

Planning Committee

A meeting of Planning Committee was held on Wednesday, 13th August, 2008.

Present: (Meeting) Cllr Roy Rix(Chairman), Cllr John Gardner(Vice-Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr John Fletcher (vice Cllr Mrs Maureen Rigg), Cllr Robert Gibson, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Steve Walmsley

(Site Visit) Cllr Hilary Aggio, Cllr Jim Beall, Cllr John Fletcher (vice Cllr Mrs Maureen Rigg), Cllr Robert Gibson, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Roy Rix

Officers: B Jackson, J Elliott, R McGuckin, J Roberts, C Asadi, M Brownlee (DNS); J Butcher, S Johnson (LD)

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

Apologies: (Meeting) Cllr David Harrington, Cllr Paul Kirton, Cllr Ross Patterson and Cllr Mrs Maureen Rigg

(Site Visit) Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr John Gardner, Cllr David Harrington, Cllr Paul Kirton, Cllr Ross Patterson, Cllr Mrs Maureen Rigg and Cllr Steve Walmsley

P Declarations of Interest

57/08

Councillor Walmsley declared a personal prejudicial interest in the item entitled 502 - 506 Yarm Road, Eaglescliffe, Stockton-on-Tees Revised application for residential development for the erection of 1 no. three storey apartment block comprising of 11 no. apartments (demolition of existing petrol station) as he was a friend of the applicant and left the meeting room for the consideration and voting of the item.

Councillor Mrs Beaumont declared a personal/non- prejudicial interest in the item entitled 08/1431/FUL Splash, Church Road, Stockton-on-Tees - Extension and alterations to existing leisure facility as she was a member of Tees Active Board.

Councillor Fletcher declared a personal prejudicial interest in the item entitled 08/2166/REV 12 Holywell Green, Eaglescliffe, Stockton-on-Tees Revised application for two storey extension to side and porch to front(demolition of existing attached garage) as he was a friend of the applicant and left the meeting room for the consideration and voting of the item.

P 08/0740/FUL

58/08

**502 - 506 Yarm Road, Eaglescliffe, Stockton-on-Tees
Revised application for residential development for the erection of 1 no.
three storey apartment block comprising of 11 no. apartments (demolition
of existing petrol station)**

A site visit took place prior to the meeting.

Consideration was given to a report that sought planning permission for the redevelopment of the Eagle Service Station on Yarm Road to provide 11 apartments over 3 floors, having a density of 92 dwellings per hectare. The site currently provided a petrol filling station, shop, ancillary takeaway and car wash facility.

It was noted that planning permission for a similar proposal of 12 Apartments was refused under application reference 07/2899/FUL as it was considered that the proposal was over development of the site and both detrimentally affected adjoining properties and the character of the area in general.

Neighbours had been consulted and a total of 15 letters of comment had been received, 13 of which were objections. The objections mainly related to the impact of the scheme on the surrounding properties and area in general and the impacts of traffic. A letter of support received considered that it would be a positive scheme for the area which would reduce traffic at the site.

The Committee received an update report that outlined that amended plans had been submitted by the applicant which were considered to address the outstanding matters in respect to the design of roadside elevations. The details as submitted were considered to result in a design which was suitable for its position at the junction of two highways on a main traffic thoroughfare taking into account the character and style of surrounding buildings and the area in general.

The update report outlined that an additional letter of comment had been received in relation to the Committee Site Visit, and this was summarised within the report.

The update report also informed Members of the Committee that the Head of Technical Services had requested that the applicant enter into a Section 278 Agreement in respect to closing the existing accesses into the petrol filling station.

On the whole Members of the Committee considered that the proposal was acceptable. It was considered that the reduction of the scheme from 12 to 11 units had resulted in a reduction in parking requirements, reduction in footprint and dominance of the building whilst allowing for a site which could achieve adequate landscaping and a more positive road frontage treatment than the previously refused scheme. The scheme remained to be high density, (92 dwellings per hectare) and provided minimal amenity space within it however the site was in close proximity to Preston Park and the developer would be making a contribution of £7,000 to the Council towards the provision of off site recreation space or works. It was considered that, taking into account the existing appearance of the site as a petrol filling station and forecourt, the requested further changes to the proposal would positively enhance the street scene, as well as adequately providing for its future occupiers without having an undue detrimental impact on the privacy and amenity of the surrounding properties. A further contribution towards highway improvement works would also be required for lining works in the adjacent Chestnut Road.

It was also considered that the likely reduction in traffic movements from the existing use was likely to reduce traffic entering and existing the site and general noise and disturbance associated with the existing site usage.

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

The Chairman of Preston-on-Tees Parish Council was in attendance at the

meeting and objected to the proposal.

