

Planning Committee

A meeting of Planning Committee was held on Wednesday, 31st July, 2013.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Gillian Corr, Cllr Phillip Dennis (Vice Cllr Ken Lupton), Cllr Alan Lewis, Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Steve Walmsley and Cllr David Wilburn.

Officers: C Straughan, A Glossop, R McGuckin, P Shovlin, R Poundford, J Hutchcraft (DNS); J Butcher, P K Bell (LD); G Cummings (R); S McLurg (CESC).

Also in attendance: Applicants, agents and Members of the public.

Apologies: Cllr Jean Kirby, Cllr Paul Kirton and Cllr Ken Lupton.

P Declarations of Interest

38/13

There were no declarations of interest.

P Minutes

39/13

The minutes of the meeting held on 19th June 2013 were signed by the Chair as a correct record.

P 13/1444/COU

40/13

**Fairview, Durham Road, Thorpe Thewles
Application for change of use from C3 residential dwelling to C2
residential institution.**

Consideration was given to a report on planning application -13/1444/COU - Fairview, Durham Road, Thorpe Thewles - Application for change of use from C3 residential dwelling to C2 residential institution.

Planning permission was sought for the change of use of a residential bungalow within the village of Thorpe Thewles from a domestic property to a care facility. The proposed facility was aimed at providing care for up to 5 children on permanent basis, with the children residing there as their permanent home. Staff would be at the property 24/7 to provide care / support to the children and would operate in shifts.

The proposed use was linked to the Councils restructuring of providing care for its vulnerable children. The council sends children outside of the borough to live and be educated and dealing with 20 children in this way costs the authority £3.5m. The Council was in a joint venture with the applicant to provide homes and education for the children within the Borough. The Council would own the properties and provide the renovated King Edwin School as an educational establishment whilst the applicant (Spark of Genius) would run and manage the facilities. It was estimated that this arrangement would save the authority £400k per year and create around 100 local jobs.

98 objections were detailed within the main report which raised by local residents. These mainly related to concerns that children within the home would cause anti-social and criminal behaviour within the village, that people would

fear this occurring, that this would change the feeling / character of the village, that additional traffic would cause nuisance and that the village had far too few facilities and services to serve such a use. 2 letters of support considered objections based on anti-social behaviour to be unsubstantiated and indicated that existing foster children within the village had not resulted in complaints to their carer's.

The principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme were all considered to accord with the National Planning Policy Framework and the Core Strategy. The site was an existing property and whilst it was within an unsustainable location for new dwellings, the aim of the home was to locate in such locations away from the more urban areas. The reasons for doing this were to provide a better environment in which to bring up the children and this reasoning was accepted.

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. A total of 98 objections, 2 comments of support and 1 of general comment were received. Respondents and their comments 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 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 requires in dealing with such an 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 significant concerns over the potential for anti-social behaviour were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was argued that this was more of a matter for the management of the facility and others such as the police, were it to occur. Notwithstanding this, it was considered necessary to ensure the property remained to be a children's home of a limited scale as was being proposed in order to prevent future uncontrolled change. As such, a condition was recommended which limits the age to which cared for residents could be and which restricted the number of cared for residents to 5, which was considered to reflect in part the number of children that could be accommodated within a large family home.

It was considered that there was no undue risk to highway safety, that adequate parking could be provided and although the use of the site and comings and goings would almost certainly intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings taking into account the property being a large detached bungalow, within its own relatively extensive grounds on the edge of the village.

Reference was made to the update report issued and in respect to an appeal decision submitted on behalf of objectors which was for a similar use in a dwelling within a village in Suffolk. The officer advised of sufficient differences between the location of the appeal decision and the Fairview site to come to a different view and noted that the Inspector of the Suffolk appeal decision concluded that the appeal should not fail on grounds of potential or fear of anti-social behaviour or criminal activity from the residents of the home.

In view of all of the above, it was recommended that conditional planning permission be granted.

