

Planning Committee

A meeting of Planning Committee was held on Wednesday, 4th August, 2010.

Present: Cllr Roy Rix (Chairman), Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Robert Gibson, Cllr Paul Kirton, Cllr Bill Noble, Cllr Ross Patterson, Cllr Fred Salt and Cllr Steve Walmsley.

Officers: B Jackson, R McGuckin, P Shovlin, S.Grundy, F.Farooqui, D.James (DNS); J Butcher, N.Hart (LD).

Also in attendance: Cllr Ken Dixon, Cllr Terry Laing, Cllr Ken Lupton, Applicants, Agents and Objectors.

Apologies: Cllr Hilary Aggio, Cllr Phillip Broughton, Cllr Jean Kirby, Cllr Mrs Maureen Rigg.

P Declarations of Interest

40/10

There were no Declarations of Interest recorded.

P Minutes

41/10

The minutes of the meetings held on 21st April, 12th May and 2nd June 2010 were signed by the Chairman as a correct record.

P 10/1661/TEL

42/10

**Adopted Grass Verge on Greens Lane, Opposite Greens Grove, Hartburn
Prior approval application for installation of a replacement 15m slim line
column supporting 3 no. antenna, 1 no. additional equipment cabinet and
ancillary development**

Consideration was given to a report on a prior approval application for the installation of a 15 metre high slim-line column supporting 3 integral antennas and 1 additional equipment cabinet (removal of existing 15 metre high mast) to be sited on the adopted grass verge on Greens Lane opposite to the entrance to Greens Grove, Hartburn.

The application would normally have been determined by officers under the Council's scheme of delegation however, following a request and subsequent successful appeal by one of the Ward Councillors to both the Corporate Director of Development & Neighbourhood Services and the Director of Law & Democracy, it had been determined that the matter should come before this Planning Committee for determination as an urgent item given the expiry date for determination.

The proposed slim-line column would have a maximum height of 15m x 0.48m in diameter (maximum). The column would differ in diameter at three different points: approximately 406 mm in diameter from the ground level to 6m in height; approximately 324 mm in diameter between 6m and 12.5m in height; and approximately 480mm in diameter between 12.5m and 15m in height.

The applicant had also confirmed that the diameter of the existing column also varied at three different points: approximately 273mm in diameter between ground level and 6m in height; approximately 219mm in diameter between 6m

and 12.5m in height; and approximately 380mm in diameter between 12.5m-15m in height. This would result in an increase of 13.3cm (137mm) in diameter from the ground level to 6m in height; approximately 10.5cm (105mm) in diameter between 6m and 12.5m in height; and approximately 10cm (100mm) in diameter between 12.5m and 15m in height.

The applicant had confirmed that the increase in diameter at the three different points of the proposed slim line column was essential in order to fit the additional antennas into the structure and remain hidden from view, thereby accommodating two companies to operate from the same apparatus. The proposed slim line column would be located in the same position as the existing mast (which would be removed) and the three antennas would be concealed within a cylindrical shroud at the top of the column. The proposed scheme also consisted of an additional equipment cabinet ancillary to the new column measuring approximately 1580mm x 380mm x 1350mm, which would serve the operator 'Vodafone' whilst the existing 'O2' street cabinet and electrical meter cabinet would also be retained.

The Consultees had been notified and comments that had been received were detailed within the report.

The application had been publicised by means of site notice, press notice and by individual letters to the occupiers of adjacent neighbouring properties. A total of 418 letters of written and electronic representation had been received, including letters from the PAMT group (Precautionary Approach to Microwave Technologies), with grounds for objection summarised as follows:-

- No need for the development
- The potential detrimental impact on the health and safety of the occupants of neighbouring residential properties and the local primary and secondary school within vicinity of the site. The concerns also relate to the fear of health and the subsequent impact on the amenity of residents
- Detrimental impact on the amenity of the occupants of properties within vicinity of the proposed site in terms of loss of views and outlook
- The proposal, which is wider than the existing mast, will form an obtrusive feature within the street scene, and will have a detrimental impact on the visual amenity of the surrounding area.
- The proposal will cause an obstruction to pedestrians due to its location adjacent to the pavement.
- The existing mast should be removed
- The proposal will lead to property devaluation
- The proposal will have an adverse impact on local wildlife
- The proposal will lead to graffiti to the equipment
- The applicants did not carry out sufficient pre-application submission consultation with local residents

Members were also presented with an update report containing a further twelve letters/representations of objection on grounds referred to above.