RESOLVED that determination of planning application 08/0740/FUL be delegated to the Head of Planning for approval subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms listed within the main report, and subject to the conditions as listed below;

In the event of the legal agreement not being signed, by the 19th August 2008 that the application be refused.

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

0733/L102 J 5 August 2008

0733/L105 J 5 August 2008

0733/L100 I 5 August 2008

0733/L109 B 5 August 2008

0733/L108 B 5 August 2008

0733/L107 B 5 August 2008

0733/L103 J 5 August 2008

0733/L106 5 August 2008

0733/L111 A 5 August 2008

SBC0001 3 April 2008

2. The commencement of the development authorised by this permission shall not begin until:

a. The Local Planning Authority has approved in writing a full scheme of works for:

(i) The closure of the existing access onto Chestnut Road; and

(ii) The amended access onto Yarm Road.

The development hereby approved shall not be occupied until the approved works have been completed and have been certified in writing as complete by the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

3. 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 scheme shall indicate the finished floor levels of all adjoining properties. The development shall be carried out in accordance with these approved details.

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

a) Areas of soft landscaping including plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

b) Hard landscaping throughout the site,

c) Areas of landscaping to be retained and a scheme for their protection.

d) Precise locations of protective fencing,

e) Areas of level change,

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.

5. 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, 9.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.

6. 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. The development shall be carried out in accordance with the approved details.

7. The development hereby approved shall not be occupied until cycle store and bin store have been provided on site and brought into use in accordance with a scheme to first be approved in writing with the Local Planning Authority.

8. Notwithstanding details hereby approved plans prior to occupation of the development, the car park associated with the development shall be surfaced and laid out in accordance with a scheme of such to be submitted to and approved in writing by the Local Planning Authority.

9. 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.

10. 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.

11. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent roads

shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before any of the permitted dwellings are occupied.

12. Prior to the occupation of the building and unless otherwise agreed in writing with the Local Planning Authority, a written scheme detailing how much and by what method, renewable energy will be generated from the development, shall be submitted for the approval of the Local Planning Authority. No building shall be occupied until the agreed scheme has been implemented in full.

13. Notwithstanding details hereby approved, the development shall not be occupied until a scheme of refuse management has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

14. Prior to the occupation of units 7 and 11 as detailed on the plans hereby approved and notwithstanding details hereby approved, the windows serving bedroom 2 of units 7 and 11 shall have one fixed obscurely glazed pane (opacity rating 5) and one top hung opening light. This style of window shall remain in place during the life of the building unless the Local Planning Authority agrees otherwise in writing.

P **07/2126/FUL**
59/08 **Norsea Pipelines Limited, Teesside Operations, Seal Sands**
Application under Section 36 of the Electricity Act 1989 for consent to
construct a 800MW combined heat and power plant

Consideration was given to a report relating to Norsesea Pipelines Limited, Teesside Operations, Seal Sands.

It was explained that Stockton Borough Council had been consulted as the local planning authority on an application to the Secretary of State for Business Enterprise and Regulatory Reform under Section 36 of the Electricity Act 1989 for deemed consent to construct and operate a natural gas fired combined heat and power plant on the ConocoPhillips site at Seal Sands. The generating plant would provide 800MW of electricity as well as steam for local industry. It was noted that any generating station over 50MW fell to the Secretary of State to grant consent, though the views of the local planning authority must first be sought and if it objected, a public inquiry must be held.

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 other documents.

The proposal was part of a scheme by ConocoPhillips to establish facilities for the importation of liquefied natural gas (LNG) at their Teesside Oil Terminal at Seal Sands near Middlesbrough. The facilities would enable new sources of natural gas to enter the United Kingdom's National Transmission System.

Three related planning applications had also been submitted - Export Gas Pipeline; modifications to Jetty No. 5, LNG Delivery Pipelines and LNG Storage

and Regasification Facility; and a Temporary Construction Area. Following the resolution of a number of concerns, primarily relating to the potential impact on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site including the agreement by Natural England to mitigation measures set out in the Appropriate Assessment under the Habitat Regulations prepared by the Council as the competent authority, the planning applications had been approved under the delegated procedure.

It was explained that the principle of the CHP development was acceptable but concerns and objections (the same as raised to the Council over the LNG part of the development) had been submitted direct to the DBERR from RSPB and Teesmouth Bird Club. They were concerned particularly about the impact, both operationally and during construction, on the local bird life within the SPA.

The Committee was informed that with regard to these issues, this was a matter for the DBERR as the competent authority to prepare another Appropriate Assessment to determine whether the impact on the surrounding SPA had been properly and fully assessed. However, on the related LNG scheme, the Council was satisfied that with agreed mitigation measures including a new wildlife habitat at Greatham Tank Farm, controlled by conditions, that any adverse impact would be significantly reduced to a level that would not demonstrably harm the surrounding SPA and Ramsar site.

