

Planning Committee

A meeting of Planning Committee was held on Wednesday, 15th October, 2008.

Present: Cllr Roy Rix (Chairman), Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Mrs Maureen Rigg, Cllr Steve Walmsley

Officers: B. Jackson, R. McGuckin, J. Roberts, I. Robinson, P. Shovlin, C. Snowdon, C. Straughan, P. Whaley (DNS), J. Butcher, M. Jones (LD)

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

Apologies: Cllr Hilary Aggio, Cllr John Gardner, Cllr David Harrington, Cllr Bill Noble, Cllr Ross Patterson

P **Declarations of Interest**

85/08

Cllr Beaumont declared a personal/non-prejudicial interest in the item entitled 08/2469/EIS Energy from Waste Plant, Haverton Hill Road, Billingham, due to being the Cabinet member for Environment.

Cllr Gibson declared a personal prejudicial interest in the item entitled 08/2582/VARY 48 Durham Road, Stockton-on-Tees, due to his position as spokesperson on behalf of the residents group who made representations against the Licensee at Licensing Sub-Committee and did not take part in the decision making.

Cllr Kirton declared a personal prejudicial interest in the item entitled 08/2566/VARY Land to the Rear of 83 - 85 High Street, Norton, due to his own property being behind the site, and therefore left the room when the item was considered.

Cllr Rigg declared a personal/non prejudicial interest in the item entitled 08/0241/OUT Land at Urlay Nook Road, Eaglescliffe and the item entitled 07/3441/FUL The Rookery, South View, Eaglescliffe due to being a member of Egglecliffe and Eaglescliffe Parish Council. Mrs Rigg stated that she had not pre-determined the application at Parish Council meetings.

Cllr Rix declared a personal/non-prejudicial interest in the item entitled Land at Urlay Nook Road, Eaglescliffe due to being a member of the Ramblers Association.

Richard McGuckin, Built and Natural Environment Manager, declared a personal prejudicial interest in the item entitled 08/2584/LA Riverside/Bridge Road/Church Yard Link Road due to being an agent of the applicant, and therefore did not advise on this item.

P
86/08

08/2469/EIS
Energy from Waste Plant, Haverton Hill Road, Billingham
Erection of energy from waste facility using existing site entrance, including internal site roads, parking, surface water drainage lagoon, substation, weighbridge and landscaping. Development of adjacent existing railway sidings as rail-waste unloading facility.

Consideration was given to an application for a new additional energy from waste (EfW) facility adjacent to an existing EfW facility off Haverton Hill Road, Billingham and a rail uploading facility for waste. The plant would be able to deal with 150,000 tonnes of waste per annum and would compliment the existing plant on the adjoining land which was in the process of being extended. The existing plant when the extension was complete would deal with 375,000 tonnes per annum. The new plant was intended as a regional facility serving the whole of the North East region. The existing plant served to recover energy through incineration of Municipal Waste delivered to the site by four of the Tees Valley local authorities by contractual arrangement. The new plant would serve other North East local authorities assuming the site operator won the relevant contracts. It would also deal with suitable Commercial and Industrial waste that might arise locally.

The application was subject to a formal Environmental Impact Assessment which had not revealed any significant drawbacks to the development that could not be resolved by appropriate mitigation.

There had been no objections to the proposal from any of the statutory consultations or as a result of the publicity given to the application.

It was noted that the main issues with the application were whether there was any conflict with planning policy in land use terms, whether it was an appropriate location for a new plant; whether there was a need for the facility, what were the implications for air quality; what was the impact in terms of traffic and were there any other residual matters that might make the development unacceptable. These issues had been considered in some detail and it was concluded that there were no sustainable land use planning reasons for resisting the development but any approval would require a number of conditions to satisfactory control the building and operation of the new plant.

Members received an update report which provided further clarification on the issues. The Applicant was in attendance and addressed the committee.

Members considered the proposals did not give rise to any major concerns in terms of conflict with planning policy and met national and regional policy requirements. The location was discussed and it was considered to be an acceptable location for a new WfE plant. There was a regional need for additional energy recovery from waste plant to divert municipal waste from landfill. There was also a need to deal with suitable, locally arising, Commercial and Industrial Waste though only as an ancillary use. Accordingly and given its established land use there was justification for the new plant to be sited in Haverton Hill.

Members discussed access to the site and possible implications on traffic congestion. The development was acceptable on highway grounds and provided for the future delivery of waste to the site by rail thereby relieving local traffic congestion.

Other residual matters had also been examined and there was no issue to suggest that the development would have an unacceptable impact on the local amenities and the environment though a number of conditions would need to be

imposed to properly control the development and its future operation.

Therefore members considered that there was no sustainable land use planning reasons for refusing the development.

Cllr Rigg queried whether members would be involved in agreeing the final conditions. It was agreed that members would be consulted on the wording of these conditions.

RESOLVED that planning application 08/2469/EIS be approved subject to conditions covering the following matters:

- Development to be carried out in accordance with the approved plans;
- Primary use is for the incineration of municipal waste with the recovery of energy from commercial and industrial waste only forming a minor and ancillary element of the process.
- Facing materials
- Waste delivery times to be off peak and monitoring provided
- Details of hard and soft landscaping and its future management to be agreed
- Flood and street lighting details
- Car and cycle parking details to be agreed including numbers
- Implementation of stacking area for Household waste reception centre
- Details of the rail loading facilities and timing of provision to be agreed.
- Submission of an assessment of likely noise impact from rail deliveries and agreement to any necessary mitigation measures
- Submission of an assessment of likely odour emissions from rail containers and agreement to any necessary mitigation measures
- Details of ancillary buildings and structures to be agreed including substation, reservoir and weighbridge
- Submitted Travel Plan to be revised and its implementation agreed
- Development to accord with flood risk assessment
- Drainage matters including surface water, the use of sustainable drainage systems etc
- Method for dealing with any land contamination on the site
- Mitigation measures set out in the EIS to be implemented in full
- Any other relevant matters.

**P
87/08**

08/0241/OUT

Land at Urlay Nook, Urlay Nook Road, Eaglescliffe

Outline application for industrial estate comprising the erection of B2 and B8 use class units and associated means of access.