The report outlined that where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless

material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP). The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The main planning considerations of this application were the impact of the siting and design of the proposed scheme on the visual amenity of the surrounding area. The Committee were reminded however that this application was not a full planning application and the principle of development had already been established as being acceptable as laid out in PPG 8 and Part 24 of the General Permitted Development Order (1995). The Planning Officers report noted that the increases in diameter were modest alterations in comparison to the design and scale of the existing mast and he therefore considered that the proposed slim line column would not lead to an unacceptable loss of visual amenity as to warrant a refusal of this application. The slim line design of the monopole column and ancillary equipment was in keeping with the existing street furniture along Greens Lane and would not lead to a loss of amenity in terms of street clutter and it was not considered that the proposed scheme, including the ancillary equipment, would lead to a loss of visual amenity for the surrounding area or be prominent within the surrounding area at street level.

The Planning Officer's report outlined that whilst many letters of objection related to the adverse impact of the proposed scheme on health, national Planning Policy Guidance note 8 stated that "it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

The House of Commons Select Committee on Science and the Environment had also investigated the impact of telecommunication equipment on health and safety, and found that there was no harm. The High Court had also rejected appeals to revoke planning permission for masts on the grounds of public danger. The Courts have held that genuine fears on the part of the public unless objectively justified, could never amount to a material planning consideration. This was because the primary task in determining a planning application where there was public concern is the acceptability of the risk. In the case of mobile masts and antennae, currently, there was no authoritative scientific evidence of harm and therefore planning permission could not be unreasonably withheld on the basis of an unknown risk.

The Government had also advised Local authorities not to place undue weight on the findings of individual research projects in determining applications for, or in proximity to, telecommunications apparatus. The Government had made it clear that the National Radiological Protection Board was the only expert body to consider and advise upon individual research reports as part of its role in providing advice on radiological protection matters. Consequently local authorities asked by members of the public to consider particular reports had to give particular regard to the expert advice of the National Radiological

Protection Board which at this point in time, maintains that there is no justifiable safety concern about the siting of telecommunication masts.

With regard to the fear of health and subsequent impact on amenity, the Government had specifically advised local planning authorities that they should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

The Environmental Health Unit (EHU) Manager had also raised no objections to the proposed scheme, commenting that whilst the application was for increased usage, 'this will remain well within current, accepted standards. The application involves mast sharing by 'Vodafone' and 'telefonica o2' which is in accordance with current recommendations and Health Protection Agency guidance is that the risk to health from the mast will be minimal'.

Councillors Lupton and Laing, as two of the Ward Councillors for the area, were present at the meeting and outlined their objections to the proposed development and suggested that contrary to the officers recommendation that prior approval should be required and that the opportunity should be taken by the Council to develop a borough wide policy containing fully examined and preferred sites for the location of such masts.

A number of objectors, including representatives of PAMT and residents living in properties adjacent to the development site, were in attendance at the meeting and were given the opportunity to state their objections.

Members then discussed the application. Councillor Mrs Beaumont moved, seconded by Councillor Cockerill, that prior approval for the application should be required for its design and siting as the proposed development was wider than the existing mast, was very close and obtrusive to nearby houses and would lead to an accumulation of masts as it was not within the true meaning of shared masts. Upon a vote being taken, the majority of members present concluded that as the proposed development was considered by officers to be in accordance with all relevant planning guidelines, was acceptable in terms of its siting and design and was not considered to lead to any significant loss in visual amenity, prior approval for the siting and design of the location should not be required. The motion that prior approval was required was defeated. Members then voted on the officers recommendation that prior approval was not required.

RESOLVED that prior approval for siting and design of application 10/1661/TEL be not required.

P 10/1536/FUL
43/10 Summerhill, High Lane, Maltby
Alterations and extensions to dwelling including sunroom to side and attached garage.

Prior to the meeting Members visited the site.

Consideration was given to a report on planning application 10/1536/FUL - Alterations and extensions to dwelling including sunroom to side and attached garage. Planning permission was sought for alterations and extensions which included the erection of first floor and single storey extensions to front, including dormer windows, single storey sunroom extension to side, erection of single garage to front, single storey extension to rear with gable extension at first floor to rear. The application site is a detached bungalow with an extended garden area to the side at Summerhill, High Lane, Maltby, which is located within a street scene of mixed and varied house types.

