

Planning Committee

A meeting of Planning Committee was held on Wednesday, 5th February, 2014.

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

Officers: Gregory Archer, Simon Grundy, Barry Jackson Richard McGuckin, Peter Shovlin, Colin Snowdon, Carol Straughan(DNS), Julie Butcher, Sarah Whaley(LD)

Also in attendance: Applicants, Agents, Members of the Public.

Apologies: Cllr Paul Kirton

P Declarations of Interest

98/13

There were no declarations of interest.

P Minutes

99/13

Consideration was given to the minutes of the meetings which were held on the 10th July 2013 and the 18th December 2013 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record.

P 13/2568/EIS

100/13

**Tall Trees Hotel Worsall Road, Kirklevington
Construction of a Housing Development comprising approximately 330 dwellings and associated roads, landscaping and public open space (Demolition of the existing hotel facilities).**

Consideration was given to a report on planning application 13/2568/EIS Tall Trees Hotel Worsall Road, Kirklevington

At the 18th December 2013 Planning Committee Members resolved that they were minded to refuse planning permission, contrary to the recommendation of the planning officer, for the above development on two grounds. The first was that the application site was outside the limits of development and therefore the proposal was contrary to saved policy EN13 of the Stockton-on-Tees Local Plan (1997). The second was that the application site was unsustainable due to the lack of public transport serving it contrary to Core Strategy Policy 2 (CS2) – Sustainable Transport and Travel.

The Head of Planning and Principal Solicitor agreed that the Protocol for Decisions Contrary to Officers Recommendation should be invoked due to their concerns that the reasons would not be sustainable at appeal and would place the council at risk of a costs award. The protocol allowed a period of more careful consideration of the proposed reasons for refusal by the Head of Planning, Corporate Director of Development and Neighbourhood Services and Director of Law & Democracy. The Protocol provided that in the event that the

Head of Planning can support the reasons for refusal the refusal notice would be issued for the reasons given by members without further recourse to committee. If the Head of Planning could not support the reasons for refusal the protocol provided that the application would be returned to planning committee with a report setting out the concerns regarding the reasons for refusal in full for members to consider before making the final determination of the application.

It was pointed out that members were free to determine the application in any manner they see fit, including refusal should they still be so minded, remaining bound by planning legislation, national and local policy, as set out in the original report.

When an application was returned to Committee under the protocol, it could be necessary to provide Planning Committee with further planning and legal advice to ensure members had all the relevant information and advice before them before making the final determination. To assist officers with that and to ensure the reasons were not rejected without further discussion, independent advice was sought from a specialist planning barrister and this advice was attached at Appendix 1.

A copy of the original Planning Committee report and update report were attached at Appendix 2 and 3.

In summary the independent advice, which should be treated as such, was that the merits of the Council's reasons for refusal were weak and that they would be very unlikely to be defended successfully on appeal. Furthermore the Barrister also considered that the Council was in territory where it would be at significant risk of an award of costs on the basis of unreasonable refusal judged by reference to the relevant policy set out in Circular No. 03/2009 Costs Awards in Appeals and Other Planning Proceedings.

Members were now required to reconsider the application (13/2568/EIS) taking into account the planning policies and material planning considerations set out in the original report (attached) and the advice contained in this addendum report and counsel's opinion.

Additional comments had been received from Cllr Mark Chatburn which had been distributed to Members of the Planning Committee.

The Planning Officer's report concluded that the Head of Planning's recommendation remained as previously set out in the report and update report made to Members at the Planning Committee on 18th December 2013 that the application be granted conditional approval subject to the applicant entering into a Section 106 Agreement to be signed no later than the 28th February 2014, in accordance with the Heads of Terms and the conditions as set out in the report and update report.

Members were then given the opportunity to ask questions and make comments and these could be summarised as follows:-

- Members brought into question Paragraph 11 of Appendix 1 which referred to the weakness of the case built on the contention that the proposed housing lay outside the development limits, as the Council had already granted two

applications for housing outside development limits in the near vicinity of the Tall Trees site. Members asked, 'did this mean that any application within the area of Green Lane could not be refused'? Members also stated that 'there was a time and a place to make a stand on this issue and the time was now'.

