

Planning Committee

A meeting of the Planning Committee was held on Wednesday 5th October 2005.

Present: (Site Visits) Councillor Cains (Chairman) Councillors Cherrett, Faulks, Perry and Womphrey.

Officers: B Jackson, Mrs J Salisbury (DNS).

Apologies for absence were submitted on behalf of Mrs Beaumont, Brown, Coombs, Kirton, Leonard, Patterson, Mrs Rigg, Rix, Smith, Stoker and Walmsley.

Present: (Meeting) Councillor Cains (Chairman), Councillors Brown, Cherrett, Coombs, Faulks, Leonard, Perry, Mrs Rigg, Smith, Womphrey and Woodhead (vice Councillor Mrs Beaumont).

Officers: N Cole, Mrs J Elliott, F Farooqui, Mrs K Gillespie, B Jackson, D Lynch, R McGuckin, Miss J O'Donnell, S Pilkington, J Salisbury, P Whaley (DNS); Miss J Butcher, Mrs T Harrison (LD).

Apologies for absence were submitted on behalf of Councillors Mrs Beaumont, Kirton, Patterson, Rix, Stoker and Walmsley.

Declaration of Interest

Councillor Perry declared a personal/ prejudicial interest in relation to Agenda Item No 4 – Revised outline application for residential development of 3 no three storey blocks of six apartments and 12 no detached dwelling houses and associated means of access – Belasis Avenue/Chiltons Avenue, Billingham (05/0624/REV) due to being a member of Billingham Tennis Club.

Councillor Smith declared a personal/non-prejudicial interest in relation to Agenda Item No 4 – Revised outline application for residential development of 3 no three

storey blocks of six apartments and 12 no detached dwelling houses and associated means of access – Belasis Avenue/Chiltons Avenue, Billingham (05/0624/REV) due to working for a contractor Avecia.

Councillor Mrs Rigg declared a personal/non-prejudicial interest in relation to Agenda Item No 6 – Erection of 42 no sheltered apartments for sale to the elderly, resident house manager's accommodation, 20 no car parking spaces and associated landscaping – The Bungalow and Glenrea, The Avenue, Eaglescliffe (05/1194/FUL) due to being a member of Eaglescliffe Parish Council but did not express a final opinion at EPC meetings.

Erection of 42 no Sheltered Apartments For Sale to the Elderly, Resident House Manager's Accommodation, 20 no Car Parking Spaces and Associated Landscaping – The Bungalow and Glenrea, The Avenue, Eaglescliffe (05/1194/FUL)

Members were reminded that the application had been considered at Committee on 24th August 2005. The comments of the Head of Engineering and Transportation had been withdrawn and the item was deferred to enable the Head of Engineering and Transportation to provide comments for consideration before the application could be properly determined.

Members were advised to take the opportunity of making the applicant aware of any concerns or issues related to the proposal that they wished to see addressed. Issues raised included reducing the mass and bulk of the building adjacent to rear and side boundaries by replacing with a single storey element where residential properties were adjacent. Consideration was also requested to move the whole building closer

to The Avenue. The applicant had considered these requests but had confirmed that they wished the application to be considered as submitted.

Planning permission was sought for the erection of 42 no. sheltered apartments on land currently occupied by two residential dwellings comprising one bungalow (The Bungalow) and one two storey detached house (Glenrea), on The Avenue, Eaglescliffe. The proposal would require the demolition of the existing properties.

The proposal comprised 30 no. 1-bed and 12 no 2-bed sheltered apartments for sale to the elderly. While anyone could purchase an apartment, they were sold on the basis of a 125 year lease requiring the accommodation to be occupied by persons over 60 years and in the case of a couple where one of the occupants was over the age of 60 years and the other was over the age of 55 years.

The application had given rise to a significant degree of objections from local residents and the parish councils. The objections could be summarised as followed: access and highway safety matters; inadequate on-site parking provision; impact on appearance and character of the surrounding area; impact on residential amenity; impact on archaeological remains and impact on trees and ecology.

