

Planning Committee

A meeting of Planning Committee was held on Wednesday, 21st April, 2010.

Present: Site Visits - 20th April 2010:- Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Dick Cains (Vice Councillor Jim Beall), Cllr Jean Kirby, Cllr Bill Noble and Cllr Mrs Maureen Rigg.

Meeting - 21st April 2010:- Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Dick Cains (Vice Councillor Jim Beall), Cllr Jean Kirby, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Mrs Jean O'Donnell (Vice Councillor Bob Gibson), Cllr Mrs Maureen Rigg and Cllr Steve Walmsley.

Officers: Site Visits - 20th April 2010:- B Jackson (DNS).

Meeting - 21st April 2010:- B Jackson, C Straughan, R McGuckin, P Shovlin, J Roberts, S Grundy, E Atkinson (DNS); P K Bell, J Butcher (LD).

Also in attendance: Meeting - 21st April 2010:- Cllr Aidan Cockerill, Cllr Paul Baker, Applicants, Agents and Objectors.

Apologies: Site Visits - 20th April 2010:- Cllr Jim Beall, Cllr Bob Gibson and Cllr Tina Large.

Meeting - 21st April 2010:- Cllr Jim Beall, Cllr Bob Gibson, Cllr Paul Kirton and Cllr Fred Salt and Cllr Patterson.

P Declarations of Interest

1/10

Councillor Rix declared a personal non prejudicial interest in respect of agenda item 4 - 09/2974/FUL - Viewley Hill Farm, Calf Fallow Lane, Norton - Erection of 16m high wind turbine as he was a member of the Ramblers Association and they had commented on the application.

Councillor Walmsley declared a personal prejudicial interest in respect of agenda item 5 - 10/0190/OUT - Former Supreme Knitwear, New Street, Thornaby - Outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation as he was a member of Thornaby Town Council. Thornaby Town Council had made their views known on the application. Councillor Walmsley spoke on the item and then withdrew from the meeting and left the room and played no part in the decision making process.

Councillor Miss Large declared a personal prejudicial interest in respect of agenda item 5 - 10/0190/OUT - Former Supreme Knitwear, New Street, Thornaby - Outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation as she was a member of Thornaby Town Council. Thornaby Town Council had made their views known on the application. Councillor Miss Large withdrew from the meeting and left the room and played no part in the decision making process.

P

09/2516/REV

2/10

4 Oulston Road, Stockton-on-Tees,

Two storey extension to the rear, single storey extension to the rear and conservatory to the rear (demolition of existing garage)

Prior to the meeting Members visited the site.

Consideration was given to a report on a planning application for a two storey extension to the rear, single storey extension to the rear and conservatory to the rear (demolition of existing garage) at 4 Oulston Road, Stockton-on-Tees,

The application was deferred for a site visit at the Planning Committee on the 17th March 2010 to enable Members to visit the site before determining the proposal.

Planning permission was sought for the erection of a two-storey extension, single storey extension and a conservatory to the rear of the property.

There had been 16no letters of objection relating to the impact of the development on the privacy and amenity of neighbours, the size of the extensions, over development of the site and potential increase in cars parking.

Subsequent to the last Planning Committee, the Core Strategy had been adopted. Policy GP1 was no longer relevant and had been replaced with Core Strategy CS3. In addition following consideration of the discussion of the application by Members at the last Planning Committee, condition 4 had been revised to remove the reference to a fixed window.

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

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

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 Plans were the Core Strategy Development Plan Document; Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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

The material planning considerations of the application were the impacts on the character of the surrounding area, the impact on the privacy and amenity of the surrounding properties and access and highway safety.

The Planning Officers report concluded that the proposed development complied with the relevant policies and documents and the proposal would not have a significant adverse effect on the character or appearance of the area, neighbouring properties or highway safety.

The applicant, a speaker on behalf of the applicant and objectors were present at the meeting and made representations.

Members were then given the opportunity to discuss the application. Discussions took place on the aesthetics of the castellation on the roof area of the extension and whether this could be improved in any way. The Development

Services Manager reported that the design of roof had to be with a castellation so that the extension was water tight with the original building but he would need to take further advice on this after the meeting. Members agreed that officers should examine if the castellation can be omitted from the design and if it can then an additional condition requiring revised detail should be added to the application decision.

