

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 19th March, 2014.

**Present:** Cllr Gillian Corr(Vice-Chairman), Cllr Jim Beall, Cllr Michael Clark(Vice Cllr Paul Kirton), Cllr Philip Dennis, Cllr Alan Lewis, Cllr Ray McCall(Vice Cllr Norma Stephenson O.B.E), Cllr Maurice Perry(Vice Cllr Ken Lupton), Cllr David Rose, Cllr Andrew Sherris, Cllr Mick Stoker, Cllr Steve Walmsley, Cllr David Wilburn

**Officers:** Jane Edmonds, Andrew Glossop, Joanne Hutchcraft, Barry Jackson, Richard McGuckin, Peter Shovlin, Colin Snowdon, Carol Straughan,(DNS), Julie Butcher, Sarah Whaley(LD)

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

**Apologies:** Cllr Robert Gibson, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Ken Lupton, Cllr Norma Stephenson O.B.E,

### **P Evacuation Procedure**

**117/13**

The evacuation procedure was noted.

### **P Declarations of Interest**

**118/13**

Cllr Steve Walmsley declared a personal interest in relation to item no.9 14/0066/FUL Thornaby Wood, Thornaby Road, Thornaby, as he was a Member of Thornaby Town Council who had made comments on the application but he took no part on the Town Council debate.

Cllr Maurice Perry notified the Committee that he had previously expressed his support in relation to item no.7 14/0190/COU 22 Darlington Road, Stockton-on-Tees, TS18 5BD, and therefore he indicated that he would not vote on that item.

### **P Minutes**

**119/13**

Consideration was given to the minutes of the meetings which were held on the 5th February 2014 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record.

### **P 14/0093/FUL**

**120/13**

**Billingham Community Centre The Causeway, Billingham  
Proposed new public car park with associated landscaping, lighting, CCTV installation and new widened vehicular access and footpath from The Causeway**

Consideration was given to report on planning application 14/0093/FUL Billingham Community Centre The Causeway, Billingham.

The application was reported to the Planning Committee on 26th February 2014 when consideration was deferred to enable the application to be considered at the same Planning Committee as the proposal for a new care ready housing scheme on the existing car park site.

A new care ready housing scheme had been proposed for Billingham Town Centre. The selected site was on the existing public car park which was located off The Causeway, adjacent to the Community Centre in Billingham. The application, if approved would result in the loss of the public long stay car park which provided 92no car parking spaces which comprised of 90no long stay public car parking spaces and 2no disabled car parking spaces. The current application therefore sought to address the need to provide a replacement public car park to serve Billingham Town Centre should the housing scheme be approved.

The application had been reported to the Planning Committee for determination under the adopted scheme of delegation due to the scale of the development and as the recommendation was for approval and ten letters of objection had been received from members of the public. The objections were largely on the grounds that the proposed car park would not be safe, would result in a loss of playing field, loss of mature trees and not be within walking distance of the local amenities and facilities.

The concerns from objectors were noted. However the proposed car park would be adjacent to the existing public car park to provide a replacement car parking facility should a scheme for care ready housing be approved on the existing car parking site. A footpath would provide pedestrian access from The Causeway with the vehicular access being widened. CCTV and lighting was proposed to provide security for the users of the proposed car park. The Cleveland Police Crime Prevention Design Advisor had raised no objections to the proposal. Existing mature trees would be retained and integrated into the car park layout. As such the Head of Technical Services had raised no objections to the proposed development.

Stockton Borough Councils Leisure and Sports Development Manager had confirmed that although there was a small loss of green space the playing surface would be protected and would be utilised for junior football which met a strategic need as identified within the Playing Pitch Strategy and therefore he raised no objections to the proposals. Sport England had also been consulted on the proposals and had raised no objections subject to a condition, relating to the pitch being moved prior to commencement of the car park, which was recommended.

The proposed car park was considered to be acceptable in terms of the character and appearance of the surrounding area and it was not considered that it would result in a detrimental impact upon the amenity of neighbouring land users. Furthermore it was not considered that the development would result in any adverse impact upon highway safety. Therefore the proposed development was considered to be in accordance with policy CS2 and CS3 of the adopted Core Strategy.

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

Neighbours were 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 the proposed car park was considered to be acceptable in terms of the character and appearance of the surrounding area and it was not considered that it would result in a detrimental impact upon the amenity of neighbouring land users. Furthermore it was not considered that the development would result in any adverse impact upon highway safety. Therefore the proposed development was considered to be in accordance with policy CS2 and CS3 of the adopted Core Strategy.

It was recommended that the application be approved subject to the recommended conditions for the reasons set out within the main report.

