

Planning Committee

A meeting of Planning Committee was held on Wednesday, 18th July, 2007.

Present: Cllr Roy Rix (Chairman), Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr John Gardner, Cllr Mrs Eileen Craggs (vice Cllr Miss Tina Large), Cllr Paul Kirton, Cllr Lee Narroway (vice Cllr David Harrington), Cllr Ross Patterson, Cllr Mrs Maureen Rigg, Cllr Julia Roberts, Cllr Fred Salt, Cllr Mick Stoker

Officers: C Straughan, P Whaley, J Hall, R McGuckin, J Roberts, S Keetley, H Smith (DNS) S Johnson, J Butcher (LD)

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

Apologies: Cllr David Harrington, Cllr Miss Tina Large, Cllr Steve Walmsley

P 07/1265/FUL
25/07 Land Off Norton Road, Stockton On Tees,
Residential development comprising of 552 no. dwellings and associated car parking and open space.

Consideration was given to a report that sought planning permission for the erection of 552 dwellings with associated car parking and open space. The site was a former industrial site (known as Queens Park North) located off Norton Road, Stockton on Tees.

An Environmental Statement (ES) had been submitted with the application. The ES concluded that whilst there would be a number of temporary adverse impacts during construction, the scheme once built and occupied would improve the image of the area as a high quality residential location. The ecological principles used to aid the design of the balancing pond and watercourse had helped to offset the residual effects on the natural environment.

Also supporting the application was a Planning Statement, Design and Access Statement, Transport Assessment, Ecology Report, Site Investigation and Remediation Report, Landscape Scheme and a Flood Risk Assessment.

Members were presented with an update report that outlined the comments received since the main report from The Highways Agency and St Ann's Development Board. The update report also outlined that amendments to some of the conditions set out in the main report were necessary following discussions with the applicant. It outlined that condition 26, relating to Works in Rivers consent, was to be removed as it was a legal requirement. The wording of condition 2, as set out in the main report, was to be replaced and it was also considered necessary to have additional conditions relating to the control over the temporary car park arrangements for construction workers and safety precautions with regard to the proximity of the railway.

Overall Members considered that the proposed development was acceptable in terms of highway safety, and did not adversely impact on the neighbouring properties, the character of the area, ecological habitat and flooding.

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

A member of the public was in attendance and objected to the proposed development.

RESOLVED that planning application 07/1265/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

2587/07 25 April 2007
2089/LAG/01B 25 April 2007
2205/MAI/02A 25 April 2007
2205/NOR/01B 25 April 2007
2205/PAL/02B 25 April 2007
2089/RAW/01B 25 April 2007
2587/THD/01 25 April 2007
2205/WAS/01/B 25 April 2007
2205/WOO/13A 25 April 2007
2587/B-4 25 April 2007
1289/DET/183 25 April 2007
1289/DET/184 25 April 2007
2587/GAR-1 25 April 2007
2587/GAR-3 25 April 2007
2587-GAR-2 25 April 2007
2587-GAR-4 25 April 2007
2587/PAL/02B 25 April 2007
2587/NOR/01B 25 April 2007
2587/CHL/01F 25 April 2007
2205/AB3/01 25 April 2007
2089/ENF/01C 25 April 2007
2089/EAE/01C 25 April 2007
2205/DER/01A 25 April 2007
2361/DAL/01D 25 April 2007
2205/C03/01A 25 April 2007
2205/TC3/01A 25 April 2007
2205/TC4/01A 25 April 2007
2205/KES/01E 25 April 2007
2361/FAD/01C 25 April 2007
2361/GLE/01B 25 April 2007
2587/FAL-1/01 25 April 2007
2587/FAL-2/01 25 April 2007
2089/ESK/01B 25 April 2007
2587/CHL-P/01 25 April 2007
2089/CHL/01-F 25 April 2007
2205/IPC/3/01E 25 April 2007
2587/GLO/01 25 April 2007
2089/ASH/01E 25 April 2007
2205/KEN/01B 25 April 2007
2205/KET/01C 25 April 2007
2587/AST/01 4 July 2007
2587/AST/02 4 July 2007

2. No development approved by this permission shall be commenced until sufficient provision has been made, to the written approval of the local planning authority, for future educational infrastructure improvements to ensure the development does not adversely impact on the existing education facilities and to ensure adequate future provision arising as a result of the development hereby approved and transport infrastructure improvements including a bus shelter, pedestrian crossing on the A177, a cycleway link from the development to the existing network and improvement works to the Riverside Roundabout.

