

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 14th October, 2009.

**Present:** Cllr Fred Salt (In the Chair); Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Dick Cains (Vice Councillor Rix), Cllr David Coleman (Vice Councillor Kirton), Cllr John Fletcher (Vice Councillor Mrs Rigg), Cllr Robert Gibson, Cllr Miss Tina Large and Cllr Bill Noble.

**Officers:** B Jackson, C Straughan, R Poundford, S Thomas, P Shovlin, J Roberts, C Snowden, J Glancey, K Campbell (DNS); P K Bell, J Grant (LD).

**Also in attendance:** Cllr Javed for agenda item 3 - 104 Yarm Lane, Stockton on Tees; Cllr Mrs O'Donnell and Cllr Smith for agenda item 5 - 31 - 33 Station Road, Billingham; Applicants, agents and members of the public.

**Apologies:** Cllr Rix, Cllr Aggio, Cllr Kirton, Cllr Mrs Rigg, Cllr Kirby, Cllr Patterson and Cllr Walmsley.

### **P       Declarations of Interest**

**84/09**

There were no interests declared.

### **P       09/1057/FUL**

**85/09**

#### **104 Yarm Lane, Stockton-on-Tees, TS18 1LG New foodstore with associated car parking and landscaping**

Consideration was given to a report on a planning application for the erection of a food store and its associated access, car park and other ancillary development on the site of the former Lords Tavern Public House and former workshop buildings. The site fell within the Yarm Lane Neighbourhood Centre and was approximately 500m from the primary shopping area of the town centre.

A total of 45 letters of support and 4 letters of objection had been received in respect to the scheme as well as a petition of support containing 20 signatures. The letters of support mainly related to retail benefits to the local population from a store in this position and the visual improvement of the site whilst the letters of objection raised concern over loss of trade to local businesses, considered the transport related information to be flawed and considered that a store of the size being proposed was out of scale for the neighbourhood centre without significant justification for its location away from the town centre, where both local, regional and national policies indicated such developments should be located. Additional objections had been received from Stockton Borough Councils Town Centre Manager, Housing Regeneration Manager and Regeneration Projects Manager. These objections related to the proposed stores conflict with policy, its impact on the town centre and its vitality and that it would compromise the future regeneration of the immediately surrounding area.

Local, Regional and National Planning Policy required retailing to be of an appropriate scale for the location within which it was being proposed so that it served the intended catchment areas for the type of centre within which it was in. This proposed store was significantly larger than the average store within the Yarm Lane Neighbourhood Centre and the report considered that a store of this scale would have a much wider catchment than the immediate locality. There had been no clearly demonstrated need for a store of this scale to be located within this location whilst an assessment of the town centre had

highlighted sites which were available and which it was considered could accommodate a proposal of this scale. The applicant had discounted vacant premises and land within the town centre for this development, advising site constraints prevented them from being suitable. The reasons for not using available town centre sites were not considered to demonstrate a flexible approach to siting of the use as was required by policy.

The site was in a prominent position in Yarm Lane and was adjacent to a listed building. Amended plans had been submitted following this proposal being considered by Planning Committee on the 22nd July 2009. The amendments mainly related to the external appearance of the store, a slight reduction in the scale of the store and the inclusion of indicative tree planting to the eastern and southern boundaries. The building design being considered included a large flat roof building set behind a more traditional frontage which incorporated pitched roof sections, a flat roof central section, a glazed shop front with rendered parapet above set between 2 storey height pitched roof brick sections which projected gable walls towards Yarm Lane. The 2 gables had limited detailing. The roof materials were indicated as been a standing seam roof. It was considered that the limited detail of the gable walls facing Yarm Lane, the proposed roof materials and the detail of the signage and its associated surround were not details which created a high quality façade which was considered to be necessary within this location, being highly prominent within the street scene and located immediately adjacent to a listed Victorian Villa. The applicant and their agents had been advised by officers that a change to the roof materials to a more traditional slate type roof and the detailing of windows and or projecting brickwork within the gable walls facing Yarm Lane would address outstanding matters relating to the design of the building. The applicants agent had advised further plans would be submitted which removed references to roof materials and which would incorporate a window into the southern gable which fronted onto Yarm Lane.