In conclusion Members considered that the proposed development complied with the relevant policies and documents and the proposal would not have a significant adverse effect on the character or appearance of the area, neighbouring properties or highway safety.

RESOLVED that planning application 09/2516/REV be approved subject to the following conditions, with a revised condition if deemed appropriate by the Head of Planning regarding the removal of the castellation from the design of the works:-

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

Plan Reference Number	Date on Plan
01	27 January 2010
02	27 January 2010

Reason: To define the consent.

2. 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.

3. Notwithstanding the submitted plans, full structural details of a retaining party wall to be built adjacent to 2 Oulston Road shall be submitted to and approved in writing by the local planning authority. Such details shall provide for a sloping wall of a reduced height and all work shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities for the adjacent occupiers.

4. The windows within the kitchen and shower room facing 6 Oulston Road and the landing window facing 2 Oulston Road; hereby approved; shall be glazed with obscure glass, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved glazing shall be installed before the building hereby permitted is brought into use and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

P
3/10

09/2974/FUL
Viewley Hill Farm, Calf Fallow Lane, Norton
Erection of 16m high wind turbine

Prior to the meeting Members visited the site.

Consideration was given to a report on an application for the erection of a wind turbine having a height of 16 metres within an agricultural field at Viewly Hill Farm. The turbine would be rated at 10 kW capacity and should provide enough electricity for 6 households. The turbine tower was 12 metres tall and the blades consisted of a 4 metre radius resulting in a maximum height of 16 metres to the tip. The turbine would be connected to an 11 kV transformer located approximately 15 metres away at the top of the field.

A 31 signature Pro forma petition letter objecting to the proposal had been received and a further 9 individuals objections had been received largely on the grounds of impact upon landscape, wildlife and species, noise pollution, shadow flicker, disruption to users of the surrounding highways and property prices.

No objections had been received from statutory consultees however various conditions had been recommended.

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

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

With regard planning policy 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 Plans was the Core Strategy Development Plan Document, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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

With regard material planning considerations the consideration of wind turbine proposals was a balance between Government Policy and commitment to the development of renewable energy resources, with a general aim of reducing carbon dioxide emissions in line with international agreements, and the protection of the environment and residential amenity of any neighbouring occupiers. In assessing the application careful consideration was given to the responses from specialist consultees, interested parties and local residents. It was considered that the key issues in this case were:-

- Whether the development is in accordance with National and Local Policy
- Landscape and Visual Impact
- Impact of noise on residential amenity
- Impact on Nature Conservation
- Safeguarding issues
- Health, Safety and other issues

7 objectors were in attendance at the meeting and were given the opportunity to state their case.

Members then discussed the application at length. Members were overall in favour of renewable energy but felt that the proposal would result in an incongruous feature within the open countryside resulting in an unacceptable visual impact upon the character and sensitivity of the surrounding landscape contrary to Policy 40 of the Regional Spatial Strategy and Policy C53 of the adopted Core Strategy.

RESOLVED that planning application 09/2974/FUL be refused for the following reason:-

1. In the opinion of the Local Planning Authority the proposal will result in an incongruous feature within the open countryside resulting in an unacceptable visual impact upon the character and sensitivity of the surrounding landscape contrary to Policy 40 of the Regional Spatial Strategy and Policy C53 of the adopted Core Strategy.

**P
4/10**

10/0190/OUT

Former Supreme Knitwear, New Street, Thornaby

Outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation.

Consideration was given to a report on an outline planning application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation on the former Supreme Knitwear site.

The application site was a large industrial style building with associated car parking which was set slightly below the existing road level by approximately 0.5 metres. The site was triangular in its nature and bounded by three main highways, Mandale Road, Middleway and New Street.

The application sought outline planning consent for the erection of a student accommodation building with associated commercial facilities, only the principle of development and the access into the site were to be considered with all other matters being reserved for future consideration.