Members were presented with an update report that summarised additional comments had been received from Alex Cunningham MP Stockton North, Children, Education and Social Care (CESC), Cleveland Police comments to CESC, The Head of Technical Services and Prism Planning – On behalf of resident's of Thorpe Thewles, Additional residents objections. The update report detailed the material planning considerations of the additional comments and concluded that the details within the update report did not alter the recommendations within the main report.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * Disingenuous application
- * Only found out about the application through the planning weekly list
- * There has been no consultation with local residents
- * Local residents do not want this proposal
- * Thorpe Thewles is made up of mainly elderly people
- * There is no anti-social behaviour (ASB) in Thorpe Thewles
- * Crime and ASB will happen as a result of the application
- * There will be a fear of crime and ASB
- * Is the Council really prepared to inflict these children on Thorpe Thewles
- * This is not a children's home it is a residential institute
- * There is confusion about the age range of the children that will be at the institute
- * There will be parking issues and against NPPF
- * Please reject the application
- * Councillors have a duty as corporate parents but also have a duty to local residents
- * Thorpe Thewles is not a suitable location for the application
- * Precedent would be set for future applications
- * Other sites should be considered
- * Residents quality of life will be affected
- * Police reports indicate crime and incidents will occur
- * We are normal people not NIMBY's
- * We have to live with the repercussions of your decision

- * I have seen previous similar set ups and they do not work
- * The children will often go missing
- * The children will be accompanied when they leave the premise but why if they are no threat
- * We support the Council in trying to support the children and save money but not in Thorpe Thewles
- * We have poor broad band so children will not be able to play computer games
- * A previous appeal decision strengthens the points we have made
- * There will be lots of traffic movements to and from the property
- * The bus service is poor
- * The applicant has said they will request all vehicles exit by the northern exit of the village but will this happen
- * As a widow and victim of previous crime, living within 50 metres of Fairview would be frightening
- * The children may start fires in the village and destroy historic buildings
- * House insurance will increase
- * As a 10 year old I have just started to be allowed to walk our dog and go to the local park but my parents have said if the application is approved I would no longer be allowed to do this as the children of Fairview may be mean to me
- * The calculations from the Head of Technical Services for parking are not correct
- * parking will occur on the highway

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- * Institute is quite a derogatory name for this type of care facility
- * It is a place where children can be looked after and thrive
- * This is the ideal location for this care facility
- * We are going to have 4 children's homes in the Borough and Fairview will accommodate the younger age group as the older age group need to be closer to facilities and on a bus route
- * There is ample parking at Fairview
- * There are no plans to extend Fairview
- * Ofsted have the power to close Fairview down if there are any incidents

The Head of Children and Young People's Services was in attendance at the meeting and was given the opportunity to respond to some of the comments that had been raised by the objectors. His comments could be summarised as follows:-

- * The Council's role within CESC has no means to stop independent institutions opening up anywhere in the Borough
- * This application is a partnership and the applicant has been chosen after a lot of investigation and Officers from the Council have been very impressed with the applicants other homes.
- * There has been only one ASB incident from another Council run home that is of similar nature and that incident actually took place in the home itself
- * It is called a Residential Institute in planning terms but for OFSTED and CESC it is a Children's Home.
- * We are Corporate Parents and we should bring these children up as if they are our own

- * We need to bring these children back into the Borough
- * OFSTED have very strict guidelines about opening up homes in the vicinity of each other

The Head of Technical Services was in attendance at the meeting and was given the opportunity to respond to some of the comments that had been raised by the objectors. His comments could be summarised as follows:-

- * There is a correction needed to the report and it should read 1 space per 5 residents and 1 space per member of staff
- * There will be more than adequate parking at Fairview
- * There will be no detrimental impact on the highway

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

- * Would the Children's Home be subject to OFSTED visits and or Regulation 33 visit?
- * There has been a lot of misinformation about the application
- * The demographics of the village are not mainly elderly but more in line with the rest of the Borough
- * All the other homes in the Borough score good or very good
- * These children are victims and we are trying to give them the life they deserve
- * We need to give these children some sort of chance
- * There is a similar facility in Thornaby and the perceived problems haven't materialised
- * There is a similar facility in Roseworth and I have never received one complaint or am aware of any crimes committed by the children of that home
- * We need to stick to the material planning considerations
- * We are giving the children a chance
- * What are the key differences between rural and urban
- * We need to consider NPPF and Core Strategy Objectives that are detailed within the report
- * The site is not in a sustainable location

Officers responded to the questions that had been raised as follows:-

- * Yes the Home will be subject to the Regulation 33 visits
- * Not aware of any specific research that has been done regarding associated benefits of bringing children up in a rural children's homes as against one in an urban location. Being in a rural location was not the be all and end all, there were lots of other considerations

A vote then took place and the application was approved.

