

Planning Committee

A meeting of the Planning Committee was held on Wednesday, 7th December 2005.

Present: (Site Visits):- Councillor Cains (Chairman); Councillors Mrs Beaumont, Brown, Cherrett, Faulks, Leonard and Perry.

Officers: Miss H Smith, B Jackson and R Rust (DNS).

Apologies for absence were submitted on behalf of Councillors Coombs, Patterson, Mrs Rigg, Rix, Smith, Stoker, Walmsley and Womphrey.

Present: (Meeting):- Councillor Cains (Chairman); Councillors Mrs Beaumont, Cherrett, Dixon (vice Councillor Patterson), Faulks, Leonard, Perry, Smith, Walmsley and Womphrey.

Officers: G Archer, B Jackson, Mrs C Llewellyn, R McGuckin, Ms J O'Donnell, J Pattison, S Pilkington, R Rust and Mrs M Whaler (DNS); S Hibbert (SS); Miss J Butcher and Mrs T Harrison (LD)

Apologies for absence were submitted on behalf of Councillors Brown, Coombs, Kirton, Patterson, Mrs Rigg, Rix and Stoker.

Declarations of Interest

Councillors Dixon and Faulks declared a personal/prejudicial interest in relation to Agenda Item 16 – Erection of detached dwellinghouse, Plot 22, River View, Ingleby Barwick (05/3046/FUL) due to being a friend and colleague of the applicant.

Outline application for the erection of 20 No dwellings and associated means of access (Demolition of existing nursing home), The Mains Nursing and Retirement Home, Drovers Lane, Redmarshall (05/2644/OUT)

A site visit was held prior to the meeting.

Members were informed that the item had been withdrawn.

Outline application for 19 No self-build housing plots and the creation of a country park/local nature reserve – Land in the vicinity of Betty's Close Farm, Ingleby Barwick (05/3047/OUT)

Members were informed that the item had been withdrawn.

Erection of 1 No detached dwellinghouse and associated means of access and landscaping – Kentisbury, The Spital, Yarm (05/2805/FUL)

Members were advised that the application related to the rear garden of Kentisbury, The Spital. The applicant sought consent for the erection of a dwelling and the creation of an extended driveway utilising the existing access off The Spital. The application was for full planning permission.

Numerous objection letters (9 to the original application and 7 to the amended plans) had been received from the occupants of neighbouring properties and the Ward Councillors.

The objections primarily related to the size and bulk of the proposed buildings and the resulting loss of privacy for the occupants of adjacent buildings. Objectors also commented that the proposals would be unsympathetic to the character of the area, affect protected trees and would have an adverse impact upon highway safety. The objectors did not feel that the amendments to reduce the height of the roof and the number of windows in the property affected their objections.

Officers had been advised that there would be no loss of protected or unprotected trees through the proposed development and loss of shrubs etc on the site would be kept to a minimum. It was not considered that the proposals would have an

unacceptable impact on highway safety and sufficient car parking would be provided by the attached double garage.

The applicant had provided additional plans at the site visit, which showed an assessment of the impact of the proposed dwelling on the daylight, sunlight and privacy of neighbouring properties and the layout of the site and surrounding properties.

The reporting officer advised that the original recommendation had been to approve the application as on paper it had appeared to be acceptable, however upon attending the site visit it became clear that the proposed application would not be acceptable and it was therefore with reluctance the officer wished to change the recommendation and recommend refusal, though he wished it to be acknowledged that the applicant had done all that he could to follow the requirements.

The applicant addressed the Committee and advised that he acknowledged tree planting could be improved and that he knew the neighbours were not happy with the development, however, he had wished to retain the integrity of a bigger building which still remained in the area, including his property. The objector advised that a developer had offered a substantial amount of money for his property and land with the intention of building a number of houses on one plot as had been done at 18 Leven Road and many other properties within the area. He had refused the developers request but had done his homework and was aware that people no longer wanted big gardens and therefore had decided that it would be better to build one house in the back of Kentisbury rather than losing another big house in the area to developers who wished to cram many houses or flats into the same area.

The applicant was aware that the neighbours were used to seeing open space, however he had made significant amendments to the plans following suggestions from the neighbours and had moved many of the windows so as to lessen the impact on the neighbours.

An objector addressed the Committee and advised that he objected to the size and height of the building as it was proposed to be a five or six bedroom three-storey house with a massive chimney. The objector acknowledged that changes had been made, however some of the development would be very close to his property and he would be able to look into a number of the rooms of the proposed property from his own home.

The objector advised that the length of the drive was a concern as someone entering or exiting the drive would not be able to see the end of the length of the drive. The objector had worked out that at thirty miles an hour it would take approximately eight seconds to enter or exit the drive.

The objector advised that open space was required to maintain the wild habitat that was in existence. The objector also advised that the development would damage trees.

Some members acknowledged that although they did not object to a dwelling being built on the land they considered the application to be too large, too high and too close to some neighbours.

RESOLVED that Planning Application 05/2805/FUL be refused as the development proposed by virtue of its size, height and location of the proposed dwelling on the site, will have an unacceptable overbearing impact and loss of privacy on the neighbouring properties, harming the existing residential amenity which the residents could reasonably expect to enjoy.