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. Notwithstanding the submitted plans 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.

6. 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 working and Bank Holidays.

7. No development approved by this permission shall be commenced until a detailed design scheme for the proposed watercourse and balancing pond has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved plans and retained throughout the life of the development.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off

site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

11. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997.

12. No development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system including attenuation to existing discharge rates has been approved by the Local Planning Authority. The scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

13. Twelve of the residential units hereby approved shall be affordable and provided in the form of shared ownership and/or shared equity and shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before development commences. Such a scheme shall include details of the following, as appropriate and shall be provided as part of the overall development hereby approved.

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.

14. Notwithstanding the submitted plans a detailed scheme for landscaping and tree and/or shrub planting and grass including planting and construction techniques for pits in hard surfacing 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.

15. 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.

16. 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. Landscape maintenance shall be detailed for the initial 5 year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

17. 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.

18. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased 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. Where important archaeological remains exist provision should be made for their preservation in situ.

19. 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.

20. Before the use commences, any living rooms or bedrooms with windows

affected by railway noise levels in excess of 65 dB(A) (LAeq) (measured at a point 1 metre from the facade of any dwelling) between 07.00 and 22.00 hours or 60 dB(A) (LAeq) between 22.00 and 07.00 hours, the developer shall insulate the dwellings in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from rail traffic noise.

21. There shall be no open burning of waste materials on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

22. A Dust Action Plan shall be submitted and agreed with the Local Planning Authority to effectively control dust emissions from the site remediation works, This shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel washing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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 arrangements for the parking courts.

24. No development shall take place unless in accordance with the mitigation detailed within the protected species reports (Sections 5.1 & 5.2 of Barratt . Newcastle. Queen's Park, Stockton. Bat Surveys and Impact Assessment, June 2007; Section 5.0 of Barratt. Newcastle. Queen's Park, Stockton. Riparian Mammal Survey and Impact Assessment, June 2007) and associated drawings (Drawing no. Fig 8.5 . Landscape Masterplan & Drawing no. Fig 8.6B Rev. A . Landscape Treatment Strategy) including, but not restricted to adherence to timing and provision of mitigation in advance; undertaking confirming surveys; adherence to precautionary working methods. These mitigation specifications should also be included within an Environmental Management Plan and overseen and monitored by an ecological clerk of works in accordance with the commitments stated in the letter dated 29 June 2007 by White Young Green.

25. Before any development proceeds the applicant shall confirm by hydraulic modelling that the development will not be at risk of flooding, and will not cause or exacerbate flooding elsewhere.

26. A plan showing the location of temporary car parking for use during construction and measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the Local Planning Authority and implemented upon commencement of construction. Thereafter, such car parking to be removed on completion of works.

27. No development shall proceed until responsibility for the long term maintenance of the culvert extension and other watercourses within the site has been confirmed.

28. No development shall proceed until the detailed design of the culvert and channel works has been agreed in writing with the LPA, including a programme for implementation of those works.

29. No development approved by this permission shall be commenced until a scheme for the conservation of otters has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be completed in accordance with the approved plans.

30. No development approved by this permission shall be commenced until a scheme for the control of Japanese knotweed has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be completed in accordance with the approved plans.

31. Prior to commencement of development a Residential Travel Plan shall be submitted to the Local Planning Authority and approved in writing. The Plans shall establish clear targets and procedures for monitoring and review of such targets, and the Local Planning Authority shall agree any requisite infrastructure improvements and implementation timetable. The Plans shall be implemented as approved.