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

- Object to a car park just to accommodate 38 people, this did not give value for money to the taxpayer.
- How could a £400,000 cost be justified for a car park for 38 people in a care home?
- There were safety issues for pedestrians from the proposed car park leading to the flagstone area of the causeway.
- The car park would not be visible to people visiting the town centre as the proposed care ready home would obscure it. This would be detrimental to footfall.
- The proposed car park would be out of sight, out of mind, which could leave the pelican crossing obsolete.
- There was still a lack of disabled bays within the vicinity of the town centre. The majority were located at Billingham Forum.
- The current car park provided safe access to the town centre and amenities such as doctor's surgeries. Many people utilised the current car park due to its

ideal location.

- The current car park was safe, well used and visible. The main approach to the car park was clear and the view was unobstructed.
- An additional 100+ metres would need to be travelled from the proposed car park. There would be many older and infirm users having to make this journey. It would also bring them into conflict with traffic.
- The only people to benefit from this car park would be thieves.
- The proposed car park was in an isolated location making it unsafe for the vulnerable.
- The current car park had never needed CCTV, this was proved a safe car park due to the fact that Stockton Borough Council left electric cars there overnight and no harm had come to them.
- CCTV did not prevent crime it just helps solve crime.
- The football pitch had to be moved to accommodate the new car park, at what cost?
- The authority had lost nearly £1 million giving the proposed land to the developer.

The Head of Technical Services informed the Planning Committee of the following points:

- With reference to the issues surrounding the lack of disabled bays there were an additional 5 disabled bays to be added to the new proposed car park.
- There was a safe walking route from the proposed car park to the pelican crossing.
- The pelican crossing served pedestrians from Roseberry Road as well as future users of the proposed car park.
- There was no capacity issues in relation to current car parks, surveys suggested that there was 77% take up during the car parks most busy times.
- With reference to visibility, signs labelled 'Town Centre car Parking', could be erected.
- CCTV would be recorded and operated 24 hours a day. Monitoring would be as and when required.

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

- The application was rejected previously and all complaints had now been addressed by the applicant.

- All the people complaining were drivers.
- There was nothing stopping people using the car park behind the community centre to visit the town centre.
- It would be very sad if this application was rejected and it impacted on the application for the care home/retirement housing development.

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

- Concerns were still remaining from the previous time this application was considered in relation to the wisdom to move the car park, the financial implications and the fact that the current car park was serving Billingham very well.
- Where was the cost of the care home coming from?
- Would have preferred care home to be located elsewhere, where a car park did not need to be moved at a cost of £400,000.
- The care home/retirement housing development was to be of mixed tenure for older people where they could receive care in their own homes for as long as possible.
- There was no reason to reject the application under current planning policy.
- CCTV was not ineffective as had been demonstrated in other areas of the borough, where there had been a reduction in Anti-Social Behaviour.
- There was a proposed path and plans to widen roads within the application which improved safety for pedestrians and motorists.

Officers informed the Planning Committee of the following points:

- Funding had been allocated from the Councils Central Resource Fund which had been agreed at Cabinet and backed by Council.
- Residents of the proposed care home/retirement housing would receive a high care package at a cost of £3000 per week. If this was not available their care packages would cost the authority £6000 per week. The potential savings identified could be as much as £150,000 per annum.

A vote then took place and the application was approved.

RESOLVED that planning application 14/0093/FUL be approved subject to the following conditions and informatives;

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

Plan Reference Number    Date on Plan  
 TS-D1-293-01-13    15 January 2014

TS-D1-293-01-12 15 January 2014  
TS-D1-293-01-11 15 January 2014  
TS-D1-293-01-14 15 January 2014  
SLDS-834-V1 15 January 2014  
TS-D1-293-01-08 15 January 2014

Conditions to be discharged prior to commencement

02. Prior to the commencement of development of the car park hereby approved the playing pitch shall be marked out as shown on plan number TS-D1-293-01-12 and retained for the life of the development.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority have implemented the requirements of the NPPF.

**P 121/13 14/0078/FUL**  
**Billingham Community Centre Car Park The Causeway, Billingham**  
**Revised application for construction of retirement housing development**  
**comprising thirty-eight flats with communal facilities, external**  
**landscaping and parking.**

Consideration was given to report on planning application 14/0078/FUL Billingham Community Centre Car Park The Causeway, Billingham.

The application site was situated on the corner of Roseberry Road and the Causeway and was currently utilised as a public car park. The residential properties of Roseberry Road, Sidlaw Road and High Grange Cottage all lay to the west of the application site.

Members may have been aware that a need for additional Extra Care Housing provision within the Billingham area was originally identified as part of the larger Integrated Health and Social Care project, unfortunately the required PFI credits were not gained. Cabinet approval was then obtained for the disposal of the application site for the purposes of a mixed tenure extra care housing scheme to the Vela Group, this however was refused by the Planning Committee in January 2013. Following on from the committee meeting, officers from both the Planning and Housing departments met with representatives of Vela to work towards achieving a way forward, albeit on a new 'care ready' model. Those discussions had led to the current scheme before Members.