The store would be in close proximity to vacant and boarded residential properties to the rear. Whilst these properties may be demolished in the future as part of a regeneration scheme, new residential layouts were unknown although these could focus around the existing highway network. As the dwellings were in position at the time of considering the application, due regard was given to them and the report considered that the proposed scheme would have a detrimental impact on the amenity associated with these properties, although not sufficient to warrant a refusal of the application.

The application had been supported by a Transport Assessment and based on submitted details, the Head of Technical Services had raised no objections subject to a section 106 agreement being provided relating to bus stop provision, conditions being imposed relating to a travel plan and a Section 278 Agreement relating to works being undertaken within the highway.

Members were presented with an update report. The update report detailed the additional comments that had been received and also outlined an amended building design that had been submitted for consideration. The amended details indicated additional detailing to the front of the building and had removed reference to roof and edge trim materials.

The additional comments received were noted and the Planning Officers report

considered that these had generally been accommodated within the main report. If permission was granted then it would be necessary for a condition to be imposed in relation to vehicle servicing times. This had been discussed with the Councils Environmental Health Officer and it had been agreed that, if planning permission was granted, a scheme of servicing would be required in order to address both highways related and noise and disturbance related concerns.

The amended design details were considered to (subject to adequate control of materials) address the outstanding concerns in respect to the buildings appearance within the street scene and impact on the adjacent Listed Building.

In view of all the above, the Planning Officers report considered the proposal to be contrary to the guidance contained within PPS1, PPS6, PPG 13, PPG15, the Regional Spatial Strategy and saved Policies GP1, EN28, S1 and S2 of the adopted Stockton on Tees Local Plan and therefore the Planning Officers report recommended refusal to the application.

The applicant, agent, and supporters were in attendance at the meeting and were given the opportunity to state their case. Councillor Javed was also in attendance and spoke on behalf of local residents groups in support of the application.

The Head of Regeneration and Economic Development was in attendance at the meeting and outlined that the Regeneration and Economic Development Service did not support the application primarily because they believed it did not support Planning Policy Statement or regeneration plans for the town centre or the housing market renewal scheme at Parkfield.

The Housing Regeneration Manager was in attendance at the meeting and outlined that the Parkfield/Mill Lane 2005 Masterplan and Masterplan Review in 2007 both identified the acquisition of the businesses on to Yarm Lane as essential to create frontage for the development and encourage private developer interest.

Members felt that whilst it was clear that the proposed development was considered contrary to saved Policies GP1, S1, S2 and EN28 of the adopted Local Plan as PPS1 and PPG15 there would be benefits for the local population as a result of greater and more local provision. Members considered that the proposed development was appropriate to the scale and function of the existing centre within which it would be located. Members also felt that the concerns that the proposal could increase the attraction of the local centre and have a detrimental impact on the vitality and viability of Stockton Town Centre were not well founded and that the development could take place alongside the continued development of Stockton Town Centre. Members also felt that the development would not undermine the Parkfield/Mill Lane regeneration scheme.

Members considered that the amended design details (subject to adequate control of materials) addressed the outstanding concerns in respect to the buildings appearance within the street scene and impact on the adjacent Listed Building.

RESOLVED that planning application 09/1057/FUL be approved subject to

appropriate conditions and a Section 106 Agreement relating to bus stop provision and a Section 278 Agreement relating to works being undertaken within the highway.

**P 09/1562/EIS**  
**86/09 Billingham Reach Industrial Estate, Haverton Hill Road, Billingham**  
**Erection of a biomass powered electricity-generating station.**

Consideration was given to a report on a planning application for the construction and operation of a biomass fired power station on 6.5 Hectares of land at Billingham Reach Industrial Estate.

The proposed facility would provide an output of approximately 45MWe (no more than 50MWe) of electrical power for export to the local NEDL by means of a biomass boiler, which would burn fuel continuously.

The application was subject to formal Environmental Impact Assessment, which had not revealed any significant drawbacks to the development that could not be resolved by appropriate mitigation, and there had been no objections to the proposal from any of the statutory consultations or as a result of the publicity given to the application.

The Highways Agency whilst raising no objections requested further information, which had been submitted.

The main issues with the application were whether there was any conflict with planning policy in land use terms, whether it was an appropriate location; what was the impact in terms of traffic, flood risk, ecology and air quality and residual matters that might make the development unacceptable.

