

Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th November, 2015.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Helen Atkinson, Cllr Carol Clark(Sub Michael Clark), Cllr Nigel Cooke(Sub Cllr David Rose), Cllr Gillian Corr, Cllr Lynn Hall, Cllr Paul Kirton, Cllr Maurice Perry(Sub Cllr Elsi Hampton), Cllr Mick Stoker, Cllr Mrs Sylvia Walmsley, Cllr Sally Ann Watson(Sub Cllr Phil Dennis), Cllr David Wilburn, Cllr Norma Wilburn

Officers: Greg Archer, Andrew Glossop, Peter Shovlin, Colin Snowdon(DS), Julie Butcher, Sarah Whaley(LD)

Also in attendance: Applicants, Agents, Members of Public

Apologies: Cllr Stephen Parry, Cllr Philip Dennis, Cllr Michael Clark, Cllr Elsi Hampton, Cllr David Rose

P **Evacuation Procedure**

60/15

The Evacuation Procedure was noted.

P **Recording of Council Meetings**

61/15

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**

62/15

There were no declarations of interest.

P **Minutes from the meetings which were held on the 23rd September 2015 and the 14th October 2015.**

63/15

Consideration was given to the minutes of the meetings which were held on the 23rd September and 14th October 2015 for approval and signature.

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

P **15/1790/FUL**

64/15

**Land at Manor House Farm, Old Hall and Land South Of Back Lane and East Of Butts Lane, Eggescliffe
Redevelopment of redundant farm sites for 12 no. dwellinghouses (Use Class C3) including restoration of listed building**

Members agreed that planning application 15/1790/FUL Land at Manor House Farm, Old Hall and Land South Of Back Lane and East Of Butts Lane, Eggescliffe be deferred to a future meeting of the Planning Committee as the

item had been withdrawn pending receipt of further information.

RESOLVED that planning application 15/1790/FUL be deferred for the reasons as detailed above and be brought back to a future meeting of the Planning Committee.

P 15/0828/FUL
65/15 1 Auckland Way, Stockton-on-Tees, TS18 5LG
Erection of 1.no detached dwelling to rear with new access from Green's Lane

Consideration was given to planning application 15/0828/FUL
1 Auckland Way, Stockton-on-Tees, TS18 5LG.

Planning permission was sought for the erection of a 3 storey dwelling within an existing rear garden associated with no. 1 Auckland Way Hartburn. The rear garden sides Green's Lane and would gain direct vehicular access onto Greens Lane.

A number of comments of support and objection had been received.

Being in a residential area, the principle of development was acceptable, however, the scale of the proposed dwelling and its close proximity to boundaries with neighbouring properties as considered would result in the development being overbearing on adjacent properties and unduly affecting associated privacy and amenity.

The proposed dwelling would also be in close proximity to the protected Poplar trees to the front of the site which were particularly large and the close relationship between the two would be likely to place long term pressure for the removal of the trees to improve amenity for the future occupiers of the dwelling.

Although adequate parking and drainage could be achieved and the design style was considered acceptable, in view of the detrimental impacts on surrounding properties and the trees, it was recommended that the application be refused.

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 proposed development was considered to represent an overdevelopment of the site and would unduly affect privacy and amenity of surrounding gardens and would place undue long term pressure for the removal of protected trees. Therefore having regard to the Economic Social and Environmental gains of the application, it was considered that the adverse impacts outweighed benefits of the development in terms of the economy or contribution to the councils 5 year supply of housing. In view of these matters it was considered the application was contrary to the guidance in the National Planning Policy Framework and Development Plan policy. It was recommended that the application be Refused for the reasons specified within the main report.

