

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 15th January, 2014.

**Present:** Cllr Robert Gibson(Chairman), Cllr Gillian Corr(Vice-Chairman), Cllr Michael Clark(Vice Cllr Paul Kirton), Cllr Phillip Dennis, Cllr Eileen Johnson(Vice Cllr Mick Stoker), Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Jean O'Donnell(Vice Cllr Jim Beall), Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E, Cllr Steve Walmsley, Cllr David Wilburn

**Officers:** Simon Grundy, Stuart Hibbert, Joanne Hutchcraft, Barry Jackson, Colin Snowdon, Peter Shovlin, Carol Straughan, Julie Butcher, Jenna McDonald, Sarah Whaley(LD)

**Also in attendance:** Applicants, Agents, Members of the Public.

**Apologies:** Cllr Jim Beall, Cllr Paul Kirton, Cllr Mick Stoker,

### **P 88/13** Evacuation Procedure

The Evacuation Procedure was noted.

### **P 89/13** Declarations of Interest

Cllr Philip Dennis, Cllr Alan Lewis and Cllr Andrew Sherris declared that they may be perceived to be biased/pre-determined in respect of item 9, 'From Mount Leven Road to Glaisdale Road Cutting Across Lingfield Road', as they were a part of the Western Area Transport Group which had donated funds to both projects. Cllr's Dennis, Lewis and Sherris did not speak or vote on those items.

Cllr Philip Dennis and Cllr Alan Lewis declared that they may be perceived to be biased/pre-determined in respect of item no. 8 "Proposed Skatepark, Preston Park, Yarm Road" as they had fully supported the proposal with officers throughout the development of the project. Cllr's Dennis and Lewis did not speak or vote on those items.

### **P 90/13** Minutes

**The minutes of the meeting which was held on the 4th December 2013 for confirmation and signature by the Chair**

The minutes from the meeting which was held on the 4th December 2013 were confirmed and signed by the Chair as a correct record.

### **P 91/13** 13/2061/COU 33 Falcon Court, Preston Farm Industrial Estate, Stockton-on-Tees Change of use from A3 to A1 (Hairdressing Salon)

Consideration was given to a report on planning application 13/2061/COU, 33 Falcon Court, Preston Farm Industrial Estate, Stockton-on-Tees.

Planning Permission was sought for the change of use of the application site

from a vacant A3 unit to a hairdressers which was an A1 retail use at 33 Falcon Court Preston Farm Industrial Estate.

Nine letters of support had been received for the proposal largely from people who worked within the surrounding area. The grounds for support predominantly consisted of the creation of jobs and support for the local economy through the likelihood of transferable business and the provision of a facility for the local work force.

A sequential test had been submitted with the application which considered a number of units within the defined retail centres across the borough (as advised by the Regeneration and Economic Development section). These were discounted, by the agent, for a number of reasons, as discussed in the main report including the floor space and layout being unacceptable to accommodate the proposed business model and units being financially unviable. The Council's Regeneration and Economic Development team were consulted on the application and commented that a number of incentives had been put in place to encourage businesses to locate within the town centre such as Stockton Town Centre Loan and Property Improvements, Business Rate Discount Scheme and Start-up Loans & Micro Loans. The Council's Principal Valuer had also advised that the figures quoted within the sequential test were headline rents which were subject to negotiation and experience suggested that rents were being negotiated at 40-50% of headline rents.

In addition the Spatial Planning Manager had suggested flexibility was required in the business model and layout to accommodate the proposed hairdresser use within available units over more than one floor. It is considered that this could be done in such a way to accord with building regulation requirements for access for disabled users. This had been considered to be unacceptable by the applicant. However, Paragraph 27 of the NPPF stated that, "where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused".

