

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th April, 2007.

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

(Site Visit) Cllr M Stoker (Chairman), Cllr Mrs J Beaumont, Cllr D Cains, Cllr M Cherrett, Cllr K Leonard, Cllr Mrs M Rigg, Cllr R Rix

**Officers:** (Meeting) P Whaley, B Jackson, C Straughan, R Rust, P Shovlin, M Robinson, S Burgess, C Snowdon (DNS) J Butcher, S Ahmed, S Johnson, M Jones (LD)

(Site Visit) P Whaley, R Rust, D James (DNS)

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

**Apologies:** (Meeting) Cllr P Kirton, Cllr M Smith, Cllr M E Womphrey

(Site Visit) Cllr D T Brown, Cllr K Faulks, Cllr P Kirton, Cllr R Patterson, Cllr M Perry, Cllr F G Salt, Cllr M Smith, Cllr S F Walmsley, Cllr M E Womphrey

### **1249 Minutes of the meetings held on 21st February 2007 and 14th March 2007 - for signature**

The minutes of the meetings held on 21st February 2007 and 14th March 2007 were signed by the Chairman as a correct record.

### **1250 07/0525/REV 64 Brisbane Grove, Stockton-on-Tees, Revised application for two storey side and rear extensions**

Consideration was given to a report that sought planning permission for the erection of a two-storey extension to the side and rear of 64 Brisbane Grove. At the time of the meeting the application site was a two storey semi-detached dwelling house located in Brisbane Grove, Stockton, adjoining the grounds of Hartburn Primary School. It was a revised application with part of the two-storey extension to the rear having been reduced in size and the access widened and the remaining boundary wall to be retained.

The application was deferred for a site visit at the Planning Committee on the 4th April 2007 to enable Members to visit the site before determining the proposal.

Six letters of objection had been received from nearby residents in response to the neighbour consultation. The main objections related to the size and use of the proposed extension, the car parking area to the front and its effect on traffic, the impact on the street scene and also the impact that the development would have on the trees which were covered by a preservation order.

Members were provided with a plan that showed the proposed extension to 64 Brisbane Grove with the existing extension at 62 Brisbane Grove also shown on the plan.

Objections had been received from the Ward Councillors, Councillor Johnson

and Councillor Wade.

On the whole Members considered that the proposed extension was acceptable and that it accorded with the adopted local plan policy.

The applicant was in attendance at the meeting and was given the opportunity to outline his case.

An objector spoke against the application.

RESOLVED that planning application 07/0525/REV be approved subject to the following conditions:

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

Plan Reference Number Date on Plan

SBC0001 7 February 2007

AL(0)5 7 February 2007

SKAL(0)2 7 February 2007

SKAL(0)1 7 February 2007

AL.(0).4. 23 March 2007

2. 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.

3. The trees that are protected by a tree preservation order, namely the monkey puzzle in No 64 Brisbane Grove and the Beech in No 62 Brisbane Grove, shall be protected strictly in accordance with BS 5837: 2005 Trees in relation to Construction and

- Where tree roots are encountered only hand digging will be allowed.
- Compaction to the root spread of the tree must be avoided and protective fencing should be erected around the canopy spread of both trees.
- No storage of materials will be permitted within the branch spread of the tree

4. Prior to any works commencing on site, full details of the construction method and protection methods should be provided to the following minimum standard:

A. Details of the 'no-dig' construction method within the driveway area.

B. Protection measures for retained trees to ensure that no damage occurs during the demolition and construction periods. The protection area must be in accordance with B.S.5837: 2005 (recommendations) Trees in relation to Construction. Full details of the tree protection measures should be submitted for approval and should be erected, to the satisfaction of the council.

1251

**07/0204/REM**

**Ashmore House, Richardson Road, Stockton-on-Tees.**

**Reserved matters application for residential development of 220 no. dwelling units with associated landscaping and infrastructure works.**

Consideration was given to a report that sought reserved matters approval for a residential development of 220 dwelling units with associated landscaping and infrastructure works. Outline planning consent was granted in April 2006 for a residential development of up to 220 dwellings on the Kvaerner site, Richardson Road in Stockton (06/0017/OUT). The principle of the development had been established and all matters were reserved as part of the original approval. The application (07/0204/REM) was concerned with those matters and related to the form and design of the development as a whole, including the vehicle access into the site from Bowesfield Lane and a secondary entrance at Richardson Road, all garaging, parking and landscape provision.

Members were advised that a Design and Access Statement, Landscape Layout and Strategy document, Ecology report, Site Investigation report and Noise report supported the application.

On the whole Members considered that the proposed development was acceptable in terms of highway safety, did not adversely impact on the neighbouring properties and character of the area, and was considered to be in line with general planning policies set out in the Development Plan.

