

Planning Committee

A meeting of Planning Committee was held on Wednesday, 4th November, 2009.

Present: Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Jean Kirby, Cllr Bill Noble, Cllr Mrs Maureen Rigg, Cllr Fred Salt and Cllr Steve Walmsley.

Officers: C Straughan, B Jackson, J Roberts, P Shovlin, C Snowden, J Higgins, Mrs M Whaler (DNS), Miss J Butcher, P K Bell (LD)

Also in attendance: Cllr Leckonby for agenda item 6 - 09/2143/P - Stoney Oak, High Grange Avenue; Cllr Mrs O'Donnell and Cllr Smith for agenda item 5 09/1831/P - 31 to 33 Station Road, Billingham; Applicants, Agents, Objectors and Supporters.

Apologies: Cllr Paul Kirton; Cllr Tina Large and Cllr Ross Patterson.

P 89/09 **Declarations of Interest**

Councillor Aggio declared a personal non prejudicial interest in respect of agenda item 6 - 09/2143/FUL - Stoney Oak, High Grange Avenue, Billingham as she was the Ward Councillor for that application.

P 90/09 **To confirm as a correct record the Minutes of the Meetings held on 12th August, 2nd and 23rd September 2009**

The minutes of the meetings held on 12th August, 2nd September and 23rd September 2009 were signed by the Chairman as a correct record.

P 91/09 **09/1752/FUL High Tree Paddock, High Lane, Maltby**

Consideration was given to a report on a planning application to allow permanent retention of 1 no. residential static caravan, calor gas tank, timber gates and stone piers at High Tree Paddock, High Lane, Maltby.

Planning permission was sought for the permanent use of land as a gypsy site which included the provision of a residential caravan, stables gas tank and other ancillary structures.

One letter of objection had been received from Maltby Parish Council which raised concerns over the way in which the site had been developed, the use of the stable block on the site, encroachment on agricultural land, the nature of services to the site and egress from the site for vehicles.

The Acting Head of Technical Services considered the proposal would not unduly affect highway safety.

The site was located on the urban fringe within close proximity to a range of services, which although not extensive were considered to give a sufficient degree of sustainability for a use of this type.

The site was screened in part whilst should not have any significant detrimental impacts on highway safety, privacy or amenity as a result of its scale of

provision and location.

The existing designated gypsy site at Bowesfield was at capacity whilst previous temporary approvals had been granted at the site subject of this application in 2003 and 2005. In view of a current lack of designated sites, the relative sustainable location of the site and its grouping with other uses and its limited impact on the surrounding environment, it was considered that the proposal would accord with Government Guidance contained within circular 01/06 - Planning for gypsy and traveller caravan sites.

The Planning application was previously considered at the Planning Committee on 23rd September 2009, when Members were originally minded to refuse the application based upon the reasons for objection set out by the Parish Council, many of which were considered by the Legal Officer not to be reasonable material planning considerations or grounds for refusal. This report set out the main planning policies, the guidance from Circular 01/06 and the material planning considerations in detail and explains why the application meets the necessary criteria. The report outlined that Members must have sound reasons to disagree with the officer's report on one or more of the material planning considerations or on policy grounds which could be substantiated to warrant a refusal of the application. It was the opinion of the Head of Planning that a refusal would be unreasonable on the information before her.

Members had also previously debated whether they could grant the application for a further temporary period of 3 years on the basis that a GTAA was currently being undertaken and the Regeneration DPD was likely to be produced within 3 years. Members therefore considered that a new appropriately located Gypsy and Traveller site may be provided by the Council within a reasonable number of years and there was the possibility that the Government might step in if the required Gypsy and Traveller site provision was not forthcoming within a reasonable period. Members were advised that these issues had been previously considered on appeal when a Planning Inspector had clearly indicated that the Council were not sufficiently advanced in finding suitable sites to justify a temporary permission and that they were not convinced that there was any reasonable expectation that a site would be available at the end of, or shortly after a 3 year period. Having regard to the merits of the application site and the lack of Gypsy traveller site being made available within a reasonable period the granting of a further temporary permission could not be supported.

The Head of Planning and the Principal Solicitor had investigated the issues raised further and whether a temporary approval was reasonable and sustainable. The Council had previously granted temporary permission for the site and Circular 11/95 advised that repeat temporary permissions should not normally be granted. There was no known alternative provision, due to the Bowesfield site being at capacity and there being no DPD relating to such provision. As such the Council were required to consider windfall sites such as this. It was the Head of Planning's opinion that a temporary planning approval was unsustainable in this instance and a full planning consent should be granted.

Members discussed the application at length and felt that the site lay outside of the defined limits of development and there was no presumption in favour for the development within the saved policies of the Stockton on Tees Local Plan,

however, there was no known alternative provision, due to the Bowesfield site being at capacity and there being no DPD relating to such provision. As such, in accordance with national guidance, the Council were required to consider windfall sites such as this.