32. Prior to the commencement of development a Highways Act Section 278 Agreement shall be entered into for the construction of the two access points into the site which will be by means of a traffic signal controlled junction at the Southern access and staggered protected right turn junctions at the northern access point and the Talbot Street/Norton Road junction, including a cycleway/footpath crossing on Norton Road;

33. Prior to the commencement of development a Road Safety Audit in line with the principles contained in the latest Highways Agency HD19/03 and IHT 'Guidelines for the Safety Audit of Highways' shall be submitted to and agreed by the Local Planning Authority. The findings of the report will be implemented as approved.

P **07/1356/ARC**
26/07 **Application under Section 73 to vary Condition 2 (Approved Documents) and Condition 12 (Levels) with regard to Plot 419 of planning approval 06/2100/REM for Residential Development of 35 no. dwellinghouses Portus Bar, Ingleby Barwick,**

Consideration was given to an application under Section 73 to vary Condition 2 (Approved Documents) and Condition 12 (Levels) with regard to plot 419 of planning approval 06/2100/REM for a residential development of 35 dwellings. The site was located at Portus Bar, Ingleby Barwick.

Planning permission was granted under application 06/2100/REM for the reserved matters for 35 dwellings. Amongst others, the permission was approved subject to a Condition (12) relating to the provision of ground and floor levels to be agreed with the Local Planning Authority prior to commencement of development.

The levels had not been agreed and development had commenced on the site. Levels had since been submitted and were found to be acceptable for all plots except plot 419. The levels on plot 419 were such that the position and treatment of windows, doors and an internal path allowed overlooking of neighbouring properties, and had an unacceptable adverse impact on the

privacy expected to be enjoyed by the occupants of the neighbouring dwellings.

The condition imposed on the reserved matters permission remained outstanding and could not be discharged formally until the issue of the levels on plot 419 had been addressed. Amendments had been sought to the existing approved house type, to remove a pathway from the side of the property, relocate a garage door, to fix and obscurely glaze windows, and to amend boundary treatments. An alteration to Condition 2 (Approved Documents) was therefore required to include the amended house type, garden features and levels at Plot 419. The rewording of Condition 12 was also required, to allow consideration of levels (apart from Plot 419, details of which now formed part of the list of approved documents) prior to occupation of the dwellings rather than prior to commencement of development.

A total of 6 objections had been received with objections mainly relating to privacy, amenity, and daylight and flooding matters.

Members of the Committee were presented with an update report that outlined that a further letter of objection had been received.

Members of the Committee raised concerns relating to various aspects of the application and requested that the application be deferred for a site visit in order that they could view the property in relation to the neighbouring properties.

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

RESOLVED that planning application 07/1356/ARC be deferred for a site visit.

P **07/1646/REV**
27/07 **7 Kielder Close, Billingham**
Revised application for erection of 1.8m high boundary fence

Consideration was given to a report that sought planning permission for the erection of a 1.8 metre high boundary fence along part of the boundary of 7 Kielder Close, Billingham.

On 6th June 2005, planning permission was granted (05/0239/FUL) for the erection of a single storey lounge extension, a garage and a 1.8 metre high screen fence. A further application (06/3484/FUL) sought planning permission retrospectively for a 1.8m close-boarded fence across part of the site and hard up against the footpath. The application was refused on the grounds that the fence had an adverse impact on visual amenity and highway safety. A subsequent appeal was dismissed because of the adverse impact of the fence on the character of the area. The revised application differed from the previous refusal as the fence line had been amended in order to allow a more open frontage.

Five letters of representation had been received; four from local residents and one from the local Ward Councillor.

Members of the Committee were presented with an update report that outlined additional information from the Ward Councillor and comments from the Urban

Design Team regarding landscaping.

Members considered that the proposal would have an adverse impact on the character and appearance of an open plan estate and therefore felt that it was unacceptable.

A member of the public was in attendance at the meeting and objected to the proposal.

A representative for the applicant was in attendance at the meeting and spoke in support of the application.