The development would reach an overall maximum height of 6 storeys. The proposal aimed to secure provision for approximately 260 student beds and the provision commercial uses on the ground floor, which may provide ancillary services to the main use of student accommodation.

The scale and massing of the proposed development was considered to be appropriate in the context of the street scene although further detailing would be required as part of a reserved matters application.

The proposal was the subject of a previous planning application and an appeal in which the Planning Inspector considered that little weight could be attached to the Student Accommodation policy as the Core Strategy had not been

approved. The Planning Inspector dismissed the appeal only on the grounds that a Section 106 agreement was not submitted as part of the appeal; all other matters were considered satisfactory.

The Planning Officers report concluded that despite the potential positive regeneration benefits of the proposal concerns remained in relation to the need for further student accommodation, the application was recommended for refusal as the applicant had failed to satisfactorily demonstrate there was a proven need for the development and the proposal was therefore contrary to policy CS8 of the Council's recently adopted Core Strategy.

Councillor Walmsley spoke in favour of the application and then withdrew from the meeting as he had declared a personal prejudicial interest in the application. Councillor Large also withdrew from the meeting as she had also declared a personal prejudicial interest in the application.

The applicant, agent and one objector were in attendance at the meeting and were given the opportunity to state their case.

Members then discussed the application. Members felt that there would be potential positive regeneration benefits of the proposal but Members agreed with the Planning Officers report that concerns remained in relation to the need for further student accommodation in the Borough and the proposal was therefore contrary to policy CS8 of the Council's recently adopted Core Strategy. Members were reluctant to refuse the application as they felt that there could still be some sort of development on the site. Members therefore decided to defer the application to enable discussions to take place with officers and the applicant on the nature of the application.

It was noted that the applicant had verbally agreed not to appeal to the Secretary of State for non-determination of the application.

RESOLVED that planning application 10/0190/OUT be deferred to enable discussions to take place with officers and the applicant on the nature of the application.

**P
5/10**

**10/0228/LA
Riverside/Bridge Road/Church Yard Link Road.
Revised application for realignment of Riverside Road at the junction with Churchyard Link Road/Bridge Road through existing commercial premises (Glynn Webb building)**

Consideration was given to a report on a planning application that sought for the realignment of Riverside Road to straighten out the link onto the 1825 Way and the signalisation of the junction with Bridge Road and a second signal controlled junction at the Parkfield Road junction.

A previous scheme for the above works was granted planning consent in October 2008 however since obtaining this consent further work had been undertaken on the forecast traffic flows at the junction and as a consequence it had been found necessary to amend the layout and re-phase the signals in order to accommodate future traffic growth. At the same time the opportunity

had been taken to improve the priority for buses on Bridge Road/Stockton High Street corridor.

The scheme was intended to provide an improved link for public transport by reducing delay particularly in the peak hour period.

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

Members felt that the Riverside Road/Bridge Road junction was an important gateway to Stockton and the proposed scheme offered opportunities to enhance the area and facilitate development and the scheme provided for improved public transport links to the town centre, which, in turn, would promote accessibility and hence the attractiveness to shoppers.

Members considered that the proposed development was acceptable in terms of highway safety and would not have a detrimental impact on the character of the area and was in accordance with Core Strategy Policy CS2 and CS3 of the Core Strategy Development Plan Document.

RESOLVED that planning application 10/0228/LA be approved subject to the following conditions:-

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

Plan Reference Number	Date on Plan
TS/D1/181/2/4C	3 February 2010
TS/D1/181/2/1C	3 February 2010
TS/D1/181/2/3A	3 February 2010

2. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ.

3. Notwithstanding the proposals detailed on the submitted plans, No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

4. Notwithstanding the proposals detailed on the submitted plans, prior to the commencement of development, details of the existing and proposed levels of the site and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

5. Notwithstanding the proposals detailed on the submitted plans, prior to the commencement of development, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

6. Notwithstanding the proposals detailed on the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:-
commencement of the development or agreed phases
or prior to the occupation of any part of the development
and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

P 10/0093/RET
6/10 166 Bishopton Road, Stockton-on-Tees,
Revised retrospective application for erection of wall and gates to the front and side and erection of wall to the rear and side

Consideration was given to a report on planning application 10/0093/RET.