Although a sequential search had been completed, it was considered that, as detailed below, suitable, available and viable units had been identified within Stockton Town Centre. Therefore the submission failed to satisfy the criteria of the NPPF and the extant Practice Guidance. As such it was considered that approval of the proposed A1 use in this out of centre location would result in a detrimental impact upon the vitality and viability of the town centre (including committed and planned investment in the town centre). It was also considered that the proposal would set an undesirable precedent for future out of centre retailing proposals to circumvent the requirements of the Sequential Approach, and taken cumulatively, such out of centre uses could further impact upon the vitality and viability of the defined retail centres. In this regard the proposal was considered to be contrary to the provisions of the NPPF, Core Strategy Policy CS5, saved Policy S2 of Alteration No 1 to the adopted Local Plan and Planning For Town Centres 'Practice guidance on need, impact and the sequential approach'.

Additionally, owing to the location of the application site and the suitability and attractiveness of the surrounding highway network for walking and cycling and the limited access to public transport, the use would be in an unsustainable location and would place a high reliance on the private motor car, thereby being

contrary to Core Strategy Policy CS2(1), and the provisions of National Planning Policy Framework.

The Environmental Health Unit and The Head of Technical Services had raised no objections. Whilst there were no significant concerns regarding the impacts upon the amenity of neighbouring land users, character of the surrounding area or highway safety, significant concerns remained over the detrimental impacts on the vitality and viability of the defined retail centres and its unsustainable location, contrary to local and national planning policies. Whilst support comments from the local workforce were noted these did not outweigh the planning policy conflict and warrant approval of the application. Therefore the application was recommended for refusal, as outlined within the report.

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

Neighbours had been notified and the comments that had been received were 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 should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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 which in addition to supporting information reported within the main report detailed a further supporting document from the owner of the application site which stated that the property had been vacant since March 2012.

Details contained within the update report highlighted that the property had been continually marketed throughout this time on the radio, in the press and on the owner's website. The applicant stated that this provided further justification for the proposed change of use as it would bring back into use a vacant building. Accordingly the applicant considered that this would mean the application was similar to an application which was allowed at appeal for 373 Thornaby Road which sought a change of use from A1 to A5 (planning reference 11/0650/FUL) which was a site that was also located outside of the defined retail centres. A request had also been made by the applicant that the application be deferred to allow consideration of these matters.

Whilst the request to defer the application was noted, it was not considered necessary to do so as the points raised were not considered to fundamentally alter the material planning considerations set out within the original report to members of the committee and that those matters raised by the applicant could be adequately considered and addressed through the update report.

With reference to 373 Thornaby Road although this application was refused contrary to the recommendation, when considering the application for 373 Thornaby Road the officers report set out, that, the property had been marketed for 5 years with limited interest in an A1 use which was in accordance with policy S17 of Alteration Number One to the Local Plan.

Part of the argument surrounding that particular application was based on there being no other premises available within the Thornaby catchment area. Whilst, alternative sites in Stockton may have been available, it was considered that the need for the A1 facility no longer existed and was no longer viable. Furthermore, there remained alternative shopping facilities along Laburnum Avenue and Thorntree Road. As a result, given the location and circumstances of 373 Thornaby Road, the requirements of saved policy S17 were considered to be met. It was considered that the retention of a vacant unit offered little to the vitality and viability of the area and in view of the criteria of policy S17 being met, significant weight was given to the reuse of the existing premises.

Therefore on balance in recommending approval for 373 Thornaby Road it was considered that the criteria of saved policy S17 would outweigh those under national planning guidance and saved policy S14 in terms of locating uses within centres.

However, it should be noted that policy S17 specifically related to the loss of retail uses outside the defined retailing centres. A fundamental difference was that the proposal did not result in the loss of a retail use (as the application site currently was an A3 use) but rather that it would create new out-of-centre retail floor space. Therefore, Policy S17 was not relevant when assessing the application and the relevant planning policy considerations remained as set out within both the NPPF and policy CS5 of the Core Strategy, as had been outlined within the main report to members of committee.

Whilst the length of time that the application site had been vacant was noted, the circumstances of the current application were considered to be different of those of 373 Thornaby Road for the reason outlined above. As discussed in the main report the application site was considered to be an unsustainable location and given the creation of new retail floor space, it was considered that there were existing vacant units available in more sequentially preferable sites.

Consequently it remained the view of officers that despite the view of the applicant and the recently submitted information, the length of time the unit had been vacant would not outweigh the conflicts with established planning policy in terms of the impact on the vitality and viability of the defined retail centres nor would it overcome the concerns regarding the sustainability of the site.