RESOLVED that planning application 07/1646/REV be refused for the following reason:

1. In the opinion of the Local Planning Authority the proposed development harms the character and appearance of the open plan area to the detriment of the visual amenities of the locality, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

**P
28/07** **07/1375/FUL**
Erection of 82 no. bed care home and associated means of access, car parking and landscaping
654-656 Yarm Road Eaglescliffe

Consideration was given to a report that sought planning permission for the erection of an 82 bed care home with associated means of access, car parking and landscaping. At the time of the meeting the site was located at 654-656 Yarm Road, Eaglescliffe. On 2nd November 2006, outline planning permission (06/2823/FUL) was granted for the erection of a 75 bed nursing home and demolition of an existing pair of semi-detached villas at 654-656 Yarm Road, Eaglescliffe.

A Pre-development Survey in respect of trees, Transport Statement, and a Design and Access Statement accompanied the submission documents.

The two Victorian villas had been demolished to make way for the development, to be replaced by an 'H' shaped building following the same orientation as the neighbouring building on Yarm Road. External amenity open space was provided to the east and west of the site, with a small courtyard position south central. Car parking was arranged along the northern boundary of the site in three blocks, with a turning area to the rear of the site.

Two letters of representation had been received. The occupant of The Vicarage, Quarry Road objected to the development on access and highway safety grounds, and in particular it's proximity to a large primary school and Egglecliffe Comprehensive, insufficient parking spaces, loss of privacy, and considered that the logistics centre in Eaglescliffe was a preferable site.

A letter from the occupant of 37 Highfield Drive raised concerns in respect of loss of privacy arising from the mid-section of the building, noise from comings and goings from the main entrance of the home due to it facing towards the

properties on Highfield Drive, and the occupant requested taller narrower planting to screen the mid-section of the building.

Members considered that, as outline planning permission for a nursing home had been granted previously on this site, and the development accorded with the general locational requirements of the adopted Stockton on Tees Local Plan policies GP1 and HO8, that the development was considered acceptable in principle.

As the final siting of the building on the site was, at the time of the meeting, unknown the final assessment of the impact of the building on neighbouring occupants, parking arrangements, the protected sycamore tree, access, highway arrangements and amenity areas, and a full response to the objections and concerns of the local residents could not be made.

RESOLVED that planning application 07/1375/FUL be delegated to the Head of Planning for approval subject to the following conditions and as subsequently found to be relevant:

Alternatively, where the details are found to be unacceptable, that permission is refused based on the impact of the building on the amenity of the occupants of neighbouring properties on Highfield Close and Whingroves Nursing Home in terms of overbearing impact, loss of privacy, and overshadowing or as otherwise maybe appropriate.

1. Approved Documents

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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting etc) proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc) retained historic landscape features and proposals restoration, where relevant.

4. Prior to commencement of development details of the finished floor levels of the buildings, amenity areas, driveways, parking and internal paths and any other incidental building shall be submitted to, consideration and agreement, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the agreed levels and maintained thereafter for he life of the development hereby permitted.

5. No working shall take place outside the hours of 0800 hours and 1800 hours Monday to Friday, 0800 hours and 1300 hours on Saturday, with no working on

Sundays or Public/Bank Holidays.

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

7. 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.

8. Details of secure and covered cycle parking shall be submitted to, for consideration and subsequent approval by the Local Planning Authority. The approved cycle storage shall be implemented in full and available concurrent with the first use of the building as a nursing home and maintained thereafter, for the life of the development hereby permitted.

9. Before the use commences, any living room or bedrooms with windows affected by railway noise levels in excess of 65 dB(A) (LAeq) (measured at a point 1 metre from the facade of any dwelling) between 0700 hours and 2200 hours or 60dB(A) (LAeq) between 2200 hours and 0700 hours, the developer shall insulate the dwellings in accordance with a scheme approved by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the nursing home hereby permitted and retained thereafter.

