

Planning Committee

A meeting of Planning Committee was held on Wednesday, 30th March, 2011.

Present: Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Mrs Maureen Rigg, Cllr Fred Salt, Cllr Andrew Sherris and Cllr Steve Walmsley.

Officers: C Straughan, R McGuckin, B Jackson, S Grundy, P Shovlin, J Roberts, C Snowden (DNS); P K Bell, J Butcher (LD).

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

Apologies: Cllr Bob Gibson, Cllr Phillip Broughton and Ross Patterson.

P Declarations of Interest

119/10

There were no interests declared.

P Minutes

120/10

The minutes of the meeting held on 12th January 2011 were signed by the Chairman as a correct record.

P 11/0050/FUL

121/10

**31 White House Croft, Long Newton, Stockton-on-Tees
Alterations and extensions to form study, attached garage and garden room. Installation of two solar panels to south facing garage roof, removal of two poor quality trees t1, t2 (dwg 3) from rear garden and alteration of vehicular access from front highway together with re siting of lamp standard**

Consideration was given to a report on planning application 11/0050/FUL - 31 White House Croft, Long Newton, Stockton-on-Tees -Alterations and extensions to form study, attached garage and garden room. Installation of two solar panels to south facing garage roof, removal of two poor quality trees t1, t2 (dwg 3) from rear garden and alteration of vehicular access from front highway together with re siting of lamp standard.

Approval was sought for the conversion of an existing integral garage into a study with an extension to the side to replace the converted garage. The proposal also included a covered area to the rear of the garage and a garden room to project from the rear of the main dwelling house.

Six letters of objection had been received from neighbouring residents largely on the grounds that the proposal would impact upon the adjacent culvert, resulting in flooding. Objections also related to impact upon the street scene, the amenity of neighbouring properties in terms of loss of view, overlooking and appearing overbearing and implications for highway safety as a result of moving the lamppost and traffic generated by the extension.

Northumbrian Water were consulted regarding the concerns and no objections were raised to the development. The Council's Urban Design section had raised

no objections to the proposal on highways grounds however a Tree Preservation Order had been placed on T1 and a condition was recommended to ensure the tree was retained.

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

The neighbours that had been notified and the comments that had been received were also 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 shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP).

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The agent was in attendance at the meeting spoke in favour of the application.

Overall Members felt that the proposed extension would not result in a detrimental impact upon the amenity of neighbouring properties, character of the surrounding area or highway safety. The proposal was considered to be in accordance with policy CS3 of the adopted Core Strategy and policy HO12 of the Local Plan and as such was considered to be acceptable.

RESOLVED that planning application 11/0050/FUL 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
SBC0001	31 January 2011
2	10 January 2011
1	10 January 2011
3	10 January 2011
4	10 January 2011
5	10 January 2011

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

3. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans the Ash tree labelled T1 shall be retained and maintained for a minimum period of 25 years from practical completion of the development. This tree, shrub or hedge shall not be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted

or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority

4. Prior to the development, hereby approved, being brought into use, the lamppost shall be re-sited in accordance with Drawing No. 3

5. The surface of the additional parking space shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences. 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 space shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

P 10/3016/FUL
122/10 Land Parcel at 448093 510847, Seamer Road, Hilton
Proposed erection of 10.26m high meteorological mast for a temporary period of 12 months

Members were reminded that application 10/3016/FUL was considered by the Planning Committee on 2nd February 2011 and was deferred in order to obtain confirmation from the National Grid that the wind data from the mast would be acceptable to them and that the equipment could not be fixed to the 400 kV overhead line support structure. The National Grid had confirmed these details.

Planning permission was granted in August 2009 for the erection of three wind turbines together with associated crane pads, access tracks, site compound, control building, meteorological mast and access to public highway on land between the villages of Hilton and Seamer on the border between the administrative boundaries of Stockton Borough and Hambleton District Councils. A further two turbines were granted permission within Hambleton on appeal. The combined approvals together form the Seamer Wind Farm. The applicant of the wind farm was also previously granted planning permission on appeal for the erection of a 60m high wind monitoring mast for a temporary period of 24 months. The 60m high temporary mast was erected and had since been removed following the expiration of the 24 month period. The wind farm had not yet commenced on site as some pre commencement conditions were yet to receive discharge.

The approved wind farm application provided for an 80m high lattice meteorological tower to be erected for the duration of the wind farm operation which was approved as 25 years. The approved scheme also required by condition an agreement to assess the impact of turbulence on the nearby overhead lines. The agreed scheme regarding impacts to the overhead lines detailed that Broadview Energy would supply the National Grid with wind speed data both before and after the commencement of the wind farms operation and the developer had the ability to achieve this taking into account the existing approval. The applicant had agreed a scheme with the National Grid to monitor

turbulence on their apparatus, which was acceptable to officers. This was then amended although remained to be acceptable. The agreed scheme was achievable as the applicant had the ability to erect the 80m high wind monitoring tower already approved as part of the wind farm scheme, although the proposed 10.26m high mast may reduce the need or duration for the significantly larger wind monitoring tower being erected, thereby limiting the overall impact of the wider scheme on the surrounding landscape.

