

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 22nd August, 2012.

**Present:** Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Michael Clark (Vice Cllr Norma Stephenson), Cllr Gillian Corr, Cllr Phillip Dennis (Vice Cllr Mark Chatburn), Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton (Vice Cllr John Gardner), Cllr Ray McCall (Vice Cllr Michael Smith), Cllr David Rose, Cllr Andrew Sherris, Cllr Mick Stoker and Cllr Steve Walmsley.

**Officers:** C Straughan, B Jackson, M Chicken, J Roberts, P Shovlin (DNS); J Butcher, P K Bell (LD).

**Also in attendance:** Cllr Mrs Maureen Rigg, Yarm Ward Cllr Mark Chatburn, Applicants, Agents, Yarm Town Cllr Mrs Marjorie Simpson, Kirklevington and Caste Leavington Parish Cllr Mrs Jennie Beaumont and Members of the Public.

**Apologies:** Cllr Mark Chatburn, Cllr John Gardner, Cllr Paul Kirton, Cllr Michael Smith and Cllr Norma Stephenson.

### **P Evacuation Plan**

**40/12**

The Evacuation Plan was noted.

### **P Declarations of Interest**

**41/12**

There were no interests declared.

### **P The minutes of the meetings held on 20th June 2012 and 11th July 2012 42/12 for confirmation and signature by the Chair**

The minutes of the meetings held on 20th June 2012 and 11th July 2012 were confirmed and signed by the Chair as a correct record.

### **P 12/0980/OUT**

**43/12**

#### **Morley Carr, Allerton Balk, Yarm**

**Application for outline planning consent, with all matters reserved save for means of access, for residential development, community hall, public open space, outdoor recreational facilities and associated access arrangements and landscaping.**

Consideration was given to a report on planning application 12/0980/OUT Morley Carr, Allerton Balk, Yarm - Application for outline planning consent, with all matters reserved save for means of access, for residential development, community hall, public open space, outdoor recreational facilities and associated access arrangements and landscaping.

The application sought Outline Planning permission for a residential led development, with associated community facilities at Morley Carr Farm, Yarm. The application was in outline with all matters reserved except for access. The application proposal was, therefore to establish the principle of the development.

The proposal comprised up to 350 dwellings; Community Hall; Bowling Green; Public Open Space including equipped play area and land for Community Use

(potential allotments, cemetery, recreation land). Indicative plans had been prepared to demonstrate the layout and design principles for the site with detailed plans submitted for the proposed means of access from the public highway.

The main planning considerations of the application were the compliance of the proposal with national and local planning policy, the principle of housing development, sustainability of the site, the impacts upon the character and appearance of the area, the impact on the privacy and amenity of neighbouring residents and highway safety, health and safety requirements, flood risk, ecology and nature conservation and other material planning considerations.

It was noted that the development was on an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise. Development was strictly controlled within the countryside beyond these limits and was restricted to limited activities necessary for the continuation of farming and forestry, contribute to rural diversification or cater for tourism, sport or recreation provided it did not harm the appearance of the countryside. The residential proposal did not fall within these categories and a judgement was required whether considerations in support of the proposed development were sufficient to outweigh rural restraint policies.

A significant material consideration was the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF maintained the requirement for local planning authorities to demonstrate a 5-year supply of deliverable housing land. The Council had produced a report entitled '5 Year Deliverable Housing Supply Final Assessment: 2012 – 2017' and the report concluded that the Borough had a supply of deliverable housing land of 4.08 years. The Local Planning Authority was not therefore able to demonstrate a 5-year supply of deliverable housing land.

Furthermore, the Stockton-on Tees Core Strategy was adopted in March 2010; however it was considered that the housing strategy in the adopted Core Strategy would not deliver enough housing sites to deliver the number of homes needed to be built in the Borough by 2029. For this reason the Local Planning Authority decided to undertake a review of housing options and assessed a wide range of sites around the periphery of the urban area. The application site was identified in the Core Strategy Review of Housing - Issues and Options document which was the subject of public consultation held over a 12 week period in summer 2011.

The results of the Core Strategy Review of housing process would be incorporated into the Regeneration and Environment DPD. The Regeneration and Environment DPD Preferred Options document had been reported to the Cabinet on 11th July 2012 and to Full Council of 18th July 2012 with approval sought to publicly consult on the document. The public consultation commenced on 30th July 2012 for a period of 8 weeks completing on 24th September 2012. The application site was identified in draft Policy H1 - Housing Allocations, as one of the preferred options for housing allocation in the document. The status of a site that was included in the Preferred Options was that it was a draft allocation. This did not reduce in any way the weight that the Local Planning

Authority attaches to any significant policy or environmental constraints that were relevant to these sites.

The applicant contended that the application site was located in a highly sustainable location and the proposals would assist the Council in meeting its identified market and affordable housing needs in a wholly sustainable and deliverable manner. This, along with other benefits that would flow from the development, would go a significant way to achieving a number of the Council's core objectives.

The applicant further asserted that a number of sites and planning permissions were undeliverable for the foreseeable future and there was an urgent need for this to be addressed to ensure that the housing needs of the Borough were met. It was also contended that in addition to a five year housing supply there was a need to provide an additional 20% allowance due to an alleged under performance.

The five year supply of deliverable and available housing land was a fundamental requirement of the planning system with the NPPF requiring local planning authorities to 'boost significantly the supply of housing' through a number of means. Furthermore the applicant put forward the case that this was only one of a number of housing sites that would need to come forward in the short term to meet the identified housing needs and address the current shortfall in the supply of housing land across the Borough. The granting of permission for this development, in advance of the consideration of sites to address housing requirements later in the plan period, would not be prejudicial or premature.