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. Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall specify the following matters:

No changes in levels within the branch spread of the trees

Where tree roots are encountered only hand digging will be allowed

Compaction of the root spread of the tree must be avoided and protective fencing will be erected around the canopy spread of all trees before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period

That no materials that may contaminate soil is discharged within 10 metres of protected trees (i.e. concrete mixing, diesel oil and vehicle washings)

Tall loads, counterweights, jibs etc can access and operate without contact with protected trees

That notice boards, cables and other items are not attached to any part of any tree

That excavations for any new services runs into the site will be located outside of the tree protection zones. Services must be routed away from all retained trees to prevent severance of roots during the excavation of trenches. Where this is not possible approved trenching methods shall be in accordance with NJUG 10.

Service runs will be submitted to the Local Planning Authority for approval prior to any excavation of the said runs.

12. Prior to commencement of development, a protected species survey shall be undertaken and a scheme of mitigation where relevant submitted to, for consideration and subsequent approval by the Local Planning Authority. The approved scheme shall thereafter be implemented in full.

**P
29/07**

07/1178/ARC

**Application under Section 73 to vary conditions 2 and 11 of Planning Approval 06/3008/FUL (Erection of new supermarket with car park, service area and associated works (demolition of existing supermarket))
Land at Portrack Lane, And Marston Road, Stockton-on-Tees**

Consideration was given to a report that sought permission, under Section 73, to vary conditions 2 and 11 of Planning approval 06/3008/FUL, erection of new supermarket with car park, service area and associated works and demolition of the existing supermarket. At the time of the meeting the site was located on land at Portrack Lane and Marston Road, Stockton. The application sought to increase the size of the internal mezzanine floor together with some minor changes to the external appearance and a very slight readjustment of the siting of the building.

Planning permission was granted in December 2006 to erect a new store of exactly the same net floor area (5110 sqm – 55,000 sq ft) to replace the existing ASDA store on Portrack Lane (06/3008/FUL). It was to be sited on disused scrubland to the south of the existing store facing onto Portrack Lane and would be of a contemporary functional design with the facing materials being primarily smooth white wall cladding. The car parking areas were to be revamped and extended to include part of the land occupied by the current store. Large amounts of new landscaping were proposed around the periphery of the site. Access points were to be as existing but the layout included an internal road link between the two. Servicing for the store was to be to the rear, off Marston Road. The application was supported by a Planning and Retail Statement, a design and access statement, a Transport Assessment and a flood risk assessment.

The permission was subject to a section 106 agreement requiring financial contributions (£67,000) towards the provision of new bus stops and a pedestrian crossing. The agreement would need to be revised to reflect any new permission and a new unilateral agreement had been promised. The application was also referred to the Secretary of State in accordance with the Town & Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993 but no intervention was forthcoming.

The external changes were acceptable but there was some concern over the change to the mezzanine floor. Although it did not increase the net floor space (trading area), it did increase gross floor space which included warehousing areas, food preparation area, corridors, stairs etc. Condition 11 of the original permission limited the amount of both net and gross floor space. The current application sought to vary condition 11 to allow for an extra 436 sq m of gross floor space for additional food preparation and circulation spaces. The applicant argued that the original design was faulty and simple human error meant that to adhere to the original gross floor space limitation would mean a reduction in the net floor space not only to below its existing size but to a size of store where the viability of rebuilding the existing store came into question.

Members considered that the proposal was acceptable and did not conflict with the guidance set out in PPS6 or development plan policy. It was considered that it did not present any significant concerns with regards to traffic generation or highways issues.

