

Planning Committee

A meeting of Planning Committee was held on Wednesday, 17th February, 2016.

Present: Cllr Norma Stephenson O.B.E (Chair), Cllr Helen Atkinson, Cllr Michael Clark, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr David Harrington (Vice Cllr Gillian Corr), Cllr Eileen Johnson (Vice Cllr Stephen Parry), Cllr Paul Kirton, Cllr Mrs Jean O'Donnell (Vice Cllr Nigel Cooke), Cllr Mick Stoker, Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley and Cllr David Wilburn.

Officers: Barry Jackson, Simon Grundy, Elaine Atkinson, Mike Chicken, Joanne Roberts, Peter Shovlin (EG&D); Julie Butcher (HR,L&C); Peter Bell (DCE).

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

Apologies: Cllr Nigel Cooke, Cllr Gillian Corr and Cllr Stephen Parry.

1 Evacuation Procedure.

The evacuation procedure was noted.

2 Recording of Council Meetings

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.

3 Declarations of Interest

Councillor Mrs Walmsley declared a personal prejudicial interest in respect of agenda item 7 - 15/2161/REM - Mount Leven Farm, Leven Bank Road, Yarm - Reserved matters approval for the erection of 332.no retirement dwellings, 68 bed nursing home and community facilities. Councillor Mrs Walmsley withdrew from the meeting and left the room during consideration of the item.

4 Minutes from the meetings which were held on the 16th December 2015 and the 6th January 2016.

Consideration was given to the minutes of the meetings which were held on 16th December 2015 and 6th January 2016.

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

5 15/1650/FUL

**Londonderry Bridge, Durham Road, Stockton-on-Tees
Demolition and rebuilding of Londonderry Bridge as part of the wider
Lustrum Beck Flood Alleviation Partnership Scheme, the purpose of
which is to reduce the risk of flooding to the communities along Lustrum
Beck.**

Consideration was given to a report on planning application 15/1650/FUL - Londonderry Bridge, Durham Road, Stockton-On-Tees - Demolition and rebuilding of Londonderry Bridge as part of the wider Lustrum Beck Flood Alleviation Partnership Scheme, the purpose of which is to reduce the risk of flooding to the communities along Lustrum Beck.

8 individual letters and 83 proforma objection letters had been received which revolved mainly round the loss of a heritage asset, the design of the bridge and the impact of the proposed traffic diversions whilst works were being undertaken. In addition 1 letter of representation was received from an adjacent neighbour querying a number of points in relation to the proposed on site works.

Taking all the comments into account it was considered that whilst the bridge was a heritage asset its loss would not be sufficient to warrant refusal of the application as it had been significantly altered over the years. The proposed scheme would result in reducing the risk of flooding in the Lustrum Beck area and the benefits of the scheme would outweigh the harm and the application was recommended for approval with conditions.

The impacts from the diversion of the traffic were not a planning consideration and would be dealt with under the Road Traffic Regulation Act 1984.

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

Neighbours had been notified and 8 individual letters of objection and 83 proforma objection letters were received from the following addresses (some were without an address) with the main objections summarised within the report. In addition a letter of representation was received from an adjacent neighbour querying a number of points in relation to the proposed on site works.

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 15th January 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 requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

The report concluded that the development had been considered in the context

of the need for the development and the loss of the heritage asset and it was considered that there were no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or the Development Plan.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of visual impact, it did not adversely impact on the character of the area or the ecological habitat and matters of concern over temporary diversions were dealt with through other legislation and not the planning regime.

For the reasons detailed in the report it was recommended that the application be approved with Conditions.

Members were presented with an update report that outlined that since the original report the local planning authority had received notification from Historic England that they had received an application to add the structure to the List of Buildings of Special Architectural or Historic Interest.

Historic England completed an initial assessment of the building, based on the material provided in the application. The report concluded that this early-C19 bridge lacked the level of architectural or historic interest required to meet the criteria for listing in a national context.