The site was located on the urban fringe and was considered to be located within close proximity to a range of services, and although not extensive, this general area had been considered on appeal in relation to a nearby site to be adequate for a development of this nature.

The site was screened in part and should not have any significant detrimental impacts on highway safety, privacy or amenity due to its scale of provision and location whilst would continue to form a cluster of uses within this immediate locality. The benefit derived from the wall / gate overrode the urbanising intrusive impact of views into the site.

The Council had previously granted temporary permission for the site and Circular 11/95 advised that repeat temporary permissions should not normally be granted. As such, in view of all of the above Members considered that the permanent use of the site conformed to national guidance and Members therefore recommended that the application be approved with conditions.

RESOLVED that Planning application 09/1752/FUL be approved subject to the following conditions:-

01. Approved Plans

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
SBC0002	24 July 2009
1591/1	14 August 2009
SBC0003	24 July 2009

02. Gypsy use only

This permission does not authorise use of the land as a caravan site by any other persons other than gypsies, as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 as amended.

03. Limitation to scale of development

The development on site shall be restricted to 1no. Static caravan unit of accommodation which is of a scale as detailed within the approved plans unless otherwise agreed in writing with the Local Planning Authority.

04. Scheme of lighting

Details of any external floodlighting or illumination of the site shall be submitted to and approved in writing by the Local Planning Authority before works to provide any such lighting or illumination is carried out and shall thereafter only

be carried out in accordance with the approved details.

P 09/1831/COU
92/09 31 - 33 Station Road, Billingham,
Change of use from retail to restaurant/café and ancillary takeaway

Consideration was given to a report on a planning application for the change of use from retail to restaurant/cafe and ancillary takeaway at 31 - 33 Station Road, Billingham.

Members were reminded that the application was deferred at the last Planning Committee on the 14th October 2009 so that more information could be presented in relation to the cumulative impact of food and drink uses and Section 17 of the Crime and Disorder Act.

Planning permission was sought for 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.

With regard the cumulative impact the report outlined that there were 2no A3 uses (restaurants and cafes), 1no A4 use (drinking establishments) and 10no A5 uses (hot food takeaways) within the Billingham Green Local Centre.

The saved policies in the local plan offered no guidance on acceptable levels of uses within a defined centre, other than retail uses. Whilst this proposal would mean that 14 of the approximately 53 units (some double fronted) were of a food and drink related use, only 3 would be a restaurant/café.

When considering the cumulative impact the report considered the impacts from a hot food takeaway would be different from a restaurant. Hot food takeaways were usually open from early evening until late at night. Cafes and restaurants operated differently; in particular the proposal would be open both during the day and extending into the evening and attracting a more varied clientele.

The report outlined that the introduction of a restaurant in the location would offer more choice and the number of units in A3 or A5 use in the Local Centre as a whole would not dominate the centre. Competition was not a material planning consideration. It was also noted that A5 uses may change to A1 and A3 uses as permitted development.

Taking the above into account the report therefore considered that the proposal satisfied the requirements of Policy S10 and the proposed scheme would not have an adverse effect on the vitality and viability of this local centre or result in an adverse cumulative impact.

Policy S14 of Alteration No 1 to Stockton on Tees Local Plan was also relevant which stated that to Proposals for all Use Class A3, A4 and A5 uses would be considered against certain criteria which were addressed in the report.

The report outlined that Section 17 of the Crime and Disorder Act, stated: "Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area." The aim was to anticipate the likely consequences on crime of decisions made and look to ensure that any negative impact was avoided.

Safer Places and Crime Prevention (ODPM, February 2004) stated that "the development of an evening economy is a good way of diversifying uses and extending activity throughout the day and night" and "in the determination of planning applications, local planning authorities should consider whether proposed development could be amended or planning conditions imposed that would aid the prevention of crime and disorder". Whilst this was a local centre on a main thoroughfare where a certain amount of noise and disturbance was to be expected the hours of operation have been controlled to prevent any late night disturbance through the comings and goings of customers.

There was no evidence to link such issues or concerns to either the applicant's property or the proposed use and whilst it was considered unlikely that any crime or disorder issues would occur from this establishment, any potential problems arising from this anti-social behaviour could be dealt with by other methods such as the police service or community enforcement section.

Overall the report considered that as this particular application was for a restaurant as opposed to uses which may result in such problems such as a drinking establishment and the proposal was unlikely to raise any issues under the Crime and Disorder Act that would warrant refusal of the application.

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

Members discussed the application at length with Members feeling that if the application was approved it would have a detrimental impact on the vitality and viability of the local shopping centre, with particular regard to the effect of a concentration of uses and the impact upon the achievement of sustainable development objectives. Members were of the opinion that the proposed development would adversely impact on the neighbours due to a cumulative impact on noise, litter, smells, crime and disorder and illegal parking. Members were not satisfied that the application addressed the issue of parking and that the local existing parking was not suitable for this use.