RESOLVED that subject to:

a. The application being referred to the Secretary of State in accordance with the Town & Country Planning (Shopping Development) (England and Wales (No 2) Direction 1993.

b. the completion of a revised 106 agreement in accordance with the previously agreed Heads of Terms (Financial contribution for the provision of two low level bus stops (£12,000) and for the provision of a pedestrian Crossing (£55,000);

planning application 07/1178/ARC 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 Nos 07_12_PL-00; 07_12_PL-01; 07_12_PL-02; 07_12_PL-03; 07_12_PL-04; 07_12_PL-05; 07_12_PL-06; 07_12_PL-07; 07_12_PL-08; 07_12_PL-09; 07_12_PL-10; 600-01 Rev A

Design and Access Statement

Additional Transport Information prepared by Cottee transport Planning received 18th April 2007

2. The permission hereby granted shall have the effect of varying condition No 11 of 06/3008/FUL as follows:

“The floor space hereby permitted shall not vary from the following:

Gross Floor space: 9014 square metres
Net Floor space: 5110 square metres”

All other conditions of 06/3006/FUL shall remain in force

3. The landscaping of the site for development hereby approved, shall not

commence until the following information additional to the information shown on indicative landscape and boundary treatment plan No 600-1 Rev A, is submitted to and agreed in writing with the local planning authority. The landscaping shall be implemented in accordance with the agreed details:

- Tree survey and protection measures
- Existing trees to be retained and protected
- Proposed line and level survey in particular for any mounding adjacent to Marston Road
- A detailed planting plan
- dense tree and shrub planting will be required alongside all highway boundaries to compliment the existing planting
- Specifications for planting methods
- Specifications for maintenance and management for a 2 year period
- Detailed hard landscape proposals for surfacing and enclosure

**P
30/07** **APPLICATION No: 07/1058/ARC
APPLICATION UNDER SECTION 73 TO VARY CONDITION NO. 2 OF
PLANNING APPROVAL 05/3135/FUL (MINOR EXTENSION TO WASTE
BUNKER AND TIPPING FLOOR)
TEESSIDE ENERGY FROM WASTE PLANT, HAVERTON HILL ROAD,
BILLINGHAM**

Consideration was given to a report that sought permission under section 73 to vary condition 2 of planning approval 05/3135/FUL, minor extension to waste bunker and tipping floor at Teesside Energy from Waste Plant. At the time of the meeting the site was located at Haverton Hill Road, Billingham.

Planning permission for an extension to the rear of the existing Energy from Waste plant at Billingham was granted in 2000 to provide additional capacity (50%) to incinerate household waste and recover the energy (10 MW) for supply to the National Grid (00/0026/P). An amendment to the approved plan to provide for a minor extension to the waste reception bunker and tipping floor was approved in January 2005 (05/3135/FUL).

Work on the site had started in order to implement the permissions, but the applicant had submitted an application to make some further changes. This followed from the procurement exercise and the type of plant the applicant wished to install, which required the turbine hall to be extended. Other changes included the relocation of external flue gas duct; changes to the air-cooled condensers; repositioning of doorways and an extension in height to the grab hall. The proposed changes required the two previous permissions to be varied and applications 07/1054/ARC and 07/1058/ARC had been submitted seeking approval for the works.

On the whole Members considered that the proposal was acceptable. It was considered that the changes would have little impact and were necessary for the more efficient operation of the plant. It was also considered that it would not increase the waste treatment capacity of the site or the quantities of waste received by the facility. The design matched the existing plant and previously consented extensions and would not increase traffic in the area.

RESOLVED that planning application 07/1058/ARC be approved subject to the following conditions:

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: TWTEP4-0307-02; TV/L3/04 Rev 0; TV/L3/02a Rev a; TV/L3/03 Rev 0; TV/L3/02 Rev 0; TV/L3/05a Rev 0; TV/L3/04a Rev 0; TV/L3/01 Rev 0; TV/L3/03A Rev a TV/L3/01a Rev a

2. The types of waste to be incinerated in the extension to the Energy from Waste plant hereby approved shall only be those wastes defined as Municipal Wastes defined in EC directive 89/369/EEC unless the prior approval for a variation is obtained in writing from the Local Planning Authority.

3. Deliveries of waste authorised by this permission shall only take place between the hours of 0700 and 1900 Monday to Friday and 0700 and 1400 hours Saturday with no working allowed on Sundays or Public/Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

4. The final design for the extension and alteration to the air-cooled condensers hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

5. Details of a scheme in accordance with BS5837, Trees in relation to construction 2005 to protect the existing trees belt immediately to the west of the development hereby approved, shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the local planning authority throughout the entire building period.