The Secretary of State considered the advice and recommendation of Historic England, and decided not to take the application forward to a full assessment.

Historic England advised that the structure would therefore not be added to the List at this time.

A copy of the letter and report was attached to the update report.

It was considered that the details within the update report did not alter the recommendation made within the main report.

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

- Not against the principal flood defence
- Sympathy for residents that have been flooded
- If the bridge is demolished there will be a loss of heritage
- The new bridge will be out of character
- No part of the old bridge will be included in the new bridge
- The new bridge should show some sympathy with the old bridge
- Future climate change will increase flood risk
- Traffic diversions will cause disruption for local residents
- Life will go back to normal for local residents once the new bridge has been completed
- The current bridge has undergone many works and is nothing like the original design
- The consultation meeting achieved nothing

- There is another workable scheme
- Buses should not go down these narrow streets
- Further discussions should take place with local residents

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

- Historic England has no interest in the bridge
- Tees Archaeology has said the bridge is a heritage asset
- The bridge has been sold to someone in Barnsley
- The report is detailed but as a Ward Councillor I haven't had much input
- The report doesn't consider the real people and we haven't thought about them as the buses are going to cause problems for them
- The houses have got shallow foundations and the buses will cause severe problems to them
- The area has two schools and an old persons homes

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

- The traffic diversion is a concern
- Will the speed alleviation be removed as this will cause more vibration
- The main concern is that the flood defence should still proceed
- We are here to plan for the next 100 years
- We need to provide a safe environment for our residents
- The plan should be supported
- The diversions will impact on local residents and more consultation should take place
- The diversion is not a planning consideration
- More consultation should take place
- We need to agree this planning application

Officers addressed the Committee and were given the opportunity to respond to some of the concerns and issues that had been raised. Their comments could be summarised as follows:

- The decision regarding the traffic diversion has been paused
- A well-attended public consultation meeting has taken place
- Newsletters have been sent to local residents to keep them informed of the situation
- A drop in session has also taken place for local residents where we explained what the plans were and the potential impact on residents
- There has been two lots of consultation, one for the flood defence scheme and one for the traffic diversion

A vote then took place and the application was approved.

RESOLVED that planning application 15/1650/FUL be approved subject to the following conditions and informatives;

01 Time Limit

The development hereby permitted shall be begun before the expiration of three

years from the date of this permission.

02 Approved Plans

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

Plan Reference Number	Date on Plan
SBR-SW-DE-S-1006	3 July 2015
SBR-SW-DE-S-1005	3 July 2015
SBR-SW-DE-S-1004	3 July 2015
SBR-SW-DE-S-1003	3 July 2015
SBR-SW-DE-S-1002	3 July 2015
SBR-SW-DE-S-1001	3 July 2015
SBR-SW-DE-S-1000	3 July 2015

03 Ecology

Works should be undertaken in complete accordance with the method statement and mitigation measures as detailed in Section 6.2 and Appendix 4 of the submitted Preliminary Ecological Assessment dated 20 January 2016.

04 Recording of a heritage asset through a programme of archaeological works

(A) No demolition / development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition / development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

05 Invasive Species - Japanese Knotweed

No development shall commence until a detailed method statement for removing or the long-term management / control of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant

covered under the Wildlife and Countryside Act 1981, as amended.
Development shall proceed in accordance with the approved method statement.

06 Invasive Species - Giant Hogweed

No development shall commence until a detailed method statement for removing or the long-term management / control of Giant hogweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Giant hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended.
Development shall proceed in accordance with the approved method statement.

07 Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

08 Construction / Demolition Noise

No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

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

Flood Defence Consent:

Under the terms of the Water Resources Act (1991) prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 5 metres of the top of the bank of the Lustrum Beck, a designated 'Main River'. The consent application must demonstrate that:

- there is no increase in flood risk either upstream or downstream;
- access to the main river network for maintenance and improvement is not prejudiced; and
- works are carried out in such a way as to avoid unnecessary environmental damage.