It is considered that the scale, massing and design of the development were considered appropriate for the site and the application was considered to be in line with advice given in Planning Policy Guidance Note 3: Housing (PPG3). The proposed access and parking arrangements had been considered by the Head of Engineering and Transportation and raised no objection subject to a condition on the provision of a suitably constructed footpath. The ecological and archaeological issues had been adequately addressed and they had received no objections from Tees Archaeology to the direct physical impact but requested a full archaeological

condition to ensure preservation by record. The Environment Agency had no objections, in principle, to the proposed development but recommended that if planning permission was granted a drainage condition be imposed.

81 letters of objections and one letter of support had been received.

The Ward Councillor submitted written comments, which were detailed in the report advising that whilst it was a pity to demolish two apparently serviceable dwellings, as they were not of historical interest or above average architectural merit, there was doubt whether this would be a planning consideration. It seemed that the following were the main issues:

- Would the development fit in the character of The Avenue, which was currently private dwellings with a private school at the end;
- What would be the effect on traffic along The Avenue and Yarm Road/Station Road junction.

No doubt Stockton Borough Council's Engineers would advise whether the proposed development was suitable for vehicular access on to an adopted road in its current state. The complication was the possible redevelopment of Copsewood. The Ward Councillor could not conceive of The Avenue in its present state taking the existing traffic plus additional traffic, which would be generated from the application plus a number of extra units of house in Copsewood's grounds. Whilst there were excellent public transport facilities from this area, on week days during the day time, there was only one bus per hour in each direction evenings and Sundays. As noted in the papers enclosed with the application for western end of the application site was the track bed of the 1825 route of the Stockton and Darlington Railway. While the

application did not contemplate much alteration to that end of the site, it could be as well to include the usual watching brief for industrial/archaeology and suggested some sort of interpretative feature for the end of the site set at its history, adding an interest for eventual residents and passers-by which would ideally tied into some future Stockton Borough Council strategy to promote tourism on the railway heritage.

Members were provided with an addendum report, which addressed further comments received from Nathaniel Lichfield and Partners (NLP) (Planning Consultants) who represented a local resident who was objecting to the application.

The objections related to the size and bulk of the development and provision of footpaths.

The addendum report advised that in terms of the size and bulk of the development the detailed design had been considered in the main report and in the opinion of the Case Officer, the proposed design, mass and scale of the development was acceptable.

The Council's Principal Solicitor had considered NLP's comments and was of the opinion that in terms of the query regarding the lawfulness of the condition, imposing a Grampian condition that prevented development until a scheme for improved pedestrian access had been approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme was lawful. How the develop then met this condition was for them to determine.

The use of conditions in planning permission referred to by NLP was not mandatory and should not be applied in every case regardless of the circumstances.

The addendum report concluded that the additional responses did not alter the recommendations of the main report, which recommended approval of the application with conditions. The issue around the recommended footpath planning condition had been assessed by the Head of Engineering and Transportation from the highway safety point of view including a risk assessment and subject to planning permission being granted the applicant would be required to submit a satisfactory scheme which would be either on The Avenue or within the application site linking Yarm Road which would also require consideration by Tees Archaeology and the Council's Landscape Architect.

A letter was provided by GMX on behalf of their client, McCarthy and Stone, addressing concerns raised at the meeting on 24th August 2005, from Engineering and Transportation and regarding the scale and massing of the proposed development.

A request for a deferral at the Committee of 24th August 2005 had come from the Highways Engineers to allow clarification on legal issues to be sought regarding the possibility of the inclusion of a footpath within the proposal. Clarification of the matter had been received and in response, the Officers recommended the addition of a further condition to address the issue, to which McCarthy and Stone had no objection.

In relation to scale and massing a letter advising McCarthy and Stone had given great consideration to the scale, massing and design of the development in relation to the suggestion made at the previous meeting regarding reducing the mass and bulk of the building and the option of moving the whole building closer to The Avenue. However, on balance, if the suggestions were to be incorporated into the scheme, other issues which were worked upon in great detail during the planning of

the application ie location of the car park and access, the retention of trees and protection of archaeological remains, would be compromised. McCarthy and Stone recognised the importance of protecting the important on-site features, such as the trees and the remains of the Darlington/Stockton Railway, and had worked alongside the officers to provide the most efficient use of the site whilst respecting its current setting.

