

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 8th June, 2011.

**Present:** Cllr Robert Gibson (Chairman); Cllr Mark Chatburn, Cllr David Coleman (Vice Cllr Jim Beall), Cllr Gillian Corr, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Alan Lewis, Cllr Ray McCall (Vice Cllr Mike Smith), Cllr Maurice Perry (Vice Cllr John Gardner), Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson, Cllr Mick Stoker and Cllr Steve Walmsley.

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

**Also in attendance:** Applicants, agents, Ward Cllr Mick Eddy and members of the public.

**Apologies:** Cllr Jim Beall, Cllr John Gardner and Cllr Mike Smith.

### **P       Declarations of Interest**

**1/11**

There were no interests declared.

**P**

**11/0549/OUT**

**2/11**

**Tall Trees Hotel, Worsall Road, Kirklevington**

**Outline application for executive development consisting of 62 detached dwellings and 81 apartments.**

Consideration was given to a report on an application that sought outline planning permission for the construction of an executive housing development on land adjacent to the existing hotel. The application was in outline with all matters reserved.

The site benefited from an extant planning permission for the extension of the hotel and development of 250 apartments (04/3905/EIS). In terms of this consent it was accepted by the Council that there was a functional and practical relationship between the expansion of the hotel and the executive apartments. In order to facilitate the expansion of the hotel, it remained the case that investment from residential development would be required. The applicant stated he was unable in the short to medium term to proceed further with the executive apartments because of adverse market conditions. However, it was his intention to progress the expansion of the hotel, as soon as funds permitted. It was proposed that the phased expansion of the hotel and the phased development of the housing proceed hand in hand, with progress on the housing secured by means of a planning condition to ensure the implementation of the phases of the hotel.

The applicant stated that the costs of the construction of the approved hotel expansion were significantly greater than the likely value yielded from the land value for executive housing. This meant that the scheme did not have the financial ability to readily contribute to all the Council's aspirations for financial contributions from new development and also fund the hotel expansion.

The applicant stated that if the development did not go ahead, the existing facilities at Tall Trees hotel would be forced to cease trading. This point was made in recognition that without substantial extension and improvement, the hotel could not attract significant new visitors to the Tees Valley. Without

increasing turnover, it was not viable in the current climate. At the present time, along with other higher quality hotels, Tall Trees was not a profitable or viable enterprise.

The main planning considerations of the application were the compliance of the proposal with national, regional and local planning policy, the principle of housing development, sustainability of the site, the impacts upon the character and appearance of the area, the impact on the privacy and amenity of neighbouring residents and highway safety, health and safety requirements, flood risk, ecology and nature conservation and other material planning considerations.

It was noted that the development was on an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise. Development was strictly controlled within the countryside beyond these limits and was restricted to limited activities necessary for the continuation of farming and forestry, contribute to rural diversification or cater for tourism, sport or recreation provided it did not harm the appearance of the countryside. The proposal did not fall within these categories and a judgement was required whether considerations in support of the proposed development were sufficient to outweigh rural restraint policies.

The principle of executive residential use on the site had been established through the previous outline consent and subsequent reserved matters applications. Furthermore there were regeneration benefits in securing the redevelopment of the Tall Trees Hotel as a prestigious hotel and conference facility that would bring about economic benefits to the Borough and the wider area and as such it was considered these material considerations outweigh the policy objections, which would otherwise apply to the scheme.

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

It was noted that the applicant had undertaken consultation in accordance with the adopted Statement of Community Involvement which involved advertisement in the press, exhibition at Tall Trees with invites to local residents, Yarm Town Council and Stockton Council Members. It concluded no fundamental objections to the proposal or issues raised.

Local residents had been individually notified of the application and advertised on site and the comments that had been received were detailed within the report.

With regard 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 Regional Spatial Strategy, 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.

Members were presented with an update report that outlined that a consultation response from Kirklevington and Castle Leavington Parish Council had been received and was detailed within the report.

The additional response did not alter the recommendation of the main report.

The applicant and agent were in attendance at the meeting and were given the opportunity to address the Committee. The agent outlined the background to the application and the reasons he felt the application should be approved. The agent challenged the use of condition 8 as a mechanism for the phased link between the detached dwellings/apartments and the hotel part of the application. The agent felt that a Section 106 Agreement would be a more suitable mechanism.

