

## **Planning Committee**

A meeting of the Planning Committee was held on Wednesday, 26<sup>th</sup> October 2005.

**Present:** (Site Visits) Councillors Mrs Beaumont, Cherrett, Faulks, Fletcher (vice Councillor Rigg) and Parry (vice Councillor Perry).

**Officers:** F Farooqui, S Grundy, B Jackson, Miss J O'Donnell and Mrs J Salisbury (DNS).

**Apologies for absence** were submitted on behalf of Councillors Brown, Cains, Coombs, Kirton, Leonard, Perry, Mrs Rigg, Rix, Smith, Stoker, Walmsley and Womphrey.

**Present:** (Meeting) Councillor Cains (Chairman); Councillors Mrs Beaumont, Brown, Cherrett, Faulks, Fletcher (vice Councillor Mrs Rigg), Leonard, Parry (vice Councillor Perry), Rix, Stoker and Womphrey.

**Officers:** N Cole, F Farooqui, S Grundy, B Jackson, Miss J O'Donnell, Mrs J Salisbury and Miss H Smith (DNS); Miss J Butcher, Mrs T Harrison and Miss S Johnson (LD).

**Apologies for absence** were submitted on behalf of Councillors Coombes, Kirton, Patterson, Perry, Mrs Rigg, Smith and Walmsley.

### **Declarations of Interest**

Councillor Fletcher declared a personal/non prejudicial interest in relation to Agenda Item No. 5 – Construction of 16 No 2 and 3 bedroomed apartments – The Grange, Urray Nook Road (Planning Application 05/0984/FUL) in relation to being a member of Egglecliffe Parish Council.

Councillors Cherrett and Rix declared personal/non prejudicial interests in relation to Agenda Item No. 12 – Erection of 93 No dwellings and associated works – Land off Queen Elizabeth Way, Bowesfield, Stockton (Planning Application 05/0947/REV) due to being members of the Ramblers Association.

**Revised Application for 2 No blocks of 11 no flats (demolition of existing buildings) – Thornaby Autoparts, Thornaby Road, Thornaby (Planning Application 05/2363/FUL)**

A visit was held prior to the meeting.

The Planning Officer addressed the Committee requesting that the item be deferred to the next meeting as they felt there were some outstanding issues to be resolved and amendments to be made in regards to the application.

RESOLVED that the item be deferred to the next meeting for amendments and resolution of issues.

**Change of Use from offices (B1) to Information and Advice Centre (D2) – 7 Hambletonian Yard, Stockton-on-Tees (Planning Application 05/2470/FUL)**

Members were informed that the item had been withdrawn.

**Revised Application for the erection of a two storey extension to the side and demolition of the existing garage – 46 Redwing Lane, Norton, Stockton-on-Tees (Planning Application 05/2482/REV)**

Members were advised that the applicant had requested deferral of the item to the next Committee.

RESOLVED that Planning Application 05/2482/REV be deferred to the next Planning Committee meeting.

**Erection of 16 No apartments and amenity space (demolition of existing dwelling and outbuildings) The Grange, Uray Nook Road, Eaglescliffe (Planning Application 05/0984/FUL)**

A planning site visit took place prior to the meeting.

Members were advised that planning permission was sought for residential development on land currently occupied by an existing property known as The Grange on Uray Nook, Eaglescliffe. The site measured 0.25 hectares and was located on the periphery of the settlement at the entrance of Valley Gardens, a residential estate of 24 bungalows.

The proposed development would result in the demolition of all structures on the site and the erection of 16 No 2 and 3 bedroom apartments with associated parking, amenity space and ancillary development. It was proposed to replace the existing vehicular access to the site of Uray Nook Road with a new access of Valley Gardens.

The site was a brownfield site located within the “limits to development” as defined by the Borough Local Plan although has no site specific designation.

Residents had raised a number of objections particularly in respect of highway safety, insufficient parking provision, over development, inappropriate scale and character and the sustainability credentials of the proposal. Other objections included the loss of the existing building and impacts on wildlife within the area.