RESOLVED that application 13/1444/COU be approved subject to the following conditions and informatives below:-

1. APPROVED PLANS

The development hereby approved shall be in accordance with the following approved plan;

Plan Reference Number Date on Plan

2. LIMITATIONS OF USE

The use hereby approved shall be limited to serve to care for persons under the age of 18 and shall be limited to care for no more than 5 persons at any time.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1:

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

P 13/0299/FUL
41/13 Site Known As Parkfield, (Site Is Bounded By Dovecot Street, Hartington Road, St Bernards Road And Worthing Street, Stockton), Construction of 117 dwellings and access roads

Consideration was given to a report on planning application 13/0299/FUL - Site Known As Parkfield, (Site Is Bounded By Dovecot Street, Hartington Road, St Bernards Road And Worthing Street, Stockton) - Construction of 117 dwellings and access roads.

Planning permission was sought for a housing regeneration scheme. The majority of the site had already been demolished with roads and footpaths remaining in place. The proposed redevelopment would provide 117 new dwellings in a mix of detached, semi and terrace properties, including bungalows, houses and apartments. The principle of the development accorded with policy as it was on a brownfield site, within the core area, within the limits of development and on an area formerly used for housing.

A small number of objections had been raised in respect to the proposal which were mainly concerned over the impact of the development on local parking and traffic provisions. The area allowed for indiscriminate parking within the area which several local businesses had commented was necessary to maintain their vitality and viability. Whilst this was noted, the overall site was a former housing site and it had been acquired for the purpose of re-providing housing, it was not intended to increase parking provision for wider area. In addition, the amount of new housing was a reduction to that previously on the site, each property had its own parking and there was also additional visitor parking provided within the layout, whereas all previous parking for the properties would have been on street. In view of these matters it was considered that there was no planning justification for additional parking to be provided as part of the scheme for existing businesses within the surrounding area. Notwithstanding this, the Council's Technical Services and Housing Department had further considered the concerns raised by existing businesses out-with the application process. The Head of Technical Services had indicated that, in terms of meeting the requirements of local businesses, the existing and future provision of car parking had been considered and this would be monitored as development progressed (should it be approved). It was likely that short stay car parking could be accommodated along with provision of restrictions to ensure a turnover

that would satisfy customers accessing businesses in the area. Further to this, some long stay unrestricted parking could be accommodated on street and the Council had committed to working with the businesses in the area to provide parking where possible. The Head of Technical Services had advised that at this stage no land was available for an off street unrestricted long stay car park.

The design and layout of the development site while in contrast to the surrounding terraced streets would allow for greening of the surrounding environment and the scale of properties were generally consistent with surrounding properties which were a mix of 2 and 3 storeys. Adequate levels of privacy and amenity would be achieved by future and existing occupiers due to the site layout and property types. The scheme included for an area of open space centrally within the site.

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 detailed 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 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 requires in dealing with such an 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 housing regeneration scheme was considered to be in accordance with the provisions of the Core Strategy in relation to the principle of new housing development within the core urban area, being on a brownfield site, being within the limits of development, including the provision of affordable housing and the provision of a range of housing which includes bungalows.

The scheme provided a density and scale of development which was in keeping with its surroundings, is of a design and appearance that would fit with and enhance the immediate site and immediate area and would introduce green space into an area where there was previously none. Adequate access, parking and vehicle manoeuvring had been demonstrated along with suitable pedestrian routes being detailed. It was considered that there would be no undue impacts on the privacy and amenity of nearby residents and that

adequate amenity and privacy would be provided for the future occupiers of properties.

It was recommended that the application be approved with conditions for the reasons specified above.

Members were presented with an update report that summarised additional responses that had been received from:-

Head of Housing - A separate briefing note was circulated for Members
Fabrik Housing (Applicant)
Federation of small businesses

The update report further detailed objections that had been received.

The comments raised by business owners and the Federation of Small Businesses re-iterate those which had been detailed within the main report and which had been considered in reaching the recommendation within the main report.