The update report recommended that the application be determined in accordance with the main report.

The Planning Officers report concluded that whilst there were no significant concerns regarding the impacts upon the amenity of neighbouring land users, character of the surrounding area or highway safety, significant concerns remained over the detrimental impacts on the vitality and viability of the defined retail centres. Equally any economic and social benefits of the scheme such as job creation and employment along with supporting comments were duly noted. However, these were not considered to be sufficient to outweigh the harm that would arise to the vitality and viability of the defined retail centres.

As detailed above there was considered to be sequentially preferable sites across the Borough's retail centres that were available and could accommodate the proposed use, with a degree of flexibility from the applicant in their proposed business model. There were also a number of incentives which had been put in place to encourage businesses to locate within the town centre and approval of the proposed A1 use in this out of centre location was considered to result in a detrimental impact upon the vitality and viability of the town centre (including committed, and planned investment in the town centre). Taking an approach to approve the business outside of the defined retail centre would also create and set an undesirable precedent for future out of centre retailing proposals and taken cumulatively, would further impact upon the vitality and viability of the defined retail centres across the borough. In addition the application site was not particularly well served by alternative modes of transport such as public transport, walking or cycling and was considered to be an unsustainable location, which would place a high dependence on the private motor car.

It was for these reasons that there was significant conflict with the guidance within the National Planning Policy Framework, the adopted Stockton on Tees Core Strategy and the saved policies of the Stockton on Tees Local Plan, consequently the proposed development was recommended for refusal.

Representatives of the applicant were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- . That the rents in Stockton High Street were too High.
- . That the recommended 2 floors were discriminating against people with difficulties climbing stairs.
- . The applicant felt that the update report had been dismissed as officers had not deferred the application to a future meeting which would have enabled the committee more time to study the additional supporting information submitted by the applicant.

Supporters of the application were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- . There had been extensive consultation with the Regeneration and Economic development section at Stockton Borough Council in 2012. Following their advice the current proposal had been formulated.

- . A site visit to the proposed building was undertaken in May 2012 where the site was operating as a beauty salon.
- . The change of use for the site had been advised by the Planning department.
- . Communication had taken place with Stockton Borough Councils Legal department.
- . The application fit the applicant's business model which was tried and tested, however Stockton Borough Council had stated that the business model was not sustainable or flexible to satisfy policy requirements.
- . The site was served by roads, pathways, and cyclepaths. There was also a bus service with a stop 80 metres away from the site.
- . If the application was refused then the client would look at neighbouring authorities for suitable premises
- . The change of use should have been allowed.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- . As Greggs were already trading in the adjacent property did this not set a precedent for the change of use?
- . Concerns were raised as to the nature of the business as some Members felt the business fell under the service category not retail.
- . Potential to offer additional employment.
- . Risk was entirely at the owner's risk.
- . There were other services provided within the vicinity of the application such as dentists therefore why not a hair salon?
- . The business would rely on clients having cars.
- . A good client base was already available from the business community which currently existed.
- . Due to it being a beauty salon previously surely the move to a hair salon was not such a big change.
- . Why would Stockton Borough Council interfere and comment on the applicant's business model.

A vote then took place and the application was approved.

RESOLVED that application 13/2061/COU 33 Falcon Court, Preston Farm Industrial Estate, Stockton-On-Tees be approved subject to the compliance with the Building Regulations and general statutory provisions in force in the district and subject to the conditions and reasons specified below:

1. The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.

2. The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
LP/01	13 August 2013
SBC0001	13 August 2013
SBC0002	13 August 2013

**P 13/2725/X**  
**92/13 20 Church Road, Eggescliffe, Stockton-on-Tees**  
**Application to fell 1.no Lime tree in rear garden**

Consideration was given to a report on planning application 13/2725/X, 20 Church Road, Eggescliffe, Stockton-on-Tees.

Planning permission was sought for tree works to fell 1.no Lime tree in the rear garden of 20 Church Road in Eggescliffe Village, which was located in Eggescliffe Village Conservation Area.