The current proposal was for the erection of a 10.26m high meteorological mast on land within the boundary of the approved wind farm, on land between the villages of Hilton and Seamer for a temporary period of 12 months.

A total of 45 letters of objection had been received in respect to the scheme. The main objections related to the impact of the development on the character and appearance of the area, surrounding views and there already having been a wind monitoring mast in position in association with the Seamer Wind Farm.

The Head of Technical Services considered the proposed scheme in relation to its impact on the landscape setting and had raised no objections to the scheme due to its low height and narrow profile having only a minimal visual impact on the wider landscape, particularly in comparison to the 5 turbines already approved for the site. It was further advised that due to its small size, it would not contribute to any cumulative visual impact in the area once the proposed turbines had been constructed.

The principle of the wind farm development and its impact on the landscape had already been established by previous decisions and this impact was of five 125m to tip turbines and other associated infrastructure to be located within this landscape for a period of 25 years.

Taking into account the position of the site, the extant planning approval for the wind farm, the limited scale of the proposed mast and its slender nature and it being proposed for a temporary period of 12 months, the Planning Officer considered that the mast would not unduly affect the character or appearance of the existing landscape, being in accordance with the requirements of Policies EN13, CS3 and CS10.

The National Grid had advised of the following:-

"National Grid is satisfied that the data provided by the 10.26m high meteorological mast will be adequate for the purposes of our monitoring solution."

"Technically it is possible to attach the required meteorological equipment to one of the towers. However, the additional complexity of construction, equipment maintenance and risks associated with access to a 400kV route support structure means that unfortunately it is not acceptable for a temporary installation of this type."

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless

material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

Four objectors were in attendance at the meeting and were given the opportunity to make representation. Their objections centred around impact of the development on the character and appearance of the area, surrounding views and there already having been a wind monitoring mast in position in association with the Seamer Wind Farm. Another objection was whether the mast could provide data on turbulence on the overhead lines. They also felt the initial temporary mast which had consent for 2 years should have allowed them to collect all the necessary data. They also believed that Broadview were demonstrating a lack of forward planning and they also questioned the quality of response that had been received from National Grid.

Members then discussed the application at length. Members proposed a motion to defer the application to enable/request Broadview and National Grid to attend next meeting of the Planning Committee to provide a detailed response as to why a 10 metre mast can give more information than an 80 metre mast. Members also requested clarification on whether 12 months worth of data is required before erecting the turbines or whether it would be ongoing. The motion was moved, seconded and put to the vote.

RESOLVED that the application be deferred to:-

1. Broadview and National Grid be requested to attend the next meeting of Planning Committee to provide a detailed response as to why a 10 metre mast is required in addition to the 80m mast already approved.
2. Request clarification on whether 12 months worth of data is required before erecting the turbines or whether it would be ongoing.

P 10/3096/ARC
123/10 Former Campbells Tyre Depot, 5 High Street, Yarm
Application to remove condition no. 10 of planning approval 07/1962/REV
Revised application for demolition of existing garage buildings and
erection of 3 storey building comprising cafe/bistro on ground floor with
3no. apartments above and associated car parking. Please see the
accompanying documentation for justification. - We wish for the condition
to be removed as described in the accompanying documentation.

Members were reminded that planning permission was granted for the erection of a 3 storey building comprising cafe/bistro on the ground floor with 3 apartments above. A condition was imposed requiring the premises to be used for a café / bistro which would have prevented the ground floor of the premises from being changed under permitted development rights to an alternative use class. Where permitted development rights apply, there was an allowance for an A3 use (includes cafe/bistro) to be changed to an A1 (retail) or A2 (financial or professional services) use class without the need for planning permission.

The applicant sought to remove the restrictive condition (no.10) from the approved scheme. This would allow the premises to change from its approved use to either an A1 or A2 use class. In order to do this in compliance with Planning Law, the building and its use would first need to be constructed and operated for a period of time as per the initial approval under 07/1962/REV i.e. as a cafe / bistro with residential apartments. The remainder of conditions associated with application 07/1962/REV would remain in place, including the restriction of opening hours.

Six letters of objection had been received. Objections mainly related to the loss of control over the scheme which could then be used for any commercial purpose, impacts on the surrounding residential properties, it being a prominent site entering the town and that further applications could be made to extend opening hours and for an alcohol licence, therefore developing this site into a nightclub or late night bar.

The scheme was located in close proximity to residential properties and as such considerations were made in respect to the nature of the use, particularly the ground floor cafe / bistro and in respect to its opening hours. Conditions were imposed in respect to both of these in order to retain adequate control over the development and ensure its suitability within the immediate environment.