The applicant was in attendance at the meeting and was given the opportunity to outline his case.

A resident was in attendance at the meeting and was given the opportunity to outline his case.

RESOLVED that planning application 07/0204/REM 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) :- N81:1821 001 Rev F, N81:1821 002 Rev C, N81:1821/008, GAR/01, GAR/02, GAR/03, GAR/04, BIN-01, AME/ENG/PD/1000, LYM/ENG/PD/1000, WAH/ENG/PD/1001, BAI/ENG/PD/1000A, CAR/ENG/PD/1000C, SHA/ENG/PD/1000, BRA/ENG/PD/1000, FAC/ENG/PD/1000, GIS/ENG/PD/1000, ROM/ENG/PD/1000, BEC/ENG/PD/1000, HAR/ENG/PD/1000B, LYN/ENG/PD/1001, CRO/ENG/PD/1000, HAM/ENG/PD/1000, GLA/ENG/PD/1000, STE/ENG/PD/1000A, STO/ENG/PD/1000, CRA/ENG/PD/1000, N81:1821/50, N81:1821/51, N81:1821/52, N81:1821/53, N81:1821/10.

2. 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 arrangements the developer shall make to ensure that the Public Open Space delineated in Plan number N81: 1821 001 Rev F, is laid out and completed during the course of the development

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

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

4. 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.

5. 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 the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

6. No development approved by this permission shall be commenced until:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

7. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

8. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring

results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

9. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

10. 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.

11. 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.

12. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed residential dwellings from noise from adjacent roads/railway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before any of the permitted dwellings are occupied.

13. Notwithstanding the submitted plans a detailed scheme for landscaping and tree and/or shrub planting and grass 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, sizes and species, densities, layout contouring, drainage 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 prior attained size and species unless the Local Planning Authority gives written consent to any variation.

14. No development shall commence until a scheme for the protection from construction works of trees required by the Local Planning Authority to remain is submitted to and agreed in writing by the Local Planning Authority.

15. 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.

16. No construction/building works shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 8.00am and 1.00pm on Saturdays. No Sunday/Bank Holiday working.

17. 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 arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- ii) the phasing of the affordable housing provision in relation to the provision of open market housing on the site;
- iii) Occupancy criteria and nomination rights in relation to identified housing need.

18. Wherever any changes in levels that are greater or lesser than one metre AOD throughout the development are proposed, details of the existing and finished levels shall be submitted to and approved by the Local Planning Authority before any relevant work is commenced.

19. No development shall take place unless in accordance with the the mitigation detailed within the protected species report (A Bat Survey of the Aker Kvaerner Site, Bowesfield Lane, Stockton, R01 Draft, 11/1/07; E3 Ecology Ltd) including, but not restricted to; adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods.

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

21. The detailed design and materials of the sub station shall be agreed with the Local planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

22. All 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 street furniture as agreed shall be erected before the development hereby approved is occupied.

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

**Stockton High Street, next to Shambles  
Erection of Outdoor cafe and seating terrace**

Consideration was given to a report that sought planning permission for the erection of an outdoor café and seating terrace at land in between the Shambles and Market Cross, Stockton High Street. The area was formerly used as underground toilets and had been paved as highway land and was used by market stalls on market days.

The application was deferred at the planning committee meeting on the 4th of April 2007 in order for various matters to be resolved relating to the proposed use and to await the outcome of the meeting of the Markets Forum on 11th April 2007.

Members were provided with the minutes of the Markets Forum meeting held on 11th April 2007. The revised market layout was agreed at the meeting of the 11th of April, which showed the application site clear of market stalls.

The application is recommended for approval subject to conditions.

On the whole Members considered that the proposal was acceptable. It was considered that the café would form an additional offer within the High Street, benefiting the Town Centre and creating vitality. Members were satisfied that the design had been chosen to fit with the surrounding uses, creating minimum visual clutter. It was not considered that the proposed use would have an adverse impact on Town Centre amenity; the operation of the market or Stockton International Riverside Festival.

The Stockton Town Centre Manager was in attendance at the meeting and addressed the Committee.

The applicant was in attendance at the meeting and was given the opportunity to outline his case.

RESOLVED that planning application 07/0375/FUL be approved subject to the following conditions:

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

Plan Reference Number Date on Plan

RC02 A 15 February 2007

RC 01 A 15 February 2007

RC 03 15 February 2007

3668 04 15 February 2007

SBC 001 15 February 2007

2. No entertainment or use of amplification equipment shall be permitted unless evidence is provided to the reasonable satisfaction of the Local Planning Authority, to demonstrate that the are to be used is adequately attenuated to

prevent nuisance to local residents/businesses and the written confirmation of the Local Planning Authority has first been obtained.