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

- There were Issues identified within the Officers report at paragraph 17 in relation to scale and appearance impacting on the surrounding properties and impacting on protected trees and highways. It appeared to be common ground that the principal of development and highways would be acceptable and the appearance of the development was in keeping with the surrounding area. Concerns appeared to relate to the effects on the occupiers of the Poplars and numbers 1 and 3 Auckland Way relating to overlooking and privacy and the future threat to 4 Tree Preservation Orders (TPO's) on the proposed site.
- The relationship with the Poplars to the east was a normal side by side relationship with any street dwelling. It was explained that there was one high, above eye level bedroom window from which a glimpse may be obtained from a part of the rear garden. This could be obscure glazed if required.
- The occupiers of the Poplars did not feel overlooked and supported the proposal.
- Number 1 Auckland Way to the south was to be separated by a six foot high timber fence and the only view from the proposed dwelling would be another high above eye level window which could be obscure glazed.
- Number 3 Auckland Way to the South West, where there were to be 3 windows to the elevation to Number 3. One which was a high eye level bedroom window which could be obscure glazed. The remaining two which were windows to the ground floor which were presently screened, but could be removed, or have fixed obscure glass.

- All relevant windows could either be removed or obscure glazed without any material affect to the internal arrangement of the dwelling. It was believed that appropriately conditioned there would be no material affect from overlooking or privacy to the surrounding properties.

- Trees were to remain. The proposal would have no material effect on the trees. It was accepted that of the five trees, one tree was in poor condition and was to be felled. The other four trees had defects but could be maintained by pruning. There could be no assumption that the proposed dwelling would put any more pressure on the trees that existed, than would be, from natural causes. Indeed the presence of the dwelling would ensure better long term maintenance. At some time in the future the condition of the trees for safety reasons would need to be felled as the trees were overhanging a road and footpath.

- The proposal occupied surplus land within an urban area which people would wish to live. It was not believed that the proposal would have material effect on the living conditions of the occupiers, nor was it considered that there would be any undue pressure on the four remaining trees.

- Approval was requested for the application or alternatively, since the issues raised related to site specific matters which would be better observed on site, it was requested that Members of the Committee considered a site visit.

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

- It was felt that the reasons for refusal were weak.

- The proposal was not particularly overbearing.

- The design was considered acceptable and drainage was adequate.

- The principal for development was considered acceptable as outlined within the officer's summary.

- The Poplars adjacent to the proposed site was a relatively new build and it was felt that permission would be granted on appeal.

- A site visit had been requested previously however it was not within the Committees deadline. It was considered however that the two properties adjacent on Greens Lane would fit in well with the street scene and access would not present a problem.

- The protection of the trees was a concern but it had been heard that protection could be achieved. The type of trees indicated were normally found alongside railway lines and usually had a limited life span.

- The applicant had agreed to plant mature trees when the TPO's were considered which would have improved the street scene.

The legal representative explained to the Committee that the item could be deferred and a site visit requested during a Planning Committee meeting if it

was felt that the photographs provided and the detail within the officer's report weren't sufficient for Members to make a determination.

- It was considered that the proposal was a viable application and a site visit requested.

Moved by Councillor Hall, seconded by Councillor Perry that a site visit take place to the application site.

A vote then took place and the motion was not carried.

- The seven objections which had been received were from Auckland Way however the one supporter was from the far end of the road. It was clear that the local people believed that the application did not fit in with the local area.

A vote then took place in relation to the officer's recommendation and the application was refused.

RESOLVED that Planning application 15/0828/FUL be Refused for the following reasons:

Impact on surrounding properties

In the opinion of the Local Planning Authority, the proposed development would, as a result of its scale and position relative to adjacent residential boundaries with 1 & 3 Auckland Way and 'The Poplars' on Greens Lane, and as a result of window positions, be unduly overbearing on adjacent properties and their garden areas and would result in either direct overlooking or the perception of being overlooked for occupiers of these existing properties to an unacceptable degree, being contrary to guidance contained with the National Planning Policy Framework paragraph 17.

Site provisions and amenity

In the opinion of the Local Planning Authority, the proposed development would be in too close proximity to the protected trees along the northern boundary which are of a significant scale and which would place a long term pressure on the protected trees for their significant pruning and removal, thereby failing to respond positively to natural features of the site, thereby being contrary to the Adopted Stockton on Tees Core Strategy Development Plan Policy CS3 (Sustainable Living and Climate Change).