Retrospective approval was sought for the erection of a boundary wall and gates. A previous application for the wall was given approval, however when the wall was constructed it was built higher than the approved plans, the application sought approval for the revised height and would therefore regularise the situation.

The application was being reported for determination by Planning Committee, as the applicant was at the time of this meeting a teacher employed by the Council.

Two letters of objection had been received from neighbouring properties, comments related to the visual impact of the wall, the wall not being built in accordance with the approved plans and inaccuracies in the submitted plans,

which had been amended and were now accurate.

Members were presented with an update report that outlined that since the publication of the original report additional comments had been received in response to amended drawings that were submitted to accurately show the site boundary. The comments were detailed within the update report.

It was also considered necessary to add a condition to control the materials to be used in the rear wall that had not yet been constructed in order to ensure they matched with the materials used in the construction of the existing wall.

It had also been requested by the Acting Head of Technical Services that additional information be added to the informative to inform the applicant to contact Direct Services regarding the installation of dropped kerbs.

Three objectors were in attendance at the meeting and were given the opportunity to highlight the reasons why they thought the application should be refused. Councillor Baker was also in attendance at the meeting and spoke in favour of the application.

Members then discussed the application. Members felt that the wall as built did not form an incongruous feature within the street scene, did not have a detrimental impact on the amenity of neighbouring occupiers in terms of overbearing and loss of outlook or light and did not have an impact on highway safety.

RESOLVED that planning application 10/0093/RET be approved subject to the following conditions:-

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

Plan Reference Number	Date on Plan
2010/001/01 REV B	29 March 2010
2010/001/02 REV B	29 March 2010
0521-100 REV A	18 March 2010

**P
7/10**

**10/0533/ADV
The Forum, Town Centre, Billingham
Erection of 1 no halo illuminated fascia sign and 7 no. non-illuminated fascia signs.**

Consideration was given to a report on a planning application that sought advertising consent for 8 advertisement signs at The Forum in Billingham. Seven of the advertisement signs would be non-illuminated with the main 'Forum' sign being illuminated. The signs would advertise the Forum and four functions available being theatre, swim, ice and sports.

A separate application had been submitted for Listed Building Consent for the 'Theatre' signage which would be affixed to the Grade II listed theatre fly tower (10/0529/LBC).

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

Neighbours had been notified by letter, an advertisement had been placed in the local newspaper and a site notice was placed outside the building and no comments had been received.

With regard planning policy in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 1(3) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

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

With regard material planning considerations national planning Policy Guidance 19 Outdoor Advertisement Control, stated that applications for advertisement consent should only be determined in the interests of amenity and public safety. As such the material planning considerations when assessing the application were the impact of the proposed advertisements on the amenity of the neighbouring land users, character of the surrounding area and implications for highway safety.

Members considered that the proposal would not result in a detrimental impact upon the amenity of the neighbouring land users, the visual amenity of the surrounding area or upon highway safety. The proposal was considered to be in accordance with the adopted core strategy CS3 and PPG19 and as such was considered to be acceptable.

RESOLVED that Planning application 10/0533/ADV be approved subject to the following conditions:-

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

Plan Reference Number	Date on Plan
20-102 D	10 March 2010
20-711 D	10 March 2010
20-712 A	10 March 2010
20-713 A	10 March 2010
20-714 A	10 March 2010
90-006 REV 002	10 March 2010
91558V01	10 March 2010

2. The intensity of illumination of sign 1 advertising the 'Forum' shall not exceed a luminance level of 600 candellas/square metre.

3. Notwithstanding the submitted information details of the final proposed advertisement designs proposed should be agreed in writing with the local planning authority before installation on site.

**P
8/10**

**10/0529/LBC
The Forum Theatre, Town Centre, Billingham
Listed Building Consent for the erection of non-illuminated 'THEATRE'
sign**

Consideration was given to a report on a planning application that sought listed building consent for two external advertisement signs to be placed on the fly tower section of the Forum Theatre which was Grade II listed. The advertisement signs would display the word 'Theatre' and would be displayed vertically on the west and south elevation of the theatre fly tower.