Consideration was given to an application that sought approval for outline planning permission for access arrangements, layout and scale of the development for industrial development on land at Urlay Nook Road, with appearance, and landscaping reserved for future consideration. The submission was accompanied by a Market Assessment Report, Ecological Appraisal and Protected Species Survey, Mitigation Strategy, Travel Plan Framework, Design and Access Statement, Transport Assessment and Addendum, Flood Risk Assessment and Tree Survey.

Members were informed that determination of the application had been delayed pending the submission of information relating to highway and nature conservation matters.

The proposed development comprised 17 units for general industrial use (B2 use) and 13 for storage and distribution (B8). Access to the wider highway network was via a new access in the eastern wing of the site onto Urray Nook Road. Landscaping and a new footpath link were proposed. Two new bus stops would be provided.

A previous application for this development was refused on the grounds that further information was required in respect of highway matters, nature conservation, public rights of way, surface water drainage; that the proposal would have had an adverse impact on visual amenity and that inadequate provision had been made for contributions towards public transport facilities and traffic regulation orders.

The site was within the limits to development identified in the Stockton on Tees Local Plan and was identified in Policy IN2 as a site for general industry and storage and distribution. The Spatial Planning Manager maintained the view that the Council could not oppose the principle of development at this site.

Objections and concerns had been received from Egglecliffe and Eaglescliffe and Long Newton and Elton Parish Councils. The Environment Agency had objected to the proposal in terms of its impacts on Great Crested Newts, however, no objections had arisen from Natural England and confirmation was awaited as to whether the Environment Agency would now withdraw their objection. There were no outstanding objections to the proposal from the remaining consultees.

Comments and concerns had been received from Councillors Fletcher, Lewis and Mrs Rigg. Sixty three representations had been received objecting to the proposal and commenting generally on matters relating to the principle of development, loss of amenity, visual impact and landscape, nature conservation, air, noise, light and water pollution, access and highway safety.

Members were presented with an update report which notified of three further representation received and further conditions to the recommendations.

The site entrance and traffic implications for the surrounding area were discussed and several members raised concern regarding these implications. Officers noted the improvements that had been designed to accommodate the impact of the proposal.

Members considered that the principle of development on this site had been established in the adopted Stockton on Tees Local Plan. Members discussed the impact of an industrial estate in close proximity to the residential estate however were advised that the site was allocated as employment land in the Local Plan. It was not therefore considered justifiable to refuse the application on the grounds that the development would have an adverse impact on the amenity of the occupiers of nearby residential properties and users of other nearby properties or land, and the impact on landscape and visual amenity was

considered acceptable.

Members also considered that the development would have no long term adverse impact on the regeneration of the Durham Tees Valley Airport. Furthermore, members considered that the proposal adequately addressed the previous reasons for refusal and was now acceptable.

The applicant's agent was in attendance and addressed the committee. An objector was also in attendance and spoke against the application due to the environmental impact and traffic implications of the development.

RESOLVED that subject to the lifting of the objection from the Environment Agency in respect of protected species, planning application 08/0241/OUT be approved, subject to conditions and the Unilateral Undertaking which reflected the Heads of Terms as set out in the update report, and conditions – those to be finalised, and as set out in the main report and the update report:

The development hereby approved shall be carried out in accordance with the following approved plans; unless otherwise agreed in writing with the Local Planning Authority:-

Drawing No. 3002/03 - Location Plan
Drawing No. 3002/01G – Site Layout Plan
Drawing No. PWP/10070380/203 – Rev B – Topographical Survey
Drawing No. PWP10070380/204 – Rev B Topographical Survey

Standard Time Limits Conditions

The development hereby permitted shall be begun either before the expiration of [five years] from the date of this permission, or before the expiration of [two] years from the date of approval of the last of the reserved matters to be approved, whichever was the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of [three] years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

Standard Reserved Matters Conditions

Approval of the details of the external appearance of the buildings and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development was commenced.

Reason: The application was for outline permission with these matters reserved for subsequent development.

Plans and particulars of the reserved matters referred to in condition 2 above

relating to the external appearance of the buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: The application was for outline permission with these matters reserved for subsequent development.

Masterplan

The development shall be implemented in general conformity with the approved "Illustrative Built Form Masterplan" submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority. Nothing in this consent shall be construed as authorising the illustrative details submitted with the application other than the layout, means of access and scale for which approval was sought.

Reason: To ensure that the Reserved Matters for the appearance and layout to be submitted are in accordance with the approved Design and Access Statement and to enable the Local Planning Authority to satisfactorily control the development.

Condition in respect of Great Crested Newts

No development shall take place unless in accordance with the mitigation detailed within the protected species report Ecological Appraisal and Protected Species Surveys A Report for West Raynham Developments Ltd dated July 2008, author Clear Ecology; and for great crested newts Mitigation Proposals for High Great Crested Newt Population (CONFIDENTIAL) dated August 2008, author Clear Ecology and Urlay Nook GCN Mitigation Proposals - Tabular Summarisation of Proposed Habitat Dynamics dated September 2008, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation and compensatory habitats in advance; undertaking confirming surveys as stated and adherence to precautionary working methods.

- An appropriate and detailed scheme of habitat conservation, enhancement and creation informed by the recommendations of the documents referenced above, to be produced and agreed by the Local Planning Authority as Reserved Matters, or prior to determination of a full planning application.
- An appropriate and detailed habitat management plan and commitment for its delivery informed by the recommendations of the documents referenced above, to be produced and agreed by the Local Planning Authority as reserved matters or prior to determination of a full planning application.

Reason: To conserve protected species and their habitat.

MATTERS REQUIRING SUBMISSION OF FURTHER DETAILS

Materials

Samples of all materials to be used in the construction of the external surfaces of each phase of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. Each phase of development shall be constructed in accordance with the agreed details.

Reason: To ensure a satisfactory external appearance of the development, in

the interests of visual amenity.

Means of Enclosure and Street Furniture

No phase of development shall commence until detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure have been submitted to and agreed in writing with the Local Planning Authority. Each phase of development shall be implemented in accordance with the agreed details. The boundary treatments so approved shall be completed prior to the first use of the building(s) and retained thereafter.

Reason: In the interests of visual amenity and highway safety.

Existing and Proposed Levels

Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity of the area, the living conditions of nearby residents or integrity of existing natural features and habitats.

Earthworks

No development shall commence on any phase of the development until details of the earth works have been submitted and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, including the relationship of proposed mounding to existing vegetation and surrounding landform and a timetable for their implementation, which in the case of the mounds on the east and western boundaries of the site shall be prior to the commencement of development of any construction activities on site.