The application has been submitted following dismissal at appeal of three separate planning applications for various alterations and extension to this application site of Summerhill, LPA ref.08/0464/FUL - (APP/HO738/A/08/2089002), LPA ref. 08/3008/FUL - (APP/HO738/A/09/2093845) and LPA ref. 08/3009/FUL - (APP/HO738/A/09/2093849).

Members were presented with an update report that:-

-addressed an error identified with the proposed plans with respect to the rear first floor gable extension within the south west elevation not illustrating the set back of the first floor gable extension by 500mm. A superceding plan had been received on 3rd August 2010 showing this correction;

-set out a response to concerns raised from the agent with regard to the original report in that it did not provide a summary of their points raised within the submitted supporting information; a discrepancy with the dimensions of the single garage to the front; clarification of the supporting evidence in respect of the sunlight/daylight issues considered during assessment of the original application; and the description of neighbouring properties being defined as bungalows being incorrect;

-responded to concerns expressed by the occupant of Fairhaven, High Lane, Maltby regarding alleged errors in the original report and claims that the photographs taken of the application site and surrounding area did not represent a fair and balanced view of the immediate street scene;

-responded to concerns expressed by the occupant of No. 3 Dunsmore Close, Maltby and a request for the removal of 'General Permitted Development Rights' in respect of this property to prevent any further alterations that could affect them in the future.

The Consultees had been notified and comments that had been received were detailed within the report.

Neighbours had also been notified and comments that had been received were detailed within the report, with the objections summarised as follows:-

- Proposal is the same as previous applications and previous refusal points and

objections still stand with regards to alterations to dwelling.

- The application does not address issues raised by the Council and Planning Inspectorate.
- The proposals would be out of character with the neighbouring bungalows and street scene of High Lane, Maltby.
- There is already an existing supply of housing of this type within the village.
- Visual impact on street scene from neighbouring properties.
- Will be overbearing and create privacy issues with the installation of dormer windows to the front and windows in the east elevation, towards properties on Dunsmore Close, Maltby.
- The proposal being contrary to Policy HO12 'Where Planning permission is required, all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties'
- The proposal is not a sustainable design, not a shared vision with the local community, an inappropriate development, does not provide affordable housing or provision for housing for families, the elderly and the disabled.
- Dormer windows are not allowed to properties along High Lane
- The proposal contrary to PPS1, PPS3, Core Strategy (CS3, CS8), HO12 and SPG2.
- Proposed garage to front contrary to SPG2.
- Right to light and requires a BRE209 with reference to the sunlight/daylight drawings submitted by the applicant/agent.
- Proposal is overdevelopment and provides no amenity space
- Encroachment issues with works to property adjacent to Wayside, High Lane.

The report outlined that where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan were the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP).

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The main planning considerations of the application were appropriateness of the scale, nature and design of the proposed extensions and the impact of the resultant building on the character and appearance of the street scene, the likely impact on the residential amenity of the occupants of neighbouring properties and the future residents of the host property, access and highway safety considerations, and the Inspector's reasons for dismissal of the appeals in April 2009.

The Planning Officer's report concluded that the design, scale and appearance of the proposed extensions were acceptable, and the overall height increase of the dwelling house would not have a detrimental impact on the visual amenity of neighbouring properties or the street scene of High Lane. It also considered that the proposal addresses the appeal inspectors concerns with respects to having an adverse impact on the amenities of the occupants of No.3 Dunsmore Close and neighbouring properties. In view of these matters, it was considered

that the proposal accorded with the relevant local policies of the Stockton on Tees Local Plan, the Core Strategy Development Plan Document and national policy PPS1.

The applicant and objectors to the application were present at the meeting and made representations.

Members were then given the opportunity to discuss the application. Concern was expressed that the proposed development was overbearing and dominant, particularly on No. 3 Dunsmore Close and would result in a loss of privacy and amenity to this and neighbouring properties.

A motion was proposed to refuse the application on the grounds of unacceptable mass and bulk of the proposed dwelling, it was out of character with the surrounding area, being a house rather than a bungalow, it would lead to a loss of privacy and amenity to neighbouring properties, particularly to the rear elevation and in particular 3 Dunsmore Close. Upon a vote being taken and with an equality of votes being recorded, the Chairman exercised a casting vote against refusal. A vote was then taken on the officers recommendation to approve the application. An equality of votes was recorded and the Chair exercised a casting vote in support of the officer's recommendation. A majority of members therefore concluded that the design, scale and appearance of the proposed extensions were acceptable, and the overall height increase of the dwelling house would not have a detrimental impact on the visual amenity of neighbouring properties.