Erection of detached dwellinghouse, Plot 22, Riverview, Ingleby Barwick (05/3046/FUL)

Members were advised that the application site was Plot No. 22 on the River View development, Ingleby Barwick. The plot was part of a larger residential development for which a master plan was approved on 16 September 2004. (application number 04/2404/REM). A number of the plots were to be self-build. To ensure there was some consistency within the development a Design Strategy Document had been produced in consultation with the Council.

The application was presented to Committee, as the applicant was Councillor Ross Patterson. The proposal was for the erection of a contemporary designed detached dwelling and attached garage. The siting and access of the proposal had already been agreed in the Master Plan for the area.

The proposed dwelling was for a more contemporary design in comparison to the other applications approved to date. The roof of the dwelling had been rotated 90 degrees from that detailed in the design guide, which had increased the available space in the roof for domestic use and had resulted in a higher ridge. Amended plans had been submitted which addressed the concerns of the officers and adjacent neighbours. The neighbouring properties had been re-consulted and no additional comments had been received.

It was considered that the application was broadly in line with the Design Strategy Document and Local Plan policies, therefore the application was recommended for approval.

The agent addressed the Committee and advised that the design did not go against the design guide and the property would be an asset to the self-build plot.

Members were advised that the only objection that had been received was regarding the height of the roof from a neighbour approximately 45 metres away, however the height of the roof would be less than those of neighbouring properties.

RESOLVED that Planning Application 05/3046/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):-
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. 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.
4. Details of the existing and proposed ground levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
5. 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.

6. Landscape planting on the western boundary of the site shall be implemented in the first planting season following the occupation of the dwelling. The planting shall accord with the details shown on Plan No. 1054/1 rev.A attached as an informative to this planning permission.
7. No construction activity shall take place on the site outside the hours of 8.00am – 6.00pm Monday to Friday, 8.00am to 1.00pm Saturday and nor at any time on Sundays or Bank Holidays.

(Councillors Dixon and Faulks left the room for the duration of the item having declared a person/prejudicial interest in the above item due to being a friend and colleague of the application).

Erection of detached dwelling with detached garage within rear garden – Land at 646 Yarm Road, Eaglescliffe, Stockton-on-Tees (05/2580/REV)

The application site was formed by what was currently the rear area of 646 Yarm Road, Eaglescliffe. The property was a large detached property and had a large expanse of garden area to the rear.

The plot size measured approximately 39 metres by 23 metres and planning consent was sought to establish whether the principle of an additional dwelling would be acceptable on the land. The applicant requested that the means of access be considered for approval with all other matters reserved for a future submission.

Nine letters of objection had been received to the proposed development; concerns were raised regarding the loss of amenity and privacy, the setting of precedent, highway safety, the impact on the character of the area and the loss of a green open space. The concerns were however addressed in the material planning consideration of the application.

On balance and given that the principle of the type of development had already been established in the locality, it was considered that the proposed development was acceptable and could be accommodated within the site. Members were however advised that a similar application had been refused earlier in the year on the grounds of overdevelopment.

An updated report provided Members with two additional letters of objection, which had been received in respect of the proposed development as well as a written statement from the applicant's agent.

An objection was raised on the grounds of road safety, traffic congestion and the likely amount of traffic that the proposed development would attract, which would access the busy road on a corner.

The objector raised concerns regarding approving the proposed three garages as he felt that it could possibly mean a further planning application to change the use into three apartments.

Another letter of objection advised that the application was yet another example of the design and style being out of keeping within the surrounding area which was contrary to PPG3. The size of the build and the proximity to the neighbour would impact on privacy and law of ancient light. The property did not appear to be on a natural building line and therefore the objector had concerns regarding the access to Yarm Road due to the bend in the road at that point. Concerns were also raised regarding the precedent issue for similar developments along Yarm Road.

The agent's statement indicated that if the applicant received outline-planning approval it was their intention to submit a reserved matters application for the siting, scale, design, appearance and landscaping of the dwelling for further consideration by the local planning authority. The current application was only for the approval of the principle of the dwelling in the rear garden and the access of that dwelling.

On balance and given that the principle of the type of dwelling had already been established in the locality it was considered that the proposed development was acceptable and could be accommodated within the site. The development was judged to be in accordance with Policies GP1, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No. 3 and was subsequently recommended for approval.

An objector addressed the Committee and advised that there were very few old buildings of the nature and style in question and observed that any upstairs windows would look into the objector's property and the height of the development would cause shadows over some neighbours properties thus reducing light.

Another objector addressed the Committee and advised that Eaglescliffe already had enough housing and to approve such an application would be a mistake. The objector raised concerns regarding the close proximity to the railway line and the issue regarding traffic and was of the opinion that the development went against PPG3 in relation to all the points the objector had addressed.

The Planning Officer advised that the garden was large in area and therefore they believed that it was appropriate to determine the application in principle.

Some Members raised the following concerns:-

- More and more backland developments were coming in under PPG3 and in time there would be no land left therefore indicating that backland developments needed to be addressed thus ensuring that a precedent was not set.
- The character of the buildings should remain intact and not be done away with.
- It was observed that if the Planning Committee were deciding on apartments they would be extolling the virtues of public transport, however the application in question was requesting three garages and therefore some members queried whether this would be appropriate.