The Agent addressed the Committee and advised that they wished to provide dwellings for the elderly that met their needs in an area, which was lacking in such provision, which was supported by the Government.

The application addressed unmade provision for efficient parking, landscaping throughout the site, maintenance of the old railway line and the protection of the amenities for other residents.

The Agent acknowledged that the reason for deferment due to the footpath had now been addressed and responded to objectors' concerned regarding the unlawfulness of the footpath was incorrect advising that the access rights were not a material consideration and that a formal footpath would not impact on cars or pedestrians.

Great consideration had been given to the scale and massing of the development, however, the applicant was of the opinion that it was in the best location on the site.

An objector addressed the Committee (**Tanya get the powerpoint presentation from Fahim**).

Another objector addressed the Committee and advised that they were a resident of Ashville Avenue and had concerns regarding the close proximity of the access to the

junction, the width of the footpath and the inadequate parking facilities due to the limited number of parking spaces within the proposed development and the fact that there could be no off-road parking.

An objector addressed the Committee and advised of their concerns regarding the heritage of the Stockton-Darlington Railway Line advising that it should be preserved under PPG3. The objector advised that a member of English Heritage wished to make the line a monument and therefore the objector requested that the Committee waited to make a decision until English Heritage had provided their comments.

The objector informed Members that the lack of public transport facilities on Sundays which would affect elderly residents who did not own a car.

Another objector addressed the Committee advising that the application had made little provision for the disabled as there was no proper footpath. The objector advised that 50% of the car parking spaces were supposed to be allocated for the disabled; however, they had concerns whether this would actually be possible.

The objector advised that the dwellings were supposed to be affordable housing due to the elderly being lower in income, however, other developments in the area were being sold for £200,000 and although there were no figures for sale price of the dwellings, the objector had reservations that the properties would be affordable due to area and existing price of dwellings within the area.

The objector wanted assurances that the trees within the site, which were protected by Tree Preservation Order, would not be damaged or affected by the development and advised that a bat roost existed. However, its preservation had not been addressed in the application.

An objector addressed the Committee raising concerns regarding the volume of traffic in the area and provided Members with a traffic assessment which they had undertaken themselves which provided figures regarding volume of traffic on The Avenue at peak times.

The objector advised that the Council would be unable to fulfil a duty of care if they were required to speedily assist individuals due to the volume of traffic in the area. The objector cited an accident that had happened two weeks prior, which was in the locality of the application site.

The Head of Engineering and Transportation addressed the Committee and advised that the accident mentioned had taken place in a traffic signalled junction and therefore had no relevance to the application.

The Officer was happy with the proposed footpath and with the provision of parking.

The Development Plans Manager addressed the Committee responding to the shared vision mentioned by one of the objectors and advised that there was no shared vision at the present time in the Eaglescliffe and Yarm area. The Officer advised that there were possible technical reasons liked "prematurity", however, nothing like this existed within the area. The Officer warned Members that to refuse the application on such basis would be dangerous.

The Chair addressed the Committee and advised that as a result of the interpretive feature mentioned by the Ward Councillor, he would like to see Condition 12 beefed up ???.

Members acknowledged the need for dwellings tailored to the elderly, however, they had concerns regarding the scale and massing and close locality to a busy junction.

RESOLVED that Planning Application 05/1194/FUL be refused on the grounds of:

1. The scale and massing and loss of privacy.
2. Contrary to SPG4 not adjacent to a local centre.
3. Unsatisfactory access adjacent to Yarm Road.

(Councillor Mrs Rigg declared a personal/non-prejudicial interest in the above item due to being a Member of Egglecliffe Parish Council, however she did not express a final opinion at Egglecliffe Parish Council meeting.)

Revised Outline Application for Residential Development of 3 no three Storey Blocks of Six Apartments and 12 no Detached Dwelling Houses and Associated Means of Access – Belasis Avenue/Chiltons Avenue, Billingham (05/0624/REV)

A site visit took place prior to the meeting.