Informatives

Informative 1: Working Practice

The Local Planning Authority considers the submitted details unsatisfactory but fully explored whether the scheme could be modified to be considered acceptable and thereby worked in a positive and proactive manner in dealing with the planning application.

P 15/2132/VARY
66/15 Unit 5, Bassleton Court, Newton Drive
Section 73 application to vary condition no.3 (Operating Hours) of planning approval 91/2126/P- (Change of use from retail shop to hot food takeaway) to amend the opening hours/days to be Monday to Sunday

0800-2300.

Consideration was given to planning application 15/2132/VARY Unit 5, Bassleton Court, Newton Drive.

The proposed application sought to vary the hours/days of operation of the previously approved Hot Food Takeaway at Unit 5 Bassleton Court, Newton Drive Thornaby.

The planning approval for the hot food takeaway was granted by a Planning Appeal in 1992 for a change of use from A1 Retail to an A5 Hot Food Takeaway (91/2126/P) and as part of the decision the hours/days of the use were conditioned to 08:00 - 21:00 Monday to Saturday. The application sought to extend those opening hours to 08:00 – 23:00 and the proposal also sought to include opening on Sundays to the same time.

The Highways Transport and Environment Manager had no objection to the proposal in terms of highway safety, vehicular traffic and car parking. The Environmental Health Officers had no objections to the revised hours/days having regard to existing background noise levels.

Following the neighbour consultation and the display of a site notice there had been 14 letters of objection received. These objections principally related to concerns including the following matters: noise and disturbance; litter; increased traffic and associated noise; odour; need for the facility and issues around anti-social behaviour/crime.

In view of the material planning considerations and the level of activity which was already present within the surrounding area, the revision to the proposed variation of hours was considered not to have an unacceptable adverse impact on residential amenity due to the existing background noise levels and would accord with the general principles of the National Planning Policy Framework and the Development Plan in all other regards.

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 in view of the above considerations, it was considered that the proposal would not lead to a significant adverse loss of amenity for the neighbouring adjacent properties, in terms of noise disturbance. It was considered that the proposal was in general accordance with the relevant Development Plan policy identified above and it was recommended that the application be approved with conditions for the reasons specified within the main report.

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

- Bassleton Court was an estate with a large percentage of bungalows which were predominately occupied by elderly people who would not use a late night takeaway.
- The people who would use the takeaway late at night would come from off the estate, and traffic noise caused would only add to the noise from people using the pub late at night.
- There were already people using the car park, screeching their brakes and playing loud music. This was happening within ten yards of an objectors bedroom window.
- The report from the Police stated that there was no Anti-Social Behaviour being reported around the takeaway. One objector stated that she would not bother the local police because someone was playing loud music in the car park in the knowledge that they would be gone before the police had arrived.
- There had been reports of Anti-social behaviour to the police when large groups of youths had been congregating in the car park sitting on walls and raising noise levels disturbing residents in the adjacent properties.
- There was driving at high speed and turning cars in circles in the car park and this was reported to the police. The police used the term doughnuts to describe the youths spinning in the cars.
- On one occasion a stolen car had been left in the car park which was set alight and pushed against a residents back wall. Stockton Borough Council was contacted and the car was removed within a couple of days, however in-between time youths were gathering around the vehicle and jumping up and down on it.
- Objectors felt that if the takeaway was to open later the car park problems would be exacerbated. People leaving the pub would order their takeaway and sit on walls adjacent to resident's homes increasing noise levels. It was felt

there would also be an increase in litter as there was only one bin available outside the Co-op shop.

