and lack of information regarding whether the sewage system could cope.

Members were advised that the development could not begin until issues like sewage had been addressed; hence Grampian conditions had been included.

If the application was refused on the grounds of sewage then the application would be approved if it went to appeal as the applicant could arrange with Northumbrian Water to resolve the sewage issue but would not be able to start the development until the works had been carried out.

RESOLVED that Planning Application number 06/1709/FUL, be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.
Drawing Number(s):- TF/W/3B-4A/sk01 rev F - Planning Layout Remix
3. Notwithstanding the provisions 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 structures for the accommodation of motor vehicles be erected other than those of the type and in positions expressly authorised by this permission, nor garden fences, walls or other means of enclosure erected between the highway and any wall of the dwelling(s) which fronts any highway without the written approval of the Local Planning Authority.

4. 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.

5. 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.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

7. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Construction operations shall take place only during the following periods: Monday to Friday (inclusive) 0800 hours to 1800 hours, Saturday 0800 hours to 1300 hours. No construction operations shall take place on Sundays or Bank/Public Holidays.

**405 ERECTION OF 5 No THREE STOREY BUSINESS UNITS WITH ASSOCIATED CAR PARKING AND LANDSCAPING
3 ACRE SITE, PRINCETON DRIVE, TEESDALE, THORNABY**

The application sought permission for the erection of 5 No three storey business units (office buildings) on a corner site at Princeton Drive and Harvard Way Teesdale, an undeveloped site extending to 1.25 hectares adjacent to Stockton Riverside College. The five units were of a contemporary design with walls finished in a mix of brickwork and curtain glazing and a curved roof finished in aluminium profile sheeting. In total some 6576 sqm (70,785 sq ft) of office floorspace would be provided. The site was part of a larger area previously with outline approval for offices but subsequently developed for education purposes.

The development would utilise the existing vehicular access off Princeton Drive. Overall parking provision was 220 spaces with additional cycle parking provided. Peripheral landscaping was provided principally along the main Princeton Drive frontage.

A formal Transport Assessment and Framework Travel Plan accompanied the application. The Highways Agency and the Head of Integrated Transport and Environmental Policy raised concerns about the Transport Assessment and as a result the document had been revised and further comments were awaited.

Neighbours had raised concerns about parking and other issues, some of which would be resolved by appropriate planning conditions. The landscape architect was concerned that the depth of peripheral planting particularly to Harvard Way was insufficient; however increasing planting depth would mean the loss of parking or a re-design of the layout.

On balance the development was considered satisfactory but there was still a problem with the traffic assessment, therefore if a satisfactory assessment was not completed, or the application not determined before 21st August, the application should automatically be refused.

There were some discrepancies in relation to the Traffic Assessment and the trip distribution figures. Therefore further discussion with the relevant organisation was needed to clarify the issues before Stockton Borough Council Engineers could fully comment on the transportation implications

Members made the following comments: -

The mix of residential, offices and university was not a good mix for the area; Transport, parking and traffic were bad and needed to be put right, which had also been commented on at Elderly Citizens Liaison Forum of which some residents of Teesdale were members. There was nothing regarding secure by design and the Head of Planning had advised that it would be included in each report but it had not.

Members were advised that the proposed parking met Stockton Borough Council's requirements and the travel plan would be used.

A commuted lump sum had been requested as part of a section 106 agreement to contribute towards improvement of the public transport infrastructure that was currently in place. The Engineer made Members aware of the procedures in place, in relation to requests for dropped kerbs and aids to the disabled.

RESOLVED that Planning Application 06/0853/FUL be delegated to the Head of Planning Services, in consultation with the Chairman and Vice Chair approved subject to the recently submitted revised Transport assessment being satisfactory to the Highways Agency and the Head of Integrated Transport and Environmental Policy and subject, to the following conditions and any others arising from the unresolved highway concerns. If not resolved by 21st August 2006, refuse on grounds of inadequate traffic assessment:

1. The development hereby approved shall be carried out in accordance with the following approved plans or as otherwise may be subsequently agreed in writing with the Local Planning authority: Drawing numbers: B604 –100 rev D; B604 – 101-112
2. A detailed scheme for landscaping and tree and or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be 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.
3. No development shall take place until a schedule of landscape maintenance for a minimum period 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule
4. 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.

5. 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.

6. 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.

7. 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.