Lighting

Prior to installation, full details of the method of illumination (light colour and luminance) of the external areas of the site, including parking courts, floodlighting and lit signage shall be submitted to and agreed in writing by the Local Planning Authority and the lighting shall be implemented wholly in accordance with the agreed scheme.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents.

Landscaping – Softworks

No development shall commence until full details of Soft Landscaping including aquatic planting 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 the Council's Design Guide, Specification (Residential and Industrial Estates Development) current edition BS4428:1989, Code of practice for General Landscape operations. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme was provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

Maintenance- Softworks

A soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. The landscape management plan shall be carried out as approved.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that was dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

Landscaping – Hardworks

The development shall not commence until the means of external finishing materials of all hard landscaped areas including roads and footpaths has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the proposed development, and to improve the appearance of the site in the interests of visual amenity.

Tree Survey

All trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The assessment should concur with the latest site plans and include for the following information:

- a) A plan to scale and level of accuracy appropriate to the proposal showing

the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm.

- b) A tree schedule as detailed in BS5837:2005
- c) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- d) Details of any ground level changes or excavations within 5m of the Root Protection Area of any tree to be retained including those on adjacent land.
- e) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.

Reason: To assess the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained

Tree Protection

No development shall commence until a scheme for the protection of trees prepared in accordance with BS5837: 2005 has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site unless directed in writing by the Local Planning Authority.

Reason: To protect the existing trees, shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

Retention of Existing Trees, Shrubs and Hedges

No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

Water Features

No development approved by this permission shall be commenced until a detailed design scheme for the proposed balancing pond (SUD) 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.

Reason: To protect the water environment, and in the interest of the visual amenities of the locality.

Surface Water Drainage

No development approved by this permission shall be commenced until a

scheme for the provision and implementation of a surface water drainage and regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

Oil Interceptor

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.

Reason: To prevent pollution of the water environment.

Land Contamination

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), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1 A preliminary risk assessment, which has identified:
 - 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 a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components required the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site may be subject to contamination. There was a need to protect local surface watercourses and the underlying Sherwood Sandstone primary aquifer

Land Contamination

If, during development, contamination not previously identified was 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 remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure the site was remediated to the appropriate standard

Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: If the site was contaminated piling may allow migration of contaminants to the underlying aquifer

Safety Audit

A Stage 1 Safety Audit should be undertaken in line with national guidance in order to inform the Highway Authority on the safe operation of the proposed development. Particular account should be taken on the proposed location of any trees to ensure adequate forward visibility at bends is maintained.

Reason: To achieve a satisfactory form of development, in the interests of highway safety and the free flow of traffic.

Bus Stops

Concurrent with the first occupation of the first building on the site, two bus stops and connecting footpath as shown on Drawing No. 3002/01G received 6th May 2008 shall be available for use. The bus stop and path shall be retained for the life of the development hereby permitted, unless with the prior written consent of the Local Planning Authority to any variation.

Reason: To facilitate the use of a sustainable mode of transport.

Cycle Parking

Concurrent with the first use of each building or phase of development hereby approved, the cycle parking agreed in relation to that building or phase of development shall be available for use. The cycle parking shall thereafter be retained for the life of the relevant building or phase development unless with the prior written agreement of the Local Planning Authority to any variation.

Reason: To facilitate the use of a sustainable mode of transport

Measures to prevent dirt mud debris on the highway

Measures shall be taken to prevent any mud, dirt and debris being carried on to the adjoining highway as a result of site construction works. Details of the preventative measures shall be submitted to and agreed in writing by the Local Planning Authority before any phase of the development commences. The facilities so provided shall be maintained whenever the approved construction activities are carried out.

Reason: In the interests of highway safety

Airborne Dust

No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interests of the amenities of the area.

Paint Spraying

No paint spraying equipment shall be used unless in a properly constructed part of any building to which suitable filtration equipment has been fitted to the satisfaction of the Local Planning Authority.

Reason: In the interests of the local amenity.

Waste Oil

No sump oil, gearbox oil, hydraulic fluids and battery acids shall be drained from any vehicle unless in a bonded impervious area which is drained to an interceptor constructed to retain all such fluids until removed by a licensed waste transport carrier.

Reason: To protect the water environment

Use of Solvents

No engine cleaning using solvents shall take place unless where an extraction system is in place in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed scheme shall be retained thereafter for the life of the use to which the extraction system is required.

Reason: In the interests of local amenity

Noise Protection

Before any plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be maintained thereafter to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background noise levels as agreed without the agreement in writing of the Local Planning Authority.

Reason: To prevent noise pollution in the interests of aural amenity.

Construction Logistics

Prior to commencement of any phase of the development, a scheme detailing the area to be used for on-site staff accommodation, storage of plant and materials, parking and manoeuvring of site operatives and visitor vehicles, together with the unloading and loading of goods vehicles for the period of construction of any phase of development shall be submitted to for consideration and agreement of the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and available for use concurrent with the commencement of development.

Reason: In the interests of highway safety

No outside storage

No goods, refuse, plant machinery or packing materials shall be stored outside the confines of the building(s) other than in a screened area, the location and details of which shall be submitted and agreed in writing by the Local Planning Authority before the screening has been erected.

Reason: To preserve the visual amenities of the area.

Renewable Energy

No development shall take place until the Local Planning Authority has approved a report provided by the developer of each phase of the development identifying how the predicted CO2 emissions for the development will be reduced by 10% through use of on site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L of the Building Regulations. Before the development is occupied, the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day-to-day operation will provide energy for the development for the life of the development.

Reason: In the interests of facilitating sustainable development.

Highway works conditions

Other conditions relating to highway works, means of access, access general, preserving sightlines, parking, public right of way, refuse management, footpath and travel plan provision and any other matters arising to be finalised for an Update Report.

The planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act dated X October 2008.

Planning permission did not absolve the applicant from complying with the relevant law; including obtaining and complying with the terms and conditions of any licences the developer may need to obtain from Natural England prior to commencement of development.

The Environment Agency recommended that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- Refer to our website at www.environment-agency.gov.uk for more information.
- It is recommended that the requirements of PPS23 should also be followed.
- The principles outlined in the flood risk assessment ref 07164/FRA dated June 2007 are generally acceptable, but because of the high risk of flooding

elsewhere in the catchment surface water run-off should be attenuated to the 1:1 year greenfield rate. Also, the existing greenfield discharge route should be confirmed.

