

Planning Committee

A meeting of Planning Committee was held on Wednesday, 4th November, 2015.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Michael Clark, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Eileen Johnson(sub Cllr David Rose), Cllr Jean O'Donnell(sub Cllr P Kirton), Cllr Mick Stoker, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn, Cllr Norma Wilburn

Officers: Colin Snowdon(PH), Greg Archer, Simon Grundy, Barry Jackson, Joanne Roberts, Peter Shovlin(DNS), Julie Butcher, Sarah Whaley(LD)

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

Apologies: Cllr Paul Kirton, Cllr David Rose, Cllr Gillian Corr,

P **Evacuation Procedure**
54/15

The Evacuation Procedure was noted.

P **Recording of Council meetings**
55/15

The Chair informed Members of the Committee and Members of the Public that the Planning Committee meeting was to be recorded as part of the Council's commitment to legislation permitting the public recording of public meetings, and in the interests of ensuring the Council conducted its business in an open and transparent manner. These recordings would be made available to the public via the Council's website. Members of the public present who preferred not to be filmed/recorded/photographed, were asked to make it known so that so far as reasonably possible, the appropriate arrangements could be made to ensure that they were not filmed, recorded or photographed.

P **Declarations of Interest**
56/15

There were no declarations of interest.

P **15/0931/OUT**
57/15 **Land Adjacent To Thornaby Road, Ingleby Barwick,**
Revised outline application for residential development of up to 200
homes including provision of means of access and open space.

Consideration was given to a report on planning application 15/0931/OUT Land Adjacent To Thornaby Road, Ingleby Barwick.

The application site was situated on the corner of Thornaby Road and Low Lane and ran northwards towards the southern edge of Ingleby Barwick. Teesside Industrial Estate was located to the east of the application site. The applicant again sought outline planning permission for a housing development, although the indicated housing land take and dwelling numbers had been reduced, with a maximum of 200 homes now proposed. However, as the Council was yet to make a decision on the application the applicant had lodged an appeal on grounds of non-determination. Consequently the Local Planning Authority was required as part of that appeal process to indicate to the Planning Inspectorate what its decision would likely to have been. For clarity the decision on whether

to grant planning permission or not now rested with the Planning Inspectorate.

A total of 230 objections had been received and a number of comments had been made to the application. These comments predominately raised concerns relating to; the loss of the greenfield site; that it was designated as green wedge; the existing lack of infrastructure within Ingleby Barwick; and the increase in traffic.

Members may have also been aware that there had been a recent legal challenge to the Secretary of State's decision of the adjacent site at Little Maltby Farm for 550 dwellings and a local centre; this had resulted in the decision being quashed and the determination of that proposal reverting back to the Secretary of State. As part of that legal challenge the High Court Judge ruled that when Core Strategy policy CS10(3) replaced EN14 the proposals map delineating the boundaries of policy EN14 also fell away. The High Court Judge went on to explain that although the strategic diagram was indicative and the precise boundaries of the green wedge would be determined in a DPD, for the time being the 'Green finger(s)' (which delineate the areas of green wedge of the strategic diagram) are a "helpful aid to interpretation of the policy in the statutory development plan".

In summary of the main issues, it was considered that based on the green finger of the 'Core Strategy' diagram which ran adjacent to Thornaby Road the extent of the housing proposed would lay broadly outside the indicative area of green wedge. The site was also identified within the emerging Regeneration and Environmental Local Plan (RELP) as being both outside the limits to development and within the green wedge although it could at this point in time be afforded little weight. Nevertheless, Officers considered that at this point in time, the proposal would not represent a logical extension to Ingleby Barwick when viewed independently of the proposed adjacent development to the west of the site (site B on appendix 1) and would encroach onto the Green Wedge as a result of a small area of built development and through one of the proposed planting buffers. As that site to the west did not currently have planning permission (it is currently being re-assessed by the Secretary of State) it would also appear as an isolated development and would therefore have an adverse and harmful impact on the landscape and character of the surrounding area.

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

Neighbours were notified and the comments 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 contained within the main report.

The Planning Officers report concluded as detailed within the main report, the recent Secretary of State's decision for the adjacent site at Little Maltby Farm for 550 dwellings and a local centre had been found unsound and quashed following a High Court challenge. The determination of that proposal had now reverted back to the Secretary of State for re-consideration.