P 07/1054/ARC
31/07 Application under Section 73 to vary condition no. 1 of planning approval 00/0026/P (Extension to existing Energy to Waste Plant) Teesside Energy from Waste Plant, Haverton Hill Road, Billingham

Consideration was given to a report that sought permission under section 73 to vary condition 1 of planning approval 00/0026/P, extension to existing Teesside Energy to Waste Plant. At the time of the meeting the site was located at Haverton Hill Road, Billingham.

Planning permission for an extension to the rear of the existing Energy from Waste plant at Billingham was granted in 2000 to provide additional capacity (50%) to incinerate household waste and recover the energy (10 MW) for supply to the National Grid (00/0026/P). An amendment to the approved plan to provide for a minor extension to the waste reception bunker and tipping floor was approved in January 2005 (05/3135/FUL).

Work on the site had started in order to implement the permissions, but the

applicant had submitted an application to make some further changes. This followed from the procurement exercise and the type of plant the applicant wished to install, which required the turbine hall to be extended. Other changes included the relocation of external flue gas duct; changes to the air-cooled condensers; repositioning of doorways and an extension in height to the grab hall. The proposed changes required the two previous permissions to be varied and applications 07/1054/ARC and 07/1058/ARC had been submitted seeking approval for the works.

On the whole Members considered that the proposal was acceptable. It was considered that the changes would have little impact and were necessary for the more efficient operation of the plant. It was also considered that it would not increase the waste treatment capacity of the site or the quantities of waste received by the facility. The design matched the existing plant and previously consented extensions and would not increase traffic in the area.

RESOLVED that planning application 07/1054/ARC be approved subject to the following conditions:

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: TWTEP4-0307-01; TV/L3/04 Rev 0; TV/L3/02a Rev a; TV/L3/03 Rev 0; TV/L3/02 Rev 0; TV/L3/05a Rev 0; TV/L3/04a Rev 0; TV/L3/05 Rev 0; TV/L3/03A Rev a TV/L3/01a Rev a

2. The types of waste to be incinerated in the extension to the Energy from Waste plant hereby approved shall only be those wastes defined as Municipal Wastes defined in EC directive 89/369/EEC unless the prior approval for a variation is obtained in writing from the Local Planning Authority.

3. Deliveries of waste authorised by this permission shall only take place between the hours of 0700 and 1900 Monday to Friday and 0700 and 1400 hours Saturday with no working allowed on Sundays or Public/Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

4. The final design for the extension and alteration to the air-cooled condensers hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

5. Details of a scheme in accordance with BS5837, Trees in relation to construction 2005 to protect the existing trees belt immediately to the west of the development hereby approved, shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the local planning authority throughout the entire building period.

**P
32/07**

**05/0800/FUL
ERECTION OF PITCHED ROOF EXTENSION TO INCORPORATE ONE
ADDITIONAL FLAT, INCLUDING DORMER WINDOWS TO FRONT AND**

**REAR, TWO-STOREY EXTENSION TO THE REAR (TO INCORPORATE STAIRCASE), WITH ASSOCIATED CAR PARKING
1 & 3 LANGDALE CLOSE, EAGLESCLIFFE, STOCKTON ON TEES.
PROPOSED ENFORCEMENT ACTION**

Consideration was given to a report in respect of enforcement action with regard to planning application 05/0800/FUL, erection of a pitched roof extension to incorporate one additional flat, including dormer windows to the front and rear and a two storey extension to the rear (to incorporate a staircase), with associated car parking. The site was located at 1 & 3 Langdale Close, Eaglescliffe.

Planning permission was refused by the Planning Committee on 31st May 2006 for the erection of pitched roof extension to incorporate one additional flat, including dormer windows to front and rear, two-storey extension to the rear (to incorporate staircase), with associated car parking at 1 & 3 Langdale Close, Eaglescliffe. It was subsequently allowed on appeal on 15th January 2007.