Members discussed the application at length and felt that condition 8 should remain in place as they considered this to be the best mechanism between the phased linking of the development of the dwellings / apartments and the hotel. Members also considered that the trigger for payments as set out in the Heads of Term was appropriate. It was also requested that during construction that there was no large vehicle movement through Yarm High Street. Members also asked the agent if the public open space on the former Saltergill School site would be available for use by everyone and not just residents of the new development. The issue of the adoption of roads was also raised. The agent confirmed that the public open space would be available to everyone. The Planning Officer reported that they would examine large vehicle movement through Yarm High Street and the adoption of roads would be explored.

Overall Members considered that the principle of the form of development was acceptable in the location. The nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on ecological habitat and flooding. The proposed access and highway arrangements satisfied the requirements of the Head of Technical Services and it did not adversely impact on neighbouring properties and complied with Health and Safety Executive requirements and on balance it was considered that, the development could be supported and the application should therefore be approved subject to appropriate planning conditions to secure necessary controls over the development.

RESOLVED that planning application 11/0549/OUT be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the conditions.

In the event of the legal agreement having not been signed, or there still being outstanding matters on the 14th June 2011 that the application be refused.

## HEADS OF TERMS

### Footpath and Cycle Route Contribution

Prior to the Occupation of the tenth Dwelling constructed pursuant to the Permission the Owner shall pay £154,000 to the Council towards the provision of a footpath and cycle route linking the Application Site with Yarm Station.

#### Car Park Contribution

Prior to the Occupation of the tenth Dwelling constructed pursuant to the Permission the Owner shall pay £100,000 to the Council towards the costs of providing a long-stay car park to serve Yarm Town Centre.

#### Employment and Training

The Owner covenants with the Council as follows:-

To use reasonable endeavours to ensure that ten per cent (10%) of the Jobs on the construction phase of the Development are made available to residents of the Target Area; to use reasonable endeavours to ensure that ten per cent (10%) of the total net value of the services and materials used in the construction phase of the Development are provided by Businesses within the Target Area; to take reasonable steps to procure that any contractor and/or sub-contractor nominate an individual to liaise with the Labour Market Co-ordinator; to liaise with the Labour Market Co-ordinator in order to produce the Method Statement to be submitted to the Council prior to the Commencement Date. The Method Statement shall demonstrate the reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and Businesses within the Target Area and shall include details regarding the provision of monitoring information to be provided to the Labour Market Co-ordinator. The Owner shall not Commence Development until the Method Statement has been agreed by the Council.

#### 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 |
|-----------------------|--------------|
| 1017/001              | 9 March 2011 |

2. Approval of the details of the access, appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details of the scheme to be submitted to and approved by the Local Planning Authority before the development commences.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

4. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

5. The development shall be implemented in general conformity with the approved Design and Access Statement and illustrative drawing number 1017/002C submitted with the planning application unless otherwise agreed in

writing by the Local Planning Authority.

6. No development shall commence until a design code setting out the comprehensive design framework for the residential dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the design code should be implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

7. The total amount of residential units as authorised by this permission shall not exceed 62 dwellings and 81 apartments.

8. No work shall commence on site until a phasing plan has been submitted to and approved in writing by the Local Planning Authority to clearly illustrate corresponding phases to be undertaken between the hotel (as approved by planning permission 04/3905/EIS and associated reserved matters) and the housing hereby approved. Thereafter the development shall be undertaken in accordance with the approved phasing plan with no residential development being commenced in any subsequent phase before the previous phase has been completed and the corresponding phase of the Hotel has been completed, unless otherwise first agreed in writing by the Local Planning Authority. No residential development shall commence until the first phase of the hotel development 04/3905/EIS (or such other permission as may be approved for the hotel development) has been implemented.

9. Before development commences details shall be submitted to and approved by the Local Planning Authority of a scheme to provide electric vehicle charging infrastructure. The electric vehicle charging infrastructure shall be in place and operational before any buildings hereby approved are occupied.