The NPPF stated: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". As acknowledged previously the Local Planning Authority was not able to demonstrate a 5-year supply of deliverable housing land to which significant weight should be given.

The Council was committed to addressing housing delivery through a plan-led approach. The Regeneration and Environment DPD Preferred Options document as mentioned previously was the subject of public consultation and the Regeneration and Environment DPD would incorporate the results of the Core Strategy Review of housing options. The DPD would allocate sufficient deliverable and developable housing sites to ensure that the housing requirement to 2029 was met and that a rolling 5-year supply of deliverable housing sites plus a 5% buffer was achieved which reflected the Local Planning Authority's past performance in terms of delivery.

NPPF stated 'Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise'. It was clearly highly relevant to the application that the Local Planning Authority was unable to demonstrate a 5-year supply of deliverable housing land. The new Government advice contained in the NPPF made it clear that the lack of a 5 year supply of deliverable housing meant that the Local Planning Authority's relevant housing

policies could not be considered as up to date and the application must be considered strictly in relation to the guidance in the NPPF. The Government position was very clear in that in recent decisions by the Secretary of State while he acknowledged that it was important for Councils to be able to identify the needs and requirements in their area, this was not the same as allowing them to postpone their obligation to identify and maintain a five year supply of developable sites. The decisions showed that the balance between the plan and delivery had been recalibrated to ensure delivery by granting planning permission where there was a lack of a 5 year supply of deliverable housing

The site was identified as a preferred option for housing allocation in the Regeneration and Environment DPD; the Local Planning Authority attached great weight to ensuring that the process of site allocation was an open, transparent and participatory one which allowed full opportunity for comment to the wider public and other stakeholders. The preferred options stage could not therefore, be legitimately viewed merely as a precursor to an automatic subsequent confirmation or endorsement of any draft policy including any draft site allocation policy. It was clearly fundamental to the legitimacy of Core Strategy Review process that there was consistency in the decision-making process in relation to all potential housing sites. However the new planning system established by the present Government places the provision and delivery of housing as one of its key roles by contributing to building a strong economy by ensuring that sufficient land of the right type was available in the right places and at the right time.

In terms of the core planning principles in the NPPF that underpin both local plan making and decision making, the government had emphasised that every effort should be made objectively to identify and then meet the housing needs of an area and respond positively to the wider opportunities for growth. Consequently the Government only provided a 12 month window for the full weight for policies in post 2004 DPDs to be applied even if there was only a limited degree of conflict with the Framework. In Stockton's case the estimated adoption of the Core Strategy review was likely to be the beginning of 2014 which was clearly outside the Government's timescale. As much as the Local Planning Authority would wish to progress the consideration of the acceptability of the application site through the plan making process, the application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of highway safety, it would not adversely impact on neighbouring properties or the ecological habitat and flooding and complies with Health and Safety Executive requirements.

Having carefully weighed all the above considerations in the planning balance, the Planning Officer considered that the proposal would not be premature or prejudicial to the Local Planning Authority's work on the Regeneration and Environment DPD which sought to properly compare the long term sustainable alternative locations for housing developments and give local residents an opportunity to influence the planning of their own communities. It was considered that the application site was a sustainable development and the presumption in the NPPF that Planning should operate to encourage and not

act as an impediment to sustainable growth must be applied. Significant weight was required to be placed on the need to support economic growth through the planning system. As indicated in the main report the Local Planning Authority's policies for the supply of housing could not be considered up-to-date as it could not be demonstrated that there was a five-year supply of deliverable housing sites. It was considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. It was considered that approval of the application was not so significant to the outcome of the Core Strategy Review of housing options that planning permission should or could be reasonably withheld. The application was accordingly recommended for approval.

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

With regard to publicity it was noted that the applicant had undertaken consultation in accordance with the adopted Statement of Community Involvement which involved leaflet drops; site notices; a dedicated website and a public consultation event held at Conyers School, Green Lane, Yarm on 14th February 2012.

Local residents had been individually notified of the application and advertised on site and a summary of the comments received were detailed within the report.

250 letters of objection from residents were received and their addresses and main concerns were detailed within the report. An additional 27 letters had been received since the publication of the report but did not raise any new issues.

One letter of support from a resident had also been received.

A further 9 letters which included representations to the application were submitted to the Spatial Planning team as part of the response to the Regeneration and Environment DPD preferred options consultations but did not raise any new issues.

Comments from Morley Carr Farm Action Group (MCFAG) were attached to the report and had been reproduced in full as the content could not be adequately summarised to reflect the content. Also attached to the report was the applicant's response to the MCFAG comments. Spatial Planning comments in respect of the 5 year housing supply were also attached to the report.

With regard to planning policy 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 should 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 saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15 January 2012 and required the Local Planning Authority to take local finance considerations into

account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

The Planning Officer's report concluded by outlining that the development was an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan. However the guidance in the NPPF made clear that the Local Planning Authority's existing housing delivery policies could not be considered as up to date as it could not demonstrate a five year supply of deliverable housing sites. Also housing applications were to be considered in the context of the presumption in favour of sustainable development. It was considered that there were important material benefits arising from the proposed development and there were not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of highway safety, it did not adversely impact on neighbouring properties or the ecological habitat and flooding and complied with Health and Safety Executive requirements.

