

DELEGATED

AGENDA NO 6  
PLANNING COMMITTEE

8 August 2007

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

07/1665/FUL

Holmfield, Yarm Back Lane, Stockton-on-Tees

Revised application for erection of glasshouses and retention of existing shed for use as storage/potting shed for market garden business.

Expiry Date 8 August 2007

UPDATE REPORT

1. The following is additional information provided in respect to previous applications, to clarify the appeal and enforcement matters relating to the site and to amend the recommendation to include a contaminated land condition in view of the former use of the site as a paint weathering station.
2. The application to use the shed which had been erected without planning permission for use in connection with a joinery business was refused by the Local Planning Authority. An enforcement Notice was served on the owner to remove the shed from the land within a 5 month period. This was appealed against and the Planning Inspectorate dismissed the appeal. The appeal decision dated 14<sup>th</sup> August 2006 required the building to be removed within a 9 month period. (i.e. by 14<sup>th</sup> May 2007)
3. As the building was being used in connection with the applicants livelihood, the applicant advised that he intended to use the land and shed in a different manner which would allow him to generate an income from the land. A planning application was submitted for *erection of glasshouses and retention of existing shed for use as storage/potting shed for market garden business* under application reference 06/3492/FUL. This application was refused on the 22nd January due to insufficient information having been submitted by the applicant which justified the business case for the development on the land. The applicant advised of his intention to resubmit once the relevant information had been obtained and a new application (the one being considered by committee today) was submitted on the 1<sup>st</sup> June 2007, this being approximately two weeks beyond the 9 month period for compliance given by the Planning Inspectorate.
4. If this current application is approved then the building and its new use will be permitted. There is a condition on this recommendation to approve for the building to be used in connection with the Market Garden Business only. If it is not used in this manner then further action under either an Enforcement Notice or a Breach of Condition Notice could be taken.
5. If this current application is refused by committee then the Local Planning Authority would seek removal of the unapproved building in association with the decision of the Planning Inspectorate subject to appeal.
6. Within the Planning Inspectors previous decision, one of the main issues related to the appearance of the building. A condition of the recommendation to approve requires the building to be re-clad within 4 months from approval, therefore mitigating the Inspectors considerations relating to the current appearance of the building on the wider area.

7. Following additional consideration from the Councils Environmental Health Officer in view of the land being formerly used as a paint weathering station, it is considered appropriate to include a condition requiring a contaminated land survey to be carried out and any remediation works undertaken as deemed necessary.

Conditions:

***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.***

***Reason: To ensure the proper restoration of the site.***

***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.***

***Reason: To ensure the proper restoration of the site.***