The planning application sought approval for residential development on 0.865 hectares of land located at the junction of Belasis Avenue and Chiltons Avenue, Billingham. The land was currently largely disused but was previously used as tennis courts 10 years ago. It was owned by Billingham Synthonia Cricket Club, which used the adjoining cricket field. Its cricket pavilion at the eastern end of the application

site would need to be removed to facilitate the development. The site was within the established urban limits but was not allocated for any specific use in the adopted local plan. The proposed development comprised 18 apartments in three separate blocks and 12 detached houses. Residents had raised a number of objections particularly in respect of highway and traffic concerns. Other concerns included loss of privacy and loss of a wildlife habitat.

The development did not conflict with planning policy and the Head of Engineering and Transportation had not objected to the application. The concerns by Sport England about the loss a sports facility had been overcome by the offer of the developer through a Section 106 agreement to contribute towards the provision of replacement facilities at Billingham Campus and the setting aside some £50,000 for replacement changing facilities in the club house located on the other side of the cricket field. The concerns of local residents were noted but issues raised were not sufficient for a recommendation of refusal.

An objector addressed the Committee and advised that as a resident on Chiltons Avenue he was objecting due to the volume of traffic that already existed. A haulage company already existed in the immediate vicinity, which resulted in a constant stream of haulage trucks going up and down Chiltons Avenue, therefore the objector did not wish for any further developments, as it would generate a greater volume of traffic.

Another objector addressed the Committee advising that the boundary was currently the responsibility of the cricket ground, however, it was never maintained. The objector observed that the residents of the proposed new houses would see nothing but the haulage site, haulage trucks and caravans which were stored and go to and from the haulage site.

The Group Leader of Traffic Management addressed the Committee and advised that there had been concerns on Chiltons Avenue, however, it was a wide road and the new development would be accessed and egressed via a roundabout and was therefore of the opinion that there would be no problems regarding access.

Members acknowledged that existing companies and organisations had not been good neighbours to local residents in relation to maintenance and care and attention to the area and were of the opinion that such issues should be enforced.

Members enquired as to who would be responsible for the maintenance of the hedgerow once the cricket club had sold the land to the developer, who in turn had sold the properties to residents; the applicant advised Members that a Management Company would be responsible for the hedgerows once the properties had been sold.

RESOLVED that subject to a Section 106 agreement, Planning Application 05/0624/REV be approved subject to the following conditions:-

1. Development carried out in accordance with external appearance and landscaping of the site.
2. Tree and hedgerow protection measures.
3. New tree planting.
4. Development to designed and constructed in accordance with the Council's Design Guide including access sight lines of 3.33m, provision of an adoptable

turning area; minimum drive lengths of 6m; adequate turning facility for the apartment blocks and provision of 7 no secure cycle parking bays.

5. Sound insulation in apartment blocks.
6. Mitigation measures to protect wildlife including controls over timing of any site clearance works including an ecological survey.
7. Limits on hours of construction.
8. Means of enclosure.
9. Facing materials.
10. Surface water drainage rates to be regulated.
11. Site drainage including drainage from parking/hardstanding areas to be passed through an oil interceptor.

(Councillor Perry left the room for the duration of the above item, having declared a personal/prejudicial interest due to being a member of Billingham Tennis Club.)

(Councillor Smith declared a personal/non-prejudicial interest in the above item due to working as a contractor for Avecia.)

Erection Of 3 Storey Building comprising 9 No Apartments (Demolition of Existing 2/3 Storey Office Building) - 44-48 High Street, Norton, Stockton-on-Tees (05/0815/FUL)

Members were reminded that the application was considered at the Planning Committee meeting on 24th August 2005 following a site visit. The applicant was requested to consider amending the scheme or having it determined as per the original submission. Since the meeting the Agent had amended the scheme by lowering the heights of two wings to the rear of the building.

The application site was located centrally within Norton High Street and Norton Conservation Area. A gated access track and No 50 High Street lay to the north of the site while a small terrace of cottages could be found to the south. The property was of a 1960's design and was currently vacant, it had previously been used as offices although the site was given planning approval in December 2000 (00/1602/P) for the conversion to 9 no apartments.

The application seeks consent for the erection of a new three-storey building in the place of the existing 1960's office block. The proposed development would largely follow the existing footprint of the existing building although from the street scene would appear as two separate buildings.