Mitigation is likely to be required to control flood risk as a result of the temporary works necessary for the construction phase.

Otters

It is recommended that an otter pass is included as part of the design proposals. The otter pass should be either a ledge or a bolt on metal ledge preferably on

the left bank as this will be less disturbed and less accessible for humans. Further information and guidance is available in the Design Manual for Roads and Bridges, volume 10 Environmental Design and Management, section 4 Nature Conservation, part 4, HA81/99 Nature Conservation Advice. This is available at <http://www.standardsforhighways.co.uk/dmrb/vol10/section4/ha8199.pdf>

6 15/2161/REM
Mount Leven Farm, Leven Bank Road, Yarm
Reserved matters approval for the erection of 332.no retirement dwellings, 68 bed nursing home and community facilities.

Consideration was given to a report on planning application 15/2161/REM - Mount Leven Farm, Leven Bank Road, Yarm - Reserved matters approval for the erection of 332.no retirement dwellings, 68 bed nursing home and community facilities.

The application site formed part of the Mount Leven Farm site, which encompassed a group of former farm buildings and agricultural fields with the existing group of buildings partially visible from Leven Bank Road. Immediately to the east of the site lies the River Leven Valley with the residential properties of Ingleby Barwick beyond. To the west of the site lay a variety of residential properties which form the eastern edge of Yarm. Opposite (north) of the site at the junction of the River Tees and River Leven lay the Round Hill scheduled ancient monument. Also to the north / north-west of the site also lay a series of agricultural fields. To the south of the site lay additional fields with a small group of residential properties and Leven Bank Road.

Planning consent was sought as part of the reserved matters approval for the erection of 332.no retirement dwellings, an 68 bed nursing home and the associated community facilities. The proposed dwellings would consist of a mix of one, two and three bedroomed properties and included provision for a number of additional facilities for future residents. These included an open 'parkland' setting, tennis court, bowling green, community hall and convenience store.

As part of the consultation process a total of 85 letters had been received. These included 70 objections and 15 letters of support. Many of these comments related to the principle of development and not the actual detail of proposal. With regards to objections these included; loss of green wedge / tees heritage park; unsafe access and existing traffic problems; no need for this type of development / housing; impact on existing services and infrastructure; and, the impact on residential amenity. The supporting comments however favoured the associated benefits of the country park; encourage the level of investment and job creation; and' the associated benefits and needs for bungalows / a retirement village.

Although the concerns of the objectors and supporters were noted, the principle of the retirement village on the site had been established as part of the outline planning permission granted by the Planning Committee in 2013. The main considerations regarding this application therefore surrounded the acceptability of the final details for example its layout, design, provision of landscaping and

the associated impacts. As a whole, the scheme was considered to be visually acceptable, would provide adequate landscaping and not have any significant impacts on levels of residential amenity or highway safety. The proposed development was therefore considered to be acceptable in all regards and was recommended for approval subject to those conditions within the report.

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

With regard to publicity neighbouring properties had been notified via letter whilst additional publicity was given to the application by a site notice and press advert. A total of 85 letters had been received. These included 70 objections and 15 letters of support, these comments were set out 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 15th January 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 requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

The report concluded that in view of the considerations including representations on the planning merits of the proposal, the principle of residential 'retirement village' development on the site had been established through the outline planning consent approved in July 2013.

This reserved matters application provided the details for the development and in terms of the, layout of the development, appearance of the proposed dwellings and building and the associated landscaping. Such details were considered to be satisfactory and would not have any adverse impacts on the residential amenity of neighbouring occupiers as well as provide appropriate levels of amenity for future residents of the development. The access arrangements remained acceptable and sufficient in curtilage parking was provided, the proposed development was therefore considered to be acceptable in planning terms.