As part of the High Court challenge, the Judge ruled that as Core Strategy policy CS10(3) replaced policy EN14 (green wedges) of the Local Plan, the proposals map delineating the boundaries of green wedges also fell away. There was now a reliance on the strategic diagram to provide a "helpful aid to interpretation of the policy" in respect of the green wedges and that any impact(s) on the green wedges must be made on a case by case basis. In this instance it was considered that based on the green finger of the 'Core Strategy' diagram which ran adjacent to Thornaby Road the extent of the housing proposed would lie broadly outside the indicative area of green wedge and although the site was identified as being both outside the limits to development and within the green wedge within the emerging Regeneration and Environmental Local Plan (RELP), at this point in time be afforded little weight.

Nevertheless, the proposal as currently proposed would encroach into the green wedge through a small area of built development and the indicated second planting buffer and would adversely impact on the open character of the site. In addition it was not considered to represent a logical extension to Ingleby Barwick and given the lack of planting to the western edge of the site open views of the site would remain. It would therefore be viewed as a linear and independent form of development which was poorly related to the surrounding area and would not constitute as the proper planning of the area. Given the current lack of planning permission for the land to the west of the application site, the proposal would therefore appear as an isolated development, reduce the current sense of openness and have an adverse and harmful impact on the green wedge and rural character of the surrounding area.

Although it was acknowledged that the proposed development would have some strong social and economic benefits as a result of its contribution towards economic growth (through investment and job creation) and through significantly boosting the supply of housing. It was not considered that these benefits outweighed the significant environmental and visual harm to the surrounding area. In view of the fact that an appeal on the grounds of non-determination had been made by the applicant, at this present moment it was considered that the Local Planning Authority would be minded to refuse the application for the reason(s) specified within the main report.

Members were presented with an update report which highlighted that since the original report, two further comments had been received from Local Ward

Councillors along with two additional letters of objection. No new issues had been raised and the recommendation and material planning considerations remained as set out in the original report to Members. Details of the comments and letters were contained within the attached update report.

Councillors Faulks and Watson, Ward Councillors for Ingleby Barwick East were in attendance at the meeting and given the opportunity to make representation. Their comments could be summarised as follows:

- Cllr Faulks agreed with the Officer recommendations.
- Members attention was drawn to the report which detailed that the applicant had not submitted any information on how the proposed development would meet the requirements to reduce energy consumption or meet the 10% renewable energy requirements. Also insufficient information had been provided regarding the management of surface water runoff from the proposed development. Both required securing with a condition.
- The applicant had stated that local children could walk to school, however Cllr Faulks expressed to the Committee that the new free school which was being built would still be inadequate for the numbers of children which were currently getting bussed off Ingleby Barwick.
- There were current issues in relation to the transport system and traffic related issues during peak times within Ingleby Barwick.
- The proposed site was on green landscape.
- Cllr Watson explained that as well as being a Councillor she was a parent who lived and worked in Ingleby Barwick where there was a lack of green spaces, school places and especially a secondary school.
- There was an approximate 3 to 4 week wait for doctors' appointments.
- How could a decision be passed on the proposal when there was still an outstanding decision for the 550 houses on site B.

Councillor Dixon, Ward Councillor for Ingleby Barwick West was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- Although the proposed application was not in Ingleby West Ward it did impinge on the West Side.
- Based on Government statistics, 200 houses would give an additional 300 vehicles. Where would these extra cars go?
- There would be an additional 50 children needing secondary school places. 800 children were currently being bussed off Ingleby Barwick to attend secondary schools elsewhere. Although the free school would provide 600 places, there was still the recently approved 350 houses and the additional 72 to be taken into account. There was also no places available in the local primary schools, where would these children go?

- There was no mitigation in the application to deal with any of those issues.
- Councillor Dixon highlighted concerns relating to current traffic issues within Ingleby Barwick and the problems with the infrastructure including the lack of available doctors' appointments etc.
- The proposed site used to be agricultural land, how had it suddenly gone from being agricultural land to building land?
- Councillor Dixon praised the Officers report, which recommended that the application be refused.