The Planning Officer advised that there were guidelines to housing and counselled the Members that they would have to be careful as to not set an embargo as each item is decided on its own merit.

Members were also reminded of a previous application of similar merit, which had been refused, but which had been overthrown upon appeal.

RESOLVED that Planning Application 05/2580/REV be deferred for a site visit.

Application to modify Condition 3 of planning approval 00/1380/P to extend opening hours until 12:00 midnight – Hide Café Bar, 32 High Street, Yarm (05/2526/ARC)

Members were advised that the application originally sought to extend the approved opening hours of the café/bar from 11.00pm until 1.00am. A proposal had since been modified to extend the opening hours to 12.00 midnight following concerns from officers regarding potential noise, disturbance and the affect of such on residential amenity.

Hide bar was located within Yarm centre, set back off the High Street and accessed via Fairfax Court. The rear of the premises backed on to car parks, beyond which lay residential properties.

Six letters of objection had been received to the proposed extension of hours. Objections were generally based upon the detrimental impact upon amenity and privacy in the early hours of the morning.

An updated report was provided to Members following concerns raised by the applicant regarding the comments made by the Policy Authority. The initial response of Cleveland Police indicated that within the past twelve months there had been thirteen incidents recorded at the premises itself; not taking into account any problems, which may have arisen once patrons had left the premises. It was further indicated that the thirteen incidents had included five separate assaults directly linked to the Hide Bar itself. Ultimately the Police objected to the bar opening until 1.00am and requested it be restricted to the terminal hour of 12.00 midnight.

The applicants considered the information to be misleading and requested supporting information from the Police authority. Following the dialogue with the Police Authority, the Police had revised their comments in respect of the proposal. Within their last statement, the Police indicated that they did not object to the premises being open until 12.30am.

In view of the amended response from the Police Authority, the proposal to extend the opening hours of the Hide Bar was recommended for conditional approval.

The agent addressed the Committee and advised that the client had been working closely with Cleveland Police and that the Police had made no objection to the licensing extension.

Of the thirteen incidents reported by the Police, three were outside of the vicinity and two of them were people trying to get into the Hide Bar. The Hide Bar could only claim 2% of the total incidents that took place over the year in Yarm.

The agent advised that the Black Bull was open to serve alcohol until 1.00pm, which also had a beer garden, but was licensed to remain open until 12.30, which the agent considered to be closer to the residential properties than the Hide Bar.

The agent also advised that the roof light would be reinforced with thicker double-glazing therefore reducing noise being released through the roof light. The back door, which had been a cause for concern from residents, would no longer be allowed to be used.

An objector, a shift worker, addressed the Committee and advised that the applicant was supposed to have alarmed the back door to prevent staff and delivery people coming and going when they liked, however this had not happened; staff still entered and exited from the fire door constantly. The objector acknowledged there had been some reduction but advised that the noise pollution was still not acceptable as the constant noise of a banging door continued until approximately 1.30am and then began again at 6.30am.

On one instance the objector recorded seven delivery vehicles using the back door early in the morning, some of which left their vehicles engines running which added to the noise pollution.

The Ward Councillor addressed the Committee and advised that the Hide Bar was in close proximity to residential properties and many residents at the front of the Hide Bar had lived there all their lives and were constantly battling anti social behaviour. The Ward Councillor was therefore of the opinion that the increase of pub/bar opening hours would increase the problems and therefore requested that the application for extended opening hours be refused.

Some Members advised that delivery wagons had to do their deliveries and although it was inconvenient to residents, if they lived near shops/bars etc it was something that should be expected, however late night deliveries and noise were not acceptable but were not an issue that could be addressed by Planning Committee but would need to be addressed by Environmental Health. Some Members advised that it appeared that the applicant had not adhered to some of the conditions of late restrictions put in place as a result of the licensing application and therefore requested that if the applicant had proved within six months that all the conditions

and restrictions had been adhered to then it could come back to Planning Committee for the extended opening hours to be reviewed.

Members were however advised by the solicitor for Planning that the Police had not indicated any problems and therefore the Planning Committee would need to look at it as a planning matter rather than a licensing matter.

Some members observed that Yarm used to be a lovely market town and therefore did not wish to see the extended opening hours take place and they felt the recommendation for an 18 month temporary period of longer opening would be torturous for local residents and therefore requested that a temporary period be reduced to six months to then be reviewed.

RESOLVED that Planning Application 05/2526/ARC be refused as in the opinion of the Local Planning Authority the extended period of opening hours requested is unacceptable due to the adverse impact from noise and disturbance from the use of the rear car park and customers leaving the premises on the amenities of the nearby residential properties at times when the occupants could reasonably expect the quiet enjoyment of their homes. As such, the proposal would be contrary to the guidance of Policy GP1 of the adopted Stockton on Tees Local Plan.