These issues had been considered in some detail by the Planning Officer and the report concluded that there were no sustainable land use planning reasons for resisting the development but any approval would require a number of conditions to satisfactory control the building and operation of the new plant.

Members were presented with two update reports. The first update report outlined that the comments of the Highway Agency had been received that raised no objections to the proposal subject to conditions.

The second update outlined that the agent had provided further information with regards to the bridge on the access road to the south of the development site.

This bridge had a loading and weighting restriction on it imposed by the landowner.

The agent had confirmed that there was an agreement in place with the landowner that access be gained for both construction and operational periods. However it was considered expedient to recommend a grampian condition with regards to this matter to ensure that this bridge can be used and any improvement works to be carried out if necessary.

Members considered the proposals did not give rise to any major concerns in

terms of conflict with planning policy and met national and regional policy requirements. It was considered to be an acceptable location for a new biomass plant.

The development was acceptable on highway grounds and other residual matters had also been examined and there was no issue to suggest that the development would have an unacceptable impact on the local amenities and the environment though a number of conditions would need to be imposed to properly control the development and its future operation.

RESOLVED that planning application 09/1562/EIS be approved subject to conditions covering the following matters:-

#### Approved Plans

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

Plan Reference Number	Date on Plan
YOR.1522_01-1	29 July 2009
YOR.1522_02-1	29 July 2009
FIG 4.2	29 July 2009
FIG 4.2A	29 July 2009
FIG 4.2B	29 July 2009
FIG 4.2C	29 July 2009
FIGURE 1.2	29 July 2009
FIGURE 4.1	29 July 2009

#### Mitigation Measures

02. The development shall not be operated except in accordance with the full implementation of all the mitigation measures specified in the Environmental Statement accompanying the planning application hereby approved and a programme to monitor the effectiveness of these mitigation measures, which shall be agreed before development commences.

#### Fuel for the Burner

03. The primary combustion fuel to be used shall be recycled wood as identified in the submitted Environmental Impact Statement, unless otherwise agreed in writing by the local planning authority.

#### Biomass Boiler

04. Full details of the biomass boiler to be installed in the proposed premises including maximum power output and the proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L<sub>Amax</sub>(f)) and average (L<sub>Aeq</sub>) sound levels (A weighted), and octave band noise levels they produce. The biomass boiler shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The biomass boiler and any approved noise mitigation measures shall be appropriately maintained thereafter.

## Details of the buildings

05. Prior to development commencing a scheme of full details, including finished floor levels of all ancillary buildings and structures including the fuel store; boiler; turbine hall, stack, emergency storage; bag house filters, and offices shall be agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full, and retained thereafter unless with the prior approval of the Local Planning Authority to any variation.

## Materials

06. Notwithstanding any description of the materials in the application no building shall be constructed until precise details of the materials to be used in the construction of the external walls and roofs of the building and colours of render(s) have been approved in writing by the Local Planning Authority

## Means of Enclosure

07. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be implemented before the development is brought into use. The approved scheme shall be retained for the life of the development hereby permitted unless with the prior written agreement to any variation is obtained from the Local Planning Authority.

## Means of Illumination

08. Notwithstanding the proposals detailed in the Design and Access Statement, full details of all external illumination of buildings facades and external areas of the site, including parking courts, shall be submitted to and approved in writing by the Local Planning Authority before installation or erection. The illumination shall be retained in accordance with the approved scheme unless with the approval of the Local Planning Authority to any variation.

## Soft Landscaping

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

## Hard Landscaping

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

## Management Plan

11. Notwithstanding the proposals detailed in the design and access statement, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any vegetation within a period of 5 years from the date of completion of the total landscaping works, the date as agreed with the Local Planning Authority, that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. 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

## Noise from Plant

12. Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority

## Possible land contamination

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:-

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

#### Unexpected Land Contamination

14. 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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

#### Ecology

15. No development shall take place unless in accordance with the mitigation detailed within the Environmental Statement "Proposed Development of Biomass Fired Power Station, Gaia Power", June 2009 section 9.113 -9.117 including, but not restricted to; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.