Heads of Terms

As drafted:

“The Owner covenants with the Council to pay the following Contributions prior to commencement of the Development:

- a) To the Council the sum of £12,000.00 in respect of low floor bus stops and shelters on Urlay Nook Road.
This Contribution is to facilitate access to the Development by public transport, enable convenient use of public transport and encourage more sustainable travel to and from the Application Site, in accordance with the Council’s Local Plan and LTP2.
- b) To the Council the sum of £5,000.00 in respect of implementing TRO’s [Traffic Regulation Orders] for various weight restrictions.
This Contribution is towards the implementation of TROs to introduce weighting restrictions on local roads, as proposed by SBC, to ensure HGVs use major routes, alleviating congestion and unsuitable use of local roads, in conjunction with the opening of the proposed Long Newton Interchange.
- c) To the Council the sum of £1,100.00 in respect of signing and lining traffic calming scheme at the A67/Urlay Nook Road Priority Junction.
This Contribution is to implement the proposed scheme as shown on Drawing 07164/03 Rev A and approved by SBC, to warn drivers of the need to reduce speed on the approach to the A67/Urlay Nook Road priority junction (part of a route to/from the development).
- d) To Darlington Borough Council the sum of £20,000.00 in respect of a contribution towards the A67 improvement works.
This Contribution is towards highway improvement works on the A67, in accordance with TTHC drawing no: M05016-A-033 Rev A and M05016-A-034 Rev A, approved by DBC.
- e) To the Council the sum of £1,510.00 in respect of a contribution towards the A67 improvement works.
This Contribution is towards resurfacing works in conjunction with those referred to in d) above in so far as they relate to that part of the A67 which is within the boundary of the Council.

4.2 The Owner covenants with the Council to enter into an agreement pursuant to section 278 of the Highways Act 1980 in the form, or substantially in the form, of the agreement annexed to this Deed as Appendix 4 prior to Commencement of the Development in order to commit to pay to the Council the costs of the Highway Works

4.3 The Owner covenants with the Council not to occupy or permit to be occupied any part of the Development until the Highway Works are completed ”

P 07/3441/FUL
88/08 The Rookery, South View, Eaglescliffe
Demolition of The Rookery and construction of 13 no. apartments in two blocks as detailed in planning approval 06/3591/FUL.

Consideration was given to a report regarding an application which sought permission to provide 13 apartments within two separate blocks which would involve the demolition of the existing property. The application was deferred at the Planning Committee meeting held on 24th September 2008 in order that clarification be obtained as to whether or not a contribution towards nearby open space provision was required or not. This had taken place and was put back to members for determination.

The application site was within an area of land known as 'The Hole of Paradise' and bounded on three sides by Urray Nook Road (A67), Yarm Road (A135) and South View and formed part of the Egglecliffe Conservation Area. The Rookery occupied the northern and central area of the 'Hole of Paradise' and had a previously extended 1930's built dwelling house upon it. The redevelopment of the building would result in a more prominent main building than at present but would be the same size and design to the previous scheme which gained approval for extension and conversion of the host property

Members were made aware of the requirement of section 72 of the Listed Buildings and Conservation Area Act 1990, which required that special attention should be given when exercising planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area when determining applications in respect of buildings within a conservation area.

Members were informed that although the proposed development would result in the loss of the historic fabric of the building, the proposed replacement structure would be identical to that already approved.

Members discussed whether there was enough evidence to determine whether there was a possibility of saving the original structure. A motion was proposed and seconded to defer the application and request the applicant to provide a further full technical appraisal of the existing condition of the foundations, the underpinning of the entire existing foundations and a financial report identifying the difference in cost of underpinning compared to the proposal in order to address the criteria in Policy EN25 that the structure is beyond economic repair.

RESOLVED that planning application 07/3441/FUL be deferred for the applicant to provide a full technical appraisal of the existing condition of the foundations, the underpinning of the entire existing foundations and a financial report identifying the difference in cost of underpinning compared to the proposal.

P 08/2584/LA
89/08 Riverside/Bridge Road/Church Yard Link Road,
Realignment of Riverside Road at the junction with Churchyard Link Road/Bridge Road through existing commercial premises (Glynn Webb building)

Consideration was given to a report which sought planning permission for the realignment of Riverside Road to straighten out the link onto the 1825 Way and the signalisation of the junction with Bridge Road and a second signal controlled junction at the Parkfield Road junction. The scheme was intended to provide an improved link for public transport by reducing delay particularly in the peak hour period.

The proposal formed part of the proposed Tees Valley Bus Network Improvements which would play a key role in the Council's Long-Term Transport Strategy as set out in the Stockton on Tees Local Transport Plan and was considered to be in line with general planning policies set out in the Development Plan and is recommended for approval with conditions.

Members considered that the proposed development was acceptable in terms of highway safety and would not have a detrimental impact on the character of the area and was in accordance with policy GP1 of the adopted Local Plan.

RESOLVED that planning application 08/2584/LA be approved subject to the following conditions:-

01 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
TS/D2/70/2/3	13 August 2008
TS/D2/70/2/4	13 August 2008
TS/D2/70/2/5	13 August 2008
TS/D2/70/2/3A	28 August 2008

Reason: To define the consent.

02. No development shall take place within the area indicated until the applicant, or their agents or successors in title, had 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.

Reason: The site is of archaeological interest.

03. Notwithstanding the proposals detailed in the submitted plans the development shall not commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This would include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total

development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme was provided in the interests of visual amenity which contributes positively to local character of the area.

04. Notwithstanding the proposals detailed in the submitted plans no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

05. Notwithstanding the proposals detailed in the submitted plans all means of enclosure including any requirement for earthwork retention 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, retention and street furniture as agreed shall be erected before the development hereby approved was brought into use.

Reason: In the interests of the visual amenities of the locality.

06. 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 would 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

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme was provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

07. Notwithstanding the proposals detailed in the submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

a) development

b) or approved phases.

Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

08. No development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system had been approved by the Local Planning Authority to confirm that there would be no increase in surface water run-off to the River Tees. The scheme shall be implemented before the construction of impermeable surfaces unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**P
90/08**

07/2319/ARC

**Bishopsgarth Cottages, Darlington Back Lane, Stockton-on-Tees
Application under section 73 to amend condition no.2 (approved plans) of
planning approval 06/0461/REV**

Members gave consideration to a report regarding an application that sought retrospective planning permission to amend the approved plans for application reference 06/0461/REV in order to regularise unauthorised changes made to the development as constructed.