Only the theatre section of the Forum theatre was included in the listing and a separate application had been received for advertisement consent (10/0533/ADV) for the additional proposed signage at the Forum.

English Heritage had no objection to the proposed works subject to the application being considered in accordance with national and local policy guidance.

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

Neighbours had been notified by means of letter and a notice had been placed in the local paper and a site notice placed outside the premises and no comments had been received.

With regard planning policy where an adopted or approved development plan contains 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 Plans was the adopted Core Strategy Development Plan Document, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

As the application related to a proposal for Listed Building Consent the scheme had been considered in line with Planning Listed Building and Conservation Area Act 1990 and Planning Policy Statement 5. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required that in considering whether to grant listed building consent for any works, special regard must be had to the desirability of preserving the building or its setting or any special architectural or historic interest which it possesses.

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

With regard to material planning considerations the main considerations with this application related to the impact on visual amenity and the character of the Listed Building and the impact on highway and public safety and whether it satisfies the requirements of Local Plan Policy and Government Guidance.

Members considered that the position and size of the signage was satisfactory and would not have any significant impact on the visual amenity of the area or have a significant affect on highway and pedestrian safety.

Members therefore considered that the application was in line with saved policies EN28 of the Stockton on Tees Local Plan and with the guidance within PPS 5.

RESOLVED that Members be minded to approve planning application 10/0529/LBC and it be referred to Government Office North East for determination subject to the following Conditions:-

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

Plan Reference Number	Date on Plan
90-006 REV 002	12 March 2010
20-714 REV A	16 March 2010
20-713 REV A	16 March 2010
20-712 REV A	16 March 2010
20-711 REV D	16 March 2010
20-102 REV D	12 March 2010
91558V01	10 March 2010

2. Notwithstanding the submitted drawings, prior to the commencement of development a full schedule of works relating to the attachment of the signage to the listed building shall be submitted to and agreed in writing by the local planning authority; the development shall then be carried out in accordance with the agreed details and retained in the approved condition thereafter.

P
9/10

ALTERATION TO THE SCHEME OF DELEGATION

Consideration was given to a report on alteration to the Scheme of Delegation.

The Government had set out an agenda for the delivery of a planning service appropriate for the 21st century through the Planning and Compulsory Purchase Act 2004, the Barker Review of Land Use Planning, and laterally, the Government's response to the Killian/Pretty Review. The delivery of an expedient customer responsive service played an important part in CPA rankings

As part of the whole service review, an extended scheme of delegation was introduced in January 2004, and improvements made to Planning Committee such as a change in venue and the introduction of public speaking. In addition there was a reduction in the need for site visits by making greater use of IT display technology and digital photographs.

A further review of the scheme of delegation was carried out in 2007/2008 when following referral to the Planning Committee, the recommendations were

considered by Cabinet and Full Council. The agreed scheme of delegation was attached to the report. It was also agreed that the Executive Scrutiny Committee and an appropriate Select Committee be requested to consider the inclusion of a review of the new scheme of delegation, one year after its implementation, within the Scrutiny Work Programme.

The report therefore examined both issues and proposed alterations to the scheme of delegation and signing off to make it more streamlined and efficient.

The following issues had arisen in operating the scheme of delegation:-

Letters of response

An 'individual letter of response' shall be taken to constitute a letter within which it is stated that an individual or group of people, whether privately or in any other capacity object or support a proposal for reasons set out in a letter.

Whilst publicity was given to the process of how the public were able to have a planning application referred to the Planning Committee by achieving a specified number of letters of representations contrary to the officer recommendation, a number of issues arise which required to be considered to avoid the process being open to misuse.

There was no limitation on where the individuals making representations must reside, the threshold for objections could be achieved by relatives or friends making representation who were not affected by the development. As applications were also subject to Press and Site Notices, representations may be received from pedestrians, motorists, train or bus passengers who were travelling through the Borough which would need to be taken into account. Therefore it was recommended that the proposed new limitation on proximity would only apply when publicity was restricted to neighbour notification letters

It was considered that in order for a representation to be given meaningful consideration as an "individual letter of response" where publicity of the application had been carried out solely by letters to adjacent owners/occupiers it should contain an address that clearly identified that the representation was from either a resident of the Borough within the planning application consultation area or additional information that they were the owner of property or a business within the planning application consultation area.