Prior approval for the erection of 12.5m high slimline steel telecommunications monopole, with working lighting arm to accommodate 6 No antennas with associated radio equipment housing and ancillary development at ground level, Highways Land near the Golf Club, Wolviston Road, Billingham (04/3158/TEL)

Members were reminded that the application had been previously looked at and assessed by Members of the Planning Committee in November 2004 and the prior approval of the siting and design of the telecommunications mast had been determined to be required and was refused.

Subsequently the applicant appealed to the Secretary of State and having made a site visit the Planning Inspectorate granted planning consent for the proposal to be erected.

The telecommunications mast had not been erected in accordance with the proposed details therefore amended plans had been submitted in order to regularise the situation and approval was sought for the amended drawings as a minor amendment to the consent granted by the Planning Inspectorate.

Upon request Members were advised that no explanation had been given as to why the application had been erected 0.5 metres from the proposed original site.

Some members requested that the lighting arm be erected as per the original application.

RESOLVED that Planning Application 04/3158/TEL be approved.

(BARRY PLEASE PROVIDE CORRECT WORDING OF CONDITIONS)

Revised outline application for the erection of a single storey dwellinghouse and the installation of a septic tank, Capercail Farm, Calf Fallow Lane, Norton (05/2985/OUT)

Members were reminded that a previous application for outline consent had been sought on the site in August 2005. The application was refused for the following reason, but the applicants were encouraged by Members to provide greater justification as to the type of activities that took place on the site.

“The proposal represents development outside the limits to development without sufficient reasoning or justification, contrary to policies GP1 and EN13 of the Stockton-on-Tees Local Plan.”

The application had sought to address the issues providing a supporting statement for the application.

The application site was a large field, part of which was laid to hardstanding and currently housed two caravans, a stable block and several outbuildings and structures. Access to the site was achieved via a narrow access track, Calf Fallow Lane with several other smallholdings found within the locality.

Six individual letters of support were received during the consultation period.

Although the applicants had been given a certificate of lawfulness on the site for permanent residential use for 2 No caravans and wished to improve their quality of life, it was still considered by the Local Planning Authority that the supporting statements lacked appropriate justification outlined in Annex A of PPS7 and would therefore be contrary to policies GP1 and EN13 of the adopted Stockton-on-Tees Local Plan.

The applicant addressed the Committee and advised that they had lived on the site for a decade, had a certificate of lawfulness and paid Council Tax since moving on to the land.

They had worked closely with the Department For Environment Food and Rural Affairs (DEFRA) and sold hay and chickens.

They had a business, which was as a subsistence basis. They had looked for a suitable dwelling for their family within the area but had not been successful and therefore wished to build a dwelling on the site as they considered that a building would be better than the caravan.

In the time they had lived there they had constantly used the road and would need to continue to use it even if the application was refused therefore indicating that there would be no extra traffic.

The applicant advised that they had a contract with DEFRA and had encouraged wild life in the habitat.

Members were advised that the application on failed on four of the five requirements.

Some members requested that the applicant be given names of officers who could help them in their aim to establish a small business and meet the requirements, which had hindered them so far.

RESOLVED that Planning Application 05/2985/OUT be refused for the following reason:-

The proposal represents development outside the limits to development without sufficient reasoning or justification, contrary to policies GP1 and EN13 of the Stockton-on-Tees Local Plan.

A letter will be sent to the applicant to make contact with the small business unit.

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

Members were reminded that the application had been deferred at the October 2005 Planning Committee in order that the Building Control Officer and Arboriculture Officer could attend. The application had also been deferred in February 2005 in order that the applicant could provide 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.

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 had been received in 2004 (04/2480/X) and was refused in line with comments made from the Building Control Departments 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, loss of healthy 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 the removal of the trees would only be a temporary fix of the problem and advised that the solution would be to underpin the property; if this were done it would preserve the trees.

The objector queried why the application had not been refused at the beginning and why they waited for a tree expert when the Committee had said that that was not what was needed.

The Officer was of the opinion that underpinning was a possible solution, however he had inspected the trees and read the arboricultural report and advised that it appeared to be the Oak tree which appeared to have the greater impact and that the soil had shrunk to its limits and therefore no longer protecting the foundations.

The officer advised that in hindsight the properties had been built too close to the trees and therefore had increased the potential of damage.

The officer advised that the choices were to underpin the property or remove the trees. If the trees were removed the Council would be liable however the cost of underpinning would also be the responsibility of the Council.

The Building Control Officer advised that once the trees were cut down they were of the opinion that there would be significant ground heave as none of the foundations on Manor Drive were deep enough, however the officer requested more proof that there was not going to be more damage if the trees were removed rather than the annual effect the trees already had in the area.

The Principal Solicitor advised Members that where evidence was provided that it was reasonably foreseeable that the tree in question was likely to be a cause of damage to property, if Members refused to grant permission for the removal or works to the tree and further damage was caused the local authority would be liable to pay compensation.

Some members acknowledged that the applicant should have provided independent advice.

Members discussed the issue that if the trees were shown to be the effective cause of the damage there would be reasonable evidence to recommend the removal of the trees especially as they had been advised that the trees would outgrow the site and that there was already evidence that the Oak tree roots had affected the house and would continue to worsen therefore opening up the Council for compensation claims.