The application sought planning permission for a 'Care Ready' Retirement housing development of 38 flats. It would provide 14 one and 24 two bedroom self-contained units along with associated landscaping and parking provision. In addition, it was proposed that 28 (74%) would be made available for affordable rent, 5 (13%) on a shared ownership basis and 5 for sale on the open market.

The proposed retirement housing not only offered a significant boost to the Boroughs 5 years housing land supply, but also provided a much needed care facility for the Borough's changing demographics and what was an aging population. Furthermore, the proposal offered a significant amount of affordable

housing provision, well above the Council's minimum requirement of 15%, all of which were significant material planning considerations that weighed in favour of the proposed development. The scheme was also considered to have addressed the reason for refusal of the earlier scheme as it was considered to be acceptable in all other respects, including its visual impact and the impact on the amenity of neighbouring occupiers, highway safety and public safety and was therefore in accordance with the Development Plan policies and the National Planning Policy Framework.

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

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

With regards 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 the proposed retirement housing not only offered a significant boost to the Boroughs 5 years housing land supply, but also provided a much needed care facility for the Borough's changing demographics and what was an aging population. Furthermore, the proposal offered a significant amount of affordable housing provision, well above the Council's minimum requirement of 15%. These were all significant material planning considerations which accorded with planning and local planning policies and weighed significantly in favour of the proposed development.

Whilst it was noted that many objections had been received in relation to the proposals design and appearance, the revised scheme had reduced the overall scale of the proposed development to a predominately 2 storey development with a central section of 3 storeys and the use of materials through its incorporation of red brickwork and render would help to re integrate the scheme into the surroundings and would not have a detrimental impact on the character of the surroundings.

In terms of the loss of the existing car park, a separate application sought to replace this provision on a like-for-like basis to the rear of the neighbouring

community centre, which was a matter for separate consideration. Notwithstanding this, there was a Cabinet resolution to dispose of the car park to Vela for this retirement housing scheme (subject to planning approval) and there was also a Council resolution to provide the appropriate funding to secure a replacement car park facility to the rear of the Community Centre.

The scheme was also considered to be acceptable in all other respects, including its impact on the amenity of neighbouring occupiers, highway safety and public safety and it was not considered that there was sufficient grounds to refuse the scheme on planning grounds.

Given the above the proposed development was considered to be in accordance with the aims of the National Planning Policy Framework and sustainable development objectives, Policies CS2, CS3, CS8, and CS11 of the adopted Core Strategy and saved policies HO3 and EN38 of the Local Plan and was consequently recommended for approval subject to the planning conditions set out within the report.

Members were presented with an update report which detailed that since the original report to members of the planning committee further comments had been received from the general public, these were set out within the update report. The comments did not raise any significant new issues and the recommendation, material planning considerations and conclusions remained as set out in the original report to members of the planning committee

Two additional letters of objection had been received to the application and amended plan. In addition 14 Pro forma letters of objection to the scheme had also been received. The letter objected to the application on the basis that the contemporary design was not in keeping with the area, the loss of the highly visible car park and the problems it would create in respect of parking in the town centre and local streets.

In view of the above, the recommendation remained for approval subject to those conditions set out within the original report.

The Strategic Housing Manager was in attendance at the meeting and made representations on behalf of the Local Authority. Her comments could be summarised as follows:

- There was an increasing need and demand for these types of housing schemes due to the increased aging population.
- That there was an identified need for an older persons housing scheme of this type within the Billingham area.
- In 2011 it was estimated that 30,000 residents within the borough were 65 years of age or older.
- Indications showed that there was a projected 25% increase in this older age group over the next 10 years. 1 in 5 people would be over the age of 65 and if demand was not met, unmanageable financial demands would be put on the authority.



- It was highlighted that there were three socially rented, extra care housing schemes within the Borough collectively providing 142 units of accommodation. All were very successful however demand from elderly and other vulnerable groups outstripped current availability.

- 'Care ready retirement housing', was a form of housing that allowed older people to remain independent for as long as possible, giving them on-site care and housing related support services. These schemes promoted health, well-being and independence with the aim of preventing/delaying the need for residential care.

- The Committee were asked to note that this was the first scheme of its type which would offer 'mixed tenure', accommodation. This model was becoming increasingly popular as it provided housing options for existing homeowners of retirement age, seeking to address their current or future housing needs.

- The location of the proposed site provided was excellent. It was accessible to good transport links and within close proximity to essential retail and health services. Billingham Community Centre, which the proposed retirement housing would be adjacent to, also offered learning opportunities and cafe facilities.