The main reason given by the applicant to fell the Lime tree was that he wished to eliminate the risk of the tree falling in high winds and lightning strikes causing damage to properties and people.

There has been 13 letters of support received for the application. The main concern of the neighbours was the tree falling and causing damage to property and residents.

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

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

The Principal Tree and Woodland Officer recommended the proposal to fell the Lime tree was refused on the grounds that there was a lack of supporting information to demonstrate the tree may fall and cause damage, the tree was considered to be in good health and condition and was not considered to be causing unreasonable interference with use or enjoyment of property or constituted an unacceptable risk to those nearby.

The application was therefore recommended for refusal

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 indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and

saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

The Planning Officers report concluded that it was clear that there was a lack of supporting information to demonstrate the tree may fall and cause damage. The tree was considered to be in good health and condition and was not considered to be causing unreasonable interference with use or enjoyment of property or constituted an unacceptable risk to those nearby. The tree would also continue to provide long term amenity and environmental benefits to the surrounding area and it was considered that there was no justification to allow the protected tree to be felled.

The genuine concerns of the applicant regarding health and safety were recognised but the felling of the tree at this stage was considered to be a disproportionate response to the likely risks.

It was recommended that the application be refused for the reason specified above.

The Applicant was in attendance and given the opportunity to make representation. His comments could be summarised as follows:

- . That the Lime Tree had been cared for and nurtured under the advice of the Principal Tree and Woodland Officer. Branches were only allowed to be pruned which were a maximum of 3 inches in diameter and only 3 inches in length were to be taken off.

- . The trunk was now 1.2 metres in diameter and the tree stood between 20 - 25 metres high.

- . The tree was more suited to the likes of Preston Park rather than the applicants small back garden.

- . The branches were overhanging neighbouring gardens and in one case a neighbour's sitting room.

- . During the summer of 2013 the applicant stated that they could not sit in the garden due to the number of Wasps Fly's and Aphids the tree attracted.

- . Windows on the house were always closed.

- . Cars, driveways and windows were covered in sticky honeydew from the tree.

- . Neighbours felt intimidated by the tree.
- . The tree could not be fully appreciated by others as only the tree tops were visible from the road.
- . The applicant stated he would like to fell the tree and replace it.
- . The tree was vulnerable to a lightning strike due to its height, which would be catastrophic to the applicant and their neighbours.

Supporters were in attendance and given the opportunity to make representation. Their comments could be summarised as follows:

- . The tree overshadowed a neighbours roof and garden and they had lived with it for 13 years and fully supported the application.
- . Consideration had been given to the report however; supporters to fell the Lime tree took issue regarding the safety aspect as the Lime tree was not clear of buildings as stated within the report.
- . Neighbours expressed that there had been an increase in storms throughout the UK and felt that this increased the likelihood that the tree could be dangerous in the future. There had been reported incidents in Hull where healthy trees had fallen during adverse weather conditions.
- . Work was carried out on the tree in 2003 and 2008 which was meant to create more light for the applicant and neighbours, however it was stated that no difference was made.
- . Neighbours stated that they were constantly cleaning patios, rooves, gutters and windows due to the sticky honeydew given off by the tree.
- . Supporters to fell the tree stated they disagreed with the Principal Tree and Woodland Officer's report and asked that the Committee approve the felling of the tree.

The Principal Tree and Woodland Officer explained to the Committee that all comments had been fully addressed within the report. It was explained that Stockton Borough Council had full regulatory control of the Lime tree although it was the applicant's responsibility to take care of it. The applicant was able to apply for works to be carried out to the tree by Stockton Borough Council where maintenance was required. As the tree had a preservation order on it the Principal Tree and Woodland Officer recommended that the application be refused.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- . There were a number of Lime trees in Eaglescliffe which had been taken down and were under Stockton Borough Council ownership.
- . The tree canopy within Stockton Borough should be preserved by replace and renew.

- . When a tree affects resident's quality of life then a tree has to go.
- . Members noted that no objections to the felling of the tree had been received.
- . There were sufficient trees within the conservation area to indicate that the tree canopy would not be spoilt.
- . Trees in gardens supported so much wildlife and therefore the tree should stay.