It was considered that in the planning balance, the proposal would not be premature or prejudicial to the Local Planning Authority's work on the Regeneration and Environment DPD which sought to properly compare the long term sustainable alternative locations for housing developments and give local residents an opportunity to influence the planning of their own communities and therefore pre-empt the proper operation of the Development Plan process.

As much as the Local Planning Authority would wish to progress the consideration of the acceptability of the application site through the plan making process, the application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and delivery and therefore the application was accordingly recommended for approval.

The agent for the applicant was in attendance at the meeting and spoke in favour of the application making the following comments:-

- \* There is an urgent need for affordable housing
- \* The local planning authority must be able to demonstrate a 5 year supply of deliverable housing land
- \* This application is not an attempt to circumvent the planning process
- \* The application is in line with the NPPF
- \* If this application is not approved there will be further pressure from poor applications

- \* 100 people have registered for information on new properties if the application is approved
- \* If the application is approved there will be a good mix of housing on the site
- \* Endorsed the Planning Officers recommendations

Mr Hall (Morley Carr Farm Action Group) was in attendance at the meeting and spoke against the application and made the following comments:-

- \* The high pressure gas main on the site is a major hazard to the people of Yarm
- \* Walkways will go directly over the gas main
- \* A map has been circulated that show extent of the HSE Consultation Zone
- \* If an accident does happen it will be on Members of the Planning Committee's conscience

Councillor Chatburn (Ward Councillor for Yarm) was in attendance at the meeting and spoke against the application and made the following comments:-

- \* NPPF should be genuinely planning led
- \* There are 200 plus objectors at the meeting today and they should be listened to
- \* The Spatial Planning Officers has said the application is premature
- \* With regard to recent appeals for developments of this nature not one has taken place where the Local Plan will be brought up to date
- \* SBC has 4 years housing supply in place
- \* It is disingenuous to say there is an urgent need for housing in the Borough
- \* Members should listen to what the public are telling them
- \* If the application is approved houses will be built where they are not needed

Kirklevington and Castle Levington Parish Councillor Mrs Beaumont was in attendance at the meeting and made the following comments:-

- \* The application is premature
- \* The consultation process for the Local Plan is ongoing
- \* The 106 agreement doesn't take into consideration all of the highway issues
- \* Rural roads will take a lot of upgrading
- \* The application should be refused

Yarm Town Cllr Marjorie Simpson was in attendance at the meeting and made the following comments:-

- \* The developer is taking advantage of Stockton Council's housing shortfall
- \* The development will lead to an extra 400 vehicles
- \* The development will not enhance the lives of residents of Yarm
- \* The application should be deferred as it is premature as the new Local Plan has not been approved yet

Objectors to the application were in attendance at the meeting and their comments could be summarised as follows:-

- \* The development will lead to further traffic congestion causing unacceptable levels
- \* It can take 30 minutes to get through Yarm High Street

- \* Life in Yarm will become unbearable if the application is approved
- \* Yarm is a small Georgian town and not a housing estate like Ingleby Barwick
- \* The development will be built on arable land
- \* The increase in traffic congestion will lead to a negative impact on local shops and businesses
- \* The infrastructure is not there to support this development
- \* Yarm needs a ring road
- \* It can take 3 weeks to get a doctors appointment
- \* More consideration should have been given to the report from Matthew Clifford (Spatial Planning)
- \* Potential for disaster due to close proximity of high pressure gas pipeline
- \* People may use a route past Layfield Primary School as a rat run
- \* One primary school in Yarm has been discouraging pupils from riding bikes to school as the roads are too dangerous
- \* Where will the proposed car parking spaces be situated
- \* Emergency services already have difficulty getting through the High Street and the new development will exacerbate the situation
- \* There is an abundance of previously developed land that should be built on before any green field sites
- \* There will be an increase of noise and air pollution from the increased traffic on Yarm High Street
- \* The application site is part of a wildlife corridor
- \* The development will destroy the wildlife in the hedges on the site
- \* Councillors should listen to local people
- \* The consultation process for the new local plan has not been completed yet and therefore the application should be refused

Members were then given the opportunity to ask questions and make comments on the application. Their comments / questions could be summarised as follows:-

- \* There is already a problem with parking on Yarm High Street
- \* There will be an impact on the traffic problems that already exist in Eaglescliffe
- \* Can the New Homes Bonus money be used to make brown fields sites better for developers to build on
- \* Members should take into account the material considerations contained within the report
- \* The Council already has deliverable housing supply of over 4 years
- \* The Committee should not approve this application until the consultation process for the new Local Plan is finished
- \* Concerns over the gas pipeline
- \* Stockton Council has a bad record for departures from the Local Plan
- \* The application should be refused and the Planning Inspector challenged
- \* The report appeases the developer
- \* The comments from Matthew Clifford (Spatial Planning) have been ignored
- \* The application circumvents the planning process
- \* There are no objections from the Highways Agency or the Head of Technical Services
- \* The camera data from the junction capacity survey should be looked at again
- \* Who actually carried out the camera and manual survey on junction capacity and who re-assessed the data

The Built & Natural Environment Manager reported that it was recognised that



there would be an increase in traffic in the area and where that impacted on the local highway network measures secured via S106 agreement would mitigate the increase. Traffic surveys were undertaken at 16 locations and trip generation for the development was established. Where junctions were shown to be close to capacity following operational assessments, they were also assessed using alternative trip generation figures to ensure robustness and appropriate mitigation was identified.

A vote then took place and the application was approved.

RESOLVED that planning application 12/0980/OUT be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions and informatives.

In the event of the legal agreement having not been signed by 22nd October 2012 that the application be refused.