The applicants requested that there be an allowance for to allow flexibility in meeting the requirements of condition 2 (renewables) subject to a demonstration that the scheme would be unviable were it to meet the requirements of this condition. The renewables were a small part of the scheme which was considered to bring significant other benefits and were the applicant to demonstrate that it was not possible to provide for renewables within the scheme then it was considered that this should not jeopardise the overall scheme from being achieved.

The update report therefore detailed a reworded condition 2.

A local retailer was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- * Concern over loss of car parking spaces
- * A meeting has been held with the Head of Technical Services about possible solutions to the car parking situation

The Head of Technical Services reported that a meeting had been held with the local retailer and a number of ways to improve parking for local businesses would be considered outwith the planning process although required due process to be undertaken and as such an absolute commitment to these being provided could not be given. The Head of Technical services would continue to work with the applicant and local businesses to try and resolve the issue.

The Head of Regeneration and Economic Development was in attendance at the meeting and spoke of the benefits to the Borough if the application was approved.

The applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- * Local jobs will be created

- * The area will be regenerated
- * Local families will have the opportunity to buy affordable houses
- * Work has been on-going with Council Officers
- * Ideal development for the town centre
- * There will be bungalows for older people
- * work has been undertaken with local police to design out crime

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

- * Local residents will be reassured with what is happening on the land
- * The development will be good for local businesses and for the town centre
- * The development will give decent people the chance for affordable houses

A vote then took place and the application was approved.

RESOLVED that planning application 13/0299/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
3246/00/01 REV O	20th May 2013
R/1394/1H	20th May 2013
3246/00/101 REV A	23rd May 2013
3246/00/103 REV A	23rd May 2013
3246/00/104 REV A	23rd May 2013
3246/00/105 REV A	23rd May 2013
3246/00/106 REV A	23rd May 2013
3246/00/107 REV A	23rd May 2013

2. Unless agreed in writing by the local Planning Authority as making the scheme unviable, prior to the above ground commencement of any of the development hereby approved, 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.

Reason: In the interests of promoting sustainable development in accordance with the requirements of Stockton on Tees Core Strategy Policy CS3(5) Sustainable living and climate change.

3. Code Construction

Unless a viability statement has been submitted to and agreed in writing by the local Planning Authority indicating that the development is unviable if built to

Level 4 of the Code for sustainable homes, all properties shall be built to achieve a minimum of Code Level 4 of the Code for Sustainable Homes or any other equivalent Building Regulation rating at the time of construction as first agreed in writing with the Local Planning Authority before development commences and implemented in accordance with the approved details.

4. Materials and hard landscaping

Notwithstanding the details hereby approved, no above ground development shall commence until full details of the following has been submitted to and approved in writing by the Local Planning Authority.

- External finishing materials of buildings,
- Hard landscaping throughout the site

The development shall be completed in accordance with the approved scheme.

5. Soft Landscaping and Boundary Treatments

Soft Landscaping and boundary treatments shall be undertaken on site in accordance with the details on approved plan R/1394/1H and a detailed planting regime to be first submitted to and approved in writing by the Local Planning Authority. The planting and boundary treatments for each property shall be implemented on site prior to its occupation.

Notwithstanding the details on approved plan R/1394/1H, the fencing to the rear of plots 112-117 shall be an acoustic fence of a type and height to be first submitted to and approved in writing by the Local Planning Authority and the acoustic fence shall be installed on site prior to the occupation of plots 112-117.

Notwithstanding the details on approved plan R/1394/1H, the boundary treatment immediately to the south of Plot 117 forming the boundary between the commercial unit and plot 117 shall be of a type to be first submitted to and approved in writing by the Local Planning Authority and the agreed boundary type shall be implemented on site prior to the occupation of plots 112-117.

6. Landscaping maintenance

All landscaping on the site shall be maintained in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall detail all methods, frequencies and responsibilities for maintenance and any agreements required to achieve these.

7. No burning of waste

During the construction phase of the development there shall be no open burning of waste on the site.

8. Construction working hours

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.