- Savings would be made by the authority if the proposed scheme was approved.

- It was highlighted that the Vela Housing Group had an excellent track record in the development and management of similar older persons housing schemes. They had a fully costed scheme proposal and had been successful in securing funding from the Homes and Communities Agency for the scheme and if approved would commence building work as soon as the site was released.

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

- Not everyone who objected to the proposed car park at Billingham Community Centre, objected to the retirement housing development, however, Marsh House Avenue School and Bedale Library were empty, why could projects like this not be located in those buildings?

- Why were 38 people getting a prime location?

- This development did not directly address the housing need.

- Only 12 units of this type were really needed in Billingham.

- 4 trees would have to go.

- The proposed building was too contemporary and would not fit in with the surrounding environment.

- The building was too big in volume and height and was out of proportion, spoiling the landscape.

- The initial design proposed by Vela was a traditional design however this was

rejected for a more contemporary design which would not fit in.

- The length of time the application had taken, the development could have been built by now.

- The local Gazette had already reported earlier in the day that the application was due for approval. How could this be prior to the Committee meeting?

A supporter was in attendance at the meeting and her comments could be summarised as follows:

- There would be 38 flats available with wide doorways and a shower in each unit. There was nothing like this in Billingham and it would be wonderful.

- The location was great in relation to access to amenities such as the town centre, community centre, doctors and local transport.

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

- Understood people opposing the application and their concerns, however in this case need dictated.

- The importance here was the provision of quality of life, secure and safe developments with state of the art facilities and quality care.

- Vela have a great reputation.

- The application was previously rejected due to no car parking facilities and due to the building being too large. All the issues have now been fully addressed and therefore would fully support the application.

A vote then took place and the application was approved.

RESOLVED that planning application 14/0078/FUL be approved subject to the following conditions and informative;

Approved Plans;

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

Plan Reference Number	Date on Plan
SK-600 REV A	19 February 2014
2012037 - 005 - REV B	14 January 2014
SK-601	14 January 2014
SK-602	14 January 2014
SK-603	14 January 2014
SK-604	14 January 2014
SK-605	14 January 2014
L-01	14 January 2014

Materials:

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

Means of enclosure;

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

Site and floor levels;

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

Soft landscaping works;

05. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape Maintenance;

06. Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Hard landscape details;

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

Tree Protection measures;

08. Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of

appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

Noise protection – Road traffic;

09. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

External lighting;

10. Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

11. Cycle parking

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

12. Servicing, refuse and recycling;

Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of the servicing arrangements, refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

Construction Activity;

13. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Unexpected land contamination;

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

Renewable energy production and Sustainable construction;

15. Details of a final scheme for the incorporation of renewable energy production technologies and sustainable construction methods to meet BREEAM assessment criteria and 10% of the buildings energy requirements, in

accordance with the recommendations of the submitted 'low and zero carbon technology feasibility study' shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation. The building shall be constructed in accordance with these agreed details.

Age Restriction (under 55's);

16. The development hereby approved shall only be occupied by persons where at least one member of a single household is aged 55 or over (the qualifying occupier) with the exception that such restriction shall not apply to the continued occupation of the dwelling by a surviving spouse, partner or member of the household under the age of 55 after the death of the qualifying occupier, subject to that person having previously lived with the qualifying occupier as part of a single household.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework (NPPF).

**P 14/0388/COU**  
**122/13 1 High Street, Norton, TS20 1AH**  
**Revised application for a proposed change of use from offices (A2) to bar/restaurant (A4)**

Consideration was given to report on planning application 14/0388/COU 1 High Street, Norton, TS20 1AH.

Planning approval was sought for the change of use from a vacant A2 office to a bar/restaurant which constituted an A4 use. The proposal included external alterations to the shop front to provide timber framed panelling, hi-gloss tiles and window grills. Externally the existing rear yard would be decked and would provide an open smoking area with an enclosed bin bay. The main entrance would be recessed from the front elevation to provide a small external seating area. The original historic sign would be restored with a suspended gantry sign above the main entrance at the front of the property.

Eighteen letters of support had been received for the proposal largely on the grounds that the business would create new jobs and support the economy within the Norton local Centre. Eighteen letters of objection had been received largely on the grounds of traffic generation, limited availability for parking, amenity of neighbouring residential properties and character of the area.

The Environmental Health Unit had recommended the imposition of a number of conditions, relating to ventilation and drainage. A condition was also recommended for the proposed operating hours to limit the A4 use between 09:00 and midnight Sunday to Friday with an additional hour until 1am on a Saturday. It was generally accepted that, owing to the mixed use nature of the surrounding area (which included public houses and hot food takeaways) there would be a higher level of noise and disturbance due to the existing evening economy. The Environmental Health Unit considered that the proposed opening hours were in line with other late night uses within the vicinity of the application site and therefore had raised no objections. The outdoor seating area was

limited by means of a planning condition to 23:00 hours; this was in line with the operating hours of other outdoor areas within the vicinity of the site such as the recently approved Highland Laddie. It was considered that this would limit the impact upon residential amenity of the surrounding neighbouring properties.