Members were provided with an update report that since the original report to Planning Committee the Highways, Transport and Environment Manager had requested that an additional condition be added to secure the diversion of the existing public right of way and creation of new public rights of way within the development site, given the intention was for the scheme to remain as a private development.

It was not considered that this raises any new issues or material planning considerations and the recommendation remained as detailed within the original report subject to an additional condition.

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

- Outline planning permission was granted in 2013
- This application is for the reserved matters only
- These matters are only for scale, design, layout and landscaping
- Access and the principle of development were resolved at outline stage
- SBC Highways officers have agreed a roundabout through a Section 278 Agreement with the applicant
- The character of the development is a village approach, this was an integral part of the masterplan that was approved at outline stage
- Each plot is well proportioned in a parkland setting
- All dwelling and care home facilities have been designed within the height restrictions imposed at outline stage
- Landscaping is an integral part of the development both within the site and in the buffers
- The landscape details have been agreed with Council officers and satisfy the Councils visual aspirations for the development
- This project will bring great financial benefits to the Borough

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

- The outline application was approved contrary to officer recommendations which cited a whole raft of reasons for refusal – core strategy, environmental policies, incursion into the Leven Valley, Tees Heritage Park, Green Wedge separation between Ingleby Barwick and Yarm, there were also highway concerns
- It's been suggested that amended plans were the reason for approval but the application still should have been refused
- Officers refer to Busby Way to the west of the site but an application was allowed on appeal specifically because there had been a precedent set at Mount Leven
- Included in the paragraph on Busby Way is reference to the consideration of a country club but this has been dragging on for over a year over access issues
- There has been trespassing issues by SBC officers to resolve the location of a new roundabout
- Illegality would mean that the tax payer picks up a compensation bill and not the Council
- It is a nonsense that access was sorted out at outline stage
- The access fiasco needs to be resolved and is of Stockton Councils own making
- The application should be deferred subject to a full inquiry or government intervention where I would expect Stockton South's MP involvement to be revealed and allegations of bogus names used to influence Members be investigated

- I sat on this Planning Committee for this authority for 16 years and was one of only a few who consistently opposing expedient departure while defending the Boroughs green lungs. I also know the applicant seeking approval for the country club but that didn't count for anything when I voted against one of his applications on more than one occasion because it had a tiny incursion into the green wedge between Thornaby and Ingleby Barwick and also within Tees Heritage Park
- I object to these reserved matters on the grounds that the approved Section 106 Agreement is flawed. The applicant entered into the Section 106 Agreement in 2013 which the 3rd schedule states "development cannot commence until a scheme for the country park and bridge crossing has been put forward and approved by Stockton Borough Council." Until such a scheme is submitted the reserved matters will fail to deliver certain obligations of the Section 106 Agreement relating to the country park.
- The only land bound by the 106 Agreement and bound by the outline permission is the red line application site itself and doesn't include the land outside of that which is the intended country park. Therefore the country park proposals don't have the benefit of planning permission. This would also extend to the land north of the river on the opposite side of the valley and the reserved matters drawings show the intended bridge link from the footpath at Crosswell Park, Ingleby Barwick of which I am a resident.
- The reserved matters application is therefore incomplete and disjointed and as it stands currently it is an entirely separate application as the land lies outside of the approved application site.
- So how can reserved matters be considered for approval today when such a key element related to the outline approval deemed important enough to be included in a 106 is not yet finalised and was scheme put forward for public consultation.
- Even if the 106 agreement had been drafted sufficiently enough to include all the land including the country park according to reserved matters drawings it could not be delivered anyway due to the land being on third party land north of the river.
- The footpath leading to the bridge is also a permissive footpath and in third party ownership. So why has notice not been served on third party land owners.
- How can the applicant even suggest proposals on land that is not even in their ownership and without consultation?
- It has also not gone unnoticed that by members of the public that shortly after the legal objection was submitted by DWF challenging the roundabout and country park accesses new documents were added to the application with drawings that do not correspond with numbered drawings referred to in the outline approval document including the site plan 1128001.
- The outline approval documents specifically say the development in accordance with this numbered plan. The same plan attached to appendices for this hearing shows this number to be now 1420001 which does not conform with the outline approval document.
- The applicant has had two years to submit reserved matters yet the latest submission and the many changes of significantly important documents have all taken place at the eleventh hour.
- This chaotic approach does not instil any confidence whatsoever for a successful fulfilment of this development.
- I therefore ask the Members to refuse or defer this application until it can be made sense of and presented in an open and transparent manor fit for public

scrutiny.