The Head of Engineering and Transportation considered the scheme to provide adequate parking and as such had no objections, although considered it desirable for a 4.5 x 90m visibility splay to be provided looking west at the junction of Urray Nook Road and Valley Gardens. The concerns of the Council's Leisure Services relating to the provision of open amenity space had been overcome by the offer of the developer through a Section 106 Agreement to contribute £8,500 toward off site environmental improvement works.

The siting and nature of the development generally accorded with the guidance of SPG4 relating to flatted development in terms of its massing, scale, design, parking provision and access. The concerns of local residents were noted which referred to the guidance contained within SPG4, in particular to those relating to the proximity of the development of local services. It had to be appreciated however that it was a guidance document. In view of the planning merits of the proposal it was considered that the objections received were not sufficient for a recommendation for refusal.

Members were advised that 63 letters and one email of objection had been received.

A previous objector had changed their views and had advised that they now felt the development would improve the site.

Two people had contacted Stockton Borough Council indicating that although the Council had received letters of support from their address, they had not sent the letters indicated that someone had used their details without their knowledge.

The Ward Councillors advised that they were sorry to lose part of Eaglescliffe's history although having entered the property it was evident that in architectural terms it was no longer sufficiently interesting to warrant preservation. The proposed block facing Urlay Nook Road was probably acceptable in planning terms, although the proposed block facing onto Valley Drive was still considerably higher than the neighbouring bungalows and would be overbearing on them. They considered there to be flaws in the sustainability report submitted with the application, in particular the distance to bus stops which offer frequent services and the Airport via train and other services which offer suitable provision. The members were not convinced that the criteria in paragraph 5.7 of SPG4 were fulfilled in this instance.

A Ward Councillor advised that the comments were made without prejudice to any discussion and their future decision at a future planning meeting, when they would listen to all the arguments before reaching a conclusion: the Councillor was pleased to see that the proposed name plate would be keeping the original name of the house. However, the mass of the building still seemed to be somewhat large when viewed from Valley Gardens.

Members were advised that the Joint Public Transport Group had submitted comments advising, "Consideration should be given to improving the bus stop infrastructure at the stops on Urlay Nook Road, that would serve the development as follows:-

Eastbound – the stop had a modern shelter in situ but no layby.

Westbound – currently the stop was somewhat rudimentary (pole and plate only), however it was in the process of being relocated further west.

The provision of developer funded lay bys (eastbound and westbound) and a waiting shelter (westbound), would enhance the intending passenger safety and overall waiting experience.

The agent addressed the Committee and advised that discussions first took place in July 2004 with the application showing 22 apartments. In March 2005 a scheme of 19 apartments was submitted to the Parish Council. The **application**, which was before the Planning **Committee**, was for 16 apartments indicating they had made significant reductions to the proposal since July 2004 and had also moved the refuse site to benefit the development and the neighbouring property.

An objector addressed the Committee who expressed concern regarding the drainage and sewage. The objector understood that the development could not go into shared drains and questioned there was a highways issue due to the drainage and sewage.

If the proposed development was to go into the shared drains there would be a 66% increase of its use and the objector queried the viability of such an increase noting that the development would be at the wrong end of the steep **road**, which would prevent easy drainage.

Officers advised Members that such issues were not a planning consideration and were a civil matter that would be dealt with between Northumbria Water and the

applicant. The agent advised that they were in negotiations with Northumbria Water and it was anticipated that all concerns regarding drainage and sewage would be addressed appropriately.

A second objector addressed the Committee and advised that the site did not comply with SPG4 as 62 dwellings per hectare exceeded the SPG4 limit.

The objector advised that transport would be an issue and that the nearest convenience store was 600 metres away.

Due to the steep incline of the ground the development would appear two and a half storeys high, which was not in keeping with the neighbouring properties, which were bungalows.

The objector advised that other sites had been built recently in the area yet most of the new flats remained unsold, showing that flats were not in demand in the area and therefore questioned whether another development of flats should be built.

A third objector addressed the Committee expressing their concern that the access would be via Valley Gardens.

The development allocated 1.5 car parking spaces per dwelling, however, the likelihood would be that each flat would have two cars which would exceed the capacity of the development's car parking spaces and would result in cars being parked outside of the development however there was no room for roadside parking.