The Head of Technical Services had considered the application and whilst concerns raised by the objectors were noted it was considered that trips to the application site were likely to be linked with other uses within the area. Furthermore there were areas of public parking available within walking distance of the site and waiting restrictions were enforceable to tackle indiscriminate parking and abuse of waiting restrictions. As such on balance, taking into account the sustainability of the site, the net increase in parking demand associated with the proposed development was considered to represent only a marginal increase and there was waiting restrictions in place to regulate parking. Whilst acknowledging concerns about local parking demand, the National Planning Policy Framework stated that developments should only be refused on transport grounds where the residual cumulative impacts of the development were severe. In line with current policy guidance, the negligible deterioration in parking supply due to the addition of traffic from this development was considered to be acceptable.

The proposed change of use was considered to be acceptable in terms of impact upon the amenity of neighbouring properties, character of the conservation area and highway safety. The proposal was therefore considered to be in accordance with policies CS2, CS3 and CS5 of the adopted Core Strategy, policy EN24 of the Local Plan and national planning guidance set out within the NPPF.

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

Neighbours were 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 the proposed change of use was considered to be acceptable in terms of impact upon the amenity of neighbouring properties, character of the conservation area and highway safety. The proposal was therefore considered to be in accordance with policies CS2, CS3 and CS5 of the adopted Core Strategy, policy EN24 of the Local Plan and national planning guidance set out within the NPPF.

It was recommended that the application be approved with conditions for the reasons set out within the main report.

Members were presented with an update report, which since the preparation of the main committee report the Council's Development and Regeneration had submitted comments supporting the application. Two further objections and three submissions expressing support had been received from neighbouring residents, the details of which were contained within the update report.

The additional comments were noted and the points raised had been addressed within the main committee report. Therefore it was recommended that the application be determined in accordance with the recommendation of the main committee report.

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

- If the application was approved late night drinking would be an issue as the establishment backed directly onto a residential area. There would be noise pollution from the proposed establishment as well as noise from taxis.
- Residents were already suffering disturbances from Norton Working Mens Club which closed at 11.30pm. The proposed establishment would increase the disturbances with the external smoking area and the playing of music.
- It was stated that some residents had lived in the area for more than 40 years and had witnessed increasing issues surrounding traffic flow. If this application was approved it would continue to increase traffic issues causing parking and access problems. Congestion was also an ongoing problem with Heavy Goods Vehicles in Norton.
- There were major traffic issues during Thursday, Friday and Saturday afternoons and night times.
- If approved residents feared that taxi's would be parking both sides of the high street in bus stops and layby's, blocking access for bus users. Buses were already having to park in the middle of the road due to parking issues.
- Double yellow lines were regularly parked on causing obstruction.
- It was not in Norton's interest to become Yarms twin.
- The application should be relocated to an empty unit in Stockton High Street or to the other end of Norton High Street.
- If approval was granted adequate noise reduction to the rear of building would

be required.

- Concerns were raised in relation to expected increases in Anti-Social Behaviour as nuisance behaviour was already an issue in the area.
- There were already enough facilities in Norton such as restaurants, takeaways, working men's club etc., it didn't need another one.
- Residents in close proximity to the proposed site would not be able to enjoy the quiet of their own homes.
- Had a traffic survey been carried out, and if not why not?

The Head of Technical Services informed the Planning Committee of the following points:

- In relation to the query raised regarding the traffic survey, it was confirmed that a traffic survey was not required as the area in question was too small to warrant such an individual piece of work.
- There was no reason to refuse the application on the grounds of parking issues.
- Issues surrounding problems with parking on double yellow lines on Norton high street would be taken up with the relevant officers in Technical Services.

A supporter was in attendance at the meeting was given the opportunity to speak. His comments could be summarised as follows:

- The proposed change of use to the building was a great idea.
- Until Cafe Lilly and Harland Place opened there wasn't anywhere good to go.
- This was an exciting proposal which would bring in more money and variety to Norton.

The Agent representing the applicant was in attendance and was given the opportunity to speak. His comments could be summarised as follows:

- The agent stated that they had designed many bars and had addressed many of the issues raised. The smoking area which was small and uninviting would be double doored at the rear, therefore not allowing music to emit into the rear yard.
- Although there was a recessed area at the front of the building where people may want to smoke, this would be taken care of by the provision of the rear yard.
- The comparison to Yarm was a good thing. House prices in Yarm had increased due to the success of its high street which couldn't be a bad thing for Norton.
- The White Swan public house was in close proximity to the proposed



application which also backed directly onto a residential area.