#### Flood Risk

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Biomass-fired Power Station, Billingham Reach Industrial Estate dated September 2009 and the following mitigation measures detailed within the FRA:-

- Flood risk management measures detailed in paragraph 7.1.1. are incorporated into the proposed development.

#### Evacuation Procedures

17. The development hereby permitted shall not be commenced until such time as a scheme for the safe evacuation of the site has been submitted to, and approved in writing by, the local planning authority. 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.

#### Management of Surface Water



18. The development hereby permitted shall not be commenced until such time as a scheme for the management of surface water has been submitted to, and approved in writing by, the local planning authority. The system must be able to operate up to the 100 year storm event plus a climate change allowance. 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.

#### Piling/Foundations

19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

20. All materials being brought to the facility shall be delivered outside the peak hours of 07:00 to 10.00 and 15:30- 18:30 Monday to Friday. All deliveries to the site shall be recorded at the weighbridge hereby approved, where source of waste, vehicle weight, registration number, date and time shall be stored on the operator's system. At the end of 12 months following the commencement of the operation of the site the operator shall submit to the Local Planning Authority, 24 hour weighbridge data detailing the times of HGV deliveries over the twelve month period to establish an agreed baseline. Output from the system shall be reported annually (or as required) by the operator to the Local Planning Authority.

#### Traffic Management Plan prior to commencement

21. Prior to commencement of construction on site, a Traffic Management Plan to control construction traffic shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include as a minimum:-

- Specification of the haul route(s) and of any temporary signing to be provided to identify the route and promote its safe use
- Identification of the start and finish times of all personnel working on the construction site
- Identification of the times when major items of plant and equipment are to be transported to and from the site;
- Identification of the routing strategy and procedures for the notification and conveyance of indivisible "out of gauge" loads. This includes any necessary measures for the temporary protection of carriageway surfaces; for the protection of statutory undertakers' plant and equipment; and for the temporary removal of street furniture;
- Description of the methods of transport to be used by personnel to minimise overall traffic impact on the corridor leading to the construction site;
- Description of the arrangements to be made for on-site parking for personnel working on the site and for visitors; and
- Proposals for communicating information to the planning and highway authorities.

• A full travel plan for the construction phase of the development

The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

## Traffic Management Plan prior to occupation

22. Prior to occupation of development, a Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include as a minimum

- Specification of the haulage route(s) for materials and fuel for the boiler being brought to the site;

- Identification of the start and finish times of all personnel working on site;

The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason In the interest of Highway Safety and reducing congestion.

Condition to implement Travel Plan

23. The approved Travel Plan prepared by URS (Appendix B Revision 3) dated 07/10/2009 shall be implemented and monitored in accordance with the details set out in the plan. Where the targets specified within the Travel Plan are not achieved, the Travel Plan Co-ordinator will be notified in writing by the Local Planning Authority and the Travel Plan shall then be reviewed, updated and submitted to the Local Planning Authority for approval within one month of receipt of the Local Planning Authority's notification. The updated Travel Plan shall be implemented within one month of the date of the Local Planning Authority's approval.

## Car Parking Layout

24. Prior to the commencement of development, full details of the proposed car parking layout, for both during construction and operation of the site, shall be provided. The plan shall also show service areas and circulation areas within the site. The scheme shall be fully implemented and retained unless otherwise agreed in writing, by the local planning authority.

## Sustainable Urban Drainage

25. Development shall not commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that there will be no increase in surface water run off for the design life of the site. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

## Bridge on the Billingham Reach access road

26. Before development shall commence an operational assessment of the railway bridge on Billingham Reach access road to demonstrate that the bridge can accommodate the necessary level of traffic shall be submitted to and approved in writing by the Local Planning Authority. In the event that additional works are required to the bridge, details of these works shall also be submitted and approved by the Local Planning Authority. The improvement works shall be carried out in accordance with the approved details and the written

confirmation from the local planning authority shall have been obtained that as a result of the additional works the bridge can now accommodate the necessary level of traffic.

**P 09/1831/COU**  
**87/09 31 - 33 Station Road, Billingham, TS23 1AF**  
**Change of use from retail to restaurant/café and ancillary takeaway**

Consideration was given to a report on a planning application that sought the change of use of a vacant retail unit to a restaurant/café with ancillary takeaway at 31/33 Station Road in Billingham

The application site was located in Billingham Green Local Centre and 10 individual letters of objection had been received from local residents/businesses and 1 letter of support. The Ward Councillor had also objected to the proposed change of use.