The objector advised that consultation had not included residents on other roads, which would be affected.

The proposed access road would be the boundary to 2 Valley Gardens which the objector did not think was acceptable and also advised that having the access via Valley Gardens would cause many problems however if the access was to be via the A67 it would alleviate the problems and be more acceptable.

A fourth objector addressed the Committee and advised that the application went against the Local Plan and in SPG4 4.3 it stated that retention rather than demolition was sought. The objector expressed the importance of developers considering conversion/adaption over demolition. The objector agreed that the interiors had no merit however he advised that the outside of the building had significant merit.

The objector advised that Stockton had very few old buildings and therefore requested that the Planning Committee implemented SPG4 and rejected the application.

The applicant addressed the Committee and advised that the oldest recorded part of the **building**, which **had been** the **windmill**, no longer existed and had not been there for some time.

The Highways Officer addressed the Committee and advised that the development met all highway requirements and the application adhered to government **guidelines**, which required that there be no access roads onto main roads hence the access being onto Valley Gardens.

A Ward Councillor addressed the Committee advising that there was only one bus per hour in each direction on Uray Nook Road which did not run on Sundays which would be an issue for residents of the proposed development that did not have not

have a car. If more buses were to use and stop at the bus stops outside the development it would cause traffic jams.

The Ward Councillor had concerns that the application was trying to push the limits of **SPG4**, as the facilities/amenities were not as close as the applicant was advising. If the application was approved it would set a benchmark and therefore encourage future applicants to push the limits of SPG4 further.

A small amenity space was not sufficient for children to play therefore requiring them to cross the main road to make use of the area that would be provided as a result of the funds requested by Leisure Services. The Ward Councillor is concerned that the safety of the children crossing the main road.

Members expressed concerns that the height of the development due to the neighbouring properties being bungalows and had concerns regarding the number of windows looking down onto the bungalows.

Members were concerned that the development did not come under the guidelines and that the site was overdeveloped.

RESOLVED that Planning Application 05/0984/FUL be refused due to overdevelopment and impact on adjacent residential properties contrary to SPG4.

**Retrospective application for extension to the front of porch/garage, 37 Auckland Way, Stockton-on-Tees (Planning Application 05/2425/FUL)**

A site visit took place prior to the meeting.

Members were advised that planning consent was granted for application 05/0131/FUL for the erection of an attached garage to the side, porch to the front, single storey extension to the rear and the conversion of the existing garage into a habitable room, on 31<sup>st</sup> March 2005. No objections were received. During building works for the porch the applicant had encountered a drain and had begun erecting the extension longer than approved. A retrospective planning application was requested and this was received on 25<sup>th</sup> August 2005. Seven objections had been received and the Ward Councillor requested that a site visit took place prior to the Planning Committee meeting.

The applicant addressed the Committee and advised that he had been given two reasons for refusal with regard to the application. The first being that it was an incongruous feature to the street scene due to its size however a house across the road was given full planning permission for an extension of a similar size.

The second being as the size and location would have a detrimental effect however the applicant considered that the precedent had been set with a number of approved similar extensions. The applicant advised that they had submitted plans for an extension the same as a property around the corner on Masterton Drive which had been approved and which was not as sympathetic to the house as theirs yet their application had been refused.

The applicant advised that on discovering the drain the Building Control Officer was informed and visited the property and advised the applicant on how to bridge the drain but did not tell them that by moving the wall it would cause a planning problem.

The solicitor advised that Building Regulations Officers could not give information or authority for planning matters therefore individuals would still need to apply to the Planning Department.

A Planning Officer advised that although the front of the property was exempt from building control there had been a change in planning **guidance**, which now required refusal of such planning applications.

RESOLVED that Planning Application 05/2425/FUL be refused for the following reasons and that the Director of Law and Democracy be authorised to take all appropriate legal action to remove the front extension and either restore the front of the property to its original state or implement the dimensions approved in application 05/0131/FUL.

1. In the opinion of the Local Planning Authority the proposal extension to the front of the property would introduce an incongruous feature to the street scene, which would be contrary to policy GP1 and H012 of the Stockton-on-Tees Local Plan Supplementary Planning Guidance Note **Two** - householder extension guide.
  