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

- The last application which was approved in Yarm had the rear yard refused due to it backing directly onto residents. Would support the application as long as a condition was introduced to remove the rear smoking area.
- There was always issues where smoking areas were concerned.
- Parking issues seemed to dominate more than the actual application itself.
- Norton and Yarm have changed. Establishments like that proposed had helped these places become vibrant.
- The building had been empty for 10 years; no other business had shown an interest. Derelict buildings breed derelict buildings; far sooner the area was vibrant.
- The building was a wreck, it was good to see it being brought up to a standard and used.
- It was the takeaways that caused traffic issues.

The Environmental Health Unit Manager explained to the Committee that there were initial concerns with the rear smoking area on the Yarm application as it was to be part of the eating area where customers would congregate. The proposed application in Norton was a small yard with refuse receptacles, not an area to take in the ambience. It was preferable for smokers to be contained within an area on the proposed property so they did not spill onto the street. The Licensing Committee had already granted the premises a licence with 11 conditions which included no music or lighting outdoors.

A vote then took place and the application was approved.

RESOLVED that planning application 14/0388/COU be approved subject to the following conditions and informatives.

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

Plan Reference Number	Date on Plan
SBC0001	13 February 2014
001	13 February 2014

Conditions to be discharged prior to commencement

02. Before the proposed use commences the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background

levels of noise as agreed without the agreement in writing of the Local Planning Authority.

03. Before development commences details of a ventilation and fume extraction system, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the development is brought into use and thereafter be retained in full accordance with the approved details. The approved ventilation and extract system shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

04. The proposed finished colour/decoration scheme for the shop front shall be submitted to and agreed in writing with the Local Planning Authority before the shop front works are implemented. The works shall be implemented in accordance with the agreed details.

05. Details of the proposed tiles to be used in the stall riser of the shop front shall be submitted to and agreed in writing with the local Planning authority before that element of the shop front works is implemented. The works shall be implemented in accordance with the agreed details.

06. Details of the proposed window security grills shall be submitted to and agreed in writing with the local Planning authority before that element of the shop front works is implemented. The works shall be implemented in accordance with the agreed details.

Conditions which will remain in perpetuity

7. The public house/restaurant hereby approved shall not be open to the public outside the hours of 9am and 12pm Sunday to Friday and fully vacated by 12:30am by all members of staff and between 9am and 1am on a Saturday with the premises fully vacated by staff by 1:30 am.

8. The 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.

9. 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.

10. The hereby-approved external seating area shall not be used for any purpose between the hours of 23:00 - 09:00 and no music shall be played within this external seating area. Doors to the external area shall be fitted with a lobby and/or self-closing devices to prevent the ingress of smoke and egress of noise.

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

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

**P 14/0190/COU**  
**123/13 22 Darlington Road, Stockton-on-Tees, TS18 5BD**  
**Retrospective change of use from A1 (Retail) to mixed use (A1/A3) with external seating area**

Consideration was given to report on planning application 14/0190/COU 22 Darlington Road, Stockton-on-Tees, TS18 5BD

Retrospective planning permission was sought for a change of use from a former retail use (A1) to a mixed use (A1/A3) deli at 22 Darlington Road. The submitted information indicated that the use had been operating since September 2013. The scheme also included the provision of outdoor tables and chairs on the adopted highway which required planning permission.

The application site related to an end terrace, two storey building located along Darlington Road, Hartburn, Stockton on Tees. The property included a single storey extension on the side, facing onto both Darlington Road (north) and Hartburn Village (west) and was within the Hartburn Conservation Area.

The principle of development (change of use) was considered to be acceptable taking into account the sustainable location of the site and that there were exceptional circumstances relating to a 'fall back' position whereby the former A1 use could change to an A2, A3 (café and restaurant) and B1 Use for a period of 2 years without requiring planning permission that outweighed the planning policy requirements of saved Policy S14.

The Head of Technical Services (HoTS) raised no objections to the scheme subject to the applicant funding the introduction of 'no waiting at any time' as part of a Transport Regulation Order (TRO) as there was no in curtilage car parking associated with this property and the HoTS considered that the café use would create a greater demand for on-street parking than the permitted retail use. However it was considered that there were exceptional circumstances relating to the aforementioned 'fall back' position. As such, the change of use was considered to be acceptable in this instance and the HoTS's requested for a TRO was not reasonable in this instance.

The Environmental Health Unit had recommended conditions relating to hours of operation and no external lighting or the playing of music which were recommended accordingly. 6 letters of objection had been received from neighbouring properties, which were summarised as the use being inappropriate for the area, the scheme had an adverse impact on highway and pedestrian safety and the use operating as a café and not a deli.