If the Planning Committee made the decision to refuse, it could therefore affect the decision of the insurance company.

RESOLVED that Planning Application 05/0055/REV be refused as in the opinion of the Local Planning Authority the removal of the trees of outstanding amenity value would adversely affect the visual amenity of the area.

Outline application for residential development comprising 36 No Apartments and associated means of access, Norwood Car Sales, Alma Street, Stockton (Planning Application 05/2605/OUT)

Members were advised that the application site was currently the home of Norwood Car Sales. The application site was an irregular shaped plot located on the corner of Bishopton Lane and Allison Street, which had a large arched frontage on the south-eastern elevation towards the two main roads. Within the immediate area was a mix of commercial properties some with residential use above.

Outline planning consent was sought for the erection of 36 No apartments. The applicant wished for the siting, design, external appearance and means of access to be considered with the landscaping being reserved for a later submission.

The application was for 36 dwellings, which exceeded the residential limits under the existing delegated powers structure and needed to be determined by the Planning Committee. Three letters of objection had been received in relation to the proposed development and the issues raised had been addressed in the material planning considerations of the report.

Members were provided with an updated report, which had advised that further consultation responses had been received from the Head of Engineering and Transportation and from the Council's Landscape Officer.

The applicant's agent had also provided copies of the photomontages supplied to the Planning Department for members to assess the potential impact on the proposed development on the street scene. Given that no objections had been received in relation to the proposed development from the consultees the recommendation had been amended to approval with conditions subject to a Section 106 Agreement for offsite works to the public highway and for a commuted lump sum for the provision of open space in the nearby locality.

RESOLVED that Planning Application 05/2605/OUT be approved with conditions subject to the entering into of a Section 106 Agreement for offsite highway improvements and for a commuted lump sum for environmental improvements to nearby public open space.

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, 0518/01A, 0518/02, 0518/03A, 0518/04, 0518/05, 0518/06 and 0518/07.
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matter.
4. Approval of the details of the landscaping of the site shall be in accordance with the details of a scheme to be submitted to, and approved in writing by the Local Planning Authority, before development commences and implemented in accordance with these agreed details prior to occupation of the dwellings.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. No construction activity shall take place on the premises before 8.00am on weekdays and 8.30am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).
12. Notwithstanding the submitted information provided in this application, detailed sectional drawings showing the construction materials to be used and structure of the building in the front and side elevations of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with these details.
13. A scheme for all external lighting of the buildings, shared amenity areas and car parking area shall be submitted to and agreed in writing with the Local Planning Authority before the occupation of the hereby approved development. Before use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The agreed lighting scheme shall be implemented in accordance with these detailed and maintained to the satisfaction of the Local Planning Authority for the life of the development, unless otherwise agreed with the Local Planning Authority.
14. A detailed scheme for artwork within the proposed development shall be submitted to and approved in writing with the Local Planning Authority, prior to the occupation of the proposed development. Such a scheme shall be implemented in accordance with these agreed details before occupation of the proposed dwellings.

Reserved Matters application for residential development of 143 No dwellings and associated highways, infrastructure and garages – Land off Broomwood Avenue, Hillbrook, Ingleby Barwick (Planning Application 05/2665/REM)

Members were provided with an application which related to the area of Ingleby Barwick located off the east of Broomhill Avenue and immediately north of 'Broomwood', located to the west of the existing residential development, 'Lowfields'. Members were reminded that the general principles of the master plan for the remaining housing development within Ingleby Barwick had been discussed at a special Planning Committee meeting held on 11th May 2002.

The density of the proposal was in accordance with the proposed density for that part of Ingleby Barwick, the development comprising detached three and four bedroomed houses.

The application had been advertised, however no objections had been received. The proposal was a 'reserved matters' submission considered to be in accordance with current Government guidance contained in PPG 3 – Housing. The proposal was therefore recommended for approval with conditions.

A member queried the traffic review outcome versus the development and was advised that as the development was part of the approved master plan the Committee could not vote against the application due to traffic.

RESOLVED that Planning Application 05/2665/REM 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 by the Local Planning Authority: Drawing Numbers:-

Design statement SBC01 which includes site layout, site sections, street scenes, house styles and house types A to L, and garage details for single, double and quad garages, PO5: 3487:01 Rev K and PO5: 3512:01A.
2. Notwithstanding the details submitted, a detailed scheme for landscaping and tree 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 surface of all open space areas. The work shall be implemented in accordance with a phased programme to be agreed with the Local Planning Authority before the development authorised by this permission is commenced and any trees or plants which within a period of five years from the date of planting, die, are removed or 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.
3. Notwithstanding the details submitted, soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities.
4. All hard and soft landscaping 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. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for

its permitted use. The landscape management plan shall be carried out as approved.