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. If there is 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 must be located within the bund. The drainage system of the bund shall be sealed with no discharge into any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund

9. Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

10. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

11. Floor levels of the building hereby approved shall, as indicated on Drawing No B604-100 rev D, be 5.25m AOD unless otherwise agreed in writing with the Local Planning Authority.

12. Development works on site shall not occur outside the hours of 8.00 a.m. – 6.00 p.m. weekdays, and 8.00 a.m. and 1.00 p.m. on a Saturday, and there shall

be no works carried out on Sundays.

13. Prior to the occupation of each building hereby permitted, details for the implementation, monitoring and review of the Sustainable Travel Plan for the employees and visitors to the premises shall be submitted to and agreed with the Local Planning Authority. Such details shall include proposals to meet the objectives for sustainable travel as set out in the Framework Travel plan accompanying the application, to include: targets for mode share, provision of public transport services, provision for cycling and walking to and from the development site, timescales for implementation, monitoring, reporting on and review of the plan.

14. The business units hereby permitted shall only be used for uses within Class B1 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.

**406 06/1435/FUL
45 - 53 DOVECOT STREET, STOCKTON-ON-TEES,
REVISED APPLICATION FOR ERECTION OF 1 NO. RETAIL UNIT WITH 36
NO. BEDROOM STUDENT ACCOMMODATION ABOVE (DEMOLITION OF
EXISTING BUILDING)**

The Item was withdrawn prior to the meeting.

**407 06/1276/FUL
1 VALLEY DRIVE, YARM, TS15 9JQ
INSTALLATION OF 1KW ROOF MOUNTED WIND TURBINE ON THE
PROPERTY.**

The application site was situated on Valley Drive, Yarm. The property was a large detached dwelling with residential properties and an area of open space situated adjacent to the dwelling.

Planning consent was sought for the erection of a 1KW roof mounted wind turbine of No.1 Valley Drive. The proposed turbine was to be situated on the northern side of the existing dwelling above the attached garage.

19 letters of objection had been received in relation to the proposed development, including an objection from a Ward Councillor; primarily concerns were raised in relation to visual amenity, noise, highway safety and could set a precedent. The concerns had been addressed in the material planning considerations of the report.

It was considered that the proposed development would not be overly prominent within the street scene and should not have a detrimental impact on the amenity of the neighbouring properties.

The applicant addressed the committee advising that it was not the intention to upset residents. The applicant's line of business was in sustainability and was

seeking an example to investigate the pros and cons of residential wind turbines to discover if it was a viable form of sustainability rather than rely on the manufacturer's endorsement.

The government's position was to permit such developments without Planning permission and such products would be sold at a chain of hardware stores in the future.

Whilst appreciating people's concerns, the future had to start somewhere, therefore the applicant advised that he would appeal if the application was refused.

Objectors made the following comments:

- It was not personal against the applicant
- Stockton Borough Council were in receipt of directives related to green issues
- The turbines were very noisy, both aerodynamically and mechanically
- Aerodynamic, low frequency noise was proven to be the most annoying noise and could cause nausea
- The turbines could generate noise of 80 decibels
- Large wind turbines affected radar, 1 turbine would not affect radar but several could have an effect on radar.
- There was a place for sustainable energy products, however not enough was known about the turbines
- Wind turbine sites had been refused due to concerns regarding radar and aeroplanes

A Yarm Town Council representative advised members that they did not want them on every house and that they would not generate the amount of energy claimed.

If people could not sell their homes because of the turbine it would be a planning consideration.

The planning officer was going to refuse the application, however due to the government directive the recommendation had changed but not enough was known about the impact of turbines in respect of maintenance and health and safety.

The applicant intended to make it a commercial venture therefore it was suggested that the turbine could be placed on the commercial building to undertake the tests.

Members provided the following comments:

- There had been problems in Ingleby Barwick with noise and wind speed
- It should not be a commercial venture as it was not good in a residential area
- Wanted to see the final design of the turbine
- The time-scale did not allow Members sufficient time to judge the application
- Turbine at Belasis Park was very noisy and the noise travelled a great distance.
- Stockton-on-Tees Borough Council should have a policy of its own
- It was a premature development
- Had the noise issue been put in full to Environmental Health?
- Had the aeronautical side been consulted?

- Environmental Health had been called out in response to quieter noises
- Solar Panels would be more practical
- Queried the cumulative effect?
- Moved refusal

Members were advised that Environmental health had looked into the noise issue in great depth and were happy but if the application was approved and problems arose later they would take action.