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

- One objector had been a resident for over 25 years. With the help of local Councillors residents had fought to abide by Stockton Councils own promise and policy documents to protect what little green space there was left within the Stockton area.
- Comments were made in relation to Ingleby Barwick being one of the most densely populated housing estates in the country with the least open space for recreation activity.
- Questions were raised which asked 'What happened to the original plans for open spaces and green areas between the villages, sports fields, golf courses, places for children and teenagers to frequent'. All seemed lost in what seemed to be Stockton Councils pursuit to cover every bit of green area with more and more housing.
- The traffic had improved following recent improvements adjacent to Thornaby Industrial Estate, however trying to get back into Ingleby Barwick from the Rings area at peak times was not good, with a dual flow merging into a single lane, queues could be all the way back to Bowesfield Industrial Estate.
- With the building of new homes in Yarm, Tall Trees, Morely Carr Farm, the new retirement village and Stainton Village, the traffic situation could only get worse, especially with traffic using Ingleby Barwick as a short cut due to the nightmare of trying to get through Yarm.
- The infrastructure was already overstretched with long delays to see doctors', dentists' and primary schools which were already at their maximum numbers without taking into account any new children from the new homes which are being proposed.
- It was highlighted that it was important not to be fooled by developers who had a habit of revising their plans, planting a few trees, and putting in applications for reduced numbers, and when passed resubmitting original plans which were turned down in the first place. A prime example of this was the application for 350 houses adjacent to Regency Park and the new free school with a new application which had been approved for an additional 70 houses on the new school playing fields.

- Praise was given to Stockton's Planning Committee Members who had not wavered in their pursuit to protect the green wedge from developers.

Officers were given the opportunity to address the Committee in response to some of the concerns raised by Ward Councillors and objectors. Their comments could be summarised as follows:

- In relation to concerns raised regarding 10% renewable energy and surface water drainage it was highlighted that those concerns could be dealt with by a planning condition, therefore were not necessarily grounds to refuse the application.

- Regarding comments received in relation to the infrastructure particularly availability at doctors' surgeries, Officers explained that issues relating to doctors' lay outside Planning control and was the responsibility of the NHS. If however there were plans to introduce new or expand existing facilities then these would be encouraged. Where concerns were raised regarding school places, there was the free school which was currently being built and this could possibly accommodate children from the proposed site for secondary school places. Regards Primary School places, it was explained that if the land next door to the proposed site was to be built, there was an area of land which would be given to the Council where a competition could be run to achieve a free school to provide primary school places.

- As there was still an outstanding decision to make on the neighbouring site Officers explained that it was a complex picture in relation to how to address the issue regarding primary school places at this point in time. That could however be addressed with a Section 106 agreement to be entered into with the developer and therefore wasn't sufficient to warrant refusal at this stage.

- Where traffic and traffic impact was concerned, these had been considered as part of the proposal. Highways Officers were satisfied that the mitigation provided by the developer worked and would create capacity to accommodate the proposed development. Therefore it was not considered that there were any strong grounds to refuse the application on those particular instances.

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

- Support was given to the Officers recommendation and to the local Councillors and objectors who had made representation to the Committee.

- Traffic issues alone, not only in Ingleby Barwick but in Thornaby made this a nonsense.

- The proposed development was a single finger of development on the green wedge and destroyed the open character of the area. When looking at policy CS10, although it had already been stated that there was little weight which could be given to this Council policy when fighting, little weight was some weight.

A vote then took place and the application was refused.

RESOLVED that the Local Planning Authority would have been minded to refuse application 15/0931/OUT for the following reason;

01 In the opinion of the Local Planning Authority the proposed development would through built development and a planting buffer encroach onto the Green Wedge and would also not represent a logical extension to Ingleby Barwick. The proposal would appear as an isolated residential development undermining the proper planning of the area which by virtue of its scale and nature would have incongruous and unacceptable impact on the character and visual amenity of the area contrary to Core Strategy policy CS10(3) and paragraph(s) 17 and 58 of the NPPF.

P 14/2780/COU
58/15 Thompson 71 High Street and 71A High Street, Yarm
Change of use from A1 and B1 unit to A3 Use and associated external alterations

Consideration was given to a report on planning application 14/2780/COU Thompson 71 High Street and 71A High Street, Yarm.

Planning permission for change of use was sought for the existing A1 ground floor use (Thompsons Travel Agent) and first and second floor offices (B1 use) to a single A3 use with associated alterations.

8 letters of objection had been received following publicising the planning application. The objections included the change of use would harm the conservation area, noise and disturbance and loss of amenity for residents, no need for more licenced premises and no proper provision for deliveries, storage of waste and dustbins.