Should responses from the same property count as towards the trigger figure or as a single letter?

It was not the number of representations that were given weight by the decision maker in determining a planning application but the planning merits of the representation. The threshold was introduced to provide a sensible control and prevent applications being referred to the Planning Committee unnecessarily. Under the present scheme an anomaly was where it would be possible if there were six occupants of a property to each make representations and an application would need to be referred to the Planning Committee. Whereas representations submitted from a property with less than six occupiers would be unable to succeed in having an application referred to the Planning Committee unless other representations were also received.

While it would appear logical to try and address this anomaly, it was considered that this would result in too tight a restriction on what could be considered as an individual letter of representation.

It was recommended that the status quo is maintained.

The use of Email was quite prevalent but an email address was capable of being disguised and did not clearly identify the individual responding or where they resided. Therefore should Emails be required to clearly contain a "real" name and identifiable address to be considered an "individual letter". The advice from the Local Government Ombudsman was that any correspondence on planning issues if it was to be meaningfully considered should include a real name and address and the author of an email without a proper name and address be advised of the need to provide one. It was recommended that emails should include a real name and address and the author of an email without a proper name and address be advised of the need to provide one.

Council Developments

For Council developments, "minor" development was classed as extensions of up to and including 100m² of floorspace, disabled access facilities, fencing, storage buildings and renewal of consents. This was a very low threshold and had resulted in applications being reported to Planning Committee for single CCTV cameras.

It was recommended that the definition and thresholds should be raised and delegated development be classed as buildings up to and including 500m², of floorspace, Advertisements, CCTV systems, and any structures required to be erected to enable the Council to fulfil its responsibility and function of Community Safety.

Council Member spouse or Partner, Member of Council Staff Spouse or Partner

In terms of applications not currently delegated were those cases which involved development on land owned, or in which an interest was held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner) as far as was reasonably practicable.

Experience of operating the scheme of delegation had demonstrated that there was a need for a clearer definition of cases which need to be referred to Planning Committee. The Council had in the region of 8,000 employees and very few planning applications by Council employees had been controversial or justified in being referred to the Planning Committee.

It was considered that the requirement for this category of planning application to be referred to Planning Committee be limited to:-

An objection representation had been received to the planning application.

Those cases where the Officer recommendation was for approval but it constitutes a departure from the Development Plan.

Those cases which appeared to the Director of Development and Neighbourhood Services or the Head of Planning to be extraordinary when

viewed against established policy guidelines, or warrant consideration by Planning Committee;

The revised scheme of delegation still provided for any Member to refer a delegated application to Committee subject to providing a written justification by letter or email on the proforma and to satisfying the agreed criteria to be reported to Planning Committee, that it was an issue of fundamental principle or an issue of precedent, both of which were defined within the Appendix of definition attached to the scheme of delegation. This request should be submitted to the Head of Planning within 21 days of publication of the details of the application. The Head of Planning in the first instance would arbitrate on the interpretation of the scheme and thereafter the Director of Development and Neighbourhood Services, in consultation with the Director of Law and Democracy (or nominee) if there were any challenges to this decision. The flow chart attached to the report outlined the procedure.

It was proposed therefore that delegated authority continued to be granted to Officers to process and make decisions on all applications subject to the following exceptions:-