RESOLVED that planning application 10/1536/FUL be approved subject to the following conditions

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

Plan Ref. No.	Date on Plan
3	17 June 2010
37	16 June 2010
30	16 June 2010
38	16 June 2010
39	16 June 2010
SBC0001	16 June 2010
37E	3 August 2010

Reason: To define the consent.

02. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

03. Notwithstanding the submitted information, and prior to commencement of development details of the external render and paint colour shall be submitted to for consideration and approval by the Local Planning Authority. The agreed colour scheme shall be retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To define the consent

04. Prior to the commencement of development, a scheme detailing the obscurely glazed first floor emergency window in the elevation nearest to the boundary of No.1 and No.3 Dunsmore Close shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building hereby permitted is brought into use and retained in accordance with the approved scheme for the life of the development hereby permitted.

Reason: In the interests of the amenity of the occupiers of the adjacent property.

05. The proposed 2no. roof lights serving bedroom 2 facing towards No.3 Dunsmore Close and 1no. roof light serving bedroom 3, facing towards Wayside, shall be obscurely glazed and fitted with restricted openers to provide a top opening no greater than 45 degrees, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall be installed before the building hereby permitted is brought into use and the type of glazing and openings agreed shall be employed in those windows during the life of the building.

Reason: In the interests of the amenity of the occupiers of the adjacent properties.

06. The proposed rear gable windows serving bedroom 3; shall be glazed with obscure glass and have fixed openings, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall be installed before the building hereby permitted is brought into use and the type of glazing agreed shall be employed in those windows during the life of the building.

Reason: In the interests of the amenity of the occupiers of the adjacent property.

07. A detailed scheme for landscaping, tree and hedge 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 include and detailed planting plan and specification of works, indicating types and species, numbers, densities, planting methods, layout contouring and surfacing of all open space areas and shall include a long term management plan and maintenance schedule. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

08. No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

Reason: To ensure a satisfactory form of development for surface water disposal.

P **10/1370/VARY**
44/10 **Proposed Primary Care Centre And Pharmacy, Finchale Avenue,**
 Billingham
Application to vary condition 2 No (approved plans) of 09/1418/FUL (New
Class D1 Primary Care Centre and Class A1 Associated Pharmacy).

Consideration was given to a planning application under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (the approved plans) of the previously approved application in respect of the proposed Primary Care Centre and Pharmacy at Finchale Avenue, Billingham. The application site was situated to the north of Billingham Town Centre and lay immediately to the west of Finchale Avenue in Billingham, and formed part of the Former Billingham Technical College running track/sports field.

The main change to the scheme was that the floor space of the building had been reduced by just over 425 sqm to 2197 sqm (from 2624 sqm). The resultant effect was that several changes had been made to the scale and external appearance of the building.

12 objections to the proposed development had been received largely on the grounds of concern regarding the position of the access, parking issues, increased congestion and the loss of recreational land.

The Consultees had been notified and comments that had been received were detailed within the report.

Neighbours had also been notified and comments that had been received were detailed within the report.

With regard to planning policy, the Planning Officer's report noted that where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan were the Core Strategy

Development Plan Document and Stockton on Tees Local Plan (STLP).

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The main planning considerations of the application were compliance with planning policies, the loss of existing playing pitch provision, the impact of the development on the character of the area, landscaping features, the amenity of neighbouring occupiers, access and highway safety; public safety and protected species.

The Planning Officer's report concluded that the proposed development and changes that reduce the buildings scale were considered to be appropriate and would retain a modern design with materials that complemented the more traditional buildings in the surrounding area. Associated landscaping would also help to soften and enhance the development. Whilst the proposal would result in the loss of the former running track, it was within private ownership and significant funds would be secured through a section 106 agreement to provide improvements to existing playing fields elsewhere in Billingham

The application site was considered to remain an accessible and sustainable location for a doctor's surgery given the easy walking distance to Billingham Town Centre and choice of transport modes. The revised development was also considered not to have any significant impacts to existing levels of residential amenity, highway safety, public safety or protected species. The proposed development was therefore considered to remain in accordance with national planning guidance and policies CS2, CS3, CS6, CS11 of the Core Strategy and Saved policies REC1 and EN39 of the Local Plan.

Objectors were present at the meeting and made representations.

