

Planning Committee

A meeting of Planning Committee was held on Wednesday, 24th February, 2010.

Present: Cllr Roy Rix (Chairman), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Mrs Ann Cains (Vice Councillor Gibson), Cllr Jean Kirby, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Ross Patterson, Cllr Mrs Maureen Rigg, Cllr Fred Salt

Officers: S Grundy, B Jackson, R McGuckin, G Mallory, Ms C Straughan (DNS); Miss J Butcher, Mrs T Harrison, Miss A Morris (LD)

Also in attendance: Members of the public

Apologies: Cllr Bob Gibson and Cllr Steve Walmsley

P 129/09 **Declarations of Interest**

Cllr Kirby declared a personal non-prejudicial interest in relation to Tesco Supermarket (09/1899/FUL) application due to being a Ward Councillor and a member of Ingleby Barwick Town Council

Cllr Kirby declared a personal non-prejudicial interest in relation to item 7, land at Sand Hill, Ingleby Barwick, proposed development brief for villages 5 & 6, application due to being a Ward Councillor and a member of Ingleby Barwick Town Council

Cllr Patterson declared a personal non-prejudicial interest in relation to Tesco Supermarket (09/1899/FUL) due to being a customer of the store

Cllr Broughton declared a personal prejudicial interest in relation to Tesco Supermarket (09/1899/FUL)

P 130/09 **09/1899/FUL** **Tesco Supermarket, Myton Road, Ingleby Barwick** **Extension to existing food store with associated car parking and public realm.**

Members were advised that the application site was the existing Tesco's Store within the settlement of Ingleby Barwick. Within the immediate area were a range of land uses, these included; the Myton House Farm Public House and area of open space (to the east); the existing car park and petrol station (to the north); Ingleby local centre (to the west); and the recently completed Romano park and cycleway (to the south).

Two previous applications 05/3457/FUL and 06/3299/REV had been considered by the Local Planning Authority in recent years. The first application proposed 2,775 square metres (sq.m) of gross retail floor space which was withdrawn by the applicants due to outstanding issues in relation to lack of supporting information contained within both the submitted retail assessment and the transport assessment. A second application (06/3299/REV) was then submitted, to extend the existing store by 2,499 sq.m of gross retail floorspace. This application was refused by the Planning Committee due to concerns regarding the extensions scale, function and nature, its adverse impacts on the

vitality and viability of Thornaby and Yarm centres and its adverse impacts on the highway network.

The retail issues revolved predominantly around the fact that Ingleby Barwick was designated as a Local Centre in both Alteration No. 1 of the Local Plan and the emerging Core Strategy, and there was no support within either of these documents for any significant expansion of the role, its function or the scale of the centre. Whilst the proposed extension would; significantly increase the net retail floorspace of both the existing Tesco store and that of Ingleby Barwick Local Centre and therefore have the potential to increase the attraction of the store (particularly in comparison goods shopping); and take the floorspace found within the centre to a level significantly greater than that normally found within a Local Centre, it was not considered that the scale of the proposal, in itself gave significant grounds for refusal of the application.

Assessments had been carried out to analyse the impacts of the proposed extension on Thornaby and other existing centres, even in the worst case scenario, the comparison goods turnover generated by the proposed Tesco extension would be limited to an impact of just 3.3%. All other forecasts predict impact levels would be below 2% and it was not considered these levels represent a justified cause for concern in relation to the overall vitality and that of Thornaby or the other defined retail centres. In considering a number of factors it was felt that the proposed development would not have a significant material impact on, or cause significant harm to Thornaby District Centre or the other defined retail centres.

Whilst the view remained that the proposals would significantly increase the attraction of the store and that the extended store would be large, given the defined role of Ingleby Barwick as a Local Centre, in the absence of any material harm resulting from the proposed extension to the store, it was not considered that the scale of the proposals in itself, gave significant grounds for refusal of the application. The proposal was also considered to be visually acceptable and would not have a detrimental impact on the amenity of neighbouring occupiers.