A vote then took place and the application was approved

RESOLVED that application 13/2725/X 20 Church Road, Egglecliffe, Stockton-on-Tees be approved subject to the conditions specified below:

1. The 1 no. Lime tree to be felled shall be replaced with an ornamental heavy standards, e.g. 12-14 girth minimum standard of a suitable species. The replacement tree shall be planted within the first planting season following the removal of the Lime tree. Should the replacement tree die, become damaged or diseased it shall be replaced within the first planting season following its demise with a type and species to be agreed in writing with the Local Planning Authority.

**P  
93/13**

**13/2685/COU**

**137 High Street, Yarm, TS15 9AY**

**Change of use from A1 (Retail) to A3 (Restaurant) and installation of flue to rear**

Consideration was given to a report on planning application 137 High Street, Yarm, TS15 9AY.

Planning permission was sought for change of use of the eastern ground floor unit and first floor rear room of 137 High Street, Yarm (Winpenny House).

The building was grade II listed and situated within the Yarm Conservation Area.

Objections from neighbours had been received in regards to potential impact on amenity from noise, nuisance and general disturbance.

It was considered that amendments made to scheme by the applicant had addressed the concerns of neighbours and any outstanding concerns could be controlled by planning condition or other legislation.

The application was considered to comply with planning policy, would not have an undue impact on the amenities of neighbouring properties and was recommend for Approval with conditions.

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

Neighbours had been notified and the comments that had been received were 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 should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

The Planning Officers report concluded that concerns of neighbours were noted. However it was considered that the application complied with planning policy and was not considered to have an adverse impact on the significance of the listed building; or give rise to an unacceptable impact on the amenities of neighbouring properties or the wider Yarm Conservation area and raised no issues of highway safety.

Subsequently the application was considered to accord with Adopted Core Strategy polices CS1, CS2, CS3, CS5 and the Saved Policies of the adopted Stockton on Tees EN24 and EN26 and the National Planning Policy Framework taken as whole.

Therefore it was recommended that the application be Approved with Conditions for the reasons specified above.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- . The area close to the proposal was a densely packed residential area.
- . There was concerns raised that the premise was a food retail business and residents felt that this would contribute to current problems in and around the area.
- . Traffic issues were raised as a concern due to the adjacent Wynd being very narrow with no parking either side. Cars had been known to pass down the Wynd which was known as a footpath. Any increase in traffic would cause additional public safety risks.
- . Opening restrictions should be enforced as had been on similar restaurants

nearby reducing the cause for concern that could be associated with late night licences.

. Office based businesses did not create the same concerns.

Representatives for the applicant were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

. The new restaurant offered an alternative type of restaurant to those currently operating in Yarm.

. Full consultation had been conducted with neighbours via letter and no objections had been received directly.

. The applicant had gone above and beyond to appease everyone and stated that they would stick to the conditions imposed by the Planning Committee by the letter.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

. That the conditions should be rigorous and enforced, however welcomed a new business wanting to open in Yarm.

. Yarm had a charm of its own, was diverse and should be allowed to continue in this way.

. Members raised questions in connection with the objection which had been received during consultation from the boutique which had its storeroom adjacent to the kitchen of the proposed restaurant. Issues had been raised surrounding fumes which could be generated when food was being cooked with the possibility of the smell transferring to their dresses. Questions were also raised as to the type of extraction system which would be in place and what impact if any regarding noise this would have on residents.

The Environmental Health Unit Manager informed the Committee that the kitchen area would be sealed and supported by an extensive ventilation system which would take all fumes out. Regarding the extraction system, Members were informed that the system to be installed would minimise noise.

. Clarification was sought regarding the spiral staircase and the risk associated with carrying food up and down this type of staircase from and to the kitchen. The Environmental Health Unit Manager stressed that a risk assessment would be completed and if Health and Safety were not satisfied a prohibition notice would be served.

A vote then took place and the application was approved.