The Committee considered that, notwithstanding the outstanding concerns raised by the Teesmouth Bird Club which had not been withdrawn, the DBERR 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 ensure the implementation of the agreed mitigation measures to safeguard the surrounding natural environment. In addition appropriate conditions should be imposed to control matters such as full provision of other mitigation measures, facing materials, means of enclosure, piling, plant noise protection etc.

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:

- Development to be carried out in full accordance with the mitigation measures specified in the Environmental Statement and the Supplementary Report and appendices to that statement dated March 2008 accompanying the application.
- Development not be operated except in accordance with the full implementation of all the mitigation measures specified in the Environmental Statement and its appendices as amended by the Supplementary Report and appendices to that statement dated March 2008, accompanying the planning application and a programme to monitor the effectiveness of these mitigation measures implemented before development commences
- Conditions are attached in respect of agreement over finishing materials for plant and buildings; means of enclosure; method of piling; plant noise protection measures and surface treatment.

P 08/1431/FUL
60/08 Splash, Church Road, Stockton-on-Tees
Extension and alterations to existing leisure facility

Consideration was given to a report that sought planning consent for the expansion of existing services and facilities at the Splash Leisure Centre. This was to include extension to the main entrance, providing a larger foyer area and café area, and a further extension to the north-east of the building providing additional leisure facilities, which included additional changing room facilities, a new fitness suite at ground and first floor and a large activities room.

The application site was on Church Road within the defined Stockton Town Centre boundaries and formed part of a civic quarter with the Municipal Buildings, Library and the Grade I listed Church of St. Thomas situated to the south of the application site.

The report outlined that Sport England did not support the application due to over provision of facilities in the Borough. It was explained that there was a need for the expansion of the health and leisure facilities at Splash due to the imminent closure of the Tilery Sports centre and that most of the sports or leisure facilities in the Borough referred to by Sports England were privately owned with only five being owned and run by the Council or Tees Active.

Members of the Committee considered that the proposal was acceptable. It was considered that the proposal was visually acceptable, did not harm the character of the conservation area and did not have any significant impacts on the amenity of surrounding properties or on highway safety.

RESOLVED that planning application 08/1431/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
0483/0002/1068/6 F	17 July 2008
0483/0002/1068/9 A	17 July 2008
0483/0002/1068/7 D	17 July 2008
0483/0002/1068/3 A	17 July 2008
0483/0002/1068/1	4 June 2008

2. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

3. No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

4. Notwithstanding the proposals detailed in the submitted plans no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with all existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:

- a) commencement of the development
- b) or agreed phases
- c) or prior to the occupation of any part of the development

5. Notwithstanding the proposals detailed in the submitted plans no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development and maintained for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

6. Notwithstanding the proposals detailed in the Design and Access Statement and submitted plans, all means of enclosure and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure and street furniture shall be implemented in accordance with these details and shall be erected before the development hereby approved is occupied.

P 08/2166/REV
61/08 12 Holywell Green, Eaglescliffe, Stockton-on-Tees
Revised application for two storey extension to side and porch to front(demolition of existing attached garage)

Consideration was given to a report that sought planning permission for the erection of a two storey extension to the side and porch to the front (demolition of existing attached garage) of no. 12 Holywell Green, Eaglescliffe.

The site was bounded by no. 14 Holywell Green to the north, no's 10 and 11 Holywell Green to the South and to the rear of the site no's 15-17 (odds) Roundhay Drive were present. The application site was located in a cul de sac of similar style properties.

It was noted that the neighbour at no. 14 Holywell Green had no objections subject to the proposed two storey extension not projecting past the existing building line of no's 12 and 14 Holywell Green, which was in accordance with the submitted proposed plans.

Following the receipt of revised plans to show the existing correct drive length, internal alterations to the proposed garage, and the raising of the proposed ridge height to tie into the existing ridge height to the rear, consultation on the revision had been undertaken.

It was explained that in accordance with the approved scheme of delegation, the application was being reported to the Planning Committee for determination as the applicant was married to a Member of the Council.

Members of the Committee considered that overall the proposed development was acceptable and would not have a significant detrimental impact on the amenities of the area.

RESOLVED that planning application 08/2166/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
01 REV A	28 July 2008
L.P.01	30 June 2008
02	30 June 2008
03	30 June 2008
04	30 June 2008
06 REV B	30 June 2008
07 REV B	30 June 2008
05 REV D	29 July 2008
08 REV C	29 July 2008
09 REV C	29 July 2008

2. Details of all external finishing materials shall be agreed with the Local Planning Authority before the development is commenced.