An update report was provided advising that an amended red line boundary plan had also been submitted to regulate and reflect changes made to the site layout, For clarity Members were made aware that although changes had been made to the site plan originally submitted, the position of the recycling facilities and the internal road layout had returned to their original position/layout i.e. they were to remain as they currently existing.

In addition a plan showing the highways improvements had also been provided for members by the Technical Services department.

Clarification had been sought over the size of the store in relation to the Durham Road, Tesco Extra store, and opening hours. The store size of the Durham Road Tesco Extra was approximately 15,200 sqm (approximately 161,500 ft) of net floorspace (source – VOC – valuations). For comparison the Ingleby store once extended would have a net sales area of 4270 sqm (Approximately 45,960 ft). It could also be confirmed that the Ingleby Barwick Stores operated on a 24 hr basis with the exception of Monday when it was open from 8am-midnight and Sunday 10am -4pm.

In relation to Ingleby Barwick Town Council's comments on the in-store Police Office, Tesco clarified that the provision of a room within the store where scheduled police community surgeries could be conducted was being progressed. Tesco were appointing an in-store Police Liaison Champion, who would co-ordinate the provision of a room and promotion of the Police Surgery to the wider community.

Officers provided information regarding the Ingleby Barwick traffic model which had been designed to show how increased traffic would impact. It was anticipated that completion of Ingleby Barwick would be in 2019. Highway improvements had been identified; however this was dependant on funding. The contribution to the highway from Tesco worked out to quantify the highway issues and it was logical to deal with the highways improvements in one go.

The Agent advised that the population of Ingleby Barwick had increased but the retail services had not met with planning guidance. Thornaby had three times the size of retail than Ingleby Barwick. If the application was approved it would create 100 new jobs. Tesco had worked to ensure that there would be no adverse impact on other retailers in Ingleby Barwick. The agent also confirmed that Tesco would contribute to the development of highways.

The owner of the pharmacy in close proximity to Tesco advised that they did not want Tesco to have a pharmacy as it would affect their business and confirmed that a condition had been put in place that prevented Tesco from opening a pharmacy. The pharmacy expressed concerns that Tesco would attempt to open a pharmacy in the future.

A Town Councillor advised that Ingleby Barwick needed a larger shop, a friendly centre and more security. The Town Councillor hoped that more local people would be recruited.

A Ward Councillor advised that he did not want other local businesses to be affected such as the pharmacy and DIY store and wanted the conditions to ensure that Tesco would have to submit a planning application before they could sell more DIY products and open a pharmacy.

Clarification was sought regarding the travel plan. Members were advised that the travel plan would not be completed prior to commencement of the work at Tesco but a framework had been agreed which could then be reviewed as work progressed.

Members were advised that the road between Tesco and Bannatynes Gym was not adopted highway but would be improved by Tesco. The road would be brought up to pavement height and landscaping would be such to reduce the barrier between Tesco and the other amenities.

Members requested that notices advertising the local pharmacy and DIY shop be displayed in Tesco. The Agent advised that the request would be put to Tesco.

Members raised concern regarding the access and egress of the garage.

RESOLVED that Planning application 09/1899/FUL be Approved subject to the conditions set out below and the entering into of a section 106 agreement.

1. 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
SBC0001	29 July 2009
4461.PO5D	29 July 2009
4461.PO4H	29 July 2009
4461.PO3K	29 July 2009
ASP5 REV E	12 November 2009

2. Materials

Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

3. Hard Landscape and speed table;

Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; details of the vehicle surface/speed table; other vehicle and pedestrian access and circulation areas; hard surfacing materials; construction methods and minor artefacts and structures (e.g. incidental buildings, public art and street furniture).

4. Soft Landscaping;

Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and 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 first occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas and methods of planting (including trenches backfilled with urban tree soil where necessary). 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. 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.

5. Landscape Maintenance;

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.

6. External lighting

Details of all external lighting of the building and car park area, including the lighting design, siting, colour and levels of 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.