6. No development shall be commenced until a scheme for the disposal of drainage has been submitted to and approved in writing by the local planning authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing by the local planning authority.
7. New discharges of foul and surface water must be on separate systems. Surface water flows must be prevented from entering the public foul or combined sewer. Surface water flows should, where possible, be discharged to soakaways, streams or watercourses. Connection to the public surface water sewer should be made as an alternative.
8. Full details of new connections to the public sewerage system must be submitted to Northumbrian Water for approval. Connections and any other work affecting public sewers must be carried out by Northumbrian Water.
9. 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.
10. 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, finished floor levels for dwelling houses and road levels. Thereafter the development shall be completed in accordance with the approved details.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no vehicular access shall be created other than those hereby approved, without the prior written consent of the local planning authority
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no integral garages shall be converted into part of the house without the prior written consent of the local planning authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) all boundary means of enclosure shall be in accordance with the details hereby approved. Any future proposals to amend these details shall be made the subject of a formal planning application to the Local Planning Authority.
14. Development works on site shall not occur outside the hours of 8.00am – 6.00pm weekdays and 8.00am and 1.00pm on a Saturday and there shall be no works carried out on Sundays.

Installation of a replacement 14” glass reinforced epoxy effluent link line between Conoco Phillips Greatham Site sump and main site effluent treatment facility in addition to 2 off fibre optic cables – Conoco Phillips Petroleum, Teesside Operations, Seal Sands, Middlesbrough (Planning Application 05/2584/FUL)

Members were advised that the proposal was for a replacement 14” effluent transfer pipeline together with 2 No fibre optic cables running from Conoco Phillips Petroleum Greatham site in Hartlepool to its effluent treatment plant on its main site at Seal

Sands. The application only related to the section of pipeline within Stockton Borough. A separate application to Hartlepool Borough Council had been made for the section of pipeline within that authority's area. The pipeline was 3.5 kilometres long though only part of it was within Stockton-on-Tees Borough. The effluent comprised 90% storm water and 10% oily water. Except where it crossed the Emergency Access Bridge over Greatham Creek, the pipeline would be below ground level following existing pipeline corridors and reservations.

The main consideration with the application was the potential impact on the local ecology given that the route of the pipeline bisected Sites of Several Scientific Interests (SSSIs) in the area, which were part of the SPA and Ramsar sites. English Nature had lodged an objection but it would be withdrawn if the recommendations set out in an ecology report were secured by planning conditions and/or obligations. It was considered the proposal had no detrimental impact on local amenities, would lead to an improvement in the water quality of the river and help improve operations and security for the applicant.

RESOLVED that planning application for 05/2584/FUL be approved subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the following approved plans or as otherwise may be subsequently agreed in writing with the Local Planning Authority:-

Drawing numbers: C2264-70-001 Rev A; C2264-70-002 Rev A; C2264-70-003 Rev A; SBC001.
2. On completion of any underground pipeline works the site shall be restored but not re-seeded unless otherwise agreed in writing with the Local Planning Authority.
3. The development hereby approved shall be carried out in full accordance with the ecological report accompanying application. In particular:
 - (a) To avoid disturbance to nesting birds, work in the area across Number 5 Brinefield shall not be carried out in the bird nesting season of March to July (inclusive) and
 - (b) To avoid disturbance to over wintering birds on the Seal Sands Sites of Special Scientific Interest (SSSI), work on the Sea Wall section of the route shall not be carried out during the winter period of November to March (inclusive).
4. No development approved by this permission shall be commenced until the site is investigated to determine the nature and extent of any landfill gas or contaminated materials present on the site. A report and risk assessment based on the results of the site investigation shall be carried out in accordance with the Stockton Borough Council Guidance on Landfill Gas Investigations using a suitably qualified environmental consultant and submitted to the recommendations, as necessary, shall be incorporated in to the construction works.
5. 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.

6. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.
7. Hartlepool Borough Council be notified of this decision and advised that Stockton-on-Tees Borough as the adjacent authority has no objection to approval being granted for the section of pipeline within its area.

Single storey garden room to rear, Roseville House, Yarm Back Lane, Stockton-on-Tees (Planning Application 05/2758/FUL)

A site visit took place prior to the meeting.

Members were advised that the application site was Roseville House situated off Yarm Back Lane.

The application was being presented at Committee as the applicant was a relation of an officer at the Council and due to the controversial nature of the previous applications relating to the site, also being heard at the Committee were amended plans for a previous application on the site granting permission for the change of use of the building from office use to residential.

The proposal was for the erection of a single storey garden room to the rear of the property.

The closest neighbours to the application site were the owners/occupiers of Holmfield a bungalow situated approximately 26 metres from the proposed garden room to the south. The boundary treatment between the properties consisted of a 1.8 – 2 metre high close-boarded fence and a number of various species of young trees. On the elevation of the garden house facing the neighbouring property the windows and the glass in the glazed door were proposed to be obscure glazing.

A single objection letter from neighbour consultation had been received.

It was not considered that the proposal would have a significant impact on the neighbours nor upon the surrounding countryside, the application was therefore recommended for approval.

RESOLVED that Planning Application 05/2758/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 and SBC002.
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.

Conversion of former offices to residential dwelling including first floor extension, external alterations and new roof and erection of ancillary garage block/outbuilding – Former Weather Station, Yarm Back Lane, Stockton (Planning Application 02/0686/P)

Members were advised that planning permission had been granted for the conversion of former offices to a residential dwelling including a first floor extension, external alteration, a new roof and erection of ancillary garage block/outbuilding. The application was approved with conditions in June 2002; further amended plans

regarding a lowering of the roof height were approved by Committee on 26 September 2003.