10. The development shall secure at least 10% of its energy supply from renewable energy or low carbon sources, unless otherwise agreed in writing by the Local Planning Authority. No development shall take place within any phase until an energy strategy has been submitted to and agreed in writing by the Local Planning Authority for that phase which includes details of how that phase will contribute towards achieving the 10% requirement for the whole development. Thereafter the agreed scheme shall be implemented in complete accordance with the details of the scheme unless otherwise agreed in writing by the Local Planning Authority.

11. No construction works shall take place on the external surfaces of any building(s) within any Phase until the materials to be used on external surfaces for that building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

12. No development shall take place within any Phase until details of the means of boundary treatment for that Phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

13. Prior to first occupation within any Phase, a scheme for the provision of

street furniture for that Phase, including timescale for delivery, should be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

14. No development shall take place within any Phase until details of the means and location for the storage and disposal of refuse for each unit within that Phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

15. No development shall take place within each Phase until the details of the service roads, means of vehicular access to each building, footpath and cycle routes and any highway works, including any off-site highway works as may be required within that Phase, together with a phasing strategy for the implementation of these works, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

16. No development shall commence within each Phase until a car parking scheme for that Phase, including temporary parking for use during the construction period, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

17. No development shall commence on site until full details of hard surfacing materials for the provision of car parking both within and without residential curtilages within the site have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

18. No development shall commence within each Phase until a detailed scheme for landscaping and tree and/or shrub planting and grass for that Phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify stock types, stock sizes and species, planting densities, layout contouring, drainage and surfacing of all open space areas. The works shall be completed in accordance with a phasing scheme to be agreed in writing with the Local Planning Authority. Should any trees or plants, excluding those within privately owned domestic gardens, within a period of five years from the date of planting die, be removed, become seriously damaged or diseased, these shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.

19. No development shall be occupied within each Phase until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas, other than privately owned domestic gardens, for that Phase has been submitted to and approved by the Local Planning Authority. Soft

landscape maintenance shall be detailed for the initial 5 year establishment period. A long-term management plan for all landscape and public realm areas for a period of 20 years should be submitted to and approved in writing with the Local Planning Authority. The landscape management plan shall be carried out as approved, unless the Local Planning Authority gives written consent to any variation.

20. All trees on site and within 10m of its external boundary shall be indicated on a Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The assessment should concur with the latest site plans and include for the following information:-

A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm. A tree schedule as detailed in Ref. 4.2.6 BS5837:2005; A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work. Details of any ground level changes or excavations within 5 metres of the Root Protection Area (Para 5.2.2. of BS5837) of any tree to be retained including those on adjacent land.

A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.

21. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with a scheme to be submitted to and approved in writing by 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 within a period of five years from the date of planting must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

22. No development shall commence within any Phase until a scheme for the protection of trees (Section 7, BS 5837:2005) either within or within 10m of the site boundary to that Phase has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

23. No development shall take place within each phase until the details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, changes of gradient levels on roads and footpaths within the development and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) within that phase has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

24. No development shall take place within each phase until the details of all external finishing materials and gradient changes including roads and footpaths within that phase shall be agreed with the Local Planning Authority before the development is commenced.

25. No development shall commence within any Phase until a scheme of lighting for that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall take place in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

26. A Construction Management Plan shall be submitted and agreed in writing, prior to the commencement of development on each phase, with the Local Planning Authority to effectively control dust, noise and other emissions due to construction operations and traffic movements to and from the site, this shall address vehicular routeing, earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements including deliveries, wheel washing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

27. In the event that contamination is found at any time when carrying out the approved development, 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 and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

28. 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.

29. The residential units shall be built to Lifetime Homes Standards and achieve a minimum of Level 3 of the Code for Sustainable Homes if commenced before 1 January 2013 and thereafter a minimum of Code Level 4 unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

30. Development shall not commence until a detailed scheme for the disposal of Foul 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.



31. Development shall not begin until a surface water drainage scheme for the site, 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 subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:-

Confirmation of the proposed discharge rate and how it was calculated.

Details of the existing drainage network and discharge location.

Confirmation the proposed network operates without flooding up to the 30 year peak storm event.

Confirmation that any flooding from the proposed network up to the 100 year peak storm event is retained on site at no risk to people or property.

Consideration for climate change.

Details of the proposed outfall to the watercourse.