## SECTION 106 AGREEMENT

### Heads of Terms

#### Education

1. The rate of contribution required from developers for school places would be  $\text{£}8,000 \times 0.26 = \text{£}2,080$  per family home. (i.e. homes with two or more bedrooms).

Payment of developer contributions should be made in four equal tranches at the occupation of the 50th dwelling, the occupation of the 100th dwelling, the occupation of the 150th dwelling and the occupation of the 200th dwelling.

The calculation to reflect a discount of  $\text{£}8,000$  per vacant place in Layfield Primary and St Cuthbert's RC Primary Schools as recorded within the Annual School Census current at that time of the occupation of the 100th dwelling, subject to a pro-rata allocation of this discount amongst other committed development within the local area. Local Authority to provide within one month of a request being made its confirmation of the applicable discount by reference to the Annual School Census and specific details of other developments to benefit from the discount.

Contribution to be held in an interest-bearing account. Payment to be used for the purposes identified within 5 years of payment being made or otherwise returned together with the interest accrued.

#### Affordable Housing

2. 20% of the residential units shall be affordable and provided in the form of 70% social or affordable rented housing and 30% intermediate housing (intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels, this can include shared equity products such as shared ownership and equity loans). As part of an application for reserved matters, details shall be submitted for the approval of the Local Planning Authority of a scheme for the provision of affordable housing on the site. The submitted scheme shall include details of the following, as appropriate:-

- i) The delineation of the area or areas of the site upon which the affordable dwellings will be constructed;
- ii) The type and size of affordable dwellings to be provided;
- iii) The arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iv) The phasing of the affordable housing provision in relation to the provision of open market housing on the site;
- v) Occupancy criteria and nomination rights in relation to identified housing need.

### Highway Mitigation

3. Prior to commencement of development the developer will enter into a S278 Highways Act Agreement for a new roundabout access at the current Allerton Balk and Everingham Road junction; 3 priority junctions; a reduction in speed limit on surrounding highway, namely Green Lane, Allerton Balk and Worsall Road from 60MPH to 40MPH on Green Lane and from 40MPH to 30MPH on Allerton Balk and Worsall Road; a speed reducing feature of a traffic island on Green Lane; additional pedestrian refuges on Allerton Balk and to increase the entry lanes at the Green Lane/A67 Thirsk Road roundabout (Crossroads roundabout).

4. A commuted lump sum of £14,000 by way of a contribution towards improvements of footway on Worsall Road to be paid upon occupation of 10th dwelling. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

5. A commuted lump sum of £51,000 by way of a contribution towards improvements of cycleway on Everingham Road to be paid upon occupation of 10th dwelling. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

6. A commuted lump sum of £60,600 by way of a contribution towards improvements of footpath/cycleway on Green Lane to be paid upon occupation of 150th dwelling. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

7. A commuted lump sum of £265,000 by way of a contribution towards the improvement of car parking in Yarm, payable in two tranches (£100,000 upon occupation of the 10th dwelling and £165,000 upon occupation of the 50th dwelling.

8. A commuted lump sum of £10,000 to extend the existing footway on the eastern side of Allerton Balk southwards to Green Lane to be paid upon occupation of 10th dwelling. Dropped crossings will be provided at this junction. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

### Travel Plan

9. Prior to commencement of development, submit a Travel Plan for approval by the Council including a proposal to ensure the appointment of a Travel Plan Coordinator for a minimum period of 5 years; contact details of the Travel Plan

Coordinator; modal split targets and measures to achieve these targets, which must be SMART: Specific, Measurable, Achievable, Realistic and Timebound; details of an exit strategy of how the Travel Plan will be continued once the TPC has left the site (e.g. a community travel plan forum / group established); details of the welcome/marketing pack that is to be given to buyers / occupiers, including any electronic media (e.g. webpage); incentive payments of £100 per dwelling (a total cost of £35,000). The Travel Plan Coordinator should devise a list of priorities for the remaining funding should all dwellings not take up this incentive.

#### Management of community facilities

10. Prior to the completion of the on-site community land and facilities the owner shall submit a scheme to the local planning authority for approval detailing the arrangements for the future maintenance and management of the land and facilities, either by way of transfer to the council (if agreed by the council) or for management and maintenance by the owner or a management company/community trust and the land and facilities shall thereafter be managed and maintained in accordance with the approved scheme.

#### Employment and Training

11. To use reasonable endeavours to ensure that ten per cent (10%) of the Jobs on the Development are made available to residents of the Target Area; to use reasonable endeavours to ensure that ten per cent (10%) of the total net value of the services and materials used in the Development are provided by Businesses within the Target Area;

The Owner shall take reasonable steps to procure that any contractor and/or sub-contractor nominate an individual to liaise with the Labour Market Co-ordinator;

The Owner shall liaise with the Labour Market Co-ordinator in order to produce the Method Statement to be submitted to the Council prior to the Commencement Date. The Method Statement shall demonstrate the reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and Businesses within the Target Area and shall include details regarding the provision of monitoring information to be provided to the Labour Market Co-ordinator

#### CONDITIONS:-

1. The development hereby approved shall be carried out in accordance with the following approved plan(s).

Plan Reference Number	Date on Plan
Y81.829.06	26 July 2012

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

4. Prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, landscaping, public open space, accesses and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme.

5. Approval of details of the appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details to be submitted to and approved by the Local Planning Authority before the development commences.

6. The development shall be implemented in general conformity with the approved Design and Access Statement and Indicative Masterplan submitted with the planning application.