2. In the opinion of the Local Planning Authority the extension proposed by virtue of its size and location would have a detrimental impact on the character of the existing building contrary to the provisions of policy GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.

**Two storey side extension – 3 Dingleside, Stockton-on-Tees (Planning Application 05/2278/FUL)**

Members were advised of an application for the erection of a two storey extension to the side of 3 Dingleside, Stockton-on-Tees. The applicant also proposed a loft conversion with velux roof lights to the rear. The aspect was permitted development and could not be considered as part of the application.

The applicant originally applied for a single storey rear extension and pitched roof over the existing detached garage in addition to the two storey side extension. After consultation with the applicant, superseded plans had been submitted to remove the rear extension and pitched roof from the application.

The application had generated a significant degree of interest from the occupants of neighbouring properties with three letters of objection received, which therefore resulted in the need for the item to be determined by the Planning Committee.

The applicant addressed the Committee and advised that they were pensioners who lived with their son who had four children and therefore they needed a room of their own.

The applicant felt that if the extension were built then the neighbours would have more privacy.

RESOLVED that Planning Application 05/2278/FUL be approved subject to the following conditions:

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

Drawing Number(s): SBC001, A008 rev B, A007 rev B, A006, rev B, A005 rev B.

2. Notwithstanding any description of materials in the application, no development shall be commenced until samples of materials to be used in the construction of the external walls and the roofs of the building have been approved in writing by the Local Planning Authority.

**Change of use to hot food takeaway and installation of external ducting to rear – 3 Harland Place, Norton, Stockton-on-Tees (Planning Application 05/2500/COU)**

Members were advised of a planning application, which sought approval for the change of use from a Tanning Salon to a Hot Food Takeaway at 3 Harland Place, Norton.

The application site was located in the Norton Conservation Area and 6 objections had been received from local residents/businesses.

The application accorded with local plan policies.

Members were provided with a brief history of the application at No. 7 Harland Place in relation to an A3 use, which related to car parking provision, although eventually approval was obtained by the applicant.

In 2003 an application was refused for a change of use from retail A1 to restaurant A3; the reasons for refusal were “in the opinion of the local planning authority the

proposed would give rise to an additional demand for vehicle parking on the public highway, exasperating existing parking problems to the detriment of highway safety and the free flow of traffic in Harland Place and which would also be detrimental to the general amenities within Norton Conservation Area”.

In 2003 a resubmission of application for change of use from retail A1 to restaurant A3 was submitted and approved. The applicant agreed to a restriction on the proposed use and minimum car parking requirements being provided to alleviate engineering concerns. The application was subsequently approved, however, the applicant was unable to meet the requirements for car parking provision due to an incorrect sight out line, which made the application invalid.

In 2004 an application for change of use from Class A to restaurant A3 was submitted. The applicant was unable to secure the private car parking previously agreed for the site. The view was taken that as the property had operated as a retail unit with no car parking facilities it was considered that any traffic problems which would have been **exacerbated by** a change of use to a restaurant would not be significant as there was a restriction on opening hours and any traffic movement related to the property would take place in the evening.

An objector addressed the Committee and advised that she had lived in Norton all her life and was not happy that the village was being overrun by takeaways.

The objector advised that there was no access at the rear of the property to remove waste and that there was no parking for people who would use the takwayay.

Members observed that there was no notification of the opening hours and therefore had concerns that if the application was approved that the owner would come back at a later date for extended opening hours.

Members were advised that if that **were** the case it would have to be dealt with as a separate planning matter.

Members had concerns regarding the disposal of refuse however it was observed that the Environment department usually passed comment on such issues but they had not done so on this occasion. It was also observed that the plans of the building showed a passageway which lead to the rear of the property thus enabling the disposal of refuse.

Members expressed concerns regarding the application due to the appearance that the hot food takeaway would be in between two residential properties and the pictures provided could not show the close proximity of other hot food takeaways and therefore requested a site visit.

RESOLVED that Planning Application 05/2500/COU be deferred for a site visit.