Amended plans and an application for a garden room (05/2758/FUL) had now been submitted by the applicants at the request of the Enforcement Officer, following a complaint from a local resident and were being presented to Committee due to the relationship of the applicant to an officer at the Council and due to the controversial nature of the previous application.

The amended plans showed the re-alignment of the boundary wall to the front of the property facing Yarm Back Lane and an additional roof light in the roof of the domestic store over the new garage block.

It was considered that the amendments were minor and would not have a significant impact upon the neighbours or upon the surrounding countryside.

RESOLVED that the amended plans SBC001 and SBC002 be accepted as minor amendments to the application 02/0686/P.

Reserved matters application for the erection of 8 No speculative hybrid business units and 1 No industrial unit together with associated means of access and external works site – 16/Phase B, Wynyard One, Stockton (Planning Application 05/2940/REM)

The application sought reserved matters approval to erect 8 No speculative hybrid business units and 1 No industrial unit together with associated means of access and external works including landscaping on land within the former Samsung site, Wynyard. Outline planning permission for the whole site had originally been granted in 1994 and most recently for a variation of Condition 1 of the original planning permission had been granted to allow the unrestricted B1 and B8 uses at the site. Permission for 2 No buildings for storage and distribution had been granted on the site since that time. In 2004, Samsung abandoned the site, and was now occupied by various companies.

The application was for the first reserved matter application made after approval of the recent variation of the outline permission. The only objection raised from the local community was from the Grindon Parish Council.

Given that the principle of the development had been established at the outline stage, the main planning considerations related to the details of the scheme, and whether it accorded with the revised master plan and design guidance submitted to discharge the relevant conditions attached to the recent varied approval. The layout of the development, the design of individual buildings, landscaping and landform, complied with the outline approval. The development was also not likely to adversely impact on neighbouring uses including nearby residential properties. Accordingly, it was considered that the proposal was acceptable in planning terms.

Overall, the development would contribute to continued economic growth in the Borough.

Members were provided with an updated report, which advised that the main report recommended approval to the development subject to resolution of matters in relation to the concerns of the awaited outstanding consultation responses from the Highways Agency, Environment Agency and the Council's Landscape Officer and Head of Engineering and Transportation.

The views of the Head of Engineering and Transportation had been received which advised of the need for the site lines of 9 x 90 metres, provision for secured cycle parking and no occupation of the building until the scheme for traffic control had been installed and operated satisfactorily.

The first two matters could be secured by an additional planning condition and the third was a requirement of the outline permission to which the application was a reserved matter application and to which it still remained subject.

The Landscape Officer had commented that that the submitted landscaping scheme was satisfactory.

The Environment Agency had still not formally responded but from ongoing discussions, a positive response was expected shortly.

A response from the Highways Agency was still awaited.

RESOLVED that planning application 05/2940/REM be approved subject to the views of the Highways Agency and Environment Agency and be subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans or as otherwise may be subsequently agreed in writing with the Local Planning authority:
Drawing numbers: C449/100, 101E, 102C, 103C, 104A, 105A, 106B, 107A, 108A, 109B, 110A, 111A, 112B, 113A, 114A, 115B, 116, 117, C449/Mast, 364/02 rev A.
2. The landscaping scheme shown on the Plan No. 364/02 revision A, or any subsequent amendment to that plan, shall be implemented during the first planting season following the completion of the development
3. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule
4. There shall be no open storage on site of cartons, packing cases, waste materials or materials awaiting fabrication, except in areas to be approved in writing by the local planning authority.
5. Sight lines to the site entrance of 9 x 90m shall be provided within the site boundaries and shall remain obstructed for the life of the development hereby approved.
6. Prior to the occupation of the buildings hereby approved, a scheme setting out the detail for the provision of 5 No secure, covered cycle parking shall be submitted to for consideration and approval by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the buildings hereby permitted, unless the written prior agreement of the Local Planning Authority is obtained.

The plan of the gas pipeline in the vicinity of the site be forwarded to the applicant as an informative attached to the planning permission.

Change of Use of existing Skip Depot into a Waste Transfer Station with new weighbridge and offices and associated building extensions to form workshop, offices and toilets – 2-24 Adam Street, Bowesfield Lane, Stockton (Planning Application 05/2901/COU)

Members were advised that the application proposed the change of use of an existing skip depot into a waste transfer station with new weighbridge and offices and associated building extensions to form workshop, offices and toilets on a site located at the rear of the existing public house on the corner of Adam Street and Bowesfield

Lane. The site was presently in an extremely untidy condition with poor external fencing, and which was considered to be visually detrimental to the area as a whole. The proposal, would offer an opportunity to clean up the site, which would lead to an improvement in the visual appearance of the area in general.