The Officer gave the recommendation set out in the report having considered the government's directive.

Members were advised that the proposal was too small to have any impact as evidenced by an objector who claimed to be a senior aeronautical engineer and therefore consultation was not required.

In response to the query regarding cumulative effect, Members were advised that if it was the case they would take noise measurements. They would take readings of the turbine in the application but they could not comment on the cumulative effect.

RESOLVED that planning application 06/1276/FUL be refused due to:

1. Insufficient information on noise element.
2. Insufficient information on visual impact.
3. Highway safety – visual distraction at a bad road junction.
4. Would set an unsatisfactory precedent without sufficient information on which to make a decision.

408 06/1872/FUL
373 THORNABY ROAD, THORNABY
REVISED APPLICATION FOR ALTERATIONS AND EXTENSIONS TO
FRONT AND REAR AND CHANGE OF USE TO 2 NO. SHOP UNITS ON THE
GROUND FLOOR (1 NO. BOOKMAKER AND 1 NO. LADIES HAIRDRESSER)
AND 1 NO. SHOP UNIT (GENTS HAIRDRESSER) AND 1 NO. FLAT ON THE
FIRST FLOOR WITH OFFICE SPACE ON THE FIRST FLOOR FOR USE BY
LADIES HAIRDRESSER UNIT ON GROUND FLOOR.

The application site was a large building situated on the corner of Thornaby Road and Laburnum Avenue currently used as a fitness salon and hairdressers with offices above.

Planning permission was sought for the erection of a 6m x 5.3m single storey extension to the rear and a 2.5m x 16.8m single storey extension across the front of the premises. It was proposed that this will allow for internal alterations to create 2no. units at ground floor with a hair salon, office for unit 1 and a flat at first floor.

7 letters of objection and 1 petition had been received in relation to the proposed

development the concerns were detailed within the report and had been addressed in the material planning considerations of the report.

It was considered that the creation of additional floor space outside of the defined centre was, in this particular case acceptable. The proposed development was judged to be visually acceptable, would not harm residential amenity or cause any significant issues of highway safety.

The agent advised that it was their desire to ensure that the premises was occupied and it was not their intention to have a hot food take away on the site.

An objector addressed the committee and advised that there was a problem with traffic that would only increase when the new development was built nearby. There was also a lot of poverty in the area with gambling, drugs and crime being rife; therefore it seemed irresponsible to put a bookmakers in the area. They wanted business to come to the area but not a bookmakers. Restrictions were requested.

A Member confirmed that there was a lot of crime, traffic was bad and the nursing home access could get blocked if parking overspilled but they did not want the site to be derelict. They also wanted to ensure that undesirable use did not come in later.

An Officer advised that uses could change and could not be dictated by the Committee, however if premises was to become a fast food take away a planning application would need to be submitted.

Members queried whether the matter of the possible blocking of the access for the nursing home could be dealt with by double yellow lines. A query was raised with regard to the licensing of betting shops and were advised that magistrates currently decided however from 2007 Stockton-on-Tees Borough Council would be responsible for enforcing double yellow lines.

RESOLVED that application 06/1872/FUL be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s):- SBC001, Dwg No.1, No. 5, No. 7 and No.9
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) 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).
3. The hereby approved commercial premises (Use classes A1 and A2) shall not be open for business outside of the following times of 0600 hrs to 2130 hrs.
4. Before the commencement of the development hereby permitted, a scheme for the protection of the dwelling from noise disturbance from the commercial units detailed in the application shall be submitted to and approved in writing by

the Local Planning Authority.

5. Before the commencement of the development hereby permitted, a scheme for the protection of the dwelling from noise from the adjacent roads 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 the permitted dwelling is occupied.

6. Notwithstanding any description, full details of the required 2No. covered secure cycle parking spaces shall be submitted to and agreed in writing with the Local Planning Authority, such agreed details shall be provided on site before the retail units hereby approved are occupied.

**409 06/1747/OUT
1 SOUTH VIEW, EAGLESCLIFFE, STOCKTON-ON-TEES
OUTLINE APPLICATION FOR THE ERECTION OF 2 NO. DETACHED
DWELLING HOUSES AND ASSOCIATED MEANS OF ACCESS.
(DEMOLITION OF EXISTING HOUSE)**

Outline planning permission was sought for siting and means of access in association with the erection of two detached dwellings. The site was currently occupied by a single dwelling, which would be demolished were the scheme to be implemented.