Several planning approvals had established provision for two dwellings and associated works at the site. The initial approval attempted to restrict the overall scale and design of the development in order to control its impact in the landscape in view of it being on the urban fringe and outside of the defined limits of development.

Development had been undertaken on site which was not in accordance with the previously approved plans resulting in an unlawful development. This application had been submitted in order to regularise the development undertaken on site. The earlier approvals for the site were a material consideration in determining this application and as such, considerations in respect to this application generally related to the additional impact of the changes above and beyond the impacts of the approved scheme, although the nature of the former development on the site had also been taken into account.

The initial plans submitted with this application and associated documentation were found to be inaccurate during the course of considering the application which was therefore made invalid albeit having been placed before committee

on two separate occasions. The application details were considered to be accurate and adequate information received to make the application valid.

Four letters of objection had been received from local residents, mainly objecting to the impact on privacy and amenity and the numerous changes being made from the initial scheme. Four letters of objection had been received from Ward Councillors. Councillor objections were based on the level of changes to the previously approved details and the resultant impact of these changes on the appearance of the site and its impact on the character of the surrounding area.

Revised plans showed a reduction in the scale of the buildings as constructed on site mainly as a result of the reduction in height and footprint of the garage blocks. Further amendments had been made since the consideration of the application at committee on the 3rd September 2008. Additional amendments to the previous submissions included a revised door and opening details to the front and side elevation of dwelling 1 and to the rear and side elevation of dwelling 2 to be more reflective of the approved scheme.

It was considered that the plans submitted would result in a reduction in the scale of the garage blocks, effectively to that of the previously approved scheme whilst proposing a reduction in the roof height of part of dwelling 1 in order to retain effective breaks within the building form.

Members received an update report regarding additional correspondence that had been received from the ward councillor, Cllr Mrs Fletcher. Cllr Mrs Fletcher was in attendance and raised her concerns that the approved arched window for dwelling 2 had been changed to a square opening. She also discussed the boundary treatment facing the highway.

Members considered that the remaining changes from the previously approved scheme were in the main relatively minor and were considered to not significantly unduly alter the character or appearance of the surrounding area and as such were considered to accord with Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan. However, members requested an additional condition for dwelling 2, to ensure that the detail of arched brickwork above the window in the side elevation to be built as originally approval.

RESOLVED that planning application 07/2319/ARC be Approved subject to the inclusion of the additional condition outlined above and the following conditions

01 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
0567/LP	1 August 2007
0567/01 F	1 August 2008
0567/02 G	1 August 2008
0567/03 F	16th September 2008
0567/04 G	16th September 2008
0567/05 H	16th September 2008
0567/06 G	16th September 2008

0567/07 G 16th September 2008

0567/EF1 3 March 2008

0567/EF2 3 March 2008

Reason: To define the consent.

02. The development hereby approved shall be implemented and completed in accordance with the approved plans within six months from the date of this consent unless the prior written consent of the Local Planning Authority has been obtained.

Reason: To ensure that the unauthorised work was rectified within a reasonable time scale in the interests of the character and appearance of the area

03. Notwithstanding details hereby approved, a detailed scheme for soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include but not be restricted to landscaping works forming the northern, southern and western boundaries of the site. The scheme shall specify types, species and layout of planting and shall include provision for a hedgerow of native species to be provided on the southern site boundary. The works shall be carried out in the first planting and seeding season following the substantial completion of the dwellings 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 size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity and in accordance with Policies GP1, H03 and H011 of the Stockton on Tees Local Plan.

04. 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 and shall be provided on site in accordance with the approved details prior to the development hereby approved being brought into use.

Reason: To achieve a satisfactory form of development.

05. During construction of the scheme hereby approved there shall be no operation of plant 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.

Reason: To ensure construction works were undertaken in a manner which does not unduly prejudice the amenity of nearby properties.

06. Notwithstanding details hereby approved, all means of enclosure associated with the development hereby approved shall be in accordance with a scheme of such to be first submitted to and agreed in writing with the Local Planning Authority. Such means of enclosure as agreed shall be erected before the development hereby approved was occupied.

Reason: In the interests of the visual amenities of the locality in accordance with the requirements of Policies GP1, H03 and H011 of the Stockton on Tees

Local Plan.

07. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (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.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission was based.

08. Notwithstanding details hereby approved the precise position of the front boundary defining the position of the residential curtilage shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the development hereby approved. The agreed boundary position shall be retained in perpetuity as the residential curtilage boundary for the site.

Reason: In order to retain the positive and open appearance of the road corridor and prevent undue encroachment of the site towards the highway, in accordance with the requirements of Policies GP1 and H011 of the Stockton on Tees Local Plan.

P **08/2566/VARY**
91/08 **Land To the Rear of 83-85 High Street, Norton, Stockton-on-Tees**
Application to vary condition nos. 2, 3, 4, 5, 6, 7 and 8 of planning approval
06/1348/FUL for the erection of 8 no. apartments to allow variation of
design including reduction in height, revised elevational treatment and
parking layout.

Consideration was given to an application that sought to vary the consent and conditions granted by the planning inspectorate on appeal.

The application site was situated to the rear of 83-85 High Street, Norton. At present the site was predominately laid to hardstanding. On the southern and western boundaries of the site was a raised area, enclosed by a large brick wall, this area did contain some trees and shrubs although at the time of the site visit, it had a neglected appearance.

The application site had been subject to several applications in recent years. The most recent application (06/1348/FUL) was refused by the Local Authority. The applicants subsequently lodged an appeal which was upheld.

The applicants had decided to change the design on the proposal and had submitted further information in order to discharge some of the conditions. Whilst the principle of development was considered to be acceptable, there were still some outstanding issues that needed to be addressed. On this basis, the application was recommended to be delegated to the Head of Planning for approval.

Members were presented with an update report which stated an amended site plan had been received to address the Engineers concerns over the car parking layout. This had been passed to Urban Design Unit for consideration however no comments had been received by the time of the meeting.

Local residents were in attendance and outlined their objections to the application, which were regarding parking and traffic congestion.