**Application to vary Condition No. 8 and No. 9 of Planning Approval 04/0215/COU to allow Sunday opening from 09.00 to 23.00 and ancillary takeaway use – Shop Unit 2, Sunningdale Drive, Eaglescliffe (Planning Application 05/1704/ARC)**

Members were reminded that planning consent was granted at the Planning Committee meeting of 10<sup>th</sup> March 2004, for the change of use of the building from A1 to A3 restaurant (now A4 use following amendments to the Use Classes Order).

Conditions were attached to the consent to restrict hours of opening and to prevent the use of the establishment as a takeaway.

The unit had now been let and was occupied by the business known as “Cinnamon” the occupants had been operating outside of the hours specified and operating a takeaway service. The application sought to vary the conditions on the original approval in order to regularise the situation.

An addendum report was provided which advised that an email from Eggescliffe Parish Council had been received stating no objections to the above application and a further 50 signature petition had been received from the applicant supporting the above application which made the total number of signatures with the previous petition of 100.

The applicant addressed the Committee and advised that they were the only Indian restaurant in the area they only opened in the evenings and therefore would not cause traffic **problems**, as their opening times did not coincide with the existing shops.

The site had previously been a hotspot for anti social behaviour however since the restaurant had opened this was no longer the case.

Any alcohol consumed on the premises was consumed along with the meal.

The applicant wished for the opportunity to extend opening hours to be more in line with the existing takeaways in the area and to have the takeaway facility although they would not have a high turnaround like most **takeaways**, as each takeaway would take between 30 and 45 minutes to prepare.

One letter of objection had been received stating that they did not want the restaurant to open at any time on Sunday and would object to the increase in opening hours.

The parade was supposed to provide various services to the immediate area but was being allowed to become an area where much more alcohol and fast food could be purchased as the area was dominated by major supermarkets.

Since opening the restaurant a short time ago the owners had already displayed a lack of regard for the original planning permission as three unauthorised property advertisement signs were erected and consent stated that business was to close at 13.00 but the glass panel in the front door stated 23.30. Six customers were in the premises after that time.

No takeaway trade was to be conducted however leaflets had been published advising that a takeaway service and staff were projecting the service.

It had taken two visits by enforcement officers to ensure that permissions were observed.

The objector did not consider it to be correct action by the Council to approve any application from the company in question until they had satisfactorily demonstrated that they could abide by planning rules and restrictions.

RESOLVED that Planning Application 05/1704/ARC be approved subject to the following conditions:-

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

Drawing Number(s):

2. The premises to which this permission relates shall not be open for business outside the hours 09.00 hours and 23.00 hours, and the premises vacated by 23.30.
3. The development hereby approved shall be used specifically as a restaurant with ancillary takeaway service.
4. The rear yard of the premises shall not be used in connection with the Restaurant or Takway Service outside of the hours of 9am – 11pm.

**Erection of 49 No dwellings with associated roads, cycle path and open space on Land at Bowesfield Lane, Preston Farm Industrial Estate, Stockton (Planning Application 05/0967/REV)**

Members were advised that outline planning permission was granted for a mixed development include offices, e-commerce centres, call centres, motor dealerships, hotels, health club, housing, amenity areas, sailing centre and roads on the Bowesfield site, to the east of Queen Elizabeth Way. Development of the infrastructure together with the initial commercial development was now ongoing.

The application was the second to be considered at Planning Committee, which proposed residential development on the land. The application was for the approval

of the reserved matters and related to the housing site located to the south of the main access into the site, and immediately east of the next proposal (05/0947/REV).

The application had been the subject of extensive consultation and a range of comments had been received. Four letters of objection had been received and the concerns were summarised as follows:-

The development was considered unsustainable with incorrect housing mix, the development was considered to be too close to the river, insufficient planning gain, the development was to be located in a green wedge, the existing riverside footpath would be comprised and development should be a minimum of 50 metres away.

The major objections raised related to the principal of residential development on the site, however the issue was resolved at the outline stage following the authority's receipt of confirmation from the Government Office North East that the application was not to be called in by the Secretary of State (Plan Ref. 01/0600/P).