9 letters of objection had been received in relation to the proposed development, with a further 4 letters in relation to the amended scheme. The concerns are mainly focused towards the impact on the character of the conservation area, amenity of the neighbouring properties and the implications of parking and highway safety, which had been duly addressed in the material planning considerations of the report.

It was accepted that the proposed development had some short-falls with regards to the level of car parking provision, however a previous consent existed for the change

of use of the existing building to 9 no apartments, with no parking provision and the Head of Engineering and Transportation had raised no objections to the scheme. The new application offered a new building that was more sympathetic to the nature and visual appearance of the conservation area and would enhance its overall appearance. The amendments made also helped to address the concerns of the Planning Committee and on balance it was considered that given the previous consent and the visual improvements that the proposal would make to the Conservation Area, the application should be approved.

Members were proved with an addendum report which advised that since the meeting on 24th August 2005, the Agent had amended the scheme by lowering the heights of two wings to the rear of the building and as a result the Chair of the Planning Committee had requested that the original proposal be submitted next to the revised scheme, therefore the drawings were attached to the updated report.

RESOLVED that Planning Application 05/0815/FUL be approved subject to the following conditions:-

1. 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 Nos:- 0476/SLP01, 0476/010A, 0476/011A, 0476/012A, 0476/013A, 0476/014A, 04761015A and 04761016A.
2. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been approved in writing by the Local Planning Authority.

3. A description of the steps and works to be taken and carried out under this consent shall be submitted to the Local Planning Authority before any work of demolition as detailed in application 05/0996/CON and construction of the hereby approved scheme until the said Authority has signified in writing its approval to the proposed steps and works. Such a scheme shall involve the commencement of redevelopment of the site within 3 months of the demolition of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5. Before any building for which permission is hereby granted is occupied, the sewage disposal works required shall be completed in accordance with the plans submitted with the application for the planning permission, to the satisfaction of the Local Planning Authority.
6. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the

Local Planning Authority gives \written consent to any variation.

7. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.
8. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with these agreed details.
9. Before the permitted dwellings are occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68db(A)L10 (18 hours) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority for the protection of this proposed accommodation from traffic noise. Such a scheme shall be implemented in accordance with these agreed details.
10. No construction activity shall take place on the premises before 8.00 am on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).
11. No development shall take place within the area indicated until the applicant,

or their agents or successors in title, has implemented a phased programme of archaeological works 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 provision in situ.

12. Notwithstanding any description full details of the required 6 no covered secure cycle parking spaces shall be submitted to and agreed in writing with the Local Planning Authority, such agreed details shall be provide on site before the building hereby approved is occupied.

Conservation area Consent for the Demolition of Vacant Office Building - 44-48 High Street, Norton, Stockton-on-Tees (05/0996/CON)

Members were reminded that this application had been put to Members at the two August meetings and was deferred initially for a site visit to take place and latterly for amendments be made. The applicant had since made amendments to the scheme by lowering me heights of two wings to the rear of the building.

The application site was located centrally within Norton High Street and Norton Conservation Area. A gated access track and No 50 High Street lay to the north of me site while a small terrace of cottages could be found to the south. The property was of a 1960's design_and was currently vacant, it had previously been used as offices although the site had been given planning approval in December 2000 for the conversion to 9 no apartments, although this had not yet been implemented.

This application was for conservation area consent for the demolition of the existing office building and was connected to the full planning application for the erection of a

new three storey building in its place (05/0815/FUL). It was important to note that the application could not be approved without the approval of the related planning application 05/0815/FUL

No letters of objection have been received in relation to the application.

It was accepted that the existing building offered little to the appearance of Norton Conservation area, in the opinion of the Local Planning Authority the proposed replacement development would be an improvement on the existing building and would be more in keeping with the character and visual amenities of Norton Conservation area. The Local Planning Authority therefore recommended approval of the consent.