- It was believed that one of the reasons for the shops closing earlier was that staff felt vulnerable.
- Since the previous owner vacated the premises a new takeaway had opened within 5 minutes' walk of Newton Drive. Was this not sufficient to meet perceived demand?
- The applicant referred to Newton drive as a commercial parade, it in fact only consisted of an estate pub, one shop and the proposed premises. When the estate was built the pub was an estate pub which closed at 10.30pm. The shops closed before 6.00pm. Over the years against the wishes of local residents the pub was open a lot later and had a live music licence. The takeaway had only been open until 9.00pm and now there was a request to stay open until 11.00pm.
- Questions were raised as to whether the takeaway would provide a delivery service after closing time?
- Why should local residents have these unwanted changes?
- Local residents had had to endure noxious smells from the takeaway for years and should not have to endure it for longer hours.
- It was noted that there had been a change to the flue system; there were now 3 outlets instead of the single one which was there previously. The new flues were to be positioned a lot lower than the original; however it was felt that a higher outlet would have been better to get rid of the smells.
- An objector stated that the small radius of residents which were contacted was of concern. The objector personally lived outside of the area notified, however had been greatly affected, particularly by the smell. The objector had also not seen any public notices although they visited the shop on a daily basis.
- There was considerable coverage in the media given to the current obesity crisis. Should the Committee not take this into consideration when granting extra hours to takeaways?
- The original application which was granted with a 9.00pm closing time seemed to take into account the issues relating to disturbance to the surrounding residents.

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

- The residents' comments were supported by some Members.
- The current opening hours were sufficient.
- For the same reasons APP/H0738/W/15/3106015 373 Thornaby road was refused extended hours and upheld at appeal, this application should be too.

- No respite on a Sunday was worrying as there was clearly Anti-Social Behaviour and it was felt that this should not be added to by imposing the extra opening hours on residents.

-It seemed that residents had many issues with the proximity of the car park as they did with the takeaway itself.

Officers were given the opportunity to address the Committee and respond to some of the concerns which had been raised. Their points could be summarised as follows:

- Officers explained that there had been historical issues with the car park and with the toing and froing of vehicles associated with the use of the other businesses as well as the takeaway.

- It was highlighted that there was generic issues associated with some car parks where there were parades of shops. Unfortunately the car parks were all privately owned. The council were looking to come up with a solutions to try and improve the car parks which others could take forward.

- There had been no objections raised in relation to the impact on amenity from Environmental Health for the requested additional 2 hours opening. The additional 2 hours would not have significant negative impact on local amenity.

- Deliveries would be controlled.

- The Flue would be looked at by Environmental Health in terms of odour control.

- The site notice was placed on a lamppost which was visible and appropriate consultation had taken place.

- In relation to Anti-Social Behaviour the police had responded by stating that the row of shops where the takeaway would be was probably the only row of shops in Thornaby which did not have youth related or any other Anti-Social Behaviour problems.

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

- The Applicants Agent reminded the Committee that there was an extant consent for a takeaway.

- It was highlighted that the residents' concerns were appreciated.

- In 1992 when the original approval for the takeaway was granted the owner chose to close at 9.00pm and the inspector agreed to that and recommended that as a condition at that time. It was never challenged. Neighbouring units along the same stretch were allowed to open until 11.00pm 7 days a week without any control at all. The NPPF and government guidance advice required the planning system to have a key role in supporting economic growth. The

client was asking for an extra 2 hours to maintain a business which was better than the unit being empty which it had been prior to the purchase.

- The Police and the Environmental Health Unit had not objected to the application and if this did go to appeal Inspectors were now of the mind-set those in residential areas such as the proposal were approved up to 11.00pm.

- The Anti-Social Behaviour was not the making of the client although residents' concerns were appreciated. The takeaway would close earlier than the public house which would ease the dispersal of customers from the pub.

A vote then took place and the application was approved

RESOLVED that planning application 15/2132/VARY be approved subject to the following conditions and informative:

Hours of operation –Hot Food Takeaway;

01 The premises shall not be open for customers outside the following hours
08:00 – 23:00 Monday to Sunday

Delivery Times;

02 No deliveries shall be made to the Hot Food Takeaway outside the hours of
08:00 – 23:00 Monday to Sunday.

Variation of hours only;

03 This approval relates solely to this application for the variation of opening hours (Condition 03) and does not in any way discharge the conditions contained in Planning Approval reference 91/2126/P decision dated 02 April 1992, which conditions apply to this consent.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

P **15/1562/COU**
67/15 **1 Balmoral Terrace, Stockton-on-Tees, TS18 4DD**
Retrospective application for change of use from dog grooming salon to cafe.