RESOLVED that application 13/2685/COU 137 High Street, Yarm, TS15 9AY subject to the following conditions and informative below:

1. The development hereby approved shall be in accordance with the following

approved plan(s);

Plan Reference Number	Date on Plan
130999	19 December 2013
SBC0001	24 October 2013
001	8 November 2013

EXTRACTION DETAILS  
11 December 2013

## 2. Use of the yard

The rear yard area shall not be used by customers or employees for eating/drinking or smoking purposes and shall be only used as an emergency exit in the event of emergency and for refuse storage purposes and for no other purpose.

## 3. Closure of rear doors

The rear doors of the ground floor unit shall be kept closed whilst the restaurant is open to customers and only used by customers in the event of an emergency.

## 4. Bin store

Before the restaurant use hereby approved is brought into use a bins store shall be provided in accordance with approved plan? The bin store shall be kept in a tidy condition for the life of the development.

## 5. Opening hours

The restaurant to which this permission relates shall not be open for business outside the hours of 9am and 12.00 am and the premises vacated by 1am.

## 6. Grease Trap

Before the restaurant use hereby approved is brought into use a drainage system to the premises shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.

## 7. Extraction

Before the restaurant use hereby approved is brought into use an appropriate the ventilation and extract system shall be provided.

The ventilation and extract system shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters. The system shall have adequate odour abatement provided to deal with the types of food cooked in order to prevent odour complaints from adjoining premises.

## 8. Construction Hours

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.

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority had implemented the requirements of the National Planning Policy Framework

**P 13/2893/LAF**  
**94/13 Proposed Skatepark, Preston Park, Yarm Road**  
**Construction of an in-situ sprayed concrete Skatepark and associated landscaping for a multitude of wheeled sports enthusiasts including skateboarders, roller skaters, scooter riders and BMX cycle riders.**

Consideration was given to a report on planning application 13/2893/LAF Proposed Skatepark, Preston Park, Yarm Road.

Planning permission was sought for the installation of a wheeled sports skate park suitable for a variety of wheeled sports enthusiasts within the grounds of Preston Park.

The application was submitted by Stockton Borough Council, there had been no objections to the proposal.

Under the Councils scheme of delegation the application must be referred to the Planning Committee for consideration and determination.

The application was recommended for approval with conditions for the reasons as detailed within the report.

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

Neighbours had been notified and the comments that had been received were 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 should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The planning policies that were considered to be relevant to the consideration of

the application were detailed within the report.

The Planning Officer concluded that it was considered that the skatepark proposal would not result in any significant harm to the amenities of Preston Park or the grade II listed Preston Hall, the amenities of neighbouring properties or users of the park and was therefore in accordance with Adopted Stockton on Tees Core Strategy and the Saved Policy EN28 of the Adopted Stockton on Tees Local Plan.

It was recommended that the application be Approved with Conditions for the reasons specified above.

A vote then took place and the application was approved.

RESOLVED that application 13/2893/LAF be approved subject to the following conditions and informative below:

### 1. APPROVED PLANS

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
UDN2075_001	19 November 2013
0883_101_B 131106	19 November 2013
0883_301_A 131101	19 November 2013

### 2. EXISTING AND PROPOSED LEVELS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be 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.

### 3. MEANS OF ENCLOSURE

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of the erection of any permanent fencing , details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

### 4. LANDSCAPING – SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter

relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

## 5. MAINTENANCE- SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

## INFORMATIVE OF REASON FOR PLANNING APPROVAL

The local planning authority has implemented the requirements of the National Planning Policy Framework.

**P 13/2932/FUL**  
**95/13 From Mount Leven Road to Glaisdale Road Cutting Across Lingfield Road, Yarm,**  
**Application for construction of 3 m wide segregated footpath/cycleway on existing public open space.**

Consideration was given to a report on planning application 13/2932/FUL From Mount Leven Road to Glaisdale Road Cutting Across Lingfield Road, Yarm.

Planning permission was sought for a 3 metres wide segregated footpath/cycleway running north to south along a former pylon corridor through the Levendale Estate. The footpath and cycleway would provide a link between the existing footpath/cycleway at Glaisdale Road and Mount Leven Road.