RESOLVED that planning application 09/1831/COU be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed use would adversely affect the vitality and viability of the local centre and cumulatively change its character and function resulting in the closure of existing units, reducing the number of available units for retail purposes and reducing the

attractiveness of the centre to possible future retail providers, thereby resulting in the inability to meet peoples day to day needs, contrary to Alteration No 1 Saved Policies S10 (i) and (iii) of the Stockton on Tees Adopted Local Plan.

02. In the opinion of the Local Planning Authority the proposed use would adversely affect the amenities of the occupiers of neighbouring properties by cumulatively increasing the impact of smell, litter, noise, illegal parking, anti-social behaviour and crime which impacts on local residents living conditions. The proposed development is not supported by satisfactory details for parking arrangements which may result in an increase in illegal parking causing highway safety concerns and, further, an additional food outlet, including a facility for takeaway food, will contribute to the anti-social behaviour and crime in the area as opposed to reducing opportunities for crime. The above reasons are contrary to Saved policies GP1 (ii), (iii) and (vi) of the Stockton on Tees Adopted Local Plan.

**P
93/09**

09/2143/FUL

Stoney Oak, High Grange Avenue, Billingham

Alterations to exterior to include pitched roof over existing conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear.

Consideration was given to a report on planning application 09/2143/FUL - Alterations to exterior to include pitched roof over existing conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear at Stoney Oak, High Grange Avenue, Billingham.

Planning permission was sought for alterations to the exterior of the Stoney Oak building on High Grange Avenue Billingham. Changes included a pitched roof over the existing conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear of the site.

The initial application proposed demolition of the existing conservatory, erection of new extension/entrance area, 1.8m high timber fence/gate and new refrigeration and condenser units. This was subsequently superseded by the above proposal and had received a total of seventeen letters of objection from local residents. The comments received to the initial proposal related to noise and disturbance from refrigeration units, visual impact of refrigeration units and alterations to building, highway safety issues with new access from Vincent Road, concerns of change of use of premise to retail, loss of trees and retrospective works being carried out.

The external works were to convert the building from a Public House to an A1 Retail shop. A new access was granted planning permission in 2007 (app.ref 06/3536/FUL), and the change of use from public house A4 to A1 retail shop was permitted development under the Town and Country General Permitted Development Order.

A total of nine letters of objection had been received to the revised proposal. These comments related to an increase in noise and disturbance of traffic and the proposed alterations being out of character with building and being an eyesore.

An update report was presented to Members and outlined that an additional seven objection letters and emails were received to the revised proposals of the application submitted on 20th October 2009.

The comments raised related to the visual impact of the proposed alterations, the alterations being out of character with the host building and surrounding area, highway safety concerns with new access road, an increase in noise and disturbance by the development, the application having an impact on local shops at Casson Way by proposed change of use of the premise and retrospective works being carried out.

It was considered that the issues highlighted from these objectors did not raise any new material planning considerations and these issues had already been addressed within the main report. Consequently the recommendation for approval remained unchanged.

Councillor Smith was in attendance at the meeting and spoke as a local resident and outlined his reasons why he felt that the application should be refused.

The applicant and agent were also in attendance at the meeting and were given the opportunity to state their case for the application to be approved.

Members felt that the proposed development would not have an adverse impact on the character of the building or surrounding area or adversely impact on the residential amenity of neighbouring properties or raise any significant highway safety issues and therefore considered the application to be acceptable.

RESOLVED that Planning application 09/2143/FUL be Approved subject to the following conditions:-

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
SBC0001	27 August 2009
3 REV A	20 October 2009
2 REV A	20 October 2009
5 REV B	20 October 2009
6 REV B	20 October 2009
1 REV A	20 October 2009
4 REV B	20 October 2009

02. The external finishing materials shall match with those of the existing building.

P **09/2268/FUL**
94/09 **17 The Argory, Ingleby Barwick**
 Two Storey extension to the rear.

Consideration was given to a report on planning application for a two Storey extension to the rear at 17 The Argory, Ingleby Barwick

Planning permission was sought for the erection of a two storey extension to the rear of 17 The Argory, Ingleby Barwick.

The planning application had been publicised by means of individual letters and there had been no letters of objection.

The applicant had stated within the application form that they were related to a Council Employee and therefore the application required determination by the Planning Committee.

The main considerations related to the effect on the privacy and amenity of the neighbouring residents and the effect on the character and appearance of the area.

Members felt that the proposed extension was acceptable and did not have any undue impact on the residential amenity of the neighbouring properties and did not have a detrimental impact on the character of the area and did not conflict with policies in the Development Plan. Accordingly Members felt that the proposal for the extension was acceptable and agreed approval.