The application was considered to be acceptable in planning policy terms, would not have an undue adverse impact on the amenity of neighbouring properties. Additionally it was considered that appropriate waste collection arrangements could be put in place and that the application was acceptable in highway terms.

The proposal was recommended for approval with conditions.

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

Neighbours were notified and the comments 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

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

The Planning Officers report concluded that the application was considered to accord with the requirements of the development plan; was acceptable having regard to the impact on heritage assets, highway and car parking requirements and the amenities of neighbouring properties.

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

Prior to the commencement of the meeting an Objector had presented the Committee with photographic evidence in relation to the proposed application for consideration.

An Objector was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- The objector explained to the Committee that he was the owner of a property which was closest to the proposed application.
- Reference was made to the Planning and Heritage statement, the initial iteration which referred to the amenity of neighbouring properties subsection 5.17 stated that there were no residential properties within the immediate vicinity of the unit and as such proposals were not considered to have an unacceptable adverse impact on nearby residents. This statement had since been removed from the latest revision of the document, which was a very polished document and made many references to the NPPF for everyone's guidance. The statement however now chose to ignore the obvious residential properties and the actual impact on the amenity of those properties, namely noise pollution generated by diners on the other side of the objector's bedroom wall.
- It was understood that the premises would be open until midnight, which would be later by the time staff had left. Was it therefore expected that the objector would be able to get a goodnight sleep and rise early each morning to go to work.
- As with the previous occupants, staff members would exit onto the fire escape for various reasons during the working hours with the kitchen door left open to improve ventilation on hot nights, cigarette breaks, mobile phone calls etc.
- The steel structure echoed every footstep all around the alleyway and would

continue all evening especially after the working day was done.

- Noise pollution would be generated by the kitchen staff and kitchen equipment with noise and vibrations being generated by an extraction system to be located on the east wall, a wall already containing a noisy air conditioning unit.

- Odours would be wafting through open windows in the summer months from the extraction system.

- Reference was made to the waste disposal strategy. The strategy identified the use of commercial refuse containers which would be stored in the rear yard. This was not a yard but a very narrow alleyway shared by several properties, however its primary function was to provide a fire escape for all parties which seemed to be overlooked. This was a fire escape which should have no obstructions.

- The report detailed that there were to be lockable lids on the bins to prevent vermin and smell. How long would it be before these lids would no longer be aligned and no longer fit. Would the bins contain glass bottles with all the associated noise when filled at the end of the working day when residents were trying to sleep.

- The strategy identified that the bins were to be located on Yarm High Street for collection 5 times a week. Would they be left over night or positioned early the next morning?

- The commercial bins would make a tremendous noise over the cobbles of the Wynd both outgoing and on their return.

- The layout on the strategy was not accurate. The objector's property extended approximately 1 metre along the gated fence. This would reduce the turning circle between the proposed new doorway and the metal fire escape for manipulating the industrial sized bins through the access way.

- The suggestion the strategy made was that the alleyway was solely controlled by the applicant. This was a shared resource and should have consent for its use by all parties.

- In relation to Highways, Transport and Environment, the general summary stated that the revised plan showed the new collection route through a new access building from High Church Wynd. The new bin collection route should enable the applicant to place bins out shortly before and after collection so as not to cause an obstruction on High Church Wynd. The informative stated that the applicant was to place bins on High Church Wynd just before collection and return shortly after collection so as not to cause an obstruction to highway users. This was at odds with the waste disposal strategy which stated that the bins were to be left on the High Street. Where were the bins to be left?

- The Objector asked the Committee to carefully consider the application and the impact it would have on the quality of life not only for himself but for neighbouring properties.

The Applicants Agent was in attendance at the meeting and was given the

opportunity to make representation. Her comments could be summarised as follows:

- The Agent fully supported the Officer recommendation to approve the application.
- The application site was in the centre of Yam and similar uses were not uncommon in the proposed location.
- The use of the site as a restaurant would be considered to support the leisure and recreation opportunities in Yam as well as the vitality and viability of the town.
- The application complied with local and national policy .
- The Agent requested the Committee to support the Officer recommendation and support the development.