- The country park was a big selling point for the applicant in gaining outline approval.
- Plans for the country park as part of the reserved matters include the bridge across the river Leven which contradicts condition 25 of the outline approval subject to conditions document and relates to the watercourse buffer zone and states that no development shall take place until the scheme for the provision and management of a 5 meter wide buffer zone alongside the river Leven and the Tees has been submitted and agreed by the Council. This buffer zone scheme shall be free of built development including lighting for reasons which the development which encroaches on watercourses has potentially severe impact on their ecological value for example artificial lighting will interrupt the biorhythms of the range of wildlife river using and inhabiting the river and its corridor habitat
- Can officers therefore explain how this fits in with the bridge construction across the river Leven when the buffer zone so described will have development within it within the 5 meter zone?
- As this has been described as a route for school children from Ingleby to access schools in Yarm, health and safety alone will dictate the need for street lighting for safe use of the bridge and associated footpaths throughout the country park.
- This alone will destroy the wildlife natural habitats in the Leven valley as recognised with condition 25.
- Another outline condition 22 relates to the protected species and requires that all ecological mitigation measures within the application site seek an ecological statement relevant to the red line area shown on the approved plan and shall be implemented in full to conserve the protected species and habitat.
- As outline approval only relates to the land contained in the red line area and doesn't include the land marked for the country park which also has protected species inhabiting the valley sides so this condition fails to include the country park and fails to protect the wildlife species that the law requires.
- The plans show access to the bridge from Crosswell Park, this has not been thought through, and it is a very small cul-de-sac and is not designed to be a car park for people visiting the country park or dropping off school children and their way to school in Yarm.
- There is also a serious giant hogweed problem affecting footpaths in the area to the river and it is not recommended for the elderly or unattended children.
- How is it proposed to get equipment down steep narrow footpaths to build this footbridge and the infrastructure that goes with it?
- The valley sides are unstable to some extent.
- Residents are concerned that the isolated location of the park in general will end being nothing more than an anti-social behaviour attraction and a nightmare on a daily basis and lighting would have to be introduced.
- The roundabout can't be built on the Mount Leven curtilage so they have decided to build a roundabout that falls on my land. I have been in a legal dispute with SBC for 18 months. Officers from SBC have trespassed on my land. There have been 20 variations of the roundabout design. My application for the country club has now been blocked. The two applications are linked. The points of law haven't been answered and the issue of trespass hasn't been resolved and Officers have dug information out of the ground and that is against the law.
- Can the committee consider the consultee response from SBC Adult

Services? She points out that the planning and design statement doesn't provide a clear indication as to how this scheme will directly address the proven local need. She further adds that despite providing 15 affordable dwellings on the site the nature and characteristics to this retirement village will result in the inward migration from people outside Stockton and will propose a considerable challenge to social care and health in the future. The provision of a care home on the site would have to be seen within the context of the current oversupply of Stockton care home markets. She documents that the Council can see little evidence of demand now or in the immediate future where there would be a need to increase capacity at this particular location. It is concerning that this application has been granted outline approval largely based evidence provided by the applicant that Yarm is crying out for such a development. The facts presented by Adult Services conflict with that claim. There even though outline approval has been granted there clearly isn't a need for such a development in Yarm and I ask the Committee to refuse the reserved matters application.