7. Means of Enclosure

All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

8. Existing and Proposed Site levels

Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

9. Surface water drainage

Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

10. Cycle parking

Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

11. Additional Pedestrian Footpath

Notwithstanding any details submitted as part of the application, a further pedestrian footpath shall be provided to the north of the access to the new car parking area linking to the zebra crossing. Details of which shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with these details and made available for use prior to the first occupation of the hereby approved store extension.

12. Travel Plan

Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.

13. Construction activity

No construction activity shall take place on the premises before 8.00 a.m. on

weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

14. Retail restriction – Pharmacy

The premises, or part thereof, shall not be used for the sale or supply or display for sale of goods in the form of a pharmacy registered with the Royal Pharmaceutical Society or the General Pharmaceutical Council, unless otherwise agreed in writing with the Local planning Authority.

15. Retail restriction DIY goods

The retail premises hereby approved shall not exceed 70 sq.m for the sale and display of DIY and decorators' supplies without the prior written consent of the Local Planning Authority. For the avoidance of doubt, this comprises those products defined as "DIY and Decorators' Supplies" in Section 2.3.8 of the Retail Expenditure Guide (Pitney Bowes 2009).

16. Retail floorspace restriction;

The floorspace of the store hereby permitted shall not vary from the following, unless otherwise agreed in writing with the Local Planning Authority:

Net convenience Goods	2665 sq.m
Net Comparison Goods	1605 sq.m

P 10/0021/LA
131/09 Hartburn Primary School, Adelaide Grove, Stockton-on-Tees
Single storey extensions to school to provide two new teaching areas, parent's waiting room and toy store. Alterations to access and enlargement of play area

Members were advised that approval was sought for the erection of 3 single storey extensions to provide two new teaching areas and toilets, a parents' waiting room and a toy store to Hartburn Primary School. The proposal also included alterations to the pedestrian access to allow access from Greens Lane and the repositioning of the existing 1.5m fence of the nursery playground to create a larger playground for all the foundation stage children.

The application went before the Planning Committee due to the floor area of the proposed extensions being above the threshold for determination under delegated powers.

Members raised concern regarding the planning condition relating to construction and material deliveries on site to be between 8am - 6pm due to the fact that children would be arriving at school at 8am. An officer advised that the condition was for the benefit of neighbours but a separate set of conditions pursuant to the CDM regulations existed that prohibited the delivery of equipment and materials when children were arriving to; or leaving the school.

RESOLVED that Planning application 10/0021/LA be Approved subject to the following conditions:-

1. 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
ARC1135.0030.09	6 January 2010
ARC1135.0030.02A	8 January 2010
0030.ARC1135.04	6 January 2010
0030.ARC1135.005A	19 January 2010

2. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

3. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of works.

**P
132/09**

10/0040/REV

25 St Davids Grove, Ingleby Barwick, Stockton-on-Tees

Revised application for erection of single storey rear extension, part conversion of integral garage into utility room, raising of roof height and installation of velux windows to the front and rear for provision of 2 no. bedrooms in roof space and single storey hall/porch extension to front

Members were provided with an application which sought planning permission to raise the roof height of the dwelling by approximately 0.9m with the installation of velum windows in the front and rear roof slope, the erection of a single storey extension to the rear, a single storey hall/porch extension to the front and the part conversion of the existing integral garage at No 25 St David's Grove.

The main planning considerations with regard to this application were the impact on the existing dwelling and street scene, the impact on the amenity of neighbouring properties, the impact on access and highway safety and any other residual matters.

No objections had been received from The Acting Head of Technical Services. Two letters of objection had been received from neighbouring properties and letter of representation has been received from Ingleby Barwick Town Council, who did not support the conversion of integral garages into habitable rooms as it was considered that this would result in more on street parking within Ingleby Barwick. The Town Council had also questioned whether the raising of the existing roof height with the installation of velum roof lights, would be in keeping

with the surrounding area.

Officers advised that in relation to the proposed part garage conversion leading to a potential increase in on street parking within the area, the impact of the proposed scheme on highway safety, access and parking provision, the Acting Head of Technical Services has confirmed that the submitted proposed parking plan is acceptable and has raised no objection to this application.