RESOLVED that Planning Application 05/0996/CON be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the following approved plan; unless otherwise agreed in writing with the Local Planning Authority: Drawing No: 0476/SLP01.
2. A detailed description of the steps and works to be taken and carried out under this consent shall be submitted to the Local Planning Authority before any work of demolition and construction of the approved scheme detailed in application 05/0815/FUL is begun until the said Authority has signified in writing its approval to the proposed steps and works. Such a scheme shall involve the commencement of the redevelopment of the site within 3 months of the demolition of the existing building unless otherwise agreed in writing with the Local Planning Authority.

3. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has implemented a phased programme of archaeological works 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 provision in situ.

Erection of 30m High Telecommunications Lattice Tower on 6m x 6m Concrete base supporting 6 no dual Band Dual Polar Antennas and 4 no 600mm Transmission dishes – Land Behind Calving Shed, Maltby Grange Farm, Maltby (05/2009/FUL)

Members were advised that the applicant, Orange, sought consent for the erection of a 30m high telecommunications lattice tower with supporting 6 no dual band dual polar antennas and 4 no 600mm transmission dishes on agricultural land at Maltby Grange Farm, Roger Lane, Maltby, which was south of Thornaby and to the north east of Ingleby Barwick.

The location site was surrounded by farm outbuildings and vast open space. The nearest residential properties in viewing distance of the site were properties at Pennyman Green, Maltby, which were a distance of 710m away.

The applicant had submitted additional information stating that the mast was required in the proposed location to provide further coverage of Orange's 3G network to the southern edge of Ingleby Barwick, High Leven and Maltby. A statement of compliance with the ICNIRP guidelines had also been submitted in support of the application.

The lattice tower was suitable in design and had a less visual impact rather than a solid mast, as the latter was unable to facilitate other network providers to install their equipment upon and was highly visual from afar.

The neighbour consultation had been issued to surrounding properties within the recommended 200m radius from the location site. As the application site was within a rural area, the only neighbours that were picked up were the Maltby Grange Farm outbuildings. The consultation period expired on 3rd August 2005 and no letters of objection had been received.

The application had been reported to members at the request of the Chairman of the Planning Committee.

An addendum report was provided to Members advising that an additional letter of support had been received and a revised objection had been submitted by email in which the objector wished to amend his original objection and to state that the letter of support from No 2 Pennyman Green was from the aunt of the applicant. He also wished to amend the issue regarding the request for repositioning of the telecommunications mast to the east elevation of the farm; to the end of the field towards the A19, which was west from the farmhouse.

Members agreed to approve the application.

RESOLVED that Planning Application 05/2009/FUL be approved subject to the following condition:-

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 Nos 001 – 006 (inclusive).

Part Retrospective application for the Erection of Steel Structure and Decking – Rear of 22 Worsall Road, Yarm (05/1923/FUL)

A site visit took place prior to the meeting.

Members were provided with a part retrospective application for the erection of a steel structure and decking to the rear of No 22 Worsall Road, Yarm.

The application was for the erection of a 14.6m long x 3.7m wide decked area with 0.7m balustrading, siting on a steel framed structure concreted into the ground at the rear of the existing garden. The proposed structure would sit approximately 0.3m above the existing ground level and reach a maximum height of 1.6m above the sloping ground, towards the River Tees.

Committee Members were reminded that two similar raised decking structures had been approved at Nos 24 and 26 Worsall Road by the Planning Committee earlier in 2005.

Two objections had been received with regard to the proposed development. The objections relate to the loss of privacy and the potential impacts on land slippage along the banks of the River Tees.

Given that previous approvals had been given for raised decked areas to the rear of the neighbouring residential properties it was considered that the principle of this type

of development had been already been established in the locality. Although the decked area did not allow for an increased potential for overlooking into the neighbouring properties' garden area, the potential does to a certain extent already existed.

It was considered that any potential impacts in terms of a loss of privacy on the neighbouring properties could be minimised by erecting a screen on the decking area.

RESOLVED that Planning Application 05/1923/FUL be approved subject to the following conditions:-

1. The development hereby approved shall accord with the –following approved plans; unless otherwise agreed in writing with the Local Planning Authority: Drawing Nos SBC001 and Nos 1 (Aug 2005), 2 (Aug 2005J. and 3 (Aug 2005).