RESOLVED that planning application 09/2268/FUL be approved subject to the following Conditions:-

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
SBC0001	10 September 2009
01	10 September 2009
02	10 September 2009
03	10 September 2009
04	10 September 2009

02. The materials used in the construction of the external walls and roof of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed in writing by the Local Planning Authority.

P **09/2198/FUL**
95/09 **22 Hilston Close, Ingleby Barwick,**
 Conservatory to rear of dwelling

Consideration was given to a report on planning application 09/2198/FUL Conservatory to rear of dwelling at 22 Hilston Close, Ingleby Barwick.

Planning permission was sought for the erection of a conservatory to the rear of this modern detached dwelling at No. 22 Hilston Close, Ingleby Barwick. The property was located within a street scene of similar house types.

Within the application, no letters of objection had been received from neighbouring residents or ward councillors.

The application required to be determined by the Planning Committee as the applicant was an employee of Stockton on Tees Borough Council.

Members considered that the proposed conservatory was acceptable and would not have an adverse impact on the amenity of neighbouring occupiers and would not impact on the character of the area or the street scene.

The proposed development therefore accorded with policy GP1, HO12 of the Adopted Stockton on Tees Local Plan and guidance found within SPG2: Householder Extension Design Guide and was considered acceptable.

RESOLVED that Planning application 09/2198/FUL be Approved subject to the following conditions:-

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
SBC0001	2 September 2009
SBC0002	2 September 2009

02. The external finishing materials shall match with those of the existing building.

03. The proposed transom windows in the side elevation adjacent to no.21 Hilston Close, Ingleby Barwick(excluding the transom window immediately adjacent to the existing rear wall)shall be fixed and non-openable and glazed with obscure glass and shall be installed before the building work hereby permitted is brought into use and the type of glazing agreed shall be employed in those windows during the life of the building.

P 96/09 **Planning Performance**

Consideration was given to a report on the current performance of the planning department for the second quarter of 2009/2010.

There were a range of National Indicators (NI) against which the performance of the Council would be assessed, Planning being directly responsible for 3, (NI 157, 159 and 170) and having an impact on another 7 (NI 154, 155, 185, 186, 187, 188 and 198). Of these, 2 planning indicators had been included in the Local Area Agreement (LAA), in consultation with GONE and the Local Strategic Partnership (LSP) i.e. Renaissance Board. NI157 related to the processing of planning applications against targets which the local authority sets itself for major, minor and other applications and NI 159 related to the supply of ready to develop housing sites, which was determined through the RSS housing numbers and the SHLAA.

With regards to performance, it had been the responsibility of each local authority to set their own targets. For LAA purposes it was necessary to set annual targets (for a three year period) to show the ambition to have the service improving year-on-year from a baseline position. The expectation of GONE was for ambitious and stretching targets since Stockton on Tees Borough Council was an "excellent" Council

The targets that had now been set for the 3 year period are as follows:-

	2008/09	2009/10	2010/11
Major	70%	73%	75%
Minor	75%	78%	80%
Other	82%	85%	88%

The reporting timeframe for the NI targets remained and ran from 1st April - 31st March. The report presented the performance of the second quarter in that period, 1st July - 30th September 2009.

The NI indicator was reported on the annual year-end results, and the second quarter's results were available. Performance results achieved for that period were 84.62% for major applications, 89.61% for minor and 92.71% for others, achieving above performance in all 3 categories. Table 1 and the chart highlighted performance over the second quarter/year to date.

A table giving the second quarter results and a chart of the planning performance for the year to date 2009/10 was contained within the report.

Performance in all categories had exceeded NI standards in the second quarter of the year, and also the cumulative figures for the year to date. The 2 majors which missed the target date for determination were a 2007 application which had outstanding section 106 issues, and the application for the wind turbines which was delayed due to GONE, hence outside our control. With regards to staffing, an area Team Leader had subsequently retired, and interviews for the post would be held on 9th November 2009 leaving 6 frozen posts in development services. However the impact of the reduction in staff within Development Services was being felt by each officer, with the workload having to be spread across fewer people.

Members requested that on behalf of the Planning Committee the Head of Planning commend officers on their performance.

RESOLVED that:-

1. The report be noted.
2. The hard work and dedication of Planning Staff and colleagues within other service areas to continuously improve performance and the reputation of the Council against the background of the current difficult economic circumstances and low morale be acknowledged.

P 1. Appeal - Mr P Stephenson - 8 Tempest Court Wynyard Billingham -

97/09 09/1151/REV - DISMISSED
2. Appeal - Mr Mohammed Farooq - 1 Lawrence Street Stockton -
09/0539/FUL - DISMISSED

RESOLVED that the appeal decisions be noted.