Details of the sustainable drainage measures to be incorporated into the design.

Details of how the scheme shall be maintained and managed after completion

32. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the Saltergill Beck shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:-

plans showing the extent and layout of the buffer zone

details of the planting scheme (for example, native species)

details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term

details of any footpaths, fencing, lighting etc.

33. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'An Extended Phase 1 and Protected Species Survey of Land at Tall Trees, Yarm,' E3 Ecology Ltd., August 2009 including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.

34. All works shall be undertaken in accordance with the GCN Method Statement included at Appendix 2 of "An Extended Phase 1 and Protected Species Survey of Land at Tall Trees, Yarm," E3 Ecology Ltd., August 2009.

35. Development shall not be commenced within each phase until the Local Planning Authority has approved in writing the details of the provision of public open space within the former Saltergill School and arrangements for the setting out of the Public Open Space for each phase by the developer, as part of the development, and such arrangements shall address and contain the following matters:-

A) The type and nature of the facilities to be provided within the Public Open Space

B) The arrangements the developer shall make to ensure that the Public Open

Space is laid out and completed during the course of the development. The arrangements the developer shall make for the future maintenance of the Public Open Space.

The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed under part B) above.

36. A Stage 1 Road Safety Audit should be submitted to and agreed in writing by the Local Planning Authority with the reserved matters application. The findings of the report should be implemented as approved, unless otherwise agreed in writing with the Local Planning Authority.

**P 11/0530/VARY**  
**3/11 Proposed Primary Care Centre And Pharmacy, Finchale Avenue, Billingham**  
**Application to vary condition 2 (approved plans) of 09/1418/FUL to incorporate a pharmacy drive through and alterations to the roof line, internal layout and site layout**

Consideration was given to a report on planning application 11/0530/VARY - Proposed Primary Care Centre And Pharmacy, Finchale Avenue, Billingham - Application to vary condition 2 (approved plans) of 09/1418/FUL to incorporate a pharmacy drive through and alterations to the roof line, internal layout and site layout.

The application site formed part of the former Stockton and Billingham College Site, and was formerly playing fields associated with the college. Planning permission was granted in both outline and under a reserved matters application for residential development on part of the college site. Planning permission was then sought for the erection of a Primary Care Centre and Class A1 Associated pharmacy that was approved subject to a section 106 agreement.

Planning permission was sought under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (the approved plans) of the previously approved application. The application sought to vary the approved plans in order to allow a pharmacy drive through to be incorporated into the scheme. The revised plans also included alterations to the roofline, a revised internal and site layout. The proposed opening hours were from 7 am - 10.30 pm Monday - Friday, 8 am - 8 pm Saturday and 8.30 am-7 pm on Sundays.

The proposed development and changes did not significantly alter the appearance of the building from that previously approved. Despite the concerns of local residents Officers were satisfied that appropriate planning conditions could be imposed to ensure that the "drive-through" pharmacy would not have any detrimental impacts on levels of residential amenity or highway safety.

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

Neighbours had been notified and a site notice displayed. A total of 20 no.

letters of objection had been received, along with 1 letter of comments and a petition of 80 signatures opposing the scheme due to concerns over an increase in traffic in a busy area.

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 applicant and an objector were in attendance at the meeting and were given the opportunity to state their case.

Members felt that the proposed development and changes did not significantly alter the appearance of the building from that previously approved. The revised scheme would retain a modern design with materials that complement the more traditional buildings in the surrounding area. Associated landscaping would also help to soften and enhance the development.

Members agreed with Officers in that despite the concerns of local residents they were satisfied that appropriate planning conditions could be imposed to ensure that the "drive-through" pharmacy would not have any detrimental impacts on levels of residential amenity or highway safety.

The proposed development was therefore considered to remain in accordance with national planning guidance and policies CS2, CS3, CS6, CS 11 of the Core Strategy and Saved policies REC1 and EN39 of the Local Plan.

