

Planning Committee

A meeting of Planning Committee was held on Wednesday, 21st February, 2007.

Present: Cllr M Stoker (Chairman), Cllr Mrs J Beaumont, Cllr D T Brown, Cllr D Cains, Cllr M Cherrett, Cllr K Faulks, Cllr P Kirton, Cllr K Leonard, Cllr R Patterson, Cllr M Perry, Cllr Mrs M Rigg, Cllr R Rix, Cllr F G Salt, Cllr W Woodhead (vice Cllr M Womphrey).

Officers: B Jackson, C Straughan, H Smith, M Robinson, S Milner (DNS) J Butcher, S Johnson, T Harrison (LD).

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

Apologies: Cllr C Coombs, Cllr M Smith, Cllr S Walmsley, Cllr M Womphrey.

1016 06/3612/FUL

69 - 71 Greens Lane, Hartburn, Stockton On Tees

Revised application for residential development of 15 no. apartments in two blocks and 3 no. dormer bungalows, associated new access road and demolition of the two existing buildings.

Consideration was given to a planning application that sought permission for the residential development of 15no. apartments in two blocks and 3 no. dormer bungalows with ancillary development including car parking, cycle and bin store and a vehicular access onto Greens Lane.

The application was a revision to application 06/1182/FUL, which was refused by the Planning Committee on grounds that the proposed development constituted over development of the site, would have an unacceptable overbearing impact on the amenities of the occupiers of the adjacent residential properties and substandard access, as it would not provide the required visibility splays. A subsequent appeal was determined after the new application was submitted. The appeal was dismissed mainly on grounds of impact on the adjoining properties as a result of the proximity of buildings and the associated parking.

33 letters of objection had been received in respect to the proposed development. Since the letters had been received further amendments had been made to the scheme following the Planning Inspector's decision. The main objections related to the demolition of the two high quality properties on the site, the scale and design of the development, its impact with regards to parking, traffic generation and pedestrian safety, the loss of landscaping, the provision of flattened development generally and the over development of the site.

Members were presented with an update report. The report highlighted that a further 56 letters of objection had been received as a result of the neighbour consultation in respect of the amended information submitted to address the Planning Inspectorates decision.

The update report also included general comments from Northumbrian Water relating to the need to ensure foul and surface water drainage are on separate systems and that surface water should be prevented from entering the public surface water sewer unless it would be the only means of discharge.

Northumbrian Water had not objected to the scheme. In light of the comments received by Northumbrian Water, officers considered it appropriate to include an additional condition in the recommendations in the main report relating to drainage.

Members of the Committee raised concerns over the development with regards to road safety and traffic congestion as the application site was adjacent to a school. In light of the concerns raised by Members, officers agreed to amend the wording of condition 16 of the recommendations, relating to visibility splays, to ensure that a Traffic Regulation Order was implemented before development of the application site could commence.

On the whole Members felt that the proposed development was of a scale and type which fitted in with the immediate surroundings, was positioned and designed in a manner which would achieve adequate privacy and amenity for the surrounding dwellings as well as those within the site whilst providing a suitable highway access and vehicle parking numbers, subject to a Traffic Regulation Order. Members considered that the revised scheme addressed the issues and concerns raised in the Inspector's decision letter.

The agent for the application was present at the meeting and was given the opportunity to outline his case.

An objector spoke against the application. The Ward Councillor for Hartburn was in attendance at the meeting and spoke against the application.

RESOLVED that planning application 06/3612/FUL be approved subject to the following conditions and subject to the applicant entering into a Section 106 Agreement in respect of the provision of a commuted lump sum in lieu of the provision of on site amenity space and in respect to the provision for a Traffic Regulation Order and subject to this being carried out prior to the 2nd March 2007.

Should the section 106 agreement not be signed prior to the 2nd March 2007, it is recommended that the application be refused.

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

Drawing Number(s): -

0556/01, 02C, 03C, 041D, 042D, 051B, 06B1, 06B2, 07C, 08C, 09A, 10C, 11C, 12, 13A

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

3. No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that

contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

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

5. 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.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping. Such a scheme shall detail the following: -

- a) Hard and soft landscaping including all boundary treatments,
- b) Soil depths, plant and tree species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
- c) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).
- d) Areas of level change,
- e) Precise locations of protective fencing,
- f) Areas of material storage within the site, and
- g) Excavations required for service runs.