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

Neighbours were notified and 6 letters of objection were received. The comments that had been received were summarised within the report.

With regard to planning policy where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

The planning policies that were considered to be relevant to the consideration of the application were detailed within the report.

The agent was in attendance at the meeting and was available to answer any Member questions.

Members felt that the proposed removal of condition no. 10 was acceptable taking into account the levels of retailing within the centre and the allowances that could be achieved through the permitted development rights for the premises. A proposal to amend the existing condition restricting opening hours to 09:00 to 20:00 hours was moved to change the hours to 09:00 to 19:00 hours, the motion was seconded but defeated on a vote.

RESOLVED that Planning application 10/3096/ARC be approved subject to the following conditions:-

1. Approved Plans

The development hereby approved shall be in accordance with the approved plans detailed under application 07/1962/REV unless otherwise agreed in writing with the Local Planning Authority.

2. Levels as agreed

The levels for the building shall be in accordance with details agreed under application reference 08/1290/APC submitted to discharge conditions, unless otherwise agreed in writing with the Local Planning Authority.

3. Parking control of lay-by

The commercial use hereby approved shall not commence until a scheme of controlled management for the lay-by has been implemented on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

4. Retention of boundary walls

Notwithstanding details hereby approved, the boundary walls to the southern and western boundaries of the site shall be retained in their current form unless agreed otherwise in writing with the Local Planning Authority.

5. Parking brought into use

The residential units hereby approved shall not be occupied until the parking spaces have been marked, laid out and brought into use in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority. The future maintenance of these spaces shall be carried out in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority prior to the residential units being occupied.

6. Cycle Store – As agreed

The provision of a cycle store at the site shall be in accordance with details agreed under application reference 08/1290/APC submitted to discharge conditions, unless otherwise agreed in writing with the Local Planning Authority.

7. Scheme of hard landscaping - Discharged

The scheme of hard landscaping throughout the site shall be in accordance with details agreed under application reference 08/1290/APC submitted to discharge conditions, unless otherwise agreed in writing with the Local Planning Authority.

8. Design Details

Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-

- a) All windows within the elevations of the building shall be timber, vertically sliding sash painted with a colour to be first agreed in writing with the Local Planning Authority;
- b) All windows shall be recessed from the face of the building by an amount to be first agreed in writing with the Local Planning Authority;
- c) All doors and their surrounds shall be timber, of a style to be first agreed in writing with the Local Planning Authority.
- d) All rooflights shall be conservation flush fit roof lights finished in black.
- d) The Shop front shall be constructed from timber and painted in a colour to be first agreed in writing by the Local Planning Authority.
- e) All rainwater goods shall be made of cast iron, painted black with gutters

being set on rise and fall brackets.

The above details shall be incorporated into the scheme unless otherwise agreed in writing with the Local Planning Authority. The agreed details shall be retained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

9. Service delivery times

The commercial use of the premises shall only receive deliveries between the hours of 10:00am and 3.00pm Monday to Saturday and at no other time.

10. Opening Hours

The commercial use and its associated premises to which this permission relates and that approved under application reference 07/1962/REV shall not be open for business outside the hours of 09.00 hours and 20:00 hours, and shall be vacated by all visiting members of the public by 20:00 hours.

11. Amplified music

There shall be no amplified or other music played in the premises unless in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of sound attenuation and decibel levels.

P 124/10 Local Development Framework Steering Group Minutes of the Meeting held on 14th December 2010

Consideration was given to the Local Development Framework Steering Group minutes of the meeting held on 30th March 2010.

RESOLVED that the minutes of the Local Development Framework Steering Group be noted.

- P 125/10**
- 1. Appeal - Mr C Sudron - Viewley Hill Farm Calf Fallow Lane Norton - 09/2974/FUL - DISMISSED**
 - 2. Appeal - Mr Michael Newberry - Land lying to the west of A177 Durham Road Thorpe Larches - 10/1623/REV - DISMISS**
 - 3. Appeal - Mr Graham Bennett (Bennetts Fish & Chip Shop) - Land to the south west of A177 Stillington Cross Roads Stillington - 10/1199/ADV - DISMISSED**
 - 4. Appeal - Mr Danny Maher of Broadview Energy Developments Ltd - Land to the north side of Seamer Road Hilton - 10/2463/FULL - ALLOWED WITH CONDITIONS**
 - 5. Appeal - Mr R Singh - Land North of Blair Avenue Ingleby Barwick - 10/1778/FULL - ALLOWED WITH CONDITIONS AND COSTS APPLICATION REFUSED**
 - 6. Appeal - Mr P Lealman - 7 Wynyard Road Wolviston - 10/2274/FUL - DISMISSED**

RESOLVED that the appeals be noted.