2. A 1.8 metre high screen fence shall be erected on the boundary with No 24 Worsall Road to the reasonable satisfaction of the Local Planning Authority in accordance with details to be submitted to and approved in writing by the Local Planning Authority on the lower decking and retained in that position for the life of the decking.

Residential Development of 50 Dwellings Comprising 20 no Bungalows and 30 no Apartments and Ancillary Accommodation in an Extra Care Scheme for

the Elderly and Associated Car Parking and Landscaping – Wheatley Road/Whessoe Road, Hardwick (05/2280/FUL)

Planning permission was sought for the erection of 50 dwellings comprising 30 no apartments in two floors and 20 no bungalows and ancillary accommodation in an extra-care scheme for the elderly and associated car parking and landscaping.

It was intended that the dwellings would be rented and occupied by people aged over 55 years, some of whom would have special needs and would require 'extra-care'. To this end many support facilities have been provided within the complex such as visiting doctors/nurses room, hairdresser, guest suite and other social activity rooms.

The site was a partially cleared former housing site in Hardwick and formed part of a programme of demolition of existing properties to deliver regeneration of the Hardwick Estate. The applicant, Endeavour Housing Association, was working in partnership with the Council and other agencies to redevelop the Hardwick Estate and was part of an overall initiative to address housing market restructuring in the Stockton District and more generally in the Tees Valley sub region. It accorded with general planning policies set out in the Development Plan and Regional Housing Strategy as well as the sub regional Tees Valley Living initiative.

The full application accorded with the overall indicative master plan, which had been the subject of extensive neighbourhood consultation and would guide redevelopment and subsequently lead onto a general brief for redevelopment. Due to difficulties in site assembly amended plans had been received.

The proposal is considered to be in line with local plan policies and the application was recommended for approval with conditions.

RESOLVED that Planning Application 05/2280/FUL be approved subject to the following conditions:-

1. 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 Nos : N81:141501, 03128D03REVA, D04A, D09A D10, D11, D12A, D13A.
2. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.
3. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building(s) is/are occupied or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge into any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
7. 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 Local Planning Authority. Roof water shall not pass through the interceptor.

8. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.
9. No construction/building works shall be carried out except between the hours of 0800 and 1800 on Mondays to Friday and between 0800 and 1300 on Saturdays, nor at anytime on Sundays.
10. This site may have been used in the past for activities that are likely to have resulted in it becoming contaminated with material that is potentially harmful to humans or the environment. Before works commence on site, a "desk top" site history is to be prepared to identify what every part of the site has been used for in the past. Based on this study a simple s~ sampling survey should be carried out. The results of the desktop study and the sampling are to be submitted for the approval of the Planning Authority. If, in the opinion of the Planning Authority any uses are identified which are likely to have given rise to a risk of contamination, or the results of the survey indicate to the authority that more investigation is needed, then a further more detailed sampling regime, to be approved by the Authority is to be carried out Based on either the simple or more detailed survey (if required) then, if contamination is found, a remediation scheme shall be devised and executed to the

satisfaction of the Planning Authority, this should include a long term commitment to monitoring and maintenance.

11. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Proposed Permanent Closure of Footpath from Buttercup close to The Dene, Stockton-on-Tees (97/1614/P)

Members were provided with a report, which requested authorization regarding the closure of the footpath at the head of Buttercup Close, Stockton-on-Tees.

RESOLVED that members confirm their agreement to the closure of the footpath.

The Stockton-on-Tees Local Plan: Alteration No 1 – The Inspector’s Report and Statutory Proposed Modifications to the Revised Deposit Draft

Members were provided with a report, which invited the Planning Committee to note the content of the Inspector’s Report and to endorse the Proposed Modifications to Alteration No 1 so that they could be forwarded on to Cabinet and Full Council in October and November 2005 respectively, for final approval for consultation.

Between February and July 2005, a Public Local Inquiry was held to consider 445 outstanding objections that had been received to the constituent statutory/non-statutory drafts of Alteration No 1 to the adopted Stockton-on-Tees Local Plan.

An independent inspector, Mr John Gillis, had now considered all objections and rebuttal statements submitted by the Council during the Inquiry. He had now formally submitted his report setting out his conclusions and recommendations to the Council.