9. Public Open Space and land out-with curtilages

Unless an alternative time period is agreed in writing with the Local Planning Authority, the Public Open Space at the centre of the site and all other land out-with residential curtilages shall be provided by the developer as detailed on

approved plan R/1394/1H (and subject to a detailed planting regime, further details of which are to be first submitted to and approved in writing by the Local Planning Authority) within 3 months of the occupation of the final property on the site or within 3 years from the initial commencement of construction on the site, whichever is earlier. All open space / land outwith residential curtilages shall be maintained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the overall development on site. The agreed scheme shall detail the method, frequency and responsibilities for maintenance and any agreements to achieve these.

10. Temporary Car Park for Workers

Prior to works commencing on site a scheme for a temporary car park and materials storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to commencement of any development.

11. Section 278 Agreement

The commencement of the development authorised by this permission shall not begin until:

a. The Local Planning Authority has approved in writing a full scheme of works for:-

(i) The amended access onto Yarm Road.

(ii) Works to the back street associated with Hartington Road

The development hereby approved shall not be occupied until the approved works have been completed and have been certified in writing as complete by the Local Planning Authority unless alternative arrangements to secure the specified works have first been approved in writing by the Local Planning Authority.

12. Traffic Restrictions

No property hereby approved shall be occupied until the existing restrictive Traffic Regulation Order has been suitably varied or replaced to allow for two way traffic along Buchanan Street from its junction with Yarm Road.

13. Unexpected land contamination

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

14. Affordable Houses

Prior to the occupation of any dwellings on the site, a scheme of affordable

housing shall be submitted to and approved in writing by the local planning authority detailing the provision of 23 affordable dwellings. The scheme shall detail the following,

- i) the precise units which will provide the affordable housing;
- ii) the arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iii) Occupancy criteria and nomination rights in relation to identified housing need.

The development hereby approved shall be occupied in accordance with the approved scheme of affordable housing.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1:

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Informative 2: Gas Apparatus

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)

Informative 3: Northumbrian Water

Northumbrian Water have advised that they may have apparatus affected by the development. The developer should contact Northumbrian Water prior to commencing the development. The contact given for Northumbrian Water is Niki Mather 0191 419 6603.

**P
42/13**

13/1324/LAF

**Former Council Offices And Art Gallery, East Precinct, Billingham.
Proposed Library & Customer Contact Centre with associated external
works including car parking and modifications to existing junction**

Consideration given to planning application 13/1324/LAF - Former Council Offices And Art Gallery, East Precinct, Billingham - Proposed Library & Customer Contact Centre with associated external works including car parking and modifications to existing junction.

The application sought planning permission for the erection of a proposed library and customer contact centre with associated external works including car parking and modifications to the existing junction on a parcel of land occupied by the former Council Offices and Art Gallery, East Precinct within Billingham Town Centre.

Under the Council's Scheme of Delegation, the application was put forward for determination by the Planning Committee as the scheme does not constitute minor development.

The application site related to the former Billingham Council Offices and Art Gallery that were being demolished on site (as per the demolition consent; 13/0216/DEM). The site, measuring approximately 3,180 square metres in area, was located within a prominent position within Billingham Town Centre with commercial properties to the north and to the west with a police station to the east. Beyond the highway of Kingsway to the south were residential properties along Grampian Road.

The Head of Technical Services and the Council's Landscape Officer had raised no objections to the scheme subject to a number of conditions relating to hard and soft landscaping, lighting and street furniture. The Environmental Health Unit had raised no objections to the scheme.

No letters of objection had been received from neighbouring properties or local Ward Councillors.

The proposed development was considered to be of an appropriate scale, design and layout for its setting and achieved satisfactory spacing from surrounding properties and was not considered to result in any unacceptable impacts on residential amenity. The proposed scheme was also considered to be acceptable in terms of highway safety and the proposal satisfied the principles of the NPPF, and Core Strategy Policies CS2, CS3, CS6 and CS10.

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 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 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.

A vote took place and the application was approved.