Consideration was given to planning application 15/1562/COU 1 Balmoral Terrace, Stockton-on-Tees, TS18 4DD.

Retrospective planning permission was sought for the change of use of part of the ground floor of 1 Balmoral Terrace from a dog grooming salon (sui generis use) to a café (A3) with outside seating.

The café's business plan was aimed at targeting dog walkers and Ropner Park visitors from Oxbridge and over the railway bridge from Parkfield. The business

plan for the café aimed to provide an additional café facility for visitors to Ropner Park with the Ropner Park café being only open limited hours. (Mon- Fri 10.30 am– 3pm and 10.30-4pm Sat-Sun). The proposed operating hours of the premises were detailed as between 9am and 3pm Monday-Friday with no weekend opening with the seating and tables stored within the premises when not in use.

7 letters of objection and an objection from Councillor Rose had been received following the publication of the planning application. The main objections included parking and highway issues, unsuitable location outside of a neighbourhood centre, alteration to the character of the area, noise and disturbance and loss of amenity for residents, no consultation prior to opening and the location of the bin storage.

The application was considered to be acceptable in planning policy terms and with the imposition of appropriate planning conditions would not have an adverse impact on the amenity of neighbouring properties. The application was also considered to be acceptable in highway terms and was therefore recommended for approval subject to conditions as set out within the main report.

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 given the planning history of the site with historical commercial use of the premise, the proposed change of use was considered to be acceptable in planning policy terms and would not have any adverse impacts on the amenity of neighbouring properties or highway safety subject to specific controls. It was recommended that the application be approved subject to those conditions detailed within the main report.

Councillor Javed Ward Councillor for Parkfield and Oxbridge was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- It was stated that Councillor David Rose, who as not in attendance also objected to the application.
- Residents had contacted their local Councillors objecting to having a café in a residential location and had been adversely affected by the café which had opened without planning permission.
- It was the wrong type of development in the location. It was a residential street which should not be disturbed visually or in terms of noise disturbance by traffic coming and going from the café.
- It was clear from the Officers report that the professionals from various council departments shared the residents' concerns contrary to the report from the Police.
- The Police did have concerns from activities stemming from the café. It was in fact the Police who contacted Councillor Rose to install CCTV because of the activities within the café and the comments received from neighbouring residents who had been affected by it.
- Traffic and parking of cars would lead to road safety issues. The café was on a difficult junction in and out of residential roads where local people were already experiencing a number of cars parked on pavements at both sides because of the park. During the summer months the café users added to the traffic issues as they parked on the corner obstructing visibility for others.
- The park attracted thousands of children to play each year and this location was near to a key care entrance on the corner of the road.
- The Councillors disagreed with point 10 of the material planning consideration at page 148. There was clearly not enough parking during school holidays and it was displaced on all the streets within the area. The café and the nature of the business would add to those issues. The professional highway officials from Stockton Borough Council indicated they clearly did not support the application on highway grounds a detailed within the report.
- Councillor Javed highlighted that both himself and Councillor Rose agreed with the Environmental Health Unit which stated that there were concerns in relation to noise from vehicles and from those customers entering and exiting the external seating areas of the café.
- Councillor Javed told the Committee that he lived in the area close to the café and that he had witnessed unacceptable language being used by customers sitting outside the café. Elderly residents lived nearby and it would have a detrimental effect on residents.
- The Committee were urged to reject the proposal.

Objectors were in attendance at the meeting and given the opportunity to make

representation. Their comments could be summarised as follows:

- A resident who lived close to the café explained to the Committee that he was a retired resident as were a lot of the residents which lived on the same terrace as him.
- Residents endorsed what Councillor Javed and Rose had said.
- It was difficult to underestimate the detrimental affect the opening of the café had had on residents and the neighbourhood since its opening nearly two years ago.
- The café was in the wrong place. The planning guidelines for shops and food outlets stated that they should be located in the Oxbridge Lane Hub and not in a residential area.
- There had been two vacant premises, one which was still vacant on Oxbridge Lane which had previously been a café before it closed three years ago.
- The café was supposed to be open from 9.00am until 3.00pm. The café was now open 9.00am until 6.00pm six days a week and often on a Sunday.
- A local resident who lived adjacent to the café was a wheelchair bound person and could no longer sit outside in his front garden because of the smell of cooking and cigarette smoke from people at outside tables and the noise from traffic parking.
- In terms of noise, apart from the parking and the coming and going of vehicles, the bad language and swearing from groups of young men who sat around the outside tables was embarrassing, not only to the residents but to people passing the café and those visiting the park.
- The police had been concerned about the behaviour and what went on in and around the café hence the CCTV. They wouldn't go to the expense of installing CCTV if they weren't concerns.
- Residents had complained to the police about alleged drug dealing from the café.
- Parking had been exacerbated by not only cars but vans also and scrap metal lorries coming and going. Parking was haphazard and residents had stated that there was an accident waiting to happen.
- This was not a sandwich bar but a transport café for workmen in a totally residential area.
- There was an excellent café not 200 yards from the proposed café which was excellent and used by the local people. The proposed café was not used by local people but by people coming from near and far.

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

- The reason that a retrospective application had been submitted was due to the fact that the Applicant believed that the building had operated as a café historically in the 1900's. The Applicant stated he had photographic evidence and did not realise planning application was required.
- The property had been bought at auction when it was boarded up and aesthetically not very nice to look at.
- The property was then renovated and the properties two flats had been let out.
- The applicant felt that the shop frontage had been addressed by it being kept in keeping with the surrounding area and the park.
- With reference to the bin store that serviced the flat above as well as the café, this had been put in to look aesthetically pleasing as oppose to black bins. It also kept out foxes which had been accessing the refuse.
- In relation to concerns raised regarding the resident who could not sit in his front garden, it was not possible for the resident to do this as his garden was fully taken up with a disabled access ramp.
- The Applicant disputed the hours which residents had stated that the café operated.
- The applicant had tried to consult with residents when they had opened the café initially.
- The café was not a transport café and was used by a lot of young mums walking children to and from the park and dog walkers. Both these groups of people were not bringing vehicles to and from the café. There were local tradesmen also using the café.
- As a boarded up dog grooming business the shop was not employing anyone. The café now employed 3 people on a part time basis. The girl that ran the café lived in the upstairs flat therefore it was sensible to operate the café at the proposed location and not elsewhere.
- The Applicant expressed that he was happy to work with anyone to enhance the area as he did not want a detrimental effect on the area.

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

- Members drew the Committees attention to the report which detailed that Highways and Transport did not support the proposal nor did they object, however some Members were struggling with that concept. It was referenced within the report that when it was a dog grooming salon customers would have visited by appointment, therefore there would be specific times when people would pull up in cars to the salon on an appointment basis. Reference was also made by Members when the unit was a children's nursery which again would have specific times when children would be dropped off or picked up.
- The new proposal did raise concerns regarding traffic issues especially now

that the new upgrade of Ropner Park was attracting many more visitors, which was assumed to be heavier during the summer months. Members requested further information from Officers in relation to traffic concerns.

- If the retrospective Planning application was granted then would it restrict the opening hours from 9.00am until 3.00pm?

- The premises was a café previously selling ice-cream

- Members had witnessed young mums and dog walkers using the café and it was considered an asset. Much better than when it was boarded up.

- Some Members did not believe the café did fit within the area. A café of that type would be much better on Oxbridge Lane.

- Concerns were raised in relation to the outside seating as it was extremely close to the road and traffic. Was there planning requirements in relation to the outside seating area? Was there restraints where outside seating could be put, and how close to the road could it get to passing traffic?

- Was there any evidence that the café had increased traffic or had traffic been increased due to the use of other facilities within the area?

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

- The site was known to have car parking issues which was due to the success of the park. People would park their cars there which had been an issue for the local authority; however officers' were not aware of any accidents.

- Officers confirmed that the previous dog grooming parlour and children's nursery would have had less usage due to the nature of the business.

- Due to the fact that the premises had an extant use as a commercial premise the authority could not object although there were concerns. It was highlighted that enforcement would check that people were not parking on pavements and that there was safe passage for pedestrians particularly disabled members of the public. Equally if people were parking very close to the junction and visibility was obscured this would be also investigated and the necessary traffic regulation order would be implemented.