Members did not consider that they had the necessary information to make a decision on the application and therefore requested that the item be deferred to ensure that the report included precise details of variations sought and appendices to include details of approved scheme and varied scheme for comparison.

RESOLVED that planning application 08/2566/VARY be deferred for the report to include precise details of variations sought and appendices to include details of approved scheme and varied scheme.

P 08/2129/FUL
92/08 15 - 19 Yarm Lane, Stockton-on-Tees,
Erection of building for use as student accommodation (125 bedrooms)
with 2 no. retail units on ground floor

Consideration was given to a report which sought planning permission for a development of 2 retail units and 125 units of student accommodation and ancillary development within the defined Town Centre Boundary. The development would require the demolition of the existing building on site.

A total of 9 letters of support had been received in respect to the development, based on the proposal improving the vitality and viability of the town centre and it being a beneficial regeneration of this area which may encourage further redevelopment and regeneration elsewhere within the area. Durham University had advised that there was no need for further student accommodation as demand had been met.

The Head of Technical Services had objected to the proposed development on grounds of lack of parking and potential impacts on the surrounding highway network. The Urban Design Team advised that the building was out of scale with its surroundings and the streetscape context.

The proposed development provided no parking and there had been no information submitted which adequately demonstrated that the lack of parking would not have a detrimental impact on the surrounding highway network, thereby being contrary to Policy GP1 and SPD 3 of the Stockton on Tees Local Plan.

Members considered that the proposal accorded with the appropriate uses for sites within the defined Town Centre area and as such the principle was accepted. However, the proposed development was considered to be an over development of the site in view of the character and appearance of its immediate surroundings and the street scene of Yarm Lane in general. The

proposed development was of a modern and contrasting design with the surrounding properties which, although considered to have a contemporary and positive feel, this associated with the significantly contrasting height and mass of the proposed building, was considered to result in a discordant and overly dominant feature within the street, contrary to Policies GP1, S1, S3, S6 and S16 of the Stockton on Tees Local Plan, and being detrimental to the character of the Conservation Area, thereby being contrary to Policy EN24 of the Stockton on Tees Local Plan.

Although the proposal included relatively traditionally designed shop frontages, which would benefit the street scene, Members considered that the scale, mass and design of the remainder of the building would have a significant detrimental impact on the character of the Conservation Area as it would effectively redefine the dominating character of the street scene which was currently that of two and three storey traditionally scaled and proportioned buildings. The proposal would therefore be contrary to Policy EN24 of the Stockton on Tees Local Plan.

Members noted that the proposed development provided no parking and there had been no information submitted which adequately demonstrates that the lack of parking would not have a detrimental impact on the surrounding highway network, thereby being contrary to Policy GP1 and SPD 3 of the Stockton on Tees Local Plan.

A member of the public was in attendance at the meeting and spoke in of support to the application.

RESOLVED that planning application 08/2129/FUL be Refused for the following reasons;

01. The proposed development was considered to be of a scale and mass which was out of keeping with the existing character of this section of Yarm Lane, thereby being contrary to the guidance of Policies GP1, EN24, S1, S3 and S16 of the Stockton on Tees Local Plan. In addition, it is considered that the contrasting design would further unbalance and detrimentally affect the character of the street scene and conservation area as a result of its dominance created throughout the unacceptable scale and massing of the building.

02. In the opinion of the Local Planning Authority without adequate demonstration that the scheme can operate without any parking provision, and in view of the scale and nature of the proposed provision, it was considered that the proposed development would unduly affect the free movement of traffic within the highway, being detrimental to highway safety, contrary to Policy GP1, S3 and S16 of the Stockton on Tees Local Plan and SPD.3 Parking provision for new developments.

P 08/2263/COU
93/08 Wynyard Hall, The Avenue, Wynyard
Change of use to a hotel with associated restaurant and continuation of existing approved use for banqueting and events

Consideration was given to a report regarding an application that sought permission for change of use to hotel with associated restaurant and

continuation of the existing approved use for banqueting and events at Wynyard hall.

The application involved the creation of an additional 7 letting bedrooms, creating 15 en-suite bedrooms in total at first floor level.

All works were internal and the application was considered to create a sustainable and long-term hotel use for the important grade II* listed building. The proposals for change of use would create a hotel development which would involve the sustainable use of a grade II* listed building and the application complied with policy and highway considerations.

Members therefore considered the application acceptable, with condition noted in the report.

RESOLVED that planning application 08/2263/COU be Approved subject to the following conditions:-

01 The development hereby approved 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	31 July 2008
WH1	10 July 2008
WH2	10 July 2008
WH3	10 July 2008
WH4	10 July 2008
WH5	10 July 2008

Reason: To define the consent.

02 The hotel use hereby approved should relate solely to the rooms identified on the submitted approved plans for hotel use and existing reception and service rooms.

Reason-To clarify the consent hereby approved.

P 08/2480/LBC
94/08 Wynyard Hall, The Avenue, Wynyard
Listed Building consent for internal alterations to change the use to a hotel with associated restaurant and continuation of existing approved use for banqueting events.

Consideration was given to an application that sought listed building consent for internal alterations to 7 rooms within Wynyard Hall. The works involved the insertion of 7 bathroom units in the style of wardrobes, into rooms that would be used as en-suite bedroom accommodation for the Hotel.

English heritage had no objection to the proposed works and the works were considered acceptable in terms of the impact on the character of the Listed Hall.

Members considered the application was acceptable in that it would not adversely impact on the character and appearance of the listed building. As the application involved an application for Listed Building Consent for works to a grade II* Listed Building the application would be referred to Government Office for approval following the committees recommendation.

RESOLVED that the committee were minded to approve planning application 08/2480/LBC subject to the following conditions

01 The development hereby approved should 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	31 July 2008
WH1	31 July 2008
WH2	31 July 2008
WH4	31 July 2008
WH5	31 July 2008
WH3	31 July 2008

Reason: To define the consent.

02. The bathroom units to be created would be detailed, painted and finished to match with the host rooms to the written satisfaction of the local planning authority.

Reason- In the interest of the character of the listed building

03. All works of making good to the retained fabric, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

REASON: In order to safeguard the special architectural or historic interest of the building.

P
95/08 **08/2582/VARY**
48 Durham Road, Stockton-on-Tees
Application to vary planning approval 06/1138/FUL to allow opening hours of ground floor retail unit to change from 06.00 until 21.30 to 08.00 until 22.00 (Monday to Sunday)

Consideration was given to a report regarding an application that sought to vary to condition no. 12 of application 06/1138/FUL to allow the unit identified as A to change its opening hours from 06.00 until 21.30 to 08.00 until 22.00 (Monday to Sunday for this unit only.