The proposals now under consideration had been the subject of detailed discussion and assessment and following the applicant's acceptance of officers proposed amendments were now considered acceptable.

An addendum report was provided to Members which advised that following preparation of the report for the application, ongoing discussions between the applicant and the Head of Engineering and Transportation had resolved outstanding transport issues and the need for a direct pedestrian path to link between the development and Queen Elizabeth Way and the requirement for a home zone area in the residential area.

The Engineering and Transportation department had now confirmed that the application could now be satisfactorily be determined subject to the following matters:-

- A Section 106 Agreement, the heads of terms for which had been agreed in respect of the public transport infrastructure of £26,000.
- The cost of providing a footpath link from the development to the Queen Elizabeth Way of £18,000.
- The inclusion of one further planning condition as followed:-

Before the development hereby approved commences a scheme shall be submitted which detailed the home zone area and its materials shall be submitted to and approved in writing and thereafter implemented to the satisfaction of the Local Planning Authority.

The Agent addressed the Committee and advised that they had been accused of attempting the development below the flood level however this was not the case.

The applicant advised that in 2002 the original plans had been **approved**; in 2005 an updated development was submitted and agreed.

There would be a 15 hectare conservation **area**, which would equate to a great deal of planning gain. The applicant advised that plans had always shown a 50 metre of the green with tree planting which would be used as a public right of way and which would have tree planting.

The agent advised that the development was sustainable and they would aid funding for public transport in the area.

Two offices and a car showroom had already been approved and another care showroom would shortly be coming to Committee along with other applications as per the original approved brief.

An objector addressed the Committee and residents of Thornaby could no longer walk along the river into Stockton as developments had prevented the right of way and done away with public walkways and therefore the objector was concerned that the right of way would be removed if the development was approved. The applicant advised that the right of way should extend 50 metres from the river and requested that walkway extend the length of the development.

The objector observed that the right of way had already been restricted on the development and therefore requested that it be reinstated.

The applicant addressed the Committee and advised that a right of way already existed and that the public had not been prevented from using the right of way, however, a sign had been erected warning people that construction was in progress. The applicant advised that some areas along the river were not safe regardless of right of way.

The Ward Councillor advised that the Ramblers [Association](#), of which he was a member, had not made any comment however he hoped that the applicant would restore the right of way as advised.

RESOLVED that Planning Application 05/0967/REV be approved subject to a Section 106 Agreement and the following conditions:-

1. C225 – Plan Nos. HJB/457/PA90, 91, 92, 93, 94, 95, 96, 97, 98, 101, 102a & 106a – to accord the approved plans.
2. This approval relates solely to this application for housing and does not in any way discharge the conditions contained in planning approval no. 01/0600/P, 6<sup>th</sup> May 2003 which conditions apply to this consent – to define the consent.
3. C092/R040 – Means of Enclosure
4. C083/R034 – Landscaping
5. Notwithstanding the details submitted, a scheme showing the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall thereafter be implemented in full.
6. C107/R051 – Drainage
7. C051/R016 – Removal of PD rights
8. C052/R016 – Removal of PD rights
9. C053/R016 – Removal of PD rights

10. Before the development hereby approved commences a scheme shall be submitted which details the home zone area and its materials shall be submitted to and approved in writing and thereafter implemented to the satisfaction of the Local Planning Authority.

**Heads of Terms Section 106 Agreement \*\*\*\*\***

**Application to fell 1 No. Oak and 1 No. Lime Tree, 31 Manor Drive, Hilton, Yarm  
(Planning Application 05/0055/REV)**

Members were reminded that the planning application was put before the Planning Committee on 23<sup>rd</sup> February 2005 and it was resolved at the meeting that the applicant provided an independent professional engineers survey to identify the impact of the works. Despite several requests to the agent for the information to be supplied, none had been forthcoming and the application was therefore required to be determined as it stood.

Consent was sought to fell 1 No Oak Tree and 1 No Lime Tree which were currently under a Tree Preservation Order.

A previous application was received in 2004 (04/2480/X) and was refused in line with comments made from the Building Control Department in the interests of Health and Safety as shown in the reason below.