11 letters of objection from neighbours have been received in respect to the proposal. Objections were mainly based on traffic generation and the nature of South View as a one-way street, impact on surrounding properties, access and visibility issues, development of the site and on the character of the area in general.

The proposed development was located within the limits of development, on previously developed land, provided adequate access for its purpose whilst being located a sufficient distance from surrounding dwellings to ensure the development should not have a significant detrimental impact on the surrounding residential properties to the north, south and west. The proposed development was considered to accord to policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan.

Additional neighbour consultation was required in respect of four newly constructed dwellings to the rear of the site. The consultation period with respect to these dwellings would not expire until the 4th August 2006. It was therefore recommended that the determination of the application was delegated to the Head of Planning Services.

A Member requested clarification on the type of road classification given to South View and was advised that it was a link road, which provided access to two A class roads and was therefore deemed acceptable upon the removal of the hawthorn bush and the installation of a dropped curb.

RESOLVED that determination of planning application 06/1747/OUT be delegated to the Head of Planning subject to the following conditions and subject to no new issues being raised by objections received after the Planning Meeting

and the end of the consultation period.

In the event of an outstanding matter not being satisfactorily resolved by 8th August 2006 that the planning application be refused

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

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

Drawing Number(s) :- SBC0001, SBC0002

3. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site, shall be in accordance with the details of a scheme to be submitted to, and approved in writing by, the Local Planning Authority before development commences.

4. 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.

5. 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.

6. 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.

7. 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.

8. Notwithstanding details shown on the plans hereby approved, prior to any

works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

9. 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.

10. During construction of the scheme hereby approved there shall be no development works undertaken 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.

11. Notwithstanding the details hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement on site; Precise details of the layout of the driveway access and internal turning head; and Details of the construction method and materials of the driveway.

12. Notwithstanding the provisions of classes A, B, C, & 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.

13. The properties hereby approved shall not be occupied until a visibility splay has been provided on site in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.

410

05/3275/REV

**BISHOPSGARTH SCHOOL, HARROWGATE LANE, STOCKTON-ON-TEES
REVISED APPLICATION FOR THE INSTALLATION OF A THREE BLADED
WIND TURBINE WITH MAXIMUM TIP HEIGHT OF 47.5M IN SOUTH WEST
CORNER OF SCHOOL GROUNDS AND ERECTION OF 3M HIGH
PERIMETER FENCE.**

Planning permission was sought for the erection of a wind turbine having a maximum height of 47.5m, on land to the west of Bishopsgarth School on Harrowgate Lane. The turbine would provide electricity to the school and was intended to be sited for a period of 15 years after which time the turbine would be either decommissioned or an application would be submitted for another installation.

A total of eight letters of objection from surrounding residents had been received in respect to the proposal with the objections focusing on the potential noise of the turbine and its visual impact within the landscape.

Objections had been raised by T mobile in respect to interference with a nearby

telecommunications tower and by Durham Tees Valley Airport in relation to possible disruption to radar, however, both had withdrawn their objections upon agreement with the agent that appropriate conditions were included to limit the impact on T-Mobiles antennae and that it was noted that Durham Tees Valley Airport's withdrawal did not set a precedent for future similar developments within the radar control zone at the airport.

The Civil Aviation Authority had advised that the development would appear on the Durham Tees Valley Airport radar as general clutter and advised that the airport were the experts on the precise affects of this, advising that their views were key. The Civil Aviation Authority further advised that based on the size of the turbine, it being a single turbine and its distance from the airport that the impacts of the turbine could be assessed sympathetically.

National Air Traffic Services (NATS) raised no objection to the proposed development.

The application had been supported by noise assessments carried out. Based on these, it was considered that the estimated noise levels generated by the proposed turbine would not detrimentally affect the surrounding properties or indeed the operation of the school.

The impact on the landscape had been considered by the Councils Landscape Officer following the submission of a photomontage. Based on this no objection had been raised.

In view of all of the above, it was considered that the proposed development would not have a significant detrimental impact on residential amenity or on the wider landscape character in general. It was therefore considered that the Local Planning Authority was not in a position to refuse the proposal based on the previous objections. It was considered that the proposed development accorded with policies GP1, EN41, EN42 and REC1 of the Borough Local Plan.