The application site was on the site of the former Durham Road petrol filling station. The site had recently been redeveloped and comprised of three commercial units on the ground floor. The application site was located to the western unit of the building.

The applicant had confirmed that the opening hours of the other uses would remain the same.

Members received an updated report which stated that a further response had been received from the Community Safety Team regarding the local residents concerns of Anti-Social Behaviour in the area. The team stated that they did not have any records or evidence of complaints or anti-social behaviour problems in the area.

Members considered the information provided, the previous appeal decision, planning history and statutory consultees' comments, and considered that on balance the reduction of opening hours in the early morning and the half hour extension late in the evening was unlikely to cause any significant impacts on the amenity of the neighbouring occupiers or highway safety. The proposal was therefore on balance considered to accord with policy GP1 of the Local Plan, and approved subject to the conditions as set out in the report.

RESOLVED that planning application 08/2582/VARY be Approved with subject to the following conditions:-

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

02
Plan Reference Number Date on Plan
SBC0001 1 September 2008

Reason: To define the consent.

02. The retail premises (Use class A1) hereby permitted at No. 48 Durham Road shall not be open for business outside of the following times of 0800 hrs to 2200 hrs.

Reason: To protect the amenity of the nearby residential properties.

P 08/1499/FUL
96/08 7 Stapleton Street, Norton, Stockton-on-Tees
Conversion of existing dwelling into 3 no. dwellings including raising of roof, erection of 2 no. dormer windows to front and velux windows to rear

Consideration was given to a report regarding an application that sought planning permission for the sub-division of an existing house to form three houses in total. The application site was a residential property set within a large garden which was an in-filled quarry within the settlement of Norton. The existing large house was surrounded by residential roads but had vehicular access to Stapleton Street and Mark Avenue which were on either side of the house and garden.

The gardens would be sub-divided between the houses. The roof ridge level of

the existing house would be raised by 2m and alterations carried out to the fenestration and door openings. Two dormers would be added to the Stapleton Street elevation and additional roof light windows inserted to the Mark Avenue elevation. Superceding plans were submitted to show amended driveway, car parking and garaging arrangements for two of the units and the number of bedrooms reduced.

The planning application had been publicised and representations from ten objectors had been received.

The main planning considerations were the principle of the development, the impact on the character and appearance of the area, the impact on residential amenity and privacy, highway safety and other material planning considerations.

Members considered that the proposals were acceptable in principle and would not be an over-development of the site. The proposal was the creation of residential development in a residential area with minimal impacts on the character and appearance of the area. The proposed development would not have a significant adverse impact on privacy and amenity and highway safety. Members considered the development to be acceptable and to accord with policies GP1, HO3, HO11 and HO12 of the adopted Stockton on Tees Local Plan.

RESOLVED that planning application 08/1499/FUL be Approved subject to the following conditions

01 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	1 July 2008
2008 06 03 01	8 August 2008
2008 6 03 02 REV A	8 August 2008
2008 06 03 03 REV A	8 August 2008

Reason: To define the consent.

02 Before the individual units No's 1 and 2 are occupied as independent dwellings the access driveway, car parking and garaging arrangements as approved shall be formed as shown on the approved plans thereafter retained for such and no other uses.

Reason: In the interests of highway safety.

03 The external materials for the hereby approved extension shall match those of the existing dwelling unless otherwise agreed in writing with the local planning authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity.

04 Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), once the hereby approved conversion scheme to 3 residential units and alterations to the building had been implemented the building shall not be extended or altered in any way without the prior written approval of the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of visual and residential amenity of the area.

05 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.

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

P 08/2323/FUL
97/08 27 Clifton Avenue, Eaglescliffe, Stockton-on-Tees
First floor extension to side, single storey extension to rear and porch to front

Consideration was given to an application that sought approval for the erection of a first floor extension above an existing attached garage to provide an additional bedroom and an extension to an existing bedroom. The application also included the erection of a single storey rear extension and a porch to the front.

The applicant was an employee of Stockton Borough council; therefore the application could not be dealt with under delegated powers.

Members did not consider that the proposed extension would have a detrimental impact upon the amenity of neighbouring properties or upon the character of the surrounding area. Furthermore members did not consider that the proposal would result in any significant implications for highway safety. Members therefore considered the application to be acceptable as it accorded with policy GP1 and HO12 of the adopted Stockton on Tees Local Plan.

RESOLVED that planning application 08/2323/FUL be approved subject to the following conditions:-

01 The development hereby approved 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	6 August 2008
SBC0002	21 July 2008
SBC0003	21 July 2008
SBC0007	21 July 2008
SBC0008	21 July 2008

Reason: To define the consent.

02. The external finishing materials should match with those of the existing building

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

P 08/2706/FUL
98/08 Plot 53, Riverside View, Ingleby Barwick
New build of a 5 bedroom detached residential property with detached double garage.

Consideration was given a report regarding application which sought permission for the erection of a detached dwelling with detached double garage. The application site was Plot 53, Riverside View. It was a building plot located within a self-build development in Ingleby Barwick.

The site was located within the centre of the development area, where the plots were under various stages of construction, with some dwellings under construction and others completed.

The planning application had been publicised by means of individual letters and no objections had been received from the owners of neighbouring plots or properties. The application was to be determined by the Planning Committee as the applicant was employed by the Council. The main planning considerations related to the visual impact upon the street scene and any impacts upon the privacy and amenity of the occupants of neighbouring properties and highway safety.

Members considered that overall the proposed development would not have a significant detrimental impact on the amenities of the area and was in accordance with policies GP1 and HO12 of the Stockton on Tees Local Plan. Members therefore approved the application with conditions.

RESOLVED that planning application 08/2706/FUL be approved subject to the following conditions

01 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	28 August 2008
014/08/01	28 August 2008
SBC0002	28 August 2008

Reason: To define the consent.

02. 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.

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. Notwithstanding the submitted details, all means of boundary enclosure shall be submitted to and approved in writing by the Local Planning. The approved boundary treatments shall be erected prior to the development, hereby approved, being occupied and shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development

04. The garage to which the permission relates shall be used for the parking of private motor vehicles, incidental to the enjoyment of the occupants of the dwellinghouse, and no other purpose.