7. Within each phase, details of all external finishing materials including roads and footpaths and all hard landscaped areas shall be agreed with the Local Planning Authority before the development is commenced. Thereafter the development shall be implemented in accordance with the approved detail.

8. Within each phase, all means of enclosure and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.

9. The total development hereby approved shall not exceed the following maxima:

Up to 350 dwellings (C3 Use Class)

10. Within each phase development shall not be commenced until details of the lighting columns, light colour and luminance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

11. Within each phase, no development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO<sub>2</sub> emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

12. Within each phase, no Development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space and play facilities by the developer, as part of the development, and such arrangements shall address and contain the following matters:-

A) The delineation and siting of the proposed public open space

- B) The type and nature of the facilities to be provided within the public open space including the provision of play equipment for all age groups including young children and teenagers which shall be supplied and installed to a specification as agreed by the local planning authority .
- C) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development
- D) The arrangements the developer shall make for the future maintenance of the Public Open Space
- E) The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed by the local planning authority.

13. Within each phase, no development shall occur until the design and layout of the road, footpaths and cycleways has been agreed with the Local Planning Authority. Thereafter the roads, footpaths and cycleways shall be implemented as agreed unless otherwise agreed with the Local Planning Authority

14. Within each phase, a detailed scheme for landscaping and tree and/or shrub planting and grass including planting and construction techniques for pits in hard surfacing and root barriers shall be submitted to and approved in writing by the Local Planning Authority before the commencement of that phase of the development. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.

15. Within each phase no development shall take place until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of that phase of the development, Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

16. For each phase, no development shall take place until details of the means for the storage and disposal of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

17. Prior to the commencement of each phase of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

18. 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.

19. A Dust Action Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to effectively control dust emissions from the site remediation works, This shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

20. No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection).

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

21. Any part of the development which is to be used for residential purposes shall achieve a minimum of Level 3 of the Code for Sustainable Homes if commenced before 1 January 2013 and thereafter a minimum of Code Level 4 unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

22. All ecological mitigation measures within the 'Extended Phase 1 Habitat Survey, Delta-Simons and the BRP and Nocturnal Survey Report shall be implemented in full in accordance with the advice and recommendations contained within the document.

23 .A) No demolition / development shall take place / commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

24. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the local planning authority.

The scheme must include the following:-

1. An appropriate discharge rate.
2. Confirmation that the network can discharge to an appropriate location.
3. Confirmation that the network can operate without flooding up to the 30 year peak storm event.
4. Confirmation that the network can operate up to the 100 year peak storm event without flooding to people or property while retaining all water on site.
5. Confirmation climate change has been considered in the design.
6. Details of the maintenance regime for the network.
7. Details of any outfall structures.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

26. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

27. No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be

prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

28. Prior to the commencement of any development within 135 metres of the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021), a scheme for the upgrade of that pipeline to thick wall pipe (minimum 22.9 mm thickness), in accordance with IGEM/TD/1 Edition 5 Communication 1735 'Steel pipelines and associated installations for high pressure gas transmission' (or any superseding guidance), between grid reference 440917, 511191 and grid reference 441246, 510831, shall be submitted to and approved in writing by the local planning authority in consultation with National Grid Gas plc and the Health & Safety Executive.

29. Until such time as the High Pressure Gas pipeline ref. 2110 (FM06 Elton/NZ609021) has been upgraded to thick wall pipe (minimum 22.9 mm thickness) in accordance with a scheme agreed under the above Condition, any development within 135 metres of the pipeline may proceed at the developer's risk, but only indoor community uses with a total floor space of no more than 5,000 square metres, and areas of outdoor use by the public (play area, bowling and recreational land) at which no more than 100 people will gather at any one time, and which are 65 metres or more from the pipeline, shall be occupied until such time that the proposed pipeline modifications are completed and notified as such to the Health & Safety Executive.

30. Upon completion of the pipeline upgrade works agreed under the preceding Condition  
no residential development, community buildings or outdoor facilities (save for the laying out of public footpaths) shall be constructed or laid out within the Inner Zone as identified on HSE's consultation zone map for the vicinity of Morley Carr Farm, Yarm – Feeder 6 Elton (HSE HID CI5 Ref #2110 Rev. 1 – a draft of this map is attached for information – the final version will be produced after the scheme under the preceding condition is approved).  
no outdoor facilities shall be provided which could result in more than 1,000 people gathering at any time

31. No development shall commence until the developer has provided a method statement detailing the how the physical preservation of the Iron Age settlement will be achieved. This should include proposals for fencing around the [heritage asset] to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless approved in writing by the Local Planning Authority.

#### Informatives

The Proposal has been considered against the policies below and the Local Planning Authority's policies for the supply of housing cannot be considered up-to-date as it cannot be demonstrated that there is a five-year supply of deliverable housing sites. It is considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. It is considered that approval of this application is not so significant to the outcome of the Core



Strategy Review of housing options that planning permission should or could be reasonably withheld.

## National Planning Policy Framework

Core Strategy Policies CS1, CS2, CS3, CS6, CS7, CS8, CS10 and CS11 and Saved Local Plan Policies EN13, EN20, EN28, EN30 and EN38.

## Teenager Play Area

Multi Ball Court - (min. 25 x 19m) with a chicane entrance in the middle of either side, run out goal ends (stepped down from 3m), with basketball hoops, cricket stump panel, tarmac surface lined for both football and basketball. Sound dampening features and suitably drained. The ball court should include flood lighting to enable usage on evenings.