RESOLVED that planning application 05/3275/REV be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the submitted application, the following document(s): plan SBC001, Environmental Report: Bishopsgarth Secondary School Wind Turbine, November 2005 and its associated appendices and the aviation chapter
3. This consent is granted for a temporary period of 15 years from the date hereof when, unless the renewal of consent has been sought and granted previously, the turbines and their ancillary development hereby approved shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reinstatement works shall be undertaken within a 6 month period immediately following the expiry of this permission.
4. When in operation, noise from the turbine hereby permitted shall be limited to

a rating level of 35 dB LA9010min, or 5 dB above the prevailing background daytime noise level (0700 hours to 1900 hours) whichever is the greater; and 43 dB LA9010min, or 5 dB above the prevailing background night-time noise level (1900 hours to 0700 hours); at any residential property lawfully in existence at the date of this permission.

5. The development hereby approved shall not be brought into use until a scheme of means of enclosure has been submitted to and approved in writing with the Local Planning Authority which indicates the precise location, style and height of enclosures. The scheme shall be carried out in accordance with the proposed details.

6. No development shall take place until a report detailing a scheme for the investigation and alleviation of any electromagnetic interference to TV reception, which may be caused by the operation of the wind turbines hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The recommendations stated in the report shall be followed and, where necessary, any upgrading works implemented throughout the period during which the turbine is operational.

7. Prior to the commencement of the development full details of the surface treatment and construction of all hard surfaced areas associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

8. Notwithstanding the submitted plans and prior to the commencement of the development, details of the exact model and specification of the turbine including colour finish and noise generation shall be submitted and approved in writing by the Local Planning Authority:

9. During the construction phase of the development, the Ministry of Defence and Durham Tees Valley Airport shall be informed in writing of the following; Construction start date, Construction end date, The maximum height of equipment, If the turbines will be lit and the precise grid reference of the turbine

10. Notwithstanding details hereby approved, the turbine shall be located a minimum distance of maximum turbine height + 20m away from the line of the adjoining overhead power lines.

11. Notwithstanding details hereby approved, the turbine shall be fitted with equipment which can detect any imbalance of the rotor blades which might be caused by the icing of the blades and which would prevent the rotors from turning in such conditions. The turbine will be maintained in a manner to ensure this safety feature is always operational.

12. Prior to the commencement of the development hereby approved, the precise location of the turbine shall be agreed on site and in writing with the Local Planning Authority in discussion with T-Mobile.

13. Prior to the commencement of the development hereby approved, a written methodology shall be submitted to and agreed in writing by the Local Planning Authority. The methodology shall detail the procedures for addressing any

potential adverse effects on the operation of the adjacent telecommunications mast operated by T-Mobile. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be implemented in accordance with the approved methodology statement prior to commissioning the turbine and shall be operated in accordance with the scheme.

411 Planning Performance

A report was provided to Members updating them on the current performance of the planning department for both the year ending 1st July 2005 to 30th June 2006, and also for the first quarter of the current year, as recommended in the Performance Improvement Plan.

The new Planning Act and the Planning Delivery Grant were well established.

The Government established new targets, broken down by categories of development and Local Planning Authorities were rewarded for their progress toward meeting the targets. All Local Planning Authorities were required to reach the standards by March 2007.

There were two different performance reporting periods, the first determined the level of PDG and determined whether the authority would become a Planning Standards Authority (PSA) for the year 2007-2008, and the BVPI reporting year. Both had different reporting timeframes, the first running from 1st July-30th June in any one year, and the BVPI targets from 1st April-31st March.

Members were provided with a table illustrating the performance position over the year ending on 30th June 2006. However, it was not possible to advise what it would equate to in Planning Delivery Grant terms as it had not yet been finalised by Department for Communities and Local Government.

Staff had worked tremendously hard to bring in the new measures and working procedures to achieve increased performance quarter on quarter, as a result Stockton would not be designated a Planning Standards Authority in 2007, which contributed to the Councils overall Comprehensive Performance Assessment score.

The BVPI 109 indicator was reported on the annual year end results. The first quarter had just been completed and Stockton had achieved above performance in all categories in-spite of continued staffing shortages.

An e-mail had been received from a member of the public asking what proportion of the apparently excellent performance figures were due to requesting applicants to withdraw their applications and resubmit them therefore falling within the performance target dates. The member of the public believed he overheard conversations indicating such whilst in the planning reception consulting files.