Members were then given the opportunity to discuss the application. The Acting Head of Technical Services advised that there was acceptable junction spacing of approximately 60 metres between the site access and Tintern Avenue when the minimum required was 30 metres, and that therefore a roundabout at this location was not appropriate and the proposed development was sufficient to deal with the anticipated traffic expected.

RESOLVED that Planning application 10/1370/VARY be Approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions:

In the event of the legal agreement having not been signed prior to the 26 August 2010 that the application be refused.

Conditions

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

Plan Ref No. Date on Plan

SBC001	27 May 2010
1619-P-22-001-1	25 May 2010
1619-P90-002-1	26 May 2010
1619-P-90-003-1	26 May 2010
1619-P-22-002-1	26 May 2010
1619-P-22-004-1	26 May 2010
1619-P-20-001-1	26 May 2010
1619-P-20-002-1	26 May 2010

Reason: To define the consent.

Materials;

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

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

Drainage;

03 Before the occupation of the development hereby permitted, works for the disposal of surface and foul water shall be provided on the site to serve the development. Details of such drainage works shall first be submitted to, and approved by, the Local Planning Authority; the sewage disposal shall be completed in accordance with these approved details.

Reason: To ensure satisfactory means of water disposal.

Hard Landscape works;

04 Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings, public art and street furniture).

Reason: In the interests of visual amenity.

Soft landscaping works;

05 Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and 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 occupied. Such a

scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

Landscape maintenance;

06 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

External lighting;

07 Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the 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 and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area

Means of enclosure;

08 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 is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

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

Site and floor levels;

09 Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent

Construction Activity;

10 No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

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

Unexpected land contamination;

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

Reason: To ensure proper restoration of the site.

Refuse and recycling;

12 Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of a scheme for refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

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

Access arrangements;

13 Notwithstanding the details submitted as part of this application full details of the proposed access arrangements into the site shall be submitted to and agreed in writing with the Local Planning Authority. The access shall be constructed in accordance with these agreed details, prior to the occupation of the hereby approved development.

Reason: In the interests of highway safety

Travel Plan Framework;

14 Prior to the commencement of the development an amended Travel plan Framework shall be submitted to and approved by the Local Planning Authority. The approved travel plan framework shall be used to inform a detailed travel plan.

Reason: To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

Travel Plan;

15 Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures and actions of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.

Reason: To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

Restriction of use – Pharmacy only;

16 Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 and amendments, the proposed retail unit shall be used as a Pharmacy only, unless otherwise agreed in writing with the local planning Authority

Reason: To enable the Local Planning Authority to retain control over the development.

**P
45/10**

10/1561/LA

**Ingleby Barwick Community Centre, Haresfield Way, Ingleby Barwick
Single storey extension to north east of community centre to provide
youth cafe provision**

Consideration was given to a report on a planning application for a single storey extension to the north east of Ingleby Barwick Community Centre, Haresfield Way to provide a youth cafe facility.

The proposed extension would consist of a main hall, office, kitchen, storeroom and associated toilets measuring 8.35m wide x 5.0m long x 5.7m high and featuring a roof design, which would be subservient in nature to the host building. There would be 3no. windows within the south elevation of the extension, an access door and 2no. windows within the north east elevation and an additional entrance and 2no. windows within the north elevation. The application also proposed the erection of a 400mm high retaining wall adjacent to the footpath along Beckfields Avenue, the installation of 8no. Sheffield cycle stands and relocation of bin stores to the north elevation. The proposed opening hours for the youth cafe was to be from 4.00pm until 9.30pm, 6 days a week.

A total of six letters of objection had been received in respect to the proposed development. Objections mainly related to anti-social behaviour from local youths using the community centre, youths congregating within the community centre car park during unsocial hours, damage to their properties, litter problems, the proposed development should be relocated away from residential properties, the car park and building should be gated and fenced and this application would increase further problems for the local area.

The Consultees had been notified and comments that had been received were

detailed within the report. Additional comments in support of the application received from Councillor Harrington, as Ward Councillor, were read out to the Committee.

Neighbours had also been notified and comments that had been received were detailed within the report.

With regard to planning policy, the Planning Officer's report noted that where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan were the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP).