Work on the site had commenced but the extension did not accord with the details on approved drawing No(s) SBC001 and SBC002 (Drawing no (204-02) 02 Rev C). The approved plans showed that once the roof extension was complete the ridge height should have been 9.7 metres. Following completion of the roof, the ridge height was measured at a height of 9.5 metres. It was also discovered that one window in the rear staircase extension had been removed in order to construct a refuse/cycle storage facility. This aspect was also not shown on the approved plans. In addition, it was discovered that the building had been converted into four flats and not three as previously approved.

The front garden area of the property had been partially block paved, but during the preparations for the block paving some of the roots of a protected tree were damaged. Planning Permission was not required to carry out the block paving aspect therefore that aspect did not form part of the decision process, however the damage to the tree roots was under investigation with the Councils arborist.

On the whole Members considered that whilst it was clear that planning permission should have been obtained for the division of the first floor flat into two, the amendments to the roof and the changes to the rear staircase elevation, it was not sufficient justification for pursuing enforcement action. The Council did have the power to issue an enforcement notice, and it was appropriate only if planning permission was required and would have been refused.

The ridge height had been reduced by 0.2 metres to 9.5 metres from that approved on appeal at 9.7 metres. It was considered that the roof extension, by virtue of its design and scale did not have a detrimental impact on the character and appearance of the area and therefore accorded with policies GP1 and HO03 and HO11 of the Adopted Stockton on Tees Local Plan and advice in Supplementary Planning Guidance 2: Household Extension Design Guide.

Members also considered that taking into account the reduced ridge height and its impact on the surrounding street scene the roof extension caused no harm to the character and appearance of the dwelling or the street scene and did not

have a detrimental impact upon the amenity of surrounding residents. The roof extension accorded with development plan policies and supplementary advice, and as there were no other material considerations to indicate otherwise it was considered that planning permission would have been granted for that element of the building works.

With regard to the division of the first floor in to two flats, Members considered that the division of the first floor would not have a detrimental impact upon the character and the appearance of the area. The required seven parking spaces could be accommodated within the curtilage of the building. On the whole, it was considered that the conversion of the first floor into two flats would not have a detrimental impact upon the amenity of surrounding residents or highway safety within the area.

A single storey rear extension had been constructed to accommodate the refuse bins and two bicycles. The size and scale of the flat roofed shelter was considered acceptable in this location. However, it was considered that the access to the store was sub standard and would not be acceptable to use as a bin store and cycle shelter. The access into the bin store was severely hindered, as the door was constructed 0.21 metres from ground floor level. The height was considered unacceptable and would not allow for easy access of the wheelie bins and bicycles. If the problem was not rectified then the wheelie bins and bicycles would have to be located elsewhere within the curtilage of the property leading to a significant detrimental impact upon the property and surrounding area and giving rise to the possibility of crime and vermin.

The developer had been requested in writing to apply for the necessary retrospective approval but had failed to respond. Members considered that, given his continued failure to respond to written requests to apply for planning permission and the adverse the impact of the open wheelie bins storage on visual amenity, that it was expedient to take appropriate enforcement action to require that the storage facility to the rear of the property be amended to allow for easy access of any wheelie bin or bicycle.

RESOLVED:

1. That no action be taken against the lowering of the roof ridge, removal of window or conversion of first flat into two separate residential units.
2. That it is expedient to authorise the Director of Law and Democracy to take all appropriate legal action against the unauthorised installation of the bin and cycle store to secure a facility that is fit for purpose for the following reason:

In the opinion of the Local Planning Authority the refuse/cycle storage facility by virtue of the design, is inappropriate and not fit for purpose. It unusable design would result in unregulated and unacceptable siting of refuse bins that would be to the detriment of the amenity of the occupying residents and surrounding residents and in doing so does not accord with policies GP1 and HO12 of the Adopted Stockton on Tees Local Plan and advice in Supplementary Planning Guidance Note 2: Household Extension Design Guide.