The person felt there were also other performance criteria other than the simple achievement of planning decisions within time-frames, however massaged and enquired what weight the planning performance report attached to them.

The Development Control Manager advised the Committee in response to the

persons e-mail that they did not take into account the withdrawn applications therefore the Planning performance figures did not include them. Any outstanding matters, which were unresolved by the deadline, could be refused planning permission and contrary to the accusation the performance figures were not massaged.

Members expressed appreciation for the work that Officers had undertaken and the success achieved. They expressed unhappiness at the accusations and instructed the Principal Solicitor to seek a formal apology from the sender of the e-mailed representation.

RESOLVED that:

1. Planning Committee note this quarterly performance report and acknowledge the hard work and dedication that Planning Staff and colleagues within other service areas have shown to improve the performance targets, in particular with regards to major planning applications.

2. An official letter of apology would be sought from Mr Harding in regards to his defamatory written comments.

**412 06/0538/OUT
LAND AT BOATHOUSE LANE, STOCKTON-ON-TEES
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND
ASSOCIATED MEANS OF ACCESS.**

The application sought outline planning permission for residential development of part of the greater Boathouse Lane area. The application was in outline with all matters reserved except for means of access.

The proposal was to redevelop the 3-hectare site and establish the principle of residential development. The application was supported by a Masterplan to set out the design principles to be adopted in formulating the reserved matters, and included an illustrative site layout showing provision of 202 dwelling units. Also supporting the application was a Transport Assessment, Noise Assessment, Planning Statement, Flood Risk Assessment, Remediation Statement, Ecological and Archaeological Evaluation.

The site occupied an important riverside location and formed part of a larger site known as Boathouse Lane. Given the important riverside gateway location, the Council had prepared a planning and design brief to guide future development on the site and surrounding area, which was formally adopted as a Supplementary Planning Document (SPD) on 23rd June 2006. Importantly the brief sought to deliver a high quality and commercially successful mixed use development including residential development for the area through an established masterplan and agreed design principles.

The key objectives of the document were:

- To ensure the appropriate, comprehensive redevelopment of a key River Tees corridor site within the wider context of the Stockton Middlesbrough Initiative;
- To create a Gateway into the town centre, including a regionally - significant landmark building;

- To create a diverse, attractive and exciting place to live work and visit;
- To ensure high quality urban design, which maximised the potential use of the water frontage location;
- To protect and enhance the natural and historic environment;
- To improve linkages with surrounding land uses.

The proposal was considered to be broadly in line with the above mentioned key objectives and general planning policies set out in the Development Plan.

The agent advised the Committee that the development would be phase one of a wider generation of the Boathouse Lane area with 202 unit of apartments and homes. It would be a sustainable development and transport/pedestrian safety and requirements had been closely followed. The riverside walk on the site would also be restored.

A Member requested that the developer worked with secure by design.

RESOLVED that planning application 06/0538/OUT be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or such other Heads of Terms as may be deemed necessary by the Head of Planning and the conditions as set out below or varied as required.

In the event of there still being outstanding matters with the legal agreement by 12th September 2006 that the application be refused.

SECTION 106 AGREEMENT

Heads of Terms

School Places

1. The rate of contribution required from developers for school places would be £8,000 x 0.26 = £2,080 per family home. (i.e. homes with two or more bedrooms).

Payment of developer contributions should be made at the commencement of each phase of development in accordance with an approved phasing plan.

The calculation to reflect a discount of £8,000 per vacant place in St. Cuthberts, Bowesfield and Oxbridge lane Primary Schools as recorded within the Annual School Census current at the time payment is due, subject to a pro-rata allocation of this discount amongst other planned development within the local area (Planned developments being proposed residential developments which has at least reached the planning application stage). Local Authority to provide within one month of a request being made its confirmation of the applicable discount by reference to the Annual School Census and specific details of other developments to benefit from the discount.

Contribution to be held in an interest-bearing account. Payment to be used for the purposes identified within 5 years of the final payment being made or otherwise returned together with the interest accrued.

2. That prior to commencement of Development of the site in accordance with the permission a commuted sum of fifty thousand pounds (£50,000.00) will be

paid by the owner to the Council for the provision of play equipment.

3. That prior to commencement of development the owner shall enter into a Section 278 Agreement for the construction of the second access from the Development.