The development shall be carried out in accordance with the approved details. Planting works shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.

7. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme: -

- a) All external windows and doors shall be recessed from the face of the building by 75mm.
- b) All external rainwater goods shall be black in colour

8. Prior to works commencing on site a scheme for a temporary car park to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to commencement of any development to provide in curtilage parking for persons working on the site.

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

10. During the construction phase of the development there shall be no burning of waste on the site.

11. 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.

12. Notwithstanding details hereby submitted, the development hereby approved shall not be occupied until a scheme for bin and cycle stores has been submitted to and approved in writing with the Local Planning Authority and the approved details have been implemented on site.

13. Notwithstanding details hereby submitted, prior to occupation of any dwellings on site, details of a proposed pedestrian link from the southwestern corner of the site onto Greens Lane shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site prior to occupation of the development.

14. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Greens Lane, Stockton - Summer Bat Survey report by Argus Ecological Services dated October 2006 including but not restricted to the provision of mitigation in advance; undertaking confirming surveys, where required, adherence to precautionary working methods, provision of crevice roosts and bat boxes. The developer should advise the Local Planning Authority in writing within 28 days of the implementation of the mitigation as specified.

15. No demolition works shall take place during the bat hibernation period of November through to March or the bat maternity period of May through to August due to the potential of buildings supporting hibernating or breeding bats, unless a confirming survey has been submitted to and approved in writing by the Local Planning Authority which indicates an absence of such roosts, immediately prior to the commencement of demolition. The roofs and eaves of the two buildings must be demolished by hand under the supervision of an appropriately qualified ecologist in order to minimise the residual risk of bats being harmed by the proposals.

16. Before development commences a Traffic Regulation Order shall have been implemented to ensure an unobstructed visibility splay of 4.5m x 90m at the entrance to the application site to the written satisfaction of the Local Planning Authority.

17. Notwithstanding details hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority, which addresses the future management of the areas of space which will not form

private curtilages of individual properties within the site. The management plan shall identify the precise areas of maintenance and schedule works to be carried out. Works within the approved management plan shall be carried out in perpetuity within the site or until such time that the site is no longer in residential use.

18. 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.

Councillor Lupton declared a personal/non-prejudicial interest in the above item due to having submitted an objection to the application and left the room for the deliberation of the item.

**1017 Application 06/3693/FUL
Belasis Avenue/Chiltons Avenue, Billingham
Residential development of 3 no. three storey blocks of six apartment and
12 no detached dwellinghouses and associated means of access**

Consideration was given to a report that sought detailed approval for residential development on 0.86 hectares of land located at the junction of Belasis Avenue and Chiltons Avenue, Billingham and followed the grant of outline planning permission last year (05/0624/REV). The proposed development comprised 18 apartments in three separate blocks and 12 detached houses and was similar to that approved in the previous outline approval.

At the time of the meeting the land was disused but was previously used as tennis courts 12 years ago. It had been owned by Billingham Synthonia Cricket Club, which used the adjoining cricket field but was sold for development following the granting of outline planning permission for housing development. The cricket pavilion at the eastern end of the application site would need to be removed to facilitate the development. The existing clubhouse on the other side of the cricket field was to be refurbished to provide new changing facilities and provided next to it would be a replacement for the clubhouse bar facilities. The works were the subject of a separate planning application (06/3835/FUL).

The new application followed from a need to adjust the approved layout of the site to accommodate highway concerns and therefore the applicant decided to seek full planning permission rather than reserved matter approval.

The previous outline planning permission included a Section 106 legal agreement to contribute towards the provision of replacement facilities at Billingham Campus and the setting aside some £50,000 for replacement changing facilities in the clubhouse.

Residents had raised a number of objections at the outline stage particularly in respect of highway and traffic concerns. Other concerns included the loss of privacy and the loss of a wildlife habitat. The concerns had been addressed at the outline stage. No concerns from residents had been raised in respect of the new planning application.

Members were presented with an update report. The report provided Members with an update on three issues. A member of the public had drawn attention to the fact that work had started on the site in advance of planning permission being granted. After investigation by the Council's Enforcement Officers it had been ascertained that preliminary site clearance works had commenced. The work had ceased after intervention by officers and the applicant had stated that work would not re-commence until planning permission had been granted.