- Although some members did not agree with the application it was stated that the legal advice was irrefutable and therefore would reluctantly vote for approval in accordance with the Planning Officers recommendation.

- The rest of Stockton Borough needed to be looked at for development not just Stockton South.

- The infrastructure was not sustainable and what happened in Ingleby Barwick would happen in Yarm.

- Residents and officers should be listened too and Members should not change their minds and continue to refuse the application.

- Local Authorities could not pick and choose which laws to abide by, and public money should not be frittered away by going to and possibly losing an appeal.

- Clarification was sought in relation to paragraph 13 of appendix 1, the distance of the nearest bus stop. Members stated that a bus stop should be closer to the site than the 750 metres which was currently stated within the report. The applicants representative expressed that pending enough demand the No.7 bus service could be extended closer to the proposed application.

- It was preferable to have something on the Tall Trees site as opposed to nothing at all.

- That there was a discrepancy highlighted within the main report at page 79 in relation to the Sustainable Urban Drainage(SUD's). Had a drainage plan been put into place?

- The original application was only agreed due to the special conditions which included a 5 star hotel. This application seemed to have been piggy backed on the back of the original.

The Planning Officer explained that this was an outline application and the final details of the scheme would be agreed at a later date. In addition where questions had been raised in relation to the original approved application for a 5 Star Hotel, the planning framework used to determine applications at that time was different to what it was now. The NPPF was now the framework being used and unless it could be demonstrated that significant harm would be caused by approving the application and with a deliverable housing supply of less than 5 years there was no reason to refuse it.

A vote then took place and the application was approved.

RESOLVED that:

1. Planning application 13/2568/EIS Tall Trees Hotel Worsall Road, Kirklevington be approved subject to the applicant entering into a Section S106

Agreement in accordance with the Heads of Terms and the conditions as set out in the report and update report made to Members at the Planning Committee on the 18th December 2013.

2. In order to allow sufficient time for the S106 to be concluded an extension be given to the 28th February 2014.

3. that the Terms and conditions include an additional bus stop closer to the proposed development.

P 101/13 13/3077/VARY
Land at Low Lane, High Leven, Yarm
Section 73 application to vary wording of
condition no.6 (Open Space Strategy), 8
(Renewable Energy), 14 (Construction Method
Statement) and 15 (Surface Water Management
Scheme) of planning approval 12/2517/OUT -
Outline application for the erection of
Ingleby Manor Free School and Sixth Form and
residential development (350 dwellings)
including means of access

Consideration was given to a report on planning application 13/3077/VARY Land at Low Lane, High Leven, Yarm.

The application site lay to the south-east of the existing settlement of Ingleby Barwick and was currently a series of open fields bounded by hedgerows. The residential properties of Regency Park and Priorwood Gardens bound the site to the west and north-west respectively, whilst Low Lane lay to the south of the site.

Members were aware that a recent planning application was submitted and refused by the Planning Committee for outline planning permission for the erection of Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT). The appeal was heard at a public inquiry with the Secretary of State recovering the decision. The appeal was subsequently allowed. As part of the appeal both the Planning Inspector and the Secretary of State concluded that whilst there was harm to the green wedge, the character and appearance of the area and recreational opportunities, the policies within the National Planning Policy Framework (NPPF) carried such weight that they outweighed those of the development plan.

This application under Section 73 of the Town and Country Planning Act (1990), sought to vary the wording of four conditions (No.'s 6, 8, 14 & 15) which would allow for the Free School to be developed ahead of any housing development. The application did not seek to alter the overall scale of the development which remained for the Ingleby Manor Free School and a residential development of 350 dwellings.

Given that the proposed amendments to the planning conditions, would not result in any significant changes to the previously approved school and housing scheme. The proposed development was considered to be in accordance with

guidance within the NPPF and the Secretary of State's previous decision that any harm which would occur was outweighed by the benefits of addressing the Borough's five year housing land supply and through improving choice in state school provision.