RESOLVED that planning application 13/1324/LAF be approved subject to the following conditions and informatives below:-

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

Plan Reference Number	Date on Plan
SBC0001 GLAZING MATERIALS	2 July 2013
ARC1219-90-01	3 June 2013
ARC 1219-90-03	3 June 2013
ARC1219-27-01	3 June 2013
ARC1219-20-30	3 June 2013
ARC1219-20-20	3 June 2013
ARC1219-20-01	3 June 2013
ARC1219-90-02	3 June 2013
ARC1219-90-50	3 June 2013
ARC1219-90-20	3 June 2013
ARBORICULTURAL ASSESSMENT	3 June 2013

2. Soft Landscaping

Notwithstanding the submitted information and prior to the commencement of development, full details of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works for new tree planting, soft landscaping and grassed areas as indicated on plan ARC 1219-90-20 (dated 3rd June 2013).

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 in the first planting season following commencement of the development.

3. Lighting scheme

Notwithstanding the submitted information and prior to the building hereby approved being brought into use, full details of the method of external illumination, angle of alignment, light colour, luminance of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting scheme shall be implemented in accordance with the agreed scheme prior the building hereby approved being brought into use.

4. Hard landscaping

Prior to the development hereby approved being brought into use, the agreed hard landscaping scheme (including the proposed car parking areas, footpaths and any other areas of hardstanding being created) and the schedule of works shall be implemented in accordance with the specification details and siting as detailed on approved plan ARC 1219-90-20 (dated 3rd June 2013) unless an alternative scheme for hard landscaping is agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme and shall then be retained for the lifetime of the development

hereby approved. 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.

5. Finishing materials

Construction of the external walls and roofs (including solar panels) shall be completed in accordance with the approved plans including the specification materials on plans ARC1219-20-20 and ARC1219-27-01 (both dated 3rd June 2013) and SBC0001 GLAZING MATERIALS (dated 2nd July 2013).

6. Tree Protection

The existing trees that are to be retained as identified on plan ARC1219-90-50 (dated 3rd June 2013) shall be fully protected during construction works in accordance with the measures detailed on the submitted Arboricultural Implication Assessment 1st May 2013 (SBC stamp dated 3rd June 2013) for protection of the trees in relation to design, demolition and construction and shall fully adhere to B.S.5837 (2012).

7. Street furniture and cycle stand

Notwithstanding the submitted information and prior to the installation of any street furniture associated with the development, full details including cycle storage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme prior the building hereby approved being brought into use.

8. Hours of construction

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

9. Unexpected land contamination

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

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Informative to applicant; Wildlife Habitats

If protected species, including nesting birds, are discovered during the course of the development then works should cease and advice sought from an ecological consultant, as per the recommended guidance of Natural England.

P Planning Performance

43/13

Consideration was given to a report that updated Members on the performance of the planning department for the first quarter of 2013/2014.

DCLG 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 revolved 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 2013/14 along the lines already done, as CLG had indicated that they wished this particular reporting criteria to remain. The performance level for this year therefore remained at 75% for majors, 80% for minors and 88% for other applications.

The reporting timeframe runs from 1st April - 31st March each year. The report presented the performance of the first quarter in that period, 1st April to 30th June 2013.

Performance results achieved for the first quarter were 92.00% for major applications, 93.88% for minor and 94.76% for others, achieving above performance in all categories.

A table showing the first quarter results and a chart showing the cumulative performance 2012/13 was detailed within the report.

There was an increase in the number of major applications determined from 16 to 25 in the first quarter of the year compared to the last quarter of 2012/13. 23 out of the 25 major applications were determined within the 13 week target. The two major applications which went over the target were 11/2482/EIS which was

the outline application for 845 dwellings at Allens West in Eaglescliffe where the signing of the section 106 took a long time to sign due to administrators being involved, and 12/2047/OUT which was for land at Urray Nook and was refused contrary to officer recommendation. This application was delayed due to it being part of the wider modelling work which was undertaken by the Engineers.

Of interest to Members was a recent article in Planning magazine dated 14th June 2013 which related to those authorities most at risk of being put into special measures by DCLG. Whilst it was predicted that there may be the possibility of 7 Councils being put into special measures whereby DCLG would deal with and determine the major planning applications, as could be seen from the "top performers" table, Stockton-on-Tees were the fifth top authority in terms of performance on major planning applications during the period July 2011-December 2012. A copy of the article was attached to the report. A further article was circulated to Members that indicated that Stockton-on-Tees had now risen to third top authority in terms of performance on major planning applications during the period July 2011 - March 2013.

RESOLVED that the performance 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.