Northumbrian Water had objected to the proposed development because of the lack of capacity in the sewerage system. The update report advised Members that further discussions had taken place between the applicant and Northumbrian Water. It had been agreed that occupation of the dwellings would not take place until after the planned diversion works at the Billingham Sewerage Treatment Works. Northumbrian Water had withdrawn their objection to the development.

The update report also provided Members with further information relating to the Section 106 Agreement. It was the opinion of the Council's Principal Solicitor that a new Section 106 Agreement was required for the application in order to protect the obligations. It was noted by the Principal Solicitor that ownership had changed hands and confirmation was needed as to who was responsible for payments.

It was noted that an application had been submitted for a new clubhouse and conversion of the old clubhouse to new changing facilities. The Club had agreed as signatories to the previous Section 106 agreement that £50,000 would be set aside from the sale of the land for housing to fund the works. The application (06/3835/FUL) had not yet been determined.

It was considered that any approval should again be subject to a revised Section 106 agreement or any other mechanism that would ensure the agreement for financial contributions was maintained in relation to the new application, which included potentially accepting that the existing agreement remained in force. Otherwise, the objection from Sport England would remain in place and if the Council was minded to approve the application notwithstanding the objection, the matter would have to be referred to Government Office in accordance with the Town and Country Planning (Playing Fields) (England) Direction 1998.

In light of the above matters the recommendation by the officers was amended from the original report and is shown in the resolution below.

On the whole Members felt that the development did not conflict with planning policy and recognised that the application site already had planning permission for an almost identical development to the proposed development. The development was not considered to give rise to significant highway concerns. It was considered that the new blocks would not adversely affect the residential amenities of existing residents given their distance away. It was considered that existing trees and hedgerow around the site would be affected but not to an unacceptable degree and Members were satisfied that conditions had been included requiring the remaining trees and hedgerows to be properly managed and maintained and replacement planting implemented. Members felt that the

other concerns relating to this development had been satisfactorily addressed by the update report.

RESOLVED that planning application 06/3693/FUL be approved subject to a new Section 106 Agreement or other legal mechanisms including accepting that the existing agreement remains extant, and conditions covering the following matters:

- Development carried out in accordance with the approved plans
- Tree and hedgerow retention and protection measures
- Implementation of new tree and shrub planting
- Provision of 7 No secure cycle parking bays
- Land remediation
- Sound insulation in apartment blocks
- Mitigation measures to protect wildlife to including controls over timing of any site clearance works
- Limits on hours of construction
- Means of enclosure
- Facing materials
- Surface water drainage rates to be regulated
- Site drainage
- and any other relevant matters

Heads of terms for any Section 106 Agreement

1. Developer to pay £16,554.50 towards the upgrade of tennis facilities at Billingham Campus
2. Billingham Synthonia Cricket Club to set aside £50,000 from the sale of the land to the developer for the conversion of and refurbishment of its clubhouse to provide changing facilities to Sport England's specification
3. Funds to be paid within 3 months of obtaining detailed planning permission.

1018 06/3426/FUL

Former Netto Store/Mecca Bingo Club, Chandlers Wharf Retail Park, Stockton

Demolition of existing building and erection of new building for use as a casino including part change of use of bingo club to casino

The above item was withdrawn prior to the meeting.

**1019 Draft Supplementary Planning Guidance Note
Smoking shelters and other features for licensed premises**

Members were presented with a report relating to the Governments plans to introduce statutory provisions banning smoking in wholly and substantially enclosed workplaces. The report sought to provide guidance to those considering ways of providing facilities for smokers whilst also complying with the new legislation. It was noted that the guidelines were solely to provide guidance in so far as it related to the need or otherwise for planning permission and the factors to be taken into account in deciding whether or not to grant such permission. The report did not provide guidance on the proposed legislation itself.

CONCLUDED that the draft supplementary planning guidance report be noted.

- 1020**
- 1. Appeal - J & N Foster, Land Inside Entrance, Trafford Hill, Aislaby Road (05/3185/FUL) - DISMISSED**
 - 2. Appeal - Mr L Blackburn, 69-71 Greens Lane, Hartburn (06/1182/FUL) - DISMISSED**
 - 3. Appeal - Mr S Poulton - Hillcrest, 1 Leven Bank Road, Yarm (06/0010/OUT) - DISMISSED**
 - 4. Appeal - N & A McCabe, 2 Talbenny Grove, Ingleby Barwick (05/3109/FUL) - ALLOWED**