4. The Owner shall pay to the Council a commuted lump sum by way of a contribution towards improvements to land adjacent South Stockton Link Road.

5. The owner shall pay to the Council a commuted lump sum by way of a contribution towards improvements to the Boathouse Lane.

The commuted lump sums referred to above shall be as agreed by the Head of Planning.

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): - PL-02 RevD,

2. The development shall be implemented in general conformity with the approved "Masterplan" document submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority. Nothing in this consent shall be construed as authorising the illustrative details submitted with the application other than the means of access for which approval was sought.

3. The total amount of residential units as authorised by this permission shall not following the issue of the permission hereby granted exceed 202 dwellings.

4. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

5. Approval of details of the siting, design and external appearance of the buildings and the landscaping of the site, shall be in accordance with the details of the scheme to be submitted to and approved by the Local Planning Authority before the development commences.

6. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

7. Development shall not be commenced until the Local Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space within the site by the developer, as part of the development, and such arrangements shall address and contain the following matters:

A) The delineation and siting of the proposed public open space

B) The type and nature of the facilities to be provided within the public open

space

C) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development

D) The arrangements the developer shall make for the future maintenance of the Public Open Space.

E) The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed under part C) above.

8. Details of all external finishing materials including roads and footpaths shall be agreed with the Local Planning Authority before the development is commenced.

9. Notwithstanding the provisions of classes A, B, C, D and 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.

10. All means of enclosure and street furniture 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 and street furniture as agreed shall be erected before the development hereby approved is occupied.

11. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation and drainage works has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

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

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

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance

with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is 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 must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

16. 5% of the residential units hereby approved shall be affordable and provided in the form of shared ownership and/or shared equity. As part of an application for reserved matters, details shall be submitted for approval of the Local Planning Authority of a scheme for the provision of affordable housing on the site. The submitted scheme shall include details of the following, as appropriate:

- i) the delineation of the area or areas of the site upon which the affordable dwellings will be constructed;
- ii) the type and size of affordable dwellings to be provided;
- iii) the arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iv) the phasing of the affordable housing provision in relation to the provision of open market housing on the site;
- v) Occupancy criteria and nomination rights in relation to identified housing need.

17. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be 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.

18. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

19. 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.

20. No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been agreed submitted to, and approved in writing by, the Local Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been fully commissioned in accordance with the approved scheme.

21. 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 shall be provided in accordance with details previously submitted to and approved in writing by the LPA. The approved scheme shall be retained throughout the construction period.

22. No development will take place until an appropriately detailed checking survey for bats has been undertaken at the site during the active season (March – September inclusive) to confirm the findings of the protected species survey.

23. Prior to the use commencing the building shall be insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedroom in adjacent flats

24. 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 for the protection of this proposed accommodation from road traffic noise.

25. No more than fifty dwellings hereby approved shall be occupied until the second access from the development has been constructed in accordance with the approved scheme and the written approval of the Local Planning Authority has been first obtained.

26. Notwithstanding the submitted information, further details of the paving, lighting, and riverside fencing, footpath construction and materials relating to the Riverside Walkway shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

27. Prior to any works commencing on site a scheme of finished floor levels for all buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. The finished floor levels shall be no lower than 5.0 m AOD. and the buildings shall be built in accordance with these approved details.

28. The surviving hand crane in the yard of Tomlinson Hall and Co should be salvaged from the site and stored securely. It should be cleaned/conserved/painted and re-erected as an industrial monument/art feature within the new development. If this cannot be achieved then the apparatus should be offered to Stockton-on-Tees Museum Service for their consideration for accession to their permanent collection.

29. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority.

30. Notwithstanding the submitted information, precise details of the riverside boat moorings and construction timetable shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

31. Prior to the dwellings being occupied, facilities for secure and covered cycle parking shall be provided on the site in accordance with a scheme to be agreed in writing with the local planning authority.

32. The river edge treatment works shall be constructed and maintained in accordance with the approved details (namely Drawing No PL_06 Rev C, Drawing No W841 / 13, and the report titled River Edge Treatment, May 2006).

(Councillor Coombs and Rix declared personal/non prejudicial interests in the above item due to their positions as school governors at one of the schools to whom a contribution under the section 106 was to be made).

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Appeal - Mr R Neal - Gable of 129 Norton Road, Stockton (06/0016/ADV)