P **08/2111/FUL**
62/08 **59 Teesdale Avenue, Billingham,**
 Single storey rear extension

Consideration was given to a report that sought planning permission for the erection of a single storey extension to the rear of 59 Teesdale Avenue, Billingham.

It was noted that the planning application had been publicised by means of individual letters and there had been no letters of objection with one letter stating they had no objection to the works.

It was explained that the applicant had stated within the application that they were related to a Planning Officer within the Council and a Local Ward Councillor and therefore the application was required to be determined by the Planning Committee.

Members of the Committee considered that overall, the proposed extension was acceptable.

RESOLVED that planning application 08/2111/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
SBC0001	25 June 2008
03-0559-002	25 June 2008
03-0559-001	25 June 2008

2. The materials used in the construction of the external walls and roofs of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed in writing by the Local Planning Authority.

**P
63/08 Core Strategy: Publication Draft
 Local Development Framework**

Consideration was given to a report that informed Members about the publication draft of the Core Strategy, and the steps to be taken prior to submission of the plan to the Secretary of State.

It was explained that the Core Strategy was the key plan within the Local Development Framework. It set out the vision and spatial strategy for meeting known and anticipated development requirements to 2024. It included a key diagram that showed broad locations (not specific sites) for development to meet specific requirements. A Monitoring Framework and Implementation Plan were also required.

It was noted that in developing the Core Strategy, two main public consultation exercises had been undertaken, in May/June 2006 (relating to Issues and Options) and September/October 2007 (relating to Preferred Options).

Members of the Committee were provided with a copy of the draft Core Strategy. The Committee was also provided with copies of the Sustainability Appraisal, the Appropriate Assessment, a Statement of Consultation and an Infrastructure Strategy which all accompanied the Core Strategy.

The Committee was informed that following consideration of the draft Core Strategy by Cabinet on 14 August 2008, and Council on 3 September 2008, the next step in the process, as set out in revised PPS12, was to publish the Core Strategy, in late September, and invite representations from residents and stakeholders if they considered that the Core Strategy was not 'sound'. It was proposed to allow an 8 week period within which comments could be submitted, which would allow sufficient time for consultees, parish councils in particular, to respond.

It was explained that following this period, minor amendments could be made to

the Core Strategy, prior to its submission to the Secretary of State. It was anticipated that submission would take place early in 2009. It was explained that the submitted Core Strategy must be the final version that the Council felt would best meet the Borough's needs to 2024. The Planning Inspectorate expected the submitted Core Strategy to be a 'sound' document. It was noted that post submission changes suggested by the Council would not be acceptable.

The Committee was advised that following submission, the expected programme of events was as follows:

- Pre-examination meeting (between the Planning Inspector appointed to conduct the examination into the 'soundness' of the Core Strategy, the Borough Council and those wishing to have their views considered during the examination);
- Examination of the 'soundness' of the Core Strategy (April 2009)
- Inspector's binding report;
- Adoption of the Core Strategy (September 2009).

RESOLVED that the information be noted.

**P
64/08** **Planning Performance**

Members of the Committee were presented with an update on the current performance of the planning department for the first quarter of 2007/2008. Members of the Committee were also presented with an update on the current staffing situation for the Planning Department.

The Chairman congratulated all Officers on behalf of the Planning Committee for their hard work and dedication.

RESOLVED that the performance report be noted.

- P
65/08**
- 1. Appeal - Price Right Properties Ltd - Baileys Blinds 68 Yarm Lane Stockton on Tees - 07/3077/COU - DISMISSED**
 - 2. Appeal - Mrs S Camidge - Flat Development at Former Thornaby Autoparts Thornaby Road Thornaby - 07/3408/FUL - DISMISSED**
 - 3. Appeal - Mr & Mrs S Wilson - 6 Burdale Close Eaglescliffe Stockton on Tees - 07/2906/FUL - ALLOWED**
 - 4. Appeal - J R Byres - Carlton Green Thorpe Road Carlton - 07/3206/FUL - ALLOWED WITH CONDITIONS**
 - 5. Appeal - Mr Colin Hill - Land off Priory Gardens Norton - 07/2417/OUT - DISMISSED**

The Development Services Manager drew the Committee's attention to the decisions at appeals 3 and 4.

Members of the Committee discussed the appeal information, and in particular the decision at appeal 4. The Committee raised concerns in relation to the decision to allow the appeal and requested that Officers draft a letter to the Planning Inspectorate to establish the quality control measures that they have in place.

RESOLVED that:-

1. The information be noted.
2. Officers draft a letter to the Planning Inspectorate.