- A residents parking permit order had been considered previously however was not supported. If members of the public wished for a reinvestigation then this could be carried out.

- Regards outside seating there was a protocol, it was about safe passage for pedestrians making sure that it worked satisfactorily and was safe for people.

- In relation to the distance of the outside seating form the highway there were no adverse comments in relation to this specific application however every application was judged on its own merits, i.e. how close to a junction, the speed of the highway etc.

- The information officers had in relation to traffic was predominately due to people using the park, however there would be linked trips where people visiting the park could also visit the café and stay longer.
- Officers clarified the restricted opening hours as detailed within report.
- Officers also explained that the numbers of seats which would be allowed outside of the café was a condition within the recommendation.
- It was explained to Members that the police had confirmed that there had been no incidents in relation to Anti-Social Behaviour within the last 12 months, although a nuisance incident had been reported surrounding a neighbourhood dispute. There had also been some evening incidents however they were not related to the opening hours of the café. The police had no objection to the café in the proposed location.

A vote then took then took place and the application was approved.

RESOLVED that planning application 15/1562/COU 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 |
|-----------------------|---------------|
| W/351/01 A | 4 August 2015 |

Opening Hours

02 The premises to which this application relates shall not be open to customers outside the hours of 09:00 and 15:00 Monday to Friday with no Saturday and Sunday opening.

Noise disturbance from vehicles servicing the premises

03 No deliveries shall be taken at or dispatched from the site outside the hours of 08:00Hrs and 17:00Hrs.

External Seating Area

04 Notwithstanding the submitted plans, the number of external tables shall not exceed four and the number of outside seats shall not exceed fifteen. All external tables and chairs shall be stored within the café building outside of the opening hours.

Sale of Hot foods;

05 Notwithstanding the Town and Country Planning (Use Classes) Order 19 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the premises shall be used solely as a café. No cooking shall take place on the premises other than for the heating of cakes, sandwiches, cooking sandwich fillings, breakfasts and limited hot food daily specials.

INFORMATIVE

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application

P 15/2076/RET
68/15 2 Whitehouse Drive, Stockton-on-Tees, TS19 0QE
Retrospective application for the erection of a 1.77m boundary fence to side/front.

Consideration was given to planning application 15/2076/RET 2 Whitehouse Drive, Stockton-On-Tees, TS19 0QE.

Retrospective planning permission was sought for the erection of a 1.77m high boundary fence to the side and front of 2 Whitehouse Drive. Since the original submission, revised plans had been received which indicated that the fence would be set back 1m from the footpath to the side (south) of the property. Planting would be provided along this same elevation within the 1 metre gap and the fence would be stained in a dark colour to soften its visual impact.

Access to this estate was gained from Bishopton Road West (south) which led onto Whitehouse Drive and the application site could be seen upon entering this estate. It was highlighted that Whitehouse Drive fronted the application site (to the east) and Woodmere Road ran past the southern side of the site.

14 letters of objection and 2 support comments had been received with most of the comments coming from the neighbouring properties and one letter from the Local Ward Councillor. The main concerns related to the impact on the character of the area and highway safety.

Taking into account all comments received, it was considered that the revised scheme was acceptable and the application was recommended for approval.

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

- A resident from a neighbouring road informed the Committee that the fence was out of keeping with the character of the local area. Although the area was not open plan it had a very open aspect.
- There was not another fence like it in the area.
- The Council itself had stated that the properties in the area had predominately 1 metre or below brick walls with planting behind.
- A resident had suggested in her objection to the amendment that the fence be cut down to half its size and planting be behind the fence which would achieve a much softer effect and be much better than moving it back 1 metre with planting at the front.