Climbing Boulders - They should be a maximum of 3m in height with appropriate impact absorbing surface. Plastic products would not be deemed suitable, concrete 'boulders' would be acceptable. Should have a number of challenges and be of varying heights to provide interest. A cluster of HAGS Rock & Cliff (or equivalent products) would be acceptable if suitably located upon the open space.

Teen shelter - There are numerous products of this type on the market. Should be of metal with a roof structure and ideally create a semi circle of seating. The teen shelter should be sited on a tarmac base with a good access path leading to it.

Seating - Clusters of seating (formal & informal) - placed to allow socialising in varying group sizes.

## Younger Play Area

From a play value and experience perspective (as calculate using the ROSPA Play Value Assessment criteria) it should be:

Overall site: Good or above;  
Ambience: Good or above;  
Toddlers: average or above;  
Juniors: average or above;  
Teenager: below average or above.

For more general guidance on the siting and design of play spaces refer to the following:

Play England's 'Design for Play: A guide to creating successful play spaces'  
[http://www.playengland.org.uk/resources/design-for-play?originx\\_2757hp\\_70994779705616h30y\\_2008630728a](http://www.playengland.org.uk/resources/design-for-play?originx_2757hp_70994779705616h30y_2008630728a)

Fields in Trust's 'Planning and Design for Outdoor Sport and Play' - available via:  
[http://fieldsintrust.org/Product\\_Detail.aspx?productid=dc291578-50c5-49c5-b0d7-3c376db6b801](http://fieldsintrust.org/Product_Detail.aspx?productid=dc291578-50c5-49c5-b0d7-3c376db6b801)

## Surface Water Management

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management, this approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach. In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

A new outfall on either watercourse will need the prior written consent of the Environment Agency under the Water Resources Act 1991. We can provide advice on suitable designs if required.

If the applicants or agents wish to discuss this position with us, they should contact Rory Hunter Development & Flood Risk Engineers on 0191 203 4201.

**P 12/1343/FUL**  
**44/12 Land to the South of Lustrum Avenue, North Tees Industrial Estate, Stockton-on-Tees**  
**Erection of retail unit, together with associated car parking and servicing**

Consideration was given to a report on planning application 12/1343/FUL - Land to the South of Lustrum Avenue, North Tees Industrial Estate, Stockton-on-Tees - Erection of retail unit, together with associated car parking and servicing.

Planning permission was sought for the erection of a retail unit for 'Next at Home' in an out of centre location on Portrack. The site benefitted from two extant permissions for a pair of retail units and a drive thru restaurant. As the proposal increased the amount of retailing from the site the applicant had undertaken a sequential and impact assessment. There were no known suitable and available sites within Stockton or Middlesbrough centres or sites within edge of centre locations which could accommodate the development as proposed. The anticipated impact of the proposed development had been considered based on its likely draw of trade from existing retail areas and this had been estimated to result in a 0.3% impact on both Stockton and Middlesbrough Centres. Middlesbrough Borough Council had raised no objection to the application. As such, the proposed retail development at the site was considered to be acceptable.

Adequate provision was made for access, servicing and parking which would be

amalgamated and shared with existing retail units adjacent to the site. The Head of Technical Services had raised no objections to the scheme.

The proposal had been considered against Health and Safety Executive guidance and Flood Risk and was considered to be a suitable form of development for the site subject to controlling conditions.

The proposed development was considered to be in accordance with national, regional and local planning guidance and was therefore recommended for approval.

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

With regard to publicity neighbours had been notified and no comments were received.

With regard to planning policy 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 should 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 saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15th January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

The application had been submitted with a sequential and impact test and this was considered within the report.

The Planning Officers report concluded that the proposed out of centre retail development had been considered sequentially with other suitable and available sites within the area and adequate demonstration had been made that there were no suitable alternative sites that were available. Notwithstanding this, the site already had permission for retail development and the overall increase associated with this proposal above the 'fall back' position was 1103sqm. The anticipated impacts on the existing retailing within centres as well as the existing and planned investments within centres had been assessed and it was considered that this would not be significantly detrimental. Taking into account these matters, it was considered that the proposal adequately conforms with NPPF, RSS, Local Plan and Core Strategy Development Plan Guidance in this regard and it would not undermine the overall focus for new retail floor space being directed to the sub regional centres of Middlesbrough and Darlington.

It was considered that adequate access and servicing was proposed and that adequate parking provision across the site would be provided in accordance with the requirements of Core Strategy Development Plan Policy CS2. The building was of a scale and appearance which was in keeping with the surrounding area and therefore accorded with the relevant part of Core Strategy Development Plan Policy CS3. It was considered that the proposed scheme would result in significant sustainable economic investment, job creation and regeneration of the site

In view of the proposal being in an out of centre location and being justified on the specific retailers model, it was appropriate to impose controlling conditions to limit the extent and type of retailing from the site.

Members were presented with an update report that outlined that since the publication of the main report it had been found that the report and condition 3 of the recommendation did not include the complete range of goods which were proposed to be sold from the site. The update report therefore clarified the range of goods which were proposed to be sold from the site which included other home storage (beside shelving and sideboards), tools and ancillary goods, bath mats, mirrors, vases, ornaments, crockery and cutlery.

Condition 3 had also been amended to clarify that the ancillary sale of food and drink for consumption on the premises was not prohibited as planning permission would not normally be required and there was no planning reason to prevent it taking place.

The range of goods proposed to be sold from the site had been fully considered. The proposed out of centre retail development had been considered sequentially with other suitable and available sites within the area and adequate demonstration had been made that there were no suitable alternative sites that were available.