- a.) those cases which appear to the Director of Development and Neighbourhood Services or the Head of Planning to be extraordinary when viewed against established policy guidelines, or warrant consideration by Planning Committee;
- b.) development proposed by the Council itself except those of a nature as detailed in Appendix 3- definitions associated with the operation of the scheme of delegation;
- c.) those cases where the Officer recommendation is for approval but it constitutes a departure from the Development Plan;
- d.) those cases where there are more than 5 letters/emails(with name and address) by way of response which are contrary to the recommendation of the case officer, with the exception of mobile phone mast applications where they remain delegated regardless of the number of objections received;
- e.) Where a Member requests in writing or by email within 21 days of publication of details of the application that Committee determine the application on the grounds of a matter of fundamental principle. An issue of fundamental principle shall be taken to involve the interpretation of a matter of policy which could undermine the purpose and objectives of the Local Plan or Local Development Framework, and where a member can demonstrate that the proposal would have such a prejudicial impact or effect on the area or Borough or its residents as to warrant determination by Planning Committee”
- f.) Those cases which involve development on land owned, or in which an interest is held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner) where:-

An objection representation has been received to the planning application

Those cases where the Officer recommendation is for approval but it constitutes a departure from the Development Plan

Those cases which appear to the Director of Development and Neighbourhood Services or the Head of Planning to be extraordinary when viewed against established policy guidelines, or warrant consideration by Planning Committee.

Any material objections or material letters of support for an application would still result in the ward member (s) being advised by email. The case officer would not take any action to determine the application under delegated arrangements for a period of 48 hours after the ward member(s) had been notified, unless an application would expire in this period and views would be sought immediately on the matter. This allowed the ward member to view the correspondence online and decide whether to take any action relating to how the application be determined.

As with the current system, Members received weekly notification by email of the weekly list of applications received. Both this and the list of applications determined each week can be viewed 24/7 by Members on line through public access and online services, although it was acknowledged that sometimes the system may not be available for technical reasons. A new version of Public Access was being introduced which would allow users to register to be notified by email if an application within an identified area or type was submitted or additional information submitted.

Notwithstanding the current agreed list of signatories, in the absence of an officer required to sign under the revised scheme, the decision could be delegated up to the next appropriate officer for signing i.e. the Development Services Manager, Head of Planning, Spatial Planning Manager or Director of Development and Neighbourhood Services.

The revised scheme of delegation would ensure transparency, probity, fairness and consistency in decision making, and lead to continued improvements in performance.

Members felt that the overall package of measures had led to significant improvements to the speed of the service and its accessibility by members of the public. There had undoubtedly been some difficulties, but Members recognised the continuing need to maintain improved performance, and it was agreed that the new scheme of delegation would lead to a more streamlined and efficient service.

RESOLVED that the views of Planning Committee be incorporated into the report to be considered by Executive Scrutiny Committee.

**P
10/10**

1. Appeal - Mr P Walker - 4 Barrhead Close Stockton - 09/2112/FUL - ALLOWED WITH CONDITIONS

2. Appeal - H & M Properties - Former Rocket Building Railway Terrace Thornaby - 09/0500/FULL - DISMISSED AND APPLICATION FOR AWARD OF COSTS DECISION REFUSED.

3. Appeal - Bettachat Ltd - Franks Flooring 101A High Street Stockton - 09/1326/ADV - PART ALLOWED AND PART DISMISSED

4. Appeal - Mr M Thind - 31 Russell Street Stockton - 09/1019/FUL - DISMISSED

5. Appeal - Norman Woodall - 375 Norton Road Stockton - 09/1079/OUT - DISMISSED

6. Appeal - Mr Jagpal - Beckfields Centre 4 Beckfields Avenue Ingleby Barwick - 09/2466/COU - DISMISSED

7. Appeal - Mr K Meynell - 15 Beckwith Road Yarm - 09/1948/FUL -

DISMISSED

8. Appeal - Mr Carl Woods - 60 Flodden Way Billingham - 09/1912/FUL - DISMISSED

9. Appeal - Mr P Barker - 46 Knapton Avenue Billingham - 09/2656/FUL - DISMISSED

10. Appeal - Ms Helen Armstrong - 7 Station Road Billingham - 09/2146/FUL - DISMISSED

11. Appeal - Miss J Pinniger - 26 Rimswell Road Stockton - 09/2447/FUL

12. Application for costs for appeal by Mr Din Supreme Knitwear Thornaby 09/0074/OUT

APPLICATION SUCCEEDS FULL AWARD OF COSTS AGAINST SBC.

RESOLVED that the Appeals Decisions be noted.