Reason: To ensure that the adjoining residential properties are not adversely affected by the development.

05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels and finished floor levels. Thereafter the development shall be completed in accordance with the approved details.

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future residents.

06. No development shall commence on site until full details of hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure a satisfactory form of development.

P
99/08 **STOCKTON-ON-TEES LOCAL PLAN ALTERATION NUMBER ONE:
EXTENSION OF SAVED POLICIES**

Members were presented with a report regarding the Stockton-on-Tees Local Plan Alteration Number One saved policies exercise. The Stockton-on-Tees Local Plan Alteration Number One was adopted in March 2006. By virtue of the Planning and Compulsory Act 2004 policies under the Local Plan system were saved for three years pending the adoption of replacement policy document through the Local Development Framework. Therefore the Alteration Number One policies were due to expire in March 2009.

Members were informed that to retain the policies beyond this three year period, the Secretary of State must agree to issue a direction to this effect, and to do this the authority needed to write to Government Office for the North East six

months before the expiration of the three year period.

In June 2008 the Government published the new Planning Policy Statement 12. Section 9 set out the criteria which policies should comply with in order to be saved:

- “where appropriate, there is a clear central strategy;
- policies have regard to any sustainable community strategy for the area;
- policies are in general conformity with the regional spatial strategy or spatial development strategy;
- policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
- there are effective policies for any parts of the authority’s area where significant change in the use of development of land or conservation of the area is envisaged; and
- policies are necessary and do not repeat national or regional policy.

The Government would have particular regard to:

- policies that support the delivery of housing, including unimplemented site allocations, up-to-date affordable housing policies and policies relating to the infrastructure necessary to support housing;
- policies on Green Belt general extent in structure plans and detailed boundaries in local plans or unitary development plans;
- policies that support economic development and regeneration, including policies for retailing and town centres;
- policies for waste management, including unimplemented site allocations; and
- policies that promote renewable energy, reduce impact on climate change or safeguard water resources.”

The policies in the Alteration Number One had been assessed against these criteria and the proposed schedule of policies to be saved and deleted with written justification had been produced

The policies in Alteration Number One were divided into two chapters; one on the environment, which was concerned with flooding policies and the other on the economy, which dealt with retailing policies.

It was considered that the environment policies EN32a, EN32b and EN32c were unnecessary as they repeated Government policy and therefore they were recommended for deletion. Policies S3, S12, S19, S20 and S21 in the retail chapter were also recommended for deletion because they were considered to be no longer necessary. However, the rest of the policies in this chapter; S1, S2, S4, S5, S6, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17 and S18 were recommended to be saved because they were in conformity with national and regional policy and adapt it to the locally specific circumstances of the Stockton Borough. It was considered important to save these policies to avoid a local retailing policy vacuum pending their replacement by the Local Development Framework.

A provisional schedule had been submitted to Government Office for the North East in order to comply with the regulations in PPS12.

It was anticipated that the final Schedule would be referred to Cabinet on 6

November 2008 for endorsement by Members to submit the schedule to the Secretary of State.

RESOLVED that:-

- i) The recommendations of the report that Stockton-on-Tees Local Plan Alteration Number One policies EN32a, EN32b, EN32c, S3, S12, S19, S20 and S21 were deleted be endorsed;
- ii) The recommendations of the report that Stockton-on-Tees Local Plan Alteration Number One policies S1, S2, S4, S5, S6, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17 and S18 were saved be endorsed;
- iii) Authority to negotiate with Government Office for the North East about the schedule of saved and deleted policies prior to submission to the Secretary of State be delegated to officers.

P 100/08 LOCAL DEVELOPMENT FRAMEWORK: PROPOSED POLICY ON STUDENT ACCOMMODATION

A proposed policy on student accommodation was presented to members. At present Stockton-on-Tees Borough Council did not have any planning policies to guide officers when dealing with planning applications for student accommodation. Therefore the purpose of the report was to gather evidence on student accommodation and to set out an action plan for guiding planning officers on how to deal with applications for student accommodation and give clear guidance for prospective developers through statutory planning policy in the future.

The following policy was recommended for inclusion in the Core Strategy Development Plan Document in Core Strategy Policy 8 Housing Mix and Affordable Housing Provision:

“Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development; are compatible with wider regeneration objectives; and are conveniently located for access to the University and local facilities.”

The policy was not prescriptive and if developers could prove there was a need for more student accommodation then subject to other planning considerations there was no reason why student accommodation applications should be refused. This would enable up to date information about student numbers and the supply situation to be taken into account when considering individual applications in the future.

Members were informed that the North Shore development was considered to be the preferred location for further purpose built accommodation for students as it would be well integrated with the future development of University of Durham Queens Campus and also with the existing site via a foot bridge. It was a mixed use site which was of strategic importance to the Borough. This site was recommended to be identified for student accommodation in the Regeneration Development Plan document as the University already had outline planning permission.

Additional to the identification of North Shore, the number of applications for

student accommodation would be monitored closely and if it was still considered to be an issue then a more detailed criteria based policy may be included in the Regeneration Development Plan Document.

Cllr Beall noted a policy on student accommodation should require that new developments were not just conveniently located for student need, but also for the needs of the wider community. It was agreed that the wording of the policy could be amended to ensure that this was fully understood by those using and applying it.

Members discussed the timescales for implication of the policy. Officers informed Members that the Core Strategy would go to public consultation in October 2008 for an eight week period, and the student accommodation report would be part of the supporting document submitted with the Core Strategy to the Secretary of State in February 2009. It was anticipated that the strategy would be adopted in October 2009.

RESOLVED that the information be noted.

P **Local Development Framework Steering Group Minutes**
101/08

members considered the minutes of the Local Development Framework (LDF) Steering Group.

RESOLVED that the minutes of the LDF Steering Group be noted.

P **1. Appeal - Yarm Homes Limited - 690 Yarm Road Eaglescliffe -**
102/08 **07/1698/FUL - DISMISSED**
2. Appeal - David Sunley - Longfield Service Station Darlington Back Lane
Stockton - 07/0488/REV - DISMISSED

Members were presented the appeals for Yarm Homes Limited - 690 Yarm Road Eaglescliffe - 07/1698/FUL and David Siunley - Longfield Service Station Darlington Back Lane Stockton - 07/0488/REV

RESOLVED that the appeals be noted.