Notwithstanding this, the site already had permission for retail development and the overall increase associated with this proposal above the 'fall back' position was 1103 sq m. The anticipated impacts on the existing retailing within centres as well as the existing and planned investments within centres had been assessed and it was considered that this would not be significantly detrimental. Taking into account these matters, it was considered that the proposal adequately conformed with NPPF, RSS, Local Plan and Core Strategy Development Plan Guidance in this regard and it would not undermine the overall focus for new retail floor space being directed to the sub regional centres of Middlesbrough and Darlington.

The agent for the applicant was in attendance at the meeting and spoke in favour of the application.

A vote then took place and the application was approved.

RESOLVED that planning application 12/1343/FUL be approved subject to the following conditions and informatives:-

#### 1. Approved Plans

The development hereby approved shall be in accordance with the following

approved plans:-

Plan Reference Number	Date on Plan
HIGHWAY INFO	30 July 2012
AL (E)100	28 May 2012
AL(0)115 REV C	28 May 2012
AL (0)50 REV C	28 May 2012
AL (0)110	28 May 2012
AL (0) 100 - EXISTING	28 May 2012

## 2. Flood Risk and building levels

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Peter Brett Associates, project ref:26431 dated May 2004. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

In addition to the mitigation detailed within the Flood Risk Assessment, prior to commencement of development on site, a scheme identifying safe routes into and out of the site to an appropriate safe haven shall be submitted to and approved in writing with the Local Planning Authority.

The finished ground floor levels for the development hereby approved shall be set no lower than 3.902m above Ordnance Datum (AOD)

## 3. Control of use

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 as amended or the Town & Country Planning Use Classes (Amendment) Order 1995 (or any order revoking and re-enacting these Orders), the range of goods to be sold from the premises shall be restricted to the following:-

- Beds, cots and bedroom furniture
- Sofas and armchairs;
- Tables and dining chairs;
- Bathroom fittings and furniture;
- Kitchen fittings and furniture;
- Shelving, sideboards and other home storage;
- Garden furniture, barbecues, planters and plants
- Lighting;
- Televisions, vacuums, kettles and other electrical goods;
- Wallpaper and paint;
- Tools and ancillary goods;
- Rugs, carpets and flooring;
- Curtains, cushions, bed linen, towels and bath mats;
- Picture frames, mirrors, vases and ornaments; and
- Crockery and cutlery.

There shall be no retailing of food from the site, except for the ancillary sale of food and drink for consumption on the premises'

The net retail floor area shall not exceed 1624sq.m. and the 2nd floor shall be

limited for use as an area for staff facilities, plant and storage.

#### 4. Single operator site

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting these Orders), the premises hereby approved shall only accommodate a single retail operator and shall not be split into more than one retail unit.

#### 5. Breeam Rating

The development hereby approved shall be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of Very Good, unless otherwise agreed in writing by the Local Planning Authority. Evidence of the building achieving this shall be submitted to and approved in writing by the Local Planning Authority prior to the building being brought into use.

#### 6. 10% Renewables

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the local planning authority, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superceding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter.

#### 7. Landscaping Scheme

The entrance foyer hereby approved shall not be brought into use until a scheme of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations and inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers and maintenance plan. 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 within the first planting season following the development being brought into use.

#### 8. Cycle parking

The development hereby approved shall not be occupied until a scheme of covered cycle parking has been implemented on site in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall remain in place, be maintained and be operational in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

#### 9. Travel Plan

Notwithstanding the Travel Plan submitted, prior to the retail use hereby approved being brought into use, an amended travel plan shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter the measures contained within the Travel Plan shall be fully implemented in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

## INFORMATIVES

### Informative 1: Summary Reasons and Policies

The proposed development has been considered against the policies listed below. The proposal relates to a town centre use in an out of centre location and has satisfactorily demonstrated there being no sequentially preferable sites either within or on the edge of relevant centres. The predicted impact of the trade draw that the proposed use would have is limited across all areas. The proposed site is provided with appropriate access for visitors / staff and servicing and there is an adequate provision of parking spaces on the site. There are no known reasons why the proposal should not be approved subject to several controlling conditions.

#### National Planning Policy Framework

Regional Spatial Strategy Policies 25, 35 & 38

Stockton on Tees Local Plan Policies S1, S2, S6, S13

Stockton on Tees Core Strategy Policies CS2, CS3, CS5, CS10

### Informative 2: Contact with Northern Gas Networks

Northern Gas Networks have advised that there may be gas apparatus in the area and that the developer contact them to discuss this. Contact details given are as follows;

Sandra Collett

Network Records Assistant

0845 6340508 (option 6)

**P  
45/12**

**12/0561/FUL**

**The Garth, Coal Lane, Wolviston**

**Demolition of existing bungalow and erection of three new dwellings**

Consideration was given to a report on planning application 12/0561/FUL - The Garth, Coal Lane, Wolviston - Demolition of existing bungalow and erection of three new dwellings.

Planning permission was sought for the erection of three dwellings to replace an existing bungalow. The proposed scheme provided each dwelling with a rear garden and 2 off street parking spaces. A number of objections had been received mainly relating to the over development of the site, the impact of traffic and associated movements and the impact on privacy and amenity associated with surrounding premises.

The scheme would provide a reduction in ground levels and finished floor levels to those on site although would replace the existing bungalow with 2 storey housing. The additional bulk and mass was considered to fit within the site and in view of intervening distances between properties, angles of view and site level changes, it was considered that the impact on privacy and amenity would not be sufficiently significant to warrant refusal of the application.