Officers were given the opportunity to address the Committee in response to some of the concerns raised by the objector. Their comments could be summarised as follows:

- In relation to the quality of the submitted information and the inaccuracies contained therein, the information would have been submitted by the applicant and the actual proposal would have been scrutinised by Officers including the close proximity of residential properties whilst also looking at the impact on residential amenity. Those issues would be looked at anyway regardless of the quality of the submitted information.
- There was an anomaly in terms of the informative. The waste management strategy was for the bins to be placed on the high street.
- Regarding the fire escape Officers explained that there would be no conflict in relation to safety and security.
- In relation to noise, the proposed premises would have noise insulation i.e. a brick wall in-between the buildings as it had done historically and this would be adequate to building regulation standards. Noise from a restaurant would not be expected to be particularly high however licensing would consider those matters along with whether or not there would be entertainment or music etc. Environment colleagues would comment on any proposals at the licensing stage with regards to the levels of noise generated by the premises.
- Regarding extract ventilation, Environmental Health did have concerns in relation to this however there was a condition in relation to the noise generated from the premises. Where odour was concerned this presented itself as less of an issue due to the location of the kitchen. A condition had been included regarding the position of the flue and if this proved inadequate there was a further condition which could be implemented for odour control if necessary.
- The comments made with regard to noisy bottles would also be picked up in the Licensing application. If this was considered a problem a condition could be implemented to deal with it.

- Officers explained that the premises would be inspected from a health and safety point of view and a close look at the fire escape would be undertaken. If any issues were identified the appropriate action would be taken.

- It was explained to the Committee that concerns identified in relation to waste and kitchen equipment being moved between floors had been addressed with the introduction of 2 dumb waiters.

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

- Clarity was sought as the use of the adjacent buildings.

- Members asked exactly where on the high street would the bins be placed for collection? It was felt that wherever they were placed it would create problems for either pedestrians or people parking on the high street.

- Questions were raised in relation to the delivery of fresh food, and where this would take place and how would it be managed without major disruption?

- It was highlighted within the report that is stated that new developments or changes of use which reduced the proportion of Yarm District Centre's frontage length in retail use below 50%, or increase food and drink (Use Classes A3, A4, A5), and nightclub uses above 20%, would not be supported. However the Officers report stated that the percentage of A3, A4 and A5 use in Yarm was currently 18% (survey undertaken April 2015), which in policy TC6 20% was supported. If the proposed application was to be approved the threshold would be exceeded, however due to the policy currently having limited weight and the nature of the proposed business, the proposal would still be supported. Why did the nature of the business mean that the policy could be ignored?

- Members briefly discussed page 63 paragraph 21 which stated that: "Although this does not apply to listed buildings and therefore is not permissible at this premises. Material weight was given, that if the building as unlisted that the premises could change to and A3 use at ground floor at present without the need for planning permission. Additionally, there are other premises in Yarm High Street that could change to an A3 use without the need for planning permission under the current provisions, with only prior approval of certain details by the Local Planning Authority". Members raised the question as to why material weight could be given as the building was listed and was not restricted to the ground floor.

- Clarity was sought as the use of the hatched area.

- There seemed to be no mention or consideration given to local residents within the report and therefore the documents should be returned and the case re-presented.

- Issues were raised in relation to the fire escape regarding obstruction, and had the local fire authority been consulted?

- Where exactly were the bins to be stored and where exactly would the bins be

located when waiting for collection on the High Street.

- At what time would the bins be taken to the High Street?
- Members expressed that they were still concerned about the positioning of the bins when stored under the fire escape.
- The application being considered had no objections from Highways or Environmental Health. The application would undoubtedly contribute to the vitality of the centre which was consistent with Local Planning Policy and the NPPF. If this had not been a listed building it would not be before the Planning Committee. However it was fully accepted that there was work to be done in the Licensing Committee to ensure that any nuisance was mitigated or minimised. It was felt that in the current circumstances and as concerned as Members may be that the Committee were not in a position to refuse the application.
- Clarity was sought as to what was the route for the fire escape.

Officers were given the opportunity to address the Committee in response to some of the concerns raised by Members. Their comments could be summarised as follows:

- Regarding Emerging Policy TC6, this had been afforded very little weight due to the fact that it was an emerging policy. In relation to the fallback position, it was a relevant material consideration because there could be a situation where any other property out there outside of a listed building in the high Street could change to an A3 use and it would not be considered before Planning Committee or any Officers.
- Officers confirmed that the hatched area was solely for the bins of the proposed premises.
- It was confirmed that local residents had been contacted and consulted and the main material planning considerations dealt with residential amenity. Officers had considered where residents were and how they would be potentially impacted and whether or not it could be mitigated.
- The bins would be located as detailed on the map and stored underneath the fire escape. As for the location when the bins were to be emptied, the company that would be collecting the refuse had indicated that the bins would be located on the highway at the kerbside adjacent to a car parking space. The bins would be emptied quickly as part of the current daily route and be returned to the storage area as quickly as possible.
- Officers explained that in terms of the fire escape it would have to satisfy all pertinent legislation.
- Members were informed that the fire escape only serviced the floors above. The ground floor was serviced by a front and side entrance. The fire escape route from the stairs led into a shared yard and not the hatched area.
- The bins would be large, have lockable lids and would not be in an area which was open to the public which would reduce the risk of fire. The bins did not

obstruct the fire escape route and the local authority would have controls if the applicant did not comply with those conditions.

The Chairman explained to the Committee that although the situation regarding the bins was not ideal it was in fact the best solution available. Bins would not be able to be moved through the restaurant for emptying. In addition it was also explained that there was a condition which stated that the bins would have to be placed for collection each morning and not put out at close of business on a night time.

A vote then took place and the application was approved.

RESOLVED that planning application 14/2780/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 |
|-----------------------|------------------|
| 2014/44/106 | 13 November 2014 |
| 2014/44 I1053 | 3 November 2014 |
| L100B6 | March 2015 |
| 1444.2.2.101 REV F | 4 August 2015 |
| 2014/44/106 REV A | 25 February 2015 |

2. Opening Hours

The premises to which this application relates shall not be open to customers outside the hours of 8am and 12 am and no customers shall be on the premises after 1.00 am.

3. Noise disturbance from New Plant

No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

4. Noise disturbance from vehicles servicing the premises

No deliveries shall be taken at or dispatched from the site outside the hours of 07:00Hrs and 19:00Hrs.

5. Odour nuisance

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.

6. Construction/Demolition Noise

Construction/Demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 – 18:00Hrs on weekdays, 09.00 – 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

7. Position of flue

Notwithstanding the submitted details, the flue hereby approved shall be positioned no less than 1 metre above the eaves of the original building and positioned at least 2 metres away from any openable window.

8. Waste strategy

All waste storage, transfer and collection from the A3 use hereby approved shall be in accordance with the waste strategy submitted on the 4th of August 2015.

INFORMATIVES

Informative 1: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative 2: Kitchen layout

Environmental Health comments that there are no details of the kitchen layout. They have concerns regarding food preparation from two separate kitchens and require a detailed layout of how this can be managed to comply with food safety and hygiene legislation and health and safety legislation.

Informative 3: Drainage - grease trap

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.

Informative 4: Construction/Demolition - Open burning

No waste products derived as a result of Construction/Demolition operations hereby approved shall be burned on the site.

Informative 5: Bin collection

The occupier must ensure that bins are placed on High Church Wynd/High Street for the minimum of time required for collection and removed immediately after collection so as not to cause an obstruction to highway users.

**P
59/15**

14/2781/LBC

Thompson 71 High Street and 71A High Street, Yarm

Listed Building Consent for change of use from A1 and B1 unit to A3 Use and associated external alterations

Consideration was given to a report on planning application 14/2781/LBC Thompson 71 High Street and 71A High Street, Yarm.

The application sought listed building consent for works to facilitate the change

of use of the property from the existing A1 ground floor use(Thompsons Travel Agent) and first and second floor offices (B1 use) to a single A3 use.

External works included changes to the shop front and installation of a flue to the rear. The property was a grade II listed building which had been heavily altered internally.

The works were considered to be acceptable in that the changes proposed were not considered to adversely impact on the character, appearance or significance of the listed building.

The application was recommended for approval with conditions.

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

Neighbours were notified and the comments 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 contained within the main report.

The Planning Officers report concluded that the application was considered to be in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act and therefore it was recommended that the application be approved with conditions for the reasons as specified within the main report.

A vote then took place and the application was approved.

RESOLVED that planning application 14/2781/LBC be approved subject to the following conditions and informative below;

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

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

Plan Reference Number Date on Plan
2014/44/106 13 November 2014
2014/44 /105 3 November 2014
L100B6 March 2015
1444.2.2.101 REV F 4 August 2015
2014/44/106 REV A 25 February 2015

03. Notwithstanding the submitted details full details of the proposed shop front including new lighting and signage shall be submitted to and approved in writing with the local planning authority before those elements of the works are commenced on site. The works shall be carried out in accordance with the approved details.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.