43 letters of support had been received which were summarised as the use bringing an empty unit back into use and the scheme did not significantly worsen existing car parking problems.

Subject to the imposition of the identified relevant planning conditions, the scheme was considered to accord with the general principles of the National Planning Policy Framework and accord with the principles of sustainable development. The scheme as proposed was not considered to have an adverse impact on the character and appearance of the area or lead to an unacceptable

loss of amenity for neighbouring land users. It was considered that the scheme was acceptable in terms of highway matters.

The application was recommended for approval accordingly.

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

Neighbours were 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 the scheme was considered to accord with the general principles of the National Planning Policy Framework as the scheme was considered to accord with the principles of sustainable development. The scheme was not considered to have an adverse impact on the character and appearance of the area or lead to an unacceptable loss of amenity for neighbouring land users subject to compliance with the recommended planning conditions. Matters of highway safety were also considered to be acceptable in this instance for the reasons detailed above. The application was therefore considered to be in accordance with the Council's Development Plan policies as identified above.

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

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

- Parking on Darlington Road was an issue; people parked their cars across resident's driveways.
- There were issues regarding the parking in Hartburn Village. Currently there were 10 properties in the village but only 2 which had off street parking facilities. Coupled with a busy pub and garage, the proposed cafe would just add to

parking issues. The extended hours which the cafe had applied for would clash with the hours that the pub operated increasing demand for parking spaces.

- Please would the Committee think seriously about the hours that the cafe had applied for?

- There had been a large Facebook campaign supporting the application however some of these were as far away as Birmingham.

- There had been numerous smashes on Darlington Road.

- The proposed application premise was meant to be a deli not a cafe.

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

- Clarification was sought as to the current operating hours.

- Rather have inconvenience than an empty shop.

- Although there were many car parking issues in Hartburn village the application fell in line with planning policy.

Officers informed the Committee that if the application was refused and it went to appeal the authority could lose the ability to control the operating hours.

A vote then took place and the application was approved.

RESOLVED that planning application 14/0190/COU 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
SBC0001A	
SBC0002	7 March 2014
27 January 2014	
SBC0003	27 January 2014

Conditions to be Implemented

02. Within one month from the date of the decision notice, a litter bin shall be provided outside the unit during the stipulated hours of operation and shall thereafter be retained for the lifetime of the development hereby approved.

Conditions which will remain in perpetuity

03. The premises to which this permission relates shall not be open for business nor shall there be any deliveries to/from the property outside the hours of 0830 - 2000 hours Monday to Saturday and 0930-2000 hours on Sundays and Bank Holidays.

04. Notwithstanding the provisions of the Town and Country Planning Use Classes Order (General Permitted Development) Order 2013 (or any order revoking and re-enacting that order), the development hereby approved shall be used as an A1/A3 mixed use and the unit shall not be sub-divided.

05. There shall be no music played or the erection/use of any external lighting in the external seating area/outside of the building.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

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

**P 14/0222/FUL**  
**124/13 Securicor Limited, Magister Road, Thornaby**  
**Proposed additional security features which includes Floodlights, CCTV cameras, inclusion of pedestrian access gates in internal fencing, upgrading of personnel secure entrance and exit to rear of building, introduction of vehicular gate within the yard area, adding an above ground diesel tank to rear area**

Consideration was given to a report on planning application 14/0222/FUL Securicor Limited, Magister Road, Thornaby  
Proposed additional security features which includes Floodlights, CCTV cameras, inclusion of pedestrian access gates in internal fencing, upgrading of personnel secure entrance and exit to rear of building, introduction of vehicular gate within the yard area, adding an above ground diesel tank to rear area.

The agent representing the applicant explained that there had been a number of serious attacks on premises in other areas owned by the applicant which had prompted the rolling out of increased security across all their establishments.

Members raised issues in relation to the extent of the additional security features which had been proposed. It was felt that the increased height of the floodlights and razor wire around the perimeter of the building was too much in a residential area.

Members moved a motion that the application for the additional security features be deferred until further information was sought from the Environment Agency.

A vote then took place and Members agreed that the application be deferred to enable the Committee to consider the proposal for the application for the additional security features when additional information had been obtained from the Environment Agency.

**RESOLVED** that planning application 14/0222/FUL Securicor Limited, Magister Road, Thornaby Proposed additional security features which includes Floodlights, CCTV cameras, inclusion of pedestrian access gates in internal fencing, upgrading of personnel secure entrance and exit to rear of building, introduction of vehicular gate within the yard area, adding an above ground diesel tank to rear area be deferred for the reasons set out

above.