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

Neighbours were 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 indicated 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 Jan 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 shall 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 given the above considerations it was not considered that proposed amendments to the previously imposed planning conditions, would result in any significant changes to the scale or nature of the previously approved (on appeal) free school and housing scheme.

The proposed alterations to the planning conditions were considered to be acceptable and would not remove the need for the developer to submit the required information to ensure a satisfactory form of development would come forward. The amendments primarily sought to provide a degree of separation to allow for either the housing and free school to come forward ahead of the other.

Consequently the proposed development was considered to be in accordance with guidance within the NPPF and the Secretary of States earlier decision that any harm which would occur was outweighed by the benefits of the scheme. The application was therefore recommended for approval subject to the planning conditions and Heads of Terms set out in the report.

Members were presented with an update report which detailed a request from the applicant for a further change to condition 14. Given that those minor amendments followed the essence of the amendments to the other planning conditions and sought to separate out the housing and school pre development requirements, it was not considered that there were significant nor did they alter the planning considerations set out within the original report. The amended

wording to condition 14 was therefore considered acceptable and was set out in full within the update report with the additional amendments underlined.

Additional comments had also been received from the following:

- Local Ward Councillors, (Councillors K Dixon, R Patterson and D Harrington).
- Ingleby Barwick Town Council
- Member of the public.

The additional comments received were set out in full within the update report.

In view of the above, the recommendation remained for approval subject to those conditions set out within the original report except for the additional amendment to condition 14, as contained within the update report.

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

- background information was given relating to the efforts that had been made by members of Ingleby Barwick Town Council encouraging local residents to support the initial application by promoting the development by cold calling at local residents homes for the free School Land at Low Lane, High Leven, Yarm.

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

- Increasing development in Ingleby Barwick had a knock on effect in Thornaby.
- Members asked what the impact would be to the funding for the improvement to the highways if the School was built without the housing development. The Committee were informed that the contribution for wider highways would not go ahead if the proposed housing development did not.
- Secretary of State imposed the development, government want this not the local authority.

A vote then took place and the application was approved.

RESOLVED that:

1. Planning application 13/3077/VARY be approved subject to the following conditions and informative and subject to a Unilateral Undertaking in accordance with the Heads of Terms as detailed below;

Approved plans;

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

Plan Reference Number	Date on Plan
SBC001	6th December 2013
8067SCG/7	21st January 2013

Reserved matters;

02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Time limit for submission of the reserved matters;

03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Time limit for commencement;

04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Phasing programme;

05. No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, the Free School and Sixth Form and associated facilities, and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

Open Space Strategy;

06. No housing development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.

Dwelling numbers

07. The total number of dwellings authorised by this permission shall not exceed 350.

10% Renewable energy requirement

08. No school development shall take place until details of how the Free School and Sixth Form will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

09. No housing development shall take place on any phase of housing until details of how the housing in that phase will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources, have been

submitted to and approved in writing by the local planning authority.
Development shall be carried out in accordance with the approved details.

Code for sustainable homes;

10. The dwellings approved herein shall achieve Code Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

BREEAM rating;

11. The Free School and Sixth Form shall achieve a BREEAM 'excellent' rating and shall not be brought into use until achievement of that rating has been certified.

Construction activity;

12. No construction activity shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

No open burning;

13. No waste products derived as a result of the development approved herein shall be burned on the site except in an appliance first approved in writing by the local planning authority.

Construction Management Plan;

14. No development shall take place on the separate school, housing or infrastructure elements of the development until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

Surface Water Drainage;

15. No development on the separate school or housing elements of the development shall take place until a scheme for the management of surface water during the construction phase and thereafter, including sustainable drainage measures, specific to that element of the scheme (school or housing) has been submitted to and approved in writing by the local planning authority. Surface water run-off from the site shall be limited to 42l/s. Development shall be carried out in accordance with the approved details.