It was considered that the proposed scheme would not have a significant adverse impact on the existing dwelling and street scene; the proposal would not lead to an unacceptable loss of amenity for neighbouring residents and would not lead to an adverse loss of highway safety.

In accordance with the approved scheme of delegation, the application was reported to the Planning Committee for determination, as the applicant was an employee of the Local Authority (Connexions).

The applicant advised that they wished to remain in the area but therefore needed to make improvements to their property and had worked closely with the Planning Department. The applicant also advised that objections relating to restricting sunlight to neighbouring properties had been misleading.

Members queried what would happen to the grassed area outside the properties boundaries and were advised that it would become hardstanding but remain adopted highway.

RESOLVED that Planning application 10/0040/REV be Approved subject to conditions:-

1. 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
PAGE 2 REV A	9 February 2010
SBC0001	11 January 2010
SBC0002	11 January 2010
PAGE 3	11 January 2010
PAGE 4	11 January 2010
PAGE 5	11 January 2010

2. Prior to the development, hereby approved, being brought into use, two additional car parking spaces (to provide a total of four spaces), shall be provided within the curtilage of the property in accordance with Plan SBC0002 (dated 11th January 2010), the surface of which shall be in accordance with the details to be submitted to and approved by the Local Planning Authority. Such details shall provide for the use of permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The approved car parking spaces shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

3. Construction of the external walls and roof shall not commence until details of

the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

P 133/09 Billingham Integrated Health and Social Care Planning Brief for Sites at Billingham Town Centre and Causeway

Members were provided with a report and were requested to consider the approval of a non-statutory Planning Brief for the Integrated Health & Social Care Schemes for Billingham.

The Department of Health (DH), which was the public body overseeing the Social Care Private Finance Initiative (PFI) Credit programme, required the appropriate committee of the local authority to approve a planning brief for the schemes prior to the submission of the Outline Business Case (OBC) to formally approve PFI credits.

Members were advised that a full planning application would be presented at Planning Committee at a later date upon approval of the brief.

Members advised that they were excited at the proposal; however there was no mention of the voluntary sector.

RESOLVED that planning committee approve the non-statutory planning brief.

P 134/09 Land at Sand Hill, Ingleby Barwick, Stockton-Proposed Development Brief Villages 5 & 6

The purpose of this report was to approve a planning brief for the remaining phase of Ingleby Barwick (village 6). The brief was to be read in conjunction with the current Masterplan for Villages 5 and 6 which was approved in 2002.

The brief had been formed as part of a working party between Council Officers and Persimmon Homes, further consultation had then been carried out with Local Ward Councillors and Ingleby Barwick Town Council.

The development brief set out key principles for future housing development within Ingleby Barwick. The guiding principles covered a hierarchy of streets and movement patterns, including local distribution roads, home zone concepts as well as cycleways and footpaths. It also highlighted key focuses for open space and recreation, highlighted sensitive edges and explained how these would relate to the built form and wider countryside extending out to the River Tees.

Members were provided with an update report which advised that it had been brought to the attention of the local planning authority that the development brief had not clearly addressed the original requirements of the 1998 development brief for villages 5 and 6 for the provision of at least 20 two bedroom bungalows and at least 10 units constructed for, or be readily converted for disabled member families. The recommendation had therefore been amended to allow changes to take place to the brief

Members queried whether there were provisions such as education and highways and were advised that there was not requirement for education but there would be provision for highways of which there were two applications which were in the process of going through.

Members advised that Persimmon had agreed to alter their plans to create more open space and allow access to the Heritage park.

RESOLVED that planning committee approve the non-statutory planning brief with the provision for the inclusion of the original requirements of the 1998 brief for 20no. two bedroom bungalows and 10 units for disabled families.

**P 1. Appeal - Mr I Stapley - 9 Wetherall Avenue Yarm - 09/1590/FUL -
135/09 ALLOWED WITH CONDITIONS**