- If there are legal issues I'm flabbergasted we are at this stage. The access is totally wrong. There is a HGV yard just up the road from the access. In bad conditions and on hills HGV's must keep going. The application keeps changing. It is wrong that residents would have to get on a bus to get wherever they want to go. How far is it to the nearest shop from the development? What will the new bridges look like? Will there be a link road to the new development and will it become a rat run. There is a 20mph restriction on the road as it is deemed dangerous. The development is in the wrong place, Stockton town centre needs regeneration. Councillors are here to represent the place you love.

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

- I live next to the application site and fully support 100% it is good for Stockton residents and good for Stockton Council.
- Give the application your full approval so that the work can go ahead
- The roundabout will slow the traffic down at Leven Bank when you consider the amount of building that is going on in the south of the Borough

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

- The application was agreed contrary to Officer recommendation but that decision stands today
- Access was also agreed at that Planning Committee
- Officers have agreed and signed a Section 278 Agreement for access into the site and can't be considered as part of this reserved matters application
- The bridge and the country park fall outside the application site
- With regard to the Section 106 Agreement, the bridge, the footpaths and country park will have to be considered at a later date by Officers and it is likely that they will take the form of a separate application
- With regard to the demand for this type of development, the principle of the development has been established so while we can note Adult Services comments that was a matter for the outline stage of the application and was considered at the outline stage and Members took the view at that time that the application was worthy of support

- It has to be stressed that the only issues as part of this reserved matters application are the details around the layout the design and the landscaping and from Officers point of view we are satisfied that they are acceptable and satisfactory and where appropriate we can add additional conditions that are detailed in the main report and update report that can address those final matters
- From the Officers perspective the outline application was approved and we are satisfied the reserved matters application is acceptable and hence Officers recommendation for approval
- We have had correspondence from Mr Howson's legal representatives and I have replied to all of those letters and emails and there isn't anything outstanding. I have addressed and responded to all of Mr Howson's queries and concerns
- I'm happy the way the application has been dealt with.
- We have had amended plans and I have been involved with all of those discussions and I am happy with the way that they have been submitted and I'm happy that we can determine the reserved matters application today

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

- Is it not very unusual to have 3 bedroom properties in a retirement village?
- Given the age of the people in a retirement village and the lack of medical facilities and given the developments that have already been approved in the area will this development not put an unacceptable pressure on health centres and GP surgeries
- Can it be proved that there is a market for this sort of development in this area?
- Has there been any assessment of supply and demand and what type of nursing home are we talking about?
- Looking at Local Planning Policy Document Paragraph 14 – Sustainable transport and travel, how will footpaths and cycle routes be incorporated in this location. The footpaths, cycle ways and lighting are none existent on Leven Bank and public transport is limited
- The proposed development along the A144 to the A66 roundabout access is only through the estate as there are no footpaths along the main road
- Given that there are no medical facilities proposed for the development residents will need to use private vehicles for GP appointments as the distance to walk to Yarm medical centre would be unacceptable given the age of the residents
- There is a public right of way from Glaisdale Road across the middle of the proposed development. We have had additional information given to us today that the Highways, Transport and Environment Manager has asked for an additional condition to be added to secure the diversion of the existing public right of way and the creation of new public rights of way within the development site. How will this be incorporated into the retirement village given that residents will be expecting to be living in a private development
- With regard to highways safety paragraph 27 of the report and this is relating to access to the development. The provision of a roundabout was considered acceptable by the Planning Committee in 2013 against Officer recommendations however the Council's Highways Officer has agreed a design for a safe roundabout through a Section 278 Agreement with the applicant

therefore the roundabout design agreed by the Planning Committee in 2013. What precisely has changed to make it safe? Should the design of the roundabout not have come back to the Planning Committee and were Highways England consulted and what were their comments?

- With regard to the flood risk, it makes no mention of where the surface water will drain to and is there any risk of any contamination to the local water course?
- With regard to the supporters for the application I note that 3 of them listed in the report live in Manchester, Leeds and Stayley Bridge. How much weight is given to people