Watercourse buffer zone

16. No development shall take place until a scheme for the provision and management of a 5 metre buffer zone around the watercourse has been submitted to and approved in writing by the local planning authority. The buffer zone shall be implemented in accordance with the approved details and retained as such thereafter.

Ecological Survey;

17. No development shall take place until a timetable for the implementation of the ecological mitigation measures within the Extended Phase 1 Habitat Survey (The Appleton Group, October 2012) and the Survey of Trees for Bat Roosting and Foraging Potential (Martin Prescott Environmental Services, January 2013) has been submitted to, and approved in writing by, the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

Archaeological Works;

18. No development shall take place in any particular phase of the development until a programme of archaeological work for the phase concerned, including a written scheme of investigation, and a timetable, has been submitted to and approved in writing by the local planning authority. The archaeological work shall be carried out in accordance with the approved details.

Unexpected land contamination

19. If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, 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 carried out as approved.

Noise protection – traffic noise

20. No development shall take place until a scheme for the protection of habitable rooms within the dwellings from the effects of traffic noise has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Community use agreement;

21. The Free School and Sixth Form shall not be brought into use until a scheme for the wider use of the facility by the community has been submitted to and approved in writing by the local planning authority. The Free School and Sixth Form shall be operated in accordance with the approved scheme.

Restriction on Permitted development rights – School only;

22. The Free School and Sixth Form shall be used for those purposes and for no other primary purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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

HEADS OF TERMS

- Employment and Training - 10% local employment and materials
- 15% Affordable Housing provision
- Contribution toward highway Improvement works £100,000 highway improvements at Low Lane and £377,250 towards 'west side highway improvements' of Ingleby Barwick
- Contribution of £728,000 toward education provision
- Financial contributions towards footways and cycleways improvements (£104,600 & £20,900)
- Contribution of £10,000 towards restriction of parking on Regency Park
- Requirement for a 'residential travel plan'

P 13/3088/COU
102/13 Land South Of Springfield Stud, Wynyard Road, Thorpe Thewles
Proposed change of use from stables to luxury boarding kennels for dogs, dog grooming, home breeding and doggy day care service and siting of residential static caravan for five years

Consideration was given to a report on planning application 13/3088/COU Land South Of Springfield Stud, Wynyard Road, Thorpe Thewles.

Planning Permission was sought for the change of use of the application site from stables to luxury boarding kennels for dogs, dog grooming, home breeding and doggy day care service and siting of residential static caravan for five years.

The application site was located to the north of Stockton and lay outside of the defined village limits of Thorpe Thewles. The site sat to the east junction of the southbound approach of the A177 with Wynyard Road which ran towards Billingham and Wolviston.

Planning permission had previously been granted on the site for the erection of a stable block and installation of septic tank. However, development had not proceeded in accordance with those approved plans. The application therefore sought to regularise the works carried out on site, along with the proposed change of use of the stable building to a dog boarding kennel (and associated activities) and the siting of a temporary static caravan.

The principle of the development of an animal boarding kennel and associated activities in the location was considered to be acceptable, given that the associated activity and noise in close proximity to established residential areas would not be compatible. Furthermore in view of licensing requirements, the proposal was considered to justify the need for residential accommodation of the site for a temporary period. However, controls were proposed to link the residential use to the proposed kennel business, both for a temporary time limit and also to ensure the two elements remained as one planning unit, which would require the cessation of the residential use and removal of the caravan should the business cease to operate.

The application came before the Planning Committee for determination due to the number of objections that have been received.

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

Neighbours were 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 indicated 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 Jan 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 shall 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 given the above considerations the principle of the development of an animal boarding kennel in the location was acceptable and accorded with planning policies subject to it being for a temporary period and being linking solely to the boarding kennel business. It was also considered that there would be limited harm to the visual amenity of the locality, residential amenity or highway safety.

Consequently the proposed development was considered to accord with the relevant planning policies and was recommended for approval subject to the planning conditions set out within this report.