The Inspector's Report was set out in the order of the Revised Deposit Draft of Alteration No 1 summarising the objections, which had been received to each policy/paragraph together with his formal recommendations to each. The Inspector was duty bound to consider all outstanding objections to the statutory First and Revised Drafts of the Deposit Plan. In reaching his conclusions, the Inspector had given due consideration to the non-statutory drafts published in December 2004 and March 2005 respectively.

Members were reminded that Alteration No 1 was primarily concerned with updating the Local Plan in relation to current national policy on flood risk and retailing. Whilst the three Flood Risk related policies attracted some objection, the Inspector effectively concurred with the Council's position and, subject to minor wording suggestions, accepted that the integrity of the approach was sound.

The retailing issues attracted most objections. Members were reminded that the Revised Deposit Draft included proposals at Policy S15 for Billingham Forum and John Whitehead Park. They were subsequently withdrawn by the Council in December 2004. Whilst not commenting on the merits of the proposals or responding to objectors, the Inspector had accepted the Council's position, recommending that the sites be deleted.

A number of objections were raised from operators/owners of the main out of town retail developments, seeking specific policy reference to support their future

development. The same objectors further questioned the validity of the Council's own Retail Capacity Study. However, in all instances, the Inspector again supported the Council's stance to protect the vitality and viability of the Borough's retail hierarchy of town, district, local and neighbourhood centers.

The Council was required to consider the Report and its recommendations and decide on what action to take on each recommendation.

Alteration No 1 was being prepared under the Town and Country Planning (Development Plan) (England) Regulations 1999 which meant that the Council could wish to accept the Inspector's recommendations, but it was not obliged to do so. If, in the event, it wished to depart from the advice, it would have to have special justification to do so. Failure to fully substantiate the justification could result in legal challenges to the decision from aggrieved parties.

Where the Inspector's Report recommended a series of significant modifications to the Revised Deposit Draft, which the Council accepted, the Council was formally required to make formal changes to that document. Equally, if there were material circumstances, which had occurred outwith the Inquiry, the Council could consider updating the Revised Deposit Draft to take account of such changes.

All changes would need to be set out in the next statutory draft of the Plan, the "Proposed Modifications", which would contain a statement of the Council's decision on each recommendation, setting out the full reasons for accepting/rejecting any recommendation made by the Inspector.

The Development Plans Section had been able to fully consider the Inspector's Report. The Inspector, in the main, had accepted those non-statutory changes

proposed by the Council, which would now be formally included within Alteration No 1.

In many instances the Council had accepted the Inspector's recommendations in full. In only one instance did the proposed modification significantly depart from his advice and related to the changes introduced by a New Use Classes Order (2005) which now introduced additional sub-classes to "food and drink" operations.

Subject to approval of the document the Proposed Modifications would formally be placed on deposit for a six-week period. Any individual could object to a modification, or to the fact that the Council had not accepted a recommendation for modification made by the Inspector. It was not the arena to introduce new issues, which had not been previously considered by the Inspector.

Following consideration of any objections, the Council would need to consider the need for a further Inquiry. In the event that a further Inquiry was not required, the Council could formally give notice to formally adopt the Plan and go through the final legal aspects to do so, which included allowing for a six week period in which any legal challenges could be lodged.

RECOMMENDED that:-

- 1. The content of the Inspector's Report setting out his recommendations to the Council following the Public Local Inquiry into objections to Alteration No 1 to the adopted Stockton-on-Tees Local Plan be noted.***
- 2. Endorse the series of Proposed Modifications to the Revised Deposit Draft of Alteration No 1, which may then be forwarded on to Cabinet and***

Full Council in October and November 2005 respectively prior to a statutory six-week consultation period.

Items for Information

1. Appeal by Mrs Readman – Rear of 43 The Green, Norton, Stockton-on-Tees (04/2958/FUL) – Dismissed.

2. Appeal by Mr Whitelock – Land at 34 Cambrian Road, Billingham (04/3394/FUL) – Allowed.

3. Appeal by British Land Company – Teesside Retail Park, Middlesbrough Road, Stockton-on-Tees (05/0505/ADV) – Dismissed.