**P 125/13 14/0066/FUL  
Thornaby Wood, Thornaby Road, Thornaby  
Construction of steel footbridge across Bassleton Beck**

Consideration was given to a report on planning application 14/0066/FUL Thornaby Wood, Thornaby Road, Thornaby.

Planning permission was sought for the installation of a footbridge across Bassleton Beck within Thornaby Wood. The development was part of a wider project to create a network of paths around Ingleby Barwick and Thornaby. In accordance with the scheme of delegation the application was required to be determined by the Planning Committee

Eight objections had been received from residents who were concerned about the potential for theft and anti-social behaviour and the use of the bridge by motorcycles.

Ingleby Barwick and Thornaby Town Council's supported the development and there were no objections from other consultees.

The application site was within Flood Zone 3 and the Environment Agency had advised verbally the application was low risk but their formal comments were yet to be submitted.

The proposal was considered to be acceptable in policy terms and also fit with the aims and objectives of the Green Infrastructure Strategy. The applicant had stated that a barrier would be installed at one end of the bridge to restrict use by motorcycles and the Police Crime Prevention Design Advisor had raised no objections and should any issues relating to crime or anti-social behaviour arise they could be dealt with under the relevant legislation.

Subject to confirmation of no objections by the Environment Agency it was considered the proposal was acceptable. In order to ensure the application was decided within the 8 week target date it was recommended that the Planning Committee delegate the decision to the Head of Planning for approval subject to no objections being received from the Environment Agency.

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

Neighbours were 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 the proposed footbridge was considered to be acceptable in terms of the visual impact and it was not considered that it would result in a significant detrimental impact upon the amenity of neighbouring land users. Furthermore it was not considered that the development would result in any adverse impact upon highway safety. Therefore it was considered that the proposal was in accordance with policies CS2 and CS6 of the Adopted Stockton on Tees Core Strategy

It was recommended that the Planning Committee delegate the decision of application 14/0066/FUL to the Head of Planning for approval subject to no objections being received from the Environment Agency.

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

- A bridge had been installed in the same location against advice in the past. The bridge had aided criminal activity. It was reported that the bridge was used as an access point to Thornaby woods by criminals who would store stolen property within the wood until it could be moved on.
- Residents of Ingleby Barwick who lived in close proximity to the location of the previous bridge had had wheels stolen from their cars, tyres slashed, gardens used as toilets.
- The bridge had been used as an access point to Ingleby Barwick and the woods by motorbikes.
- A Northumbrian Water station had also suffered damage which had resulted in raw sewage polluting the beck.
- A resident indicated that a local Police Officer had stated that he was not happy with the re-introduction of the bridge and was asked to be kept informed of the outcome of the meeting.
- Residents had expressed that they did not want to have to be spending their free time contacting the police as they had done in the past.
- It was stated that a previous letter had been sent from an officer of Stockton Borough Council confirming that the original bridge would not be re-instated after it had been damaged and taken down, and that the authority fully supported residents in their request not to have it re-instated.

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

- The fact that a barrier was to be introduced at the bridge would deter motorbikes and off-road vehicles using it.



- Law abiding citizens should be able to walk freely where footpaths have been provided and enjoy the woods and not be stopped by a few criminals. The criminal element should be addressed.

- There was a drive to open up green spaces for the public to enjoy. Police and Enforcement teams were there to deal with criminal activity.

Officers explained to the committee that a letter had been sent regarding the bridge. This had related to a specific incident where a number of vehicles had been stolen from the same area in one night. Residents had indicated that they would remove the bridge themselves. Officer informed the Committee that better measures were now in place in relation to communication with the local authority and partner organisations to deal with such issues.

A vote then took place and the application was delegated to the Head of Planning subject to no objection from the Environment Agency.

RESOLVED that the Planning Committee delegate the decision of application 14/0066/FUL to the Head of Planning for approval subject to no objections being received from the Environment Agency and the following conditions and informatives:

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

Plan Reference Number	Date on Plan
PLAN 2	28 January 2014
PLAN 1	29 January 2014
PLAN 3	13 January 2014
PLAN 4	13 January 2014

Conditions to be Implemented

02. Prior to the footbridge hereby approved being brought into use a barrier to prevent the use of the bridge by motorcycles shall be installed. The barrier shall remain in place for the lifetime of the development hereby approved.

INFORMATIVE

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

- P**  
**126/13**
- 1. Appeal - Mr Peter Clemmet - Tees View Worsall Road Yarm - 13/1831/FUL - DISMISSED**
  - 2. Appeal - Mr R Singh of the Prestige Group - Roseville Nursing Home Blair Avenue Ingleby Barwick - 13/0534/VARY - DISMISSED**
  - 3. Appeal - Maher Projects Ltd - Mount Leven Farm Leven Bank Road Yarm - 12/1546/OUT - WITHDRAWN**

RESOLVED that the appeals be noted.