Members were presented with an update report which detailed that since the original report to members of the planning committee the applicant had submitted amended plans which detailed changes following discussions with a vet regarding future animal licensing. This had resulted in the addition of an isolation kennel on the east of the stable.

The update report also included comments from a member of the public, details of which were contained within the report.

It was not considered that the revisions to the stable building were significant or that they would cause such visual harm it would justify a refusal of the application. Although the comments from the member of the public were noted it was not considered that these raised any issues which had not been addressed and considered within the main planning report.

The recommendation therefore remained for approval subject to those conditions set out within the original report except for the amended list of approved plans, as detailed within the update report and appendices.

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

- This site had previous planning permission granted, however just prior to the permission expiring foundations were put in.
- The Parish Council had received numerous calls from residents that a building had been erected which was not in line with approved plans.
- That a fence had been erected beyond the agreed boundary.
- No consideration was given to planning laws.
- A gated system had been put in place, taken down, replaced again and eventually removed and replaced with large stones.
- There was confusion in relation to what size the proposed kennels had to be. Information available within the Planning and Licensing departments at Stockton Borough Council seemed to be conflicting.

A representative of the applicant was at the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- There had been numerous communication with the Parish Council regarding the best way to approach the application.
- Advice had been sought from Planning Officers.
- The fence was 3 metres outside the boundary however was to be moved

where it was meant to be.

- Guidelines stipulated that kennel sizes were to be 21 square metres, however the proposed kennel size was to be 30 square metres.

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

- Comments were made in support of the application on the basis of supporting rural economy.
- Had the application been to Licensing regarding the Animal Boarding Act and did the application satisfy it?
- The application was perfectly sound.
- This type of application should be devolved to parish council level.
- Were officers happy that the fence boundary would be restored?
- Would external lighting on site be directional, as a representative from Wynyard Planetarium had expressed concerns in relation to light pollution?
- There was a current speed limit on the adjacent road to the application which was 60mph. Could this speed be reduced as part of the road was considered a black spot?

Officers responded to Members questions as follows:

- The licence to keep boarding kennels was still to be applied for, however the planning application was to determine whether the site was suitable for this use, the licence would ensure that the premises operated in accordance with the model byelaws, including size of kennel.
- The moving of the fence boundary would be enforced.
- External lighting was to be shielded/screened so as not to cause light pollution in relation to the Planetarium.
- The Head of Technical Services informed the Committee that in relation to the speed limit, there was no requirement to reduce the current speed limit. Although there were recorded accidents on the road in question, accidents had in fact decreased. Speed limits and signage were routinely reviewed on rural roads and this road would be included in these reviews.

A vote then took place and the application was approved.

RESOLVED that:

1. Planning application 13/3088/COU be approved subject to the following conditions and informative;

Approved Plans;

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

Plan Reference Number	Date on Plan
1515-02 Rev C	30 January 2014
1515/2 Rev C	30 January 2014
1515/3 Rev X	16 December 2013
1515/5 Rev X	27 January 2014
SBC001	30 January 2014

02. The occupation of the dwelling (caravan) shall be limited to a person(s) solely or mainly working within the hereby approved commercial boarding kennels.

Temporary residential use;

03. The occupation of the residential caravan is granted for a temporary period of 3 years from the date hereof, or if the commercial boarding kennel ceases to operate (whichever is the sooner) at which time the caravan shall be removed and the land reinstated to its former condition, unless the renewal of consent is sought and granted the building hereby approved shall be removed and the land reinstated to its former condition.

Soft landscaping works;

04. detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape Maintenance;

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

External lighting;

06. Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with

the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Waste management;

07. Notwithstanding any information contained within this application full details of the management of associated waste materials shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied. The agreed management plan shall be implemented in accordance with the agreed details.

Hours of opening to public;

08. The hereby approved boarding kennel shall not be open for use outside of the hours of 0800 to 1800 hours Monday to Sunday.