The development was located on an area of open space that lay in between residential properties and to the west of Levendale Primary School. The

proposed cycleway/footpath would cut across Lingfield Road and Mount Leven Road.

The scheme provided three new footpath accesses created from the proposed cycleway/footpath to link in with the existing footpaths at Rudby Close/Angrove Close, Netherby Close and Levensdale Primary School.

The existing trees within the site would be retained with additional tree and shrub planting along both sides of the proposed cycleway/footpath.

The proposal included widening the existing footpath which existed between Valley Drive, Leven Road junction and Glaisdale Road. The widening of the existing footpath was classed as permitted development and did not require planning permission and had not therefore been considered as part of the application.

Four letters of objection to the proposed development had been received from neighbours on the grounds that it was unnecessary, ill-conceived and extremely dangerous and would lead to further anti-social behaviour. No objections had been received from Sport England or Technical Services.

Under the Council's Scheme of Delegation, the application was put forward for determination by the planning committee as the scheme did not constitute a minor development.

The proposal was considered to be acceptable in policy terms and accorded with the aims and objectives of the Local Transport Plan, the Sustainable Travel Strategy and the Green Infrastructure Strategy as it would contribute to the improvement of the cycling and walking network within the Yarm area of the borough.

The application was therefore recommended for approval subject to conditions contained within the report.

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

Neighbours had been notified and the comments that had been received were 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 should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as

material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

The Planning Officer concluded that the provision of a segregated cycleway/footpath accorded with the provisions of Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel Paragraph 1 in that accessibility would be improved and transport choice widened by the provision of a footpath and cycle route.

It was considered that the principle of the development was acceptable, and the proposal would not give rise to unacceptable impacts on visual amenity, residential amenity or highway safety.

It was recommended that the planning application be approved with conditions for the reasons specified above.

A vote then took place and the application was approved.

RESOLVED that planning application 13/2932/FUL be approved subject to the following conditions and informatives below:

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
SBC/11/5-F	22 November 2013
TS/D1/300/03/100 REV O	6 January 2014
TS/D1/300/PA/102	22 November 2013
TS/D1/300/PA/100	22 November 2013
EPV8000-002	18 December 2013

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

#### **P 96/13** **Gypsy, Traveller and Travelling Showpeople Site Allocation Local Development Document**

Due to the wish to seek the comments of the Planning Committee before the draft policy document was considered for approval for Consultation by Cabinet on 15th January 2014 and full Council on 29th January 2014 it was agreed that the item be considered as a matter of urgency.

Members of the Committee were presented with information in relation to Stockton-on-Tees Local Plan: Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document Regulation 18 Consultation Draft and The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012.

The Head of Planning explained to Members that following the Gypsy and

Traveller Accommodation Needs Assessment Update 2012, a need for an additional 26 pitches had been identified.

Bowesfield industrial estate already provided 28 pitches. In addition there were a further 10 sites providing 16 pitches in the borough making a total of 44 pitches currently available.

Letters had been sent to all individuals who were listed on the spatial planning database requesting details of any suitable sites which they may want to put forward for consideration. One site had been put forward following this exercise.

Members were informed that it was preferable to have a number of smaller sites rather than one large one. There was also government guidance on what size a site and a pitch should be.

It was explained to the Committee that Council would be the policy making body and the draft document would go out for public consultation on the 3rd February 2013.

Members were asked to consider the report, notes its contents and provide any comments or suggestions that Members may have to the Head of Planning.

RESOLVED that

1. Members note the contents of the report.
2. Members note the content of the Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012.
3. Members note the attached Regulation 18 Consultation Draft of the Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document and associated documents and provide any comments or suggestions that Members may wish to make to the Head of Planning.

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97/13**

**1. Appeal - Mr Martin Walker - 46 Emsworth Drive Eaglescliffe -  
13/0217/REV - ALLOWED WITH CONDITIONS**

**2. Appeal - Mrs Linda Phillipson - Whitton Moor Lodge Whitton Lane  
Stillington - 13/2075/FUL - DISMISSED**

RESOLVED that the appeals be noted.