RESOLVED that planning application 11/0530/VARY be approved subject to the following conditions:-

Approved Plans;

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  |
|-----------------------|---------------|
| 1619-C-22-001-3       | 16 March 2011 |
| 1619-C-22-002-3       | 16 March 2011 |
| SBC0001               | 7 March 2011  |
| 1619-C-20-001-02      | 7 March 2011  |
| 1619-C-20-002-2       | 7 March 2011  |
| 1619-D-90-002-2       | 7 March 2011  |
| 1619-D-90-003-D       | 7 March 2011  |
| 1619-C-27-001         | 7 March 2011  |

Pharmacy opening hours;

2. The hereby approved pharmacy shall not be open outside the hours of 7.00 am-10.30 pm Monday to Friday, 8.00 am-8.00 pm Saturday and 8.30 am-7 pm on Sundays or Bank Holidays.

Drive Through Pharmacy opening hours;

3. The hereby approved "drive-through" pharmacy and associated serving hatch shall not be operated before 18.30 hours.

Delivery times;

4. No deliveries to the hereby approved development shall take place on the site outside the hours of 8.00 am - 6.00 pm Monday to Friday, 8.00 am – 1 pm Saturday and nor at any time on Sunday's or Bank Holiday's.

Variation – no discharge of conditions

5. Nothing in this permission other than the variation of condition No. 2 of application 09/1418/FUL shall be construed as discharging the conditions attached the previous permissions 09/1418/FUL and 10/1370/VARY.

**P**            **11/0719/COU**  
**4/11**        **61F Lord Avenue, Teesside Industrial Estate, Thornaby**  
              **Change of use of Unit 61F from B1 to D2**

Consideration was given to a report on planning application 11/0719/COU - 61F Lord Avenue, Teesside Industrial Estate, Thornaby - Change of use of Unit 61F from B1 to D2.

The application site was situated within Teesside Industrial Estate, which incorporated a mix of industrial related uses. The site was situated to the north of the industrial estate and lay within an area consisting mainly small B1 starter units.

Planning permission was sought for the change of use of this vacant B1 premise to a Gymnasium (D2), with no external alterations proposed.

9 letters of support from residents within Ingleby Barwick, Thornaby and Middlesbrough had been received along with one letter of support from a Ward Councillor and one letter of comment from a neighbouring business. In accordance with the approved scheme of delegation, the application was being reported to the Planning Committee for determination, as more than 5 letters had been received contrary to the officer's recommendation.

The applicant had submitted relevant documentation justifying the development in this industrial location and had emphasised that his proposal was not a typical gym. Whilst it was recognised that the proposed development was a unique type of gym, the Planning Officer did not consider that this reason or other put forward were sufficient enough to outweigh the harm that could be caused to the vitality and viability of the defined Centres of Stockton Borough.

The Planning Officer considered that the proposed development was in an out-of-centre location for which there was no adequate justification and the proposal would create an unsustainable form of development. The nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site and due to there being a lack of parking provision for the proposed development, it would have a detrimental impact upon highway safety and free flow of traffic in this industrial locality.

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

Neighbours had been notified and 9 letters of support had been received and a further 27 letters of support had been submitted by the applicant.

With regard 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 Planning Officer's report concluded that the proposed use was one which planning policy required being located within a sustainable location and preferably a defined centre where grouped trips and adequate public transport opportunities were available. Such a use would have the potential to contribute to the vitality and viability of a defined centre. Whilst a sequential assessment had been carried out it was not felt that this adequately demonstrated that there were no other units that were suitable, viable or available within or on the edge of the defined centres.

The proposed development was in both an out-of-centre and unsustainable location for which there was no adequate justification. The site was not considered to be well served by public transport and the nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site. Concerns also remained as to the level of available parking provision that existed for the premises and the implications for highway safety as a result.

In view of the above the Planning Officer's report considered that the proposal was contrary to Saved policy S2 of Alteration Number One, Core Strategy policies CS2, CS3, CS5 and National Planning Guidance in the form of PPS1, PPS 4 and PPG13. The application was therefore recommended for refusal.

Members were presented with an update report that outlined that since the original report to Members of Planning Committee a number of further letters of support had been received. In addition 3 letters of support had also been received from local Ward Councillors and a letter of support from Thornaby

Town Council, these comments were detailed within this report.

Members also noted that discussions had also been held with the applicant with regards to the original report and what the applicant considered to be inaccuracies within the report, these were set out in detail within the update report.