Maintenance of visibility splays;

09. No structures or planting exceeding 0.6 metres in height shall be placed within the visibility splays.

Restriction – Number of commercial kennels;

10. Notwithstanding the information supplied as part of this application, the hereby approved boarding kennel shall be limited to a maximum of 8 commercial kennels.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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

P 13/2901/COU
103/13 1 Sedgefield Way, Portrack Interchange Business Park, Stockton-on-Tees
Change of use to Transport Depot and erection of Material Storage Building

Consideration was given to a report on planning application 13/2901/COU 1 Sedgefield Way, Portrack Interchange Business Park, Stockton-on-Tees

Under the adopted scheme of delegation the Local Authority application was required to be determined by the Planning Committee.

Planning permission was sought for the change of use of the application site from industrial storage to a transport depot with internal alterations being made to an existing warehouse to accommodate the use. The proposal included the erection of a material storage building, wash area and fuel tanks. A transport statement had been submitted with the application which had been considered by the Head of Technical Services and no objections were raised. The Environmental Health Unit had also raised no objections to the proposal.

The site was located within Flood risk zone 2 however the proposed use was

classified as a less vulnerable use. Therefore in accordance with the NPPF the proposed use was considered to be appropriate. The submitted Flood Risk Assessment concluded that the change of use would not cause any impacts elsewhere with regards to flooding or increase flood risk within the boundary of the site. As such the proposed change of use was considered to be acceptable in this regard.

The proposed use was considered to be acceptable in terms of the character and appearance of the surrounding area and it was not considered that it would result in a detrimental impact upon the amenity of neighbouring land users. Furthermore it was not considered that the development would result in any adverse impact upon highway safety. Therefore the proposed change of use was considered to be in accordance with policy CS2 and CS3 of the adopted Core Strategy.

Due to time constraints and contract issues with this application the consultation period did not expire until Friday 7th February 2014. However it was recommended that the decision was delegated to the Head of Planning for approval subject to no objections being received to allow a timely decision to be issued and prevent any delays with regard to the lease of the property.

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

Neighbours were 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 indicated 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 Jan 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 shall 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 was in accordance with the Adopted Core Strategy policies CS2 and CS3 and having regard to all material planning considerations was considered acceptable.

In light of the above, taking into account the time constraints relating to the lease of the application site it was recommended that Planning Committee delegate the decision of application 13/2901/COU to the Head of Planning for

approval on the expiry of the consultation period subject no objections being received from neighbours or consultees.

A vote then took place and the recommendation was approved.

RESOLVED that:

1. Planning Committee delegate the decision of application 13/2901/COU to the Head of Planning for approval on the expiry of the consultation period subject to no objections being received from neighbours or consultees and the following conditions and informatives:

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

Plan Reference Number	Date on Plan
0611/125	20 November 2013
0611/122A	20 November 2013
0611/124	20 November 2013
0611/123	20 November 2013
SBC0001	19 November 2013
0611/126	25 November 2013
SBC0001	19 December 2013

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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

P 104/13 **PLANNING PERFORMANCE**

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

RESOLVED that the performance report be noted

P 105/13 **Local Plan Steering Group Minutes**

Consideration was given to the Local Plan Steering Group Minutes from the meeting which was held on the 3rd September 2013.

RESOLVED that the minutes be noted.

P 106/13 **1. Appeal - Taylor Wimpey and West Raynham Developments - Field At Grid Reference 440817 514442 Uraly Nook Road Eaglescliffe - 12/2047/OUT - APPEAL WITHDRAWN** **2. Appeal - Mr Jason Gage - Longhurst Whinney Hill Stockton - 13/0397/FUL** **ALLOWED WITH CONDITIONS** **3. Appeal - Mr Z Din - 28 Coverdale Road Stockton - 13/1188/FUL - DISMISSED** **4. Appeal - Mrs S Edwards - 32 Beckwith Road**

Yarm - 13/2238/FUL - DISMISSED
5. Appeal - Mr Andrew Edwards - 75 Hartburn
Village Stockton - 13/1717/FUL - DISMISSED

RESOLVED that the appeals be noted.