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The primary consideration in regard to this application was the principle of development, the impact of the alterations on the character of the building and surrounding area, street scene in terms of scale and materials; the potential impact on the amenity of neighbours; and highway safety issues. The proposal relates to an existing community centre located within the defined limits of development within a sustainable location with the proposed youth café provision being an ancillary element to this existing use. The principle of development was therefore considered to be acceptable. Having regard to the particular merits of this application, it was not considered that the proposed extension or use would have a significant impact upon the character of the building or surrounding area and amenity of adjacent neighbouring properties subject to controlling conditions or raise any highway safety concerns. The facility would offer a range of services and support for young people within a supervised environment and would be an ancillary element to an existing community centre and the proposal was considered to be in accordance with adopted policies CS2 and CS3 of the Core Strategy Development Plan.

Objectors were present at the meeting and made representations.

Members were then given the opportunity to discuss the application. Reference was made to the low number of complaints made to Ward Councillors regarding activities at the centre which supported evidence that the ward had one of the lowest figures for recorded crime in the borough.

RESOLVED that Planning application 10/1561/LA be Approved with Conditions subject to:-

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

Plan Ref. No.	Date on Plan
ARC 1141/100	14 June 2010
ARC 1141/101	14 June 2010

ARC 1141/102	14 June 2010
ARC 1141/103	14 June 2010
ARC 1141/104	14 June 2010
ARC 1141/105	14 June 2010

Reason: To define the consent.

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

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

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

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

04. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) -Environmental protection and enhancement.

05. Prior to any means of enclosure being erected, details shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected in accordance with the details approved.

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

06. The landscaping shall be carried out in accordance with the details on the approved plan no. ARC1141/105 dated 14th June 2010 or details otherwise agreed in writing with the Local Planning Authority. The landscaping shall be carried out no later than the first planting and seeding season following the occupation of the building or the completion of the development whichever is

the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

P Planning performance report

46/10

Consideration was given to a report on the current performance of the Planning Department for the first quarter of 2010/2011.

There were a range of National Indicators (NI) against which the performance of the Council would be assessed, Planning being directly responsible for 3, (NI 157, 159 and 170) and having an impact on another 7 (NI 154, 155, 185, 186, 187, 188 and 198). Of these, 2 planning indicators had been included in the Local Area Agreement (LAA), in consultation with GONE and the Local Strategic Partnership (LSP) i.e. Renaissance Board. NI157 related to the processing of planning applications against targets which the local authority sets itself for major, minor and other applications and NI 159 relates to the supply of ready to develop housing sites, which is determined through the RSS housing numbers and the SHLAA.

With regards to performance, it had been the responsibility of each local authority to set their own targets. For LAA purposes it was necessary to set annual targets (for a three year period) to show the ambition to have the service improving year-on-year from a baseline position. The expectation of GONE was for ambitious and stretching targets since we are an "excellent" Council

The targets that had been set for the 3 year period were detailed within the report.

The reporting timeframe for the NI targets remained and ran from 1st April-31st March. This report presented the performance of the first quarter in that period, 1st April -30th June 2010. The NI indicator was reported on the annual year-end results, and the first quarter's results were now available. Performance results achieved for that period were 100% for major applications, 93.65% for minor and 94.17% for others, achieving above performance in all 3 categories. A table 1 and chart detailed within the report highlighted performance over this quarter.

Performance in all categories had exceeded NI 157 targets in the first quarter of the year. 8 major applications were determined within that timescale, all within the 13 week determination period. There had been no movement in staff during the first quarter of the year.

With regards to the income generated in the year to date, there was a shortfall of just under £55,000. Due to staff redeployment and vacant posts, which meant there was a saving against staff expenditure, this shortfall had been accommodated within the existing budget. However HPDG had been abolished which would leave an additional £50,000 budgetary pressure that would

become a major issue if fee income levels did not increase throughout the remaining 3 quarters.

The Chairman, on behalf of all members of the Planning Committee, asked that their appreciation and thanks be passed on to staff in recognition of the Development Service's performance, service delivery and commitment over recent months, culminating in these most recent performance figures.

RESOLVED that:-

- 1.The performance report be noted.
- 2.The Committee's appreciation and thanks be passed on to staff in recognition of the Development Service's performance, service delivery and commitment over recent months, culminating in these most recent performance figures.

P
47/10 **1. Appeal - Mr Tariq Mahmood - 137 Mansfield Avenue Thornaby - 10/0390/FUL - DISMISSED**
2. Appeal - Mr Altaf Rahman - Zarina House Coatham Stob Elton - 10/0907/FUL - PARTIAL

RESOLVED that the Appeal Decisions be noted.