The Head of Technical Services considered there to be adequate provision of parking and that there would be no undue impact on highway safety. Conditions were recommended in order to further control ground levels, the provision of a connecting footpath to the front of the site, a front boundary treatment and a landscaping scheme.

The proposed scheme was considered to accord with relevant planning policies as detailed within this report.

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

With regard to publicity neighbours had been notified and the comments that had been received were summarised within the report.

With regard to planning policy 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 should 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 saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15 January 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

The Planning Officers report concluded that the proposed development of the existing residential plot within the defined limits of development for a sustainable village was considered to be in accordance with the principles of planning policy. Although the scheme would increase the mass of built form on site and will be likely to intensify the overall use of the site, in view of the intervening distances, levels between properties, limited openings at first floor level and the reduction in levels to both the dwellings floor level and the rear garden, it was considered that the impact on privacy and amenity for surrounding residents would not be significantly detrimental and would generally comply with saved Local Plan Policy HO3. Adequate access and parking was provided and it was considered that the proposed development, subject to condition, would not unduly affect highway safety.

Objectors to the application were in attendance at the meeting and their comments could be summarised as follows:-

- \* Over development of the site
- \* The site is 30 metres from a dangerous bend



- \* No concern for vehicles entering and leaving the site
- \* No sufficient parking facilities
- \* Visitors to the development would have to park on Coal Lane
- \* There is already a rat run through Wolviston
- \* The bus stop will have to be moved

Members then discussed the application and moved that a site visit be carried out. The motion was seconded, a vote was taken and the motion was passed.

RESOLVED that the determination of the application be deferred to enable Members visit the site.

**P**            **Proposed Submission to Government on Legislative changes to**  
**46/12**       **Enforcement**

Following a resolution at Full Council on 2nd May 2012 Members were concerned that there had been numerous instances over recent years when developers and residents had undertaken new build projects, building alterations or other construction works that required planning approval but these people had either not submitted an application or disregarded the conditions or approved plans and only after being found out had been requested to submit an application for retrospective approval.

Many members had been annoyed and frustrated at this lack of respect for the planning process and considered that legislation should be put in place to penalise those that intentionally disregard the planning procedures.

It was therefore agreed that the Council submit a comprehensive proposal to government based on the evidence of recent cases. To enable all groups to participate in preparing this proposal, the Planning Committee had been mandated to prepare a submission taking into consideration all of the problems experienced by the authority and submit it to the appropriate minister and to also seek support from the Local Government Association.

The report therefore contained the comprehensive proposal which would be submitted to Government.

RESOLVED that the proposal contained in the report be submitted to the Secretary of State for Communities and Local Government and the support of the Local Government Association be sought to bring about the introduction of the requested new legislation.

**P**            **PLANNING PERFORMANCE**  
**47/12**

Consideration was given to a report on the performance of the Planning Department for the first quarter of 2012/2013.

DCLG had published a draft version of the Single Data List (SDL), which was intended to replace the previous performance management systems – National Indicators, etc. The SDL was a basic catalogue of all the data collections (existing and proposed) that central government departments required from

local authorities. There were 152 separate data collection topics within this Single Data List, with 64 of these relating directly to Development and Neighbourhood Services. The large majority of these data collections were already undertaken within services, with only a small number of new data collections proposed.

Within the SDL, the data collections that would be required from Planning remained much the same as reported already, and revolve around the performance of managing planning applications, enforcement, green belt land data, previously developed land data and the Annual Monitoring Report for the LDF. There would be 5 data collections and then 41 data topics within the 5 broad collection areas.

It was therefore proposed to continue reporting performance to committee in 2012/13 along the lines that had been done already, as CLG had indicated that they wanted this particular reporting criteria to remain. The performance level for the year remained at the same level as that set for 2011/12, which was 75% for majors, 80% for minors and 88% for other applications.

The reporting timeframe ran from 1st April - 31st March each year. The report presented the performance of the first quarter in that period, 1st April to 30th June 2012.

Performance results achieved for the first period were 80% for major applications, 91.67% for minor and 95.65% for others, achieving above performance in all categories.

The report detailed first quarter results and cumulative performance 2012/13.

12 out of 15 major applications were determined within the 13 week target. Two of the applications which went over the target (12/0067/FUL and 12/0166/FUL) were related to the proposed developments around Red House School in Norton/Wynyard and were delayed whilst the traffic implications were examined, HSE concerns regarding the high pressure gas mains at Wynyard and the viability of the new school and proposed housing in greater detail. The third application was for the new Northshore Academy (12/0268/FUL) and whilst this application was reported to and approved by planning Committee well within the 13 week period, it was subject to a satisfactory bat survey being undertaken to satisfy Natural England, and the inclement weather delayed the survey by many weeks. It was also important to note that in the final quarter of 2011/12, 9 major applications were determined, whilst there were 15 in this quarter.

RESOLVED that the report be noted and the hard work and dedication of Planning Staff and colleagues within other service areas to determine applications within the target periods and improve performance and the reputation of the Council be acknowledged.

**P**  
**48/12**      **Local Development Framework Minutes**

RESOLVED that the Local Development Framework minutes from the meeting held on 12th June 2012 be noted.

**P**      **1. Appeal - Mr Anthony Johnson - 4 Aysgarth Road Stockton - 12/0564/FUL**

**49/12 - DISMISSED**

**2. Appeal - Mr Daryl Davison - 56 Lomond Avenue Billingham -  
12/0773/RET - DISMISSED**

**3. Appeal - Mrs Sandra Welsh - 103 Fairfield Road Stockton - 11/2253/X -  
DISMISSED**

RESOLVED that the appeals be noted.