After having considered the above the Planning Officer did not consider that any new material planning considerations had been raised and consequently the recommendation for refusal and reasons for refusal remained unchanged from the original report, Members also noted that during the summary of the original report it incorrectly referred to issues of highway safety that had previously been addressed. For clarity there were no grounds for refusal on the basis of highway safety.

The applicant, members of his family and a supporter of the application were in attendance at the meeting and spoke in favour of the application.

Members felt that although the location was in an out-of-centre location there were adequate reasons for approving the application. Members felt that there was adequate public transport to the site and that the site was not therefore unsustainable. Members agreed that the proposal was not a typical type of gym and that "Crossfit" training methods were completely unique. Furthermore Members felt that the proposal would not have a significant impact on town centre locations and therefore agreed that the application should be approved.

RESOLVED that planning application 11/0719/COU be approved subject to the relevant conditions.

**P  
5/11**

**11/0381/FUL**

**Ivydene, 79A High Street, Yarm**

**Retrospective application for conversion/extension of an existing garage to provide upper floor storage.**

Consideration was given to a report on planning application 11/0381/FUL - Ivydene, 79A High Street, Yarm - Retrospective application for conversion/extension of an existing garage to provide upper floor storage.

The applicant was Mrs Jacqueline Earl, a Yarm Ward Councillor at the time of submission of the application and therefore the application was referred to the Planning Committee for determination.

The application sought retrospective planning permission for conversion / extension of an existing detached garage at 79a High street, Yarm. The works included the installation of a first floor with a hipped roof to provide storage, a stable door at first floor level, external spiral stair, roof lights, new windows and garage doors, painting and the installation of external lights.

The main considerations were the impact of the works on the amenities of the Yarm Conservation Area and neighbouring properties.

The Planning Officers report considered the works acceptable and the

application was recommended for approval.

Neighbours were notified by means of site notice and neighbour notification letter and no comments were received.

No comments had been received from Yarm Town Council or Ward councillors.

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.

Members felt that the application was acceptable and to be in line with adopted development plan policies.

RESOLVED that planning application 11/0381/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     |
|-----------------------|------------------|
| 138F.SITE             | 17 February 2011 |
| SBC0001               | 17 February 2011 |
| SBC0002               | 17 February 2011 |
| SBC0003               | 17 February 2011 |

2. Notwithstanding the submitted information the garage to which this permission relates shall be used for domestic garage and storage purposes or purposes ancillary to and in connection with Ivydene, 79a High Street Yarm and for no other purpose for the life of the development.

**P**  
**6/11**      **TEES VALLEY JOINT MINERALS AND WASTE CORE STRATEGY  
DEVELOPMENT PLAN DOCUMENT**

**TEES VALLEY JOINT MINERALS AND WASTE POLICIES AND SITES  
DEVELOPMENT PLAN DOCUMENT**

Consideration was given to a report that advised that following the Examination in Public of the Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents (DPDs), the five Tees Valley Authorities had received the Inspector's Final Binding Report into the soundness of those documents.

It summarised the main issues considered by the Inspector and set out his

conclusion that the DPDs provided an appropriate basis for the planning of minerals and waste in the Tees Valley for the periods of the plans. Furthermore, he took the view that the Councils had sufficient evidence to support the Core Strategy and the Policies and Sites DPDs, and could show that each had a reasonable chance of being delivered. The Inspector considered that both plans were sound and required no further changes, other than those proposed by the Councils, to make them so. Both plans were considered consistent with the principles contained in the Ministerial Statement "Planning for Growth".

The report also set out that the next stage was for the Council to adopt the DPDs and seeks endorsement of those documents for that purpose. It also sought endorsement of the delegation to the Head of Planning the authority to make any necessary minor amendments to the documents prior to adoption.

It advised that once the Councils had adopted the documents, any person aggrieved by the Core Strategy or Policies and Sites DPDs may make an application to the High Court on the grounds that the document was not within the appropriate powers and/or a procedural requirement had not been complied with can be made within six weeks from the date of adoption.

RESOLVED that:-

1. The contents of the report be noted.
2. The Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents for adoption be endorsed.
3. Delegation be given to the Head of Planning to make any necessary minor amendments to the Joint Minerals and Waste Core Strategy and Policies and Sites Development Plan Documents prior to adoption.