3. The proposed café and seating terrace shall not be available to the public outside the hours of 7am and 10pm Monday to Saturday and 9am to 6pm Sunday.

4. Notwithstanding the submitted information adequate bin/waste storage arrangements to the written satisfaction of the local planning authority shall be provided. This shall be implemented before the development is brought into use and retained for the life of the development.

**1253**

**07/0388/FUL**

**Land at Seal Sands, Stockton-on-Tees,  
Application under section 36 of the Electricity Act 1989 for consent to  
construct and operate a natural gas fired combined cycle gas turbine  
Power Station and associated substation**

Consideration was given to a report that sought the views of Stockton-on-Tees Borough Council, as the local planning authority, on an application to the Secretary of State for Trade and Industry under Section 36 of the Electricity Act 1989 for deemed consent to construct and operate a natural gas fired combined cycle gas turbine power station and associated substation on land forming part of Reclamation Pond at Seal Sands. The generating plant would provide 1020MW of electricity as well as steam for local industry. Members were advised that any generating station over 50MW fell to the Secretary of State to grant consent, though the views of the local planning authority had to be sought first and if it objected a public inquiry was to be held.

Members were advised that the application was supported by a formal Environmental Impact Assessment (EIA) carried out by independent consultants as well as a Design and Access Statement and a Planning support document.

Permission had previously been granted in 2004 by the Council to reclaim the site for industry, including energy related uses, in accordance with the a Memorandum of Agreement signed in 1996 by ICI C&P Limited, English Nature, Cleveland Wildlife Trust, RSPB, Teesside Development Corporation, and Stockton on Tees Borough Council. However, the reclamation works could not commence until compensatory measures had been implemented including a replacement pond at Port Clarence and open water bodies at Cowpen Landfill site as well a protective bund to the adjacent Dormans Pool which was a Site of Special Scientific Interest.

Objections to the proposal had been submitted direct to the DTI from RSPB and Teesmouth Bird club. The two organisations were concerned about the premature loss of the Reclamation Pond as well as perceived failings in the EIA. The loss of the open water with Reclamation Pond for what it considers unnecessary development (lay down area for construction purposes) was viewed by the two organisations as a potential breach of the Seal Sands Agreement.

Members were advised that the ecological issues were a matter for the DTI, as



the competent authority, to determine whether the impact on the surrounding SPA had been properly and fully assessed. It was considered that the principle development could come forward on the site once compensation measures were in place.

Members were provided with an update report that outlined comments received since the main report from two members of the public, The Directorate of Air Space Policy, Defence Estates Safeguarding and the Health and Safety Executive.

On the whole Members considered that, notwithstanding the concerns raised by RSPB and the Teesmouth Bird club, the DTI should be informed that Stockton on Tees Borough Council as the local planning authority did not object to the development subject to appropriate planning conditions to safeguard the surrounding natural environment including that no development shall commence until all the conditions attached to permission 01/2203/P had been discharged to the LPA's satisfaction and the requirements of the accompanying Section 106 were complied with. It was considered that, in addition, appropriate conditions should be imposed to control matters such as full provision of other mitigation measures, facing materials, means of enclosure, piling, and plant noise protection.

The applicant was in attendance at the meeting and was given the opportunity to outline his case.

RESOLVED that the Secretary of State for Trade and Industry be informed that Stockton on Tees Borough Council as the Local Planning Authority has no objection to the development subject to the imposition of appropriate planning controls in respect of the following matters:

- No development shall commence until all the conditions precedent attached to permission 01/2203/P have been discharged to Local Planning Authority's satisfaction.
- The relevant requirements of the section 106 agreement accompanying permission 01/2203/P have been met.
- Development to be carried out in full accordance with the mitigation measures specified in the Environmental Statement accompanying the application.
- Conditions are attached in respect of agreement over finishing materials for plant and buildings; travel survey of employees mode of transport carried out within 3 months of the site becoming operational; means of enclosure; method of piling; bird monitoring, plant noise protection measures and surface treatment.

**1254 Local Development Framework Steering Group Minutes - 5th February 2007**

RESOLVED that the minutes of the meeting held on 5th February 2007 be confirmed.

- 1255**
- 1. Appeal - Mr B Dunn - Rear Of 83-85 High Street Norton Stockton - 06/1348/FUL - ALLOWED**
  - 2. Appeal - Pedro Goncalves - 46 Oakwell Road Norton Stockton-on-Tees - 06/0815/FUL - PART ALLOWED AND PART DISMISSED**

RESOLVED that the information be noted.