- The fence altered the overriding appearance of the whole area. The visual impact whilst walking down the road was terrific and people had been seen looking and pointing at the fence.
- The two people who had supported the fence did not live in the area, one resided in Oxbridge and the other gave an address of Stockton Sixth Form college.
- With regards to the Applicants amended proposal, issue was taken with the staining of the concrete posts and the fence to a dark brown colour. This was not considered to be an improvement to the visual amenity or soften the impact of the fence. This would only be achievable with a light more neutral stain allowing the fence to weather naturally.
- Regarding the landscaping scheme in front of the re-sited fence it was proposed that a condition be imposed so that mature evergreen shrubs or conifers be already grown to the height of the fence be planted. This would have an immediate effect on the visual impact of the fence without having to wait between five and ten years for the smaller shrubs to mature and achieve the fence height.
- A resident who lived close to the proposal made suggestions that the landscape screening be continued to the front of the property which would soften the view and the outlook for the neighbours living opposite.
- The visual impact of the fence was horrendous.
- A local resident made reference to the NPPF at paragraph 17 which set out the core principals. One of the principals was 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings ', however in the residents' opinion the fence did not fulfil the criteria as set out in the NPPF.
- The planning committee report mentioned several times, 'to help screen the development', 'to further soften the impact of the fence'. This was because the fence was too high!
- The fence should not be moved at all, but the height reduced to 1 metre, then plant the side fence with shrubs and trees on the inside of the fence and mirror this at the front fence.
- A resident who lived opposite the fence drew Members attention to what the property looked like before the fence. He felt that he had to look at an industrial compound instead of the lovely garden he looked at prior to the fence.

Councillor Cherrett ward councillor for Bishopsgarth and Elmtree was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:

- A suggestion from residents was that planting would be put in the front of the fence which was believed would now be happening.

- 14 letters of objection had been received from nearby residents and only 2 supporting comments from people who were not living in the area.
- Cllr Cherrett fully supported the residents in their views.
- Reference was made to an Appeal which had recently been heard regarding a fence in Cavendish Road, Stockton, where the Planning inspector had refused the appeal.
- Cllr Cherrett informed the Committee that it had been explained to residents that the fence would stay in some shape or form however their request that any planting that was put in was of a substantial height was supported by her.
- Cllr Cherrett circulated before and after pictures to the Committee.

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

- A Member explained that he had a similar situation at the front of his own residence however he had planted in front of his fence and therefore the fence could not be seen. At the rear of the house all of the residents within the cul-de-sac had a fence set back 1 metre and planted in front to screen the fence from the street that faced it.
- The before and after pictures clearly showed the impact of the fence and it was not a nice fence to look out onto.
- The proposal seemed to be, to push the fence back and plant in front; however concerns were raised in relation to litter. It seemed more acceptable to follow the residents' suggestion of lowering the fence and planting behind it, The fence was too high and if required, to enable residents to be allowed to make it look better the application should be refused.
- If the fence was pushed back and planting was to be put in front of the fence there was a possibility that if the proposed shrubbery was overgrown it could encroach the footpath.

A vote then took place and the application was approved.

RESOLVED that planning application 15/2076/RET 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 |
| 14.093.PP02 A | 2 November 2015 |

02. Within two months of the date of this permission, the existing fence shall be relocated in complete accordance with the details shown on drawing 14.093.PP02 A (date received 2nd November 2015).

03. A detailed scheme for landscaping and tree or shrub planting to help screen

the development shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of approval. Such a scheme shall specify types, species, layout and contouring. The works shall be carried out within three months of the date of approval 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 other similar size and species unless the Local Planning Authority gives written consent to any variation.

04. The 1.77m high wooden fence and concrete posts hereby approved shall be stained in a dark brown colour within two months of this date of approval.

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.

**P
69/15**

- 1. Appeal - Mr Peter Hodgson - Grove Stables Kirklevington - 15/0453/FUL - DISMISSED**
- 2. Appeal - Mr D Darragh - 7 The Green Thornaby - 15/0502/FUL - DISMISSED**
- 3. Appeal - Mr S Poulton - 1 Leven Bank Road Yarm - 14/2883/FUL - DISMISSED**
- 4. Appeal - PJs Takeaway - 373 Thornaby Road Thornaby - 14/2542/VARY - DISMISSED**

RESOLVED that the Appeals be noted.