The application accorded with the local plan policies and the application was recommended for approval with conditions.

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

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 proposal accorded with guidance in PPS 6 and the approach of Alt No.1 in Policies S1, S10 and S14 and the imposition of conditions can mitigate or resolve matters relating to impacts on the environment, the amenity of users of nearby properties including residential.

Members were presented with an update report that outlined that the Ward Councillor had commented on an appeal decision made in 2004 at 36 Station Road which was dismissed as the Inspector was of the opinion that the proposed change of use from A1 (retail) to A3 (food and drink) would have an adverse effect on the vitality and viability of the retail centre due to the number of other food and drink uses in the locality.

The application and appeal decision relating to 36 Station Road were as follows:-

Planning permission was sought for the change of use of retail unit to cafe/bistro and takeaway, with the installation of an extraction duct to the rear at 36 Station Road, Billingham (03/2136/P). The application was refused on the 13th October 2003, by the local planning authority for the following reason:-

"The proposed use would adversely affect the vitality and viability of the district shopping area by cumulatively changing its character and function from providing convenience goods to hot food takeaways, resulting in the loss of customer choice and greater reliance on the motor vehicle to allow residents to access suitable retail facilities in the locality, thereby contrary to emerging

sustainable development policies. The proposal would be contrary to Policy SUS1 of the Consultation draft Tees Valley Structure Plan which states, inter alia, that new development should make a positive contribution towards achieving sustainable development."

The planning inspector upheld this decision and concluded that the development would be harmful to the vitality and viability of Station Road District shopping centre and at variance with the objectives for sustainable development, expressed in local development plan policy. A copy of the appeal decision was attached to the report.

With regard the material planning considerations the local authority and appeal decision was made prior to Alteration No 1 to the Local Plan, which was adopted in March 2006 and therefore the current application had to be considered against up to date planning policy.

This application had been considered against current saved policies (S10 and S14) contained in this document.

In particular, a significant change in planning retail policy was that while it stated that the loss of a retail unit would be resisted, it also provides it to be demonstrated that; the character, vitality and viability of the Centre would not be adversely affected as a retailing centre, reasonable efforts had been made to market the premises for retail uses, and it was appropriate in scale and function to the Centre. All of these matters had been addressed in the main report.

Whilst it was acknowledged that an appeal was dismissed in 2004, there was a more recent appeal for a change of use to a café, which had been allowed and determined using the current policies (application 07/0924/COU). A copy was attached to the report.

It was considered that the appeal decision in 2004, at 36 Station Road did not change the recommendation that the application be approved with conditions, as the application had been considered against current policies and accorded with the advice contained in them

It was considered that the additional information did not alter the recommendations of the main report, which was consent be granted subject to controlling conditions.

Councillor Mrs O'Donnell and Councillor Smith were in attendance at the meeting and were given the opportunity outline why they thought the application should be refused.

Members felt that before they could make a decision on the application they needed more information on the cumulative impact of food and drink uses and Section 17 of the Crime and Disorder Act and therefore Members agreed that the application be deferred to the next meeting of the Committee.

RESOLVED that planning application 09/1831/COU be deferred so that more information on the cumulative impact of food and drink uses and Section 17 of the Crime and Disorder Act be obtained.

- P  
88/09**
- 1. Appeal - Mr Henry Taylor - Land to the rear of Glenmarlen Darlington Road Long Newton - 08/2931/FUL - DISMISSED**
  - 2. Appeal - Mr M Farook - Bishopsgarth Cottages Darlington Back Lane Stockton - 08/3586/FUL - DISMISSED**
  - 3. Appeal - Mr P Parker - 6 Blenheim Court Ingleby Barwick Stockton - 07/3482/FUL - DISMISSED**
  - 4. Appeal - Mr Hall - 418 Thornaby Road Thornaby - 09/0609/FUL - DISMISSED**
  - 5. Enforcement Appeal - Mr P & Mrs L Hill - 76 Holburn Park Stockton - DISMISSED ENFORCEMENT NOTICE UPHELD**

RESOLVED that the appeals be noted.