Resolved that Planning Application 05/2901/COU 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. SBC1, 1388/1, 1388/2 and 1388/3.
2. C094 R044 – Materials
3. C092 R040 – Means of Enclosure
4. C081 R033 - Noise
5. No development approved by this permission shall be commenced until the site is investigated to determine the nature and extent of landfill gas. The site investigation and risk assessment report shall be carried out in accordance with the Stockton Borough Council Guidance on Landfill Investigations using qualified and experienced environmental consultant, the recommendations being incorporated into the building design. The investigation report and risks assessment shall form part of the planning application and be agreed with the Local Planning Authority.
6. A bonded impervious area shall be constructed where vehicles can be sited to drain off sump oil, gearbox oil, hydraulic fluids and battery acids until removed by a licensed waste transport carrier.
7. No engine cleaning using solvents to be permitted on site unless a system is approved by the Local Planning Authority prior to installation and use.
8. C146 R015 – Open Burning
9. Any dust emissions from material less than 7.5mm in diameter, stored loaded or transported externally shall be covered by sheeting or water suppression.
10. C227 R071 – Drainage
11. Any facility 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 shall 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 the 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 to any watercourse, land or underground strata. Associated pipework should be located above the ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Prior approval determination for the installation of 6 No antennas at 55.33 metres and 2 No transmission dishes at 54.5 metres on existing pylon together with associated equipment cabin enclosed by 1.8m high fencing at the base of the tower, (Revised Application) Land at Lowlands Farm, Worsall Road, Yarm (Planning Application 05/3186/TEL)

Members were reminded that a previous application was put before the Planning Committee in December 2004 for a similar application. Due to issues with flooding it had been determined that prior approval for the siting and design were required and refused. A subsequent application had been received in May 2005, which raised the

height of the base cabinets to overcome the issue with flooding, however following an objection from the Environment Agency the application was withdrawn. The application sought to address the Environment Agency's concerns.

Consent was sought for a prior approval application for the installation of 6 No antennas and 2 No transmission dishes on the existing pylon with associated cabins enclosed by a 1.8 metre high fence.

Planning Policy Guidance No. 8 (Telecommunications) and Part 24 of the GDPO established that the principle of the telecommunications mast was acceptable and that the Local Planning Authority could only consider the siting, design and external appearance of the proposed telecommunications mast, policies GP1 and IN16 were also material to the decision. On the basis of the five-week break between Planning Committee meetings and as the Local Planning Authority only received 56 days to determine the application before consult was granted by default, the application was put before members for determination.

Members were provided with an updated report, which advised that the neighbour consultation period did not expire until 15th December for the application in question. Since the previous report to Planning Committee, three letters of objection had been received, on the grounds that the proposed development was flood land, raised issues regarding setting a precedent, queried why an alternative site could not be used which already housed antennae. The proposed development would devalue their property; the development would be an eyesore in an area of Greenfield land and would be obvious to adjacent residential properties and individuals who utilised the river walkways. A pylon on the Aislaby side of the river was already used as a mobile phone station and if the pylon was suitable for one operator, objectors queried why it could not be used for another.

Consultation responses from the Environmental Health Unit and the Engineering and Transportation Department had also been received.

The Head of Engineering and Transportation commented that public footpath No. 10, Yarm, crossed the proposed access road.

Confirmation was required that the public footpath would remain open and unobstructed at all times. Alternatively the applicant would need to contact the Department regarding a temporary diversion of the footpath during the full period of works.

In addition a proposed riverside walk was indicated in the Local Plan (June 1997) and could be developed in the future, therefore a margin of two metres was recommended to be left between the cabin and the riverbank fence line.

The Environmental Health Unit had no objections to the proposed development.

RESOLVED that the determination of application 05/3186/TEL be delegated to the Head of Planning with a recommendation of prior approval not being required.

Review of parking provision for new developments in the Borough of Stockton-on-Tees

Members were provided with a report, which invited the Planning Committee to note and endorse the revised parking standards associated with new developments, to strengthen the policy platform on which planning applications are assessed and often determined. The report would also be forwarded to Cabinet in January 2006 and then Full Council for adoption.

Currently national planning guidance and the Council's current standards were often in conflict. In revising the standards, officers had considered the rationale behind both existing policy guidance notes and development of new parking provision levels based upon Council's own Local Transport Plan and the requirements of the community living and working within the Borough of Stockton-on-Tees.

The report also recognised the need for documented flexibility in applying standards with the introduction of a 'Departure from Standard' system across all highway standards.

The report did not consider in any form off street parking provided and maintained by the Council.

Some Members queried the weight the revised parking standards would carry and were advised that the Government office would have to approve it therefore providing weight.

RECOMMENDED that:-

- 1. Approval for Officers to consult on the revised parking standards as a Supplementary Planning Document (SPD) as detailed in Appendix B.**
- 2. Authority be delegated to the head of Planning Services in consultation with the Head of Engineering and Transportation, the Chair and vice Chair of Planning Committee and Cabinet member of Development and Regeneration, to refer this report to Cabinet and Full Council for its approval and adoption as an SPD. The results of the consultation and analysis of representations made will be duly considered prior to adoption of the SPD.**
- 3. To approve the adoption of a 'Departure from Standard' procedure to enable Officers to assess deviations from all highway standards in a formal documented way.**
- 4. To amend the Tees Valley Design Guide and Specification for Residential and Industrial Estate Development, with a Stockton specific amendment to incorporate the recommendation No. 2.**