“It is the opinion of the Local Planning Authority that the removal of the trees could cause ‘ground heave’ to the detriment of the structure of the application site and the neighbouring property”.

The Local Planning Authority had subsequently been informed that 'ground heave' was not a material planning consideration and was a matter for the insurance company to decide upon. The applicant was subsequently advised to resubmit the application.

Six letters of objection had been received in relation to the application. The majority of the objections were regarding the loss of amenity and the health of the trees and that if the trees were to be removed the Tree Preservation Order would be worthless.

An objector addressed the Committee and advised that he was concerned that the officers had not consulted an engineer. If he had not attended the last meeting he was upset to have known that the letters of objection would have been ignored.

The objector observed that the insurance company would delay action and would eventually chop the trees down, which would appear to alleviate the problem for a while but then the house would be affected to a greater level due to ground heave.

## **TANYA SPEAK TO JULIE BUTCHER**

RESOLVED that Planning Application 05/0055/REV be deferred for the arboriculturalist and building survey to attend the next Committee meeting.

## **Erection of 93 No dwellings and associated works on land off Queen Elizabeth Way, Bowesfield, Stockton-on-Tees (Planning Application 05/0907/REV)**

Outline planning permission was granted for a mixed development including offices, e-commerce centres, call centres, motor dealerships, hotels, health club, housing,

amenity areas, sailing centre and associated landscaping and roads on the Bowesfield site, to the east of Queen Elizabeth Way. Redevelopment of the infrastructure together with the initial commercial development was now ongoing.

The application related to one of the two proposals on the proposed site. The application was for the approval of reserved matters related to the housing site located to the south of the main access into the site and immediately east to Queen Elizabeth Way.

The application had been the subject of extensive consultation and a range of comments had been received. The major objections raised related to the principle of residential development on the site, however the issue was resolved at the outline stage, following confirmation from the Government Office North East that the application was not to be called in by the Secretary of State (plan ref 01/0600/P).

The proposals now under consideration had been the subject of detailed discussion and assessment and following the applicant's acceptance of officers proposed amendments, were now considered acceptable although amended plans were required.

RESOLVED that subject to a Section 106 Agreement, the decision be delegated to the Development Control Manager and that planning application 05/0497/REV be approved subject to the receipt of an amended plan and the following conditions:-

1. C225 – Plan Nos. P 05:3486:01 Rev C, P 05:3486:02 – 10, P 0:3486:11 Ref A, HJB/457/PA101 & 102 – To accord with approved plans.

2. This approval relates solely to this application for housing and does not in any way discharge the conditions contained in planning approval no. 01/0600/P, 6<sup>th</sup> May 2003 which conditions apply to this consent – to define the consent.
3. C092/R040 – Means of enclosure
4. C083/R034 – Landscaping
5. Notwithstanding the details submitted, a scheme showing the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall thereafter be implemented in full.
6. C107/R051 – Drainage
7. C051/R016 – Removal of PD rights
8. C052/R016 – Removal of PD rights
9. C053/R016 – Removal of PD rights

**Heads of Terms \*\*\*\*\***

**Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it

involved the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.

**Open Plan Estates: Bishopsgarth and Elm Tree Ward – Unauthorised front walls and fences**

Members were advised that the original residential areas of Bishopsgarth and Elm Tree Ward were designed as open plan estates from the 1950s onwards. However a complaint received about a new front boundary enclosure at a property in Bishopsgarth had lead to the investigation of a further 19 properties who had erected unauthorised front boundary enclosures.

It was the purpose of the report to consider if it was expedient to take enforcement action against the properties listed in Appendix 1 who had erected unauthorised front boundary enclosures.

RESOLVED that Members resolve that:

1. It is not expedient to authorise enforcement action for the properties listed in Appendix 1 who have erected front boundary enclosures, as the majority of the properties are exempt from any action the Local Planning Authority could take due to time limitations.
2. A further report will be presented to Members to consider the issue of open plan estates in the Bishopsgarth and Elm Tree Ward once consultations have taken place with the local residents via the local ward councillors.

## Minutes

~~The minutes of the meetings held on \_\_\_\_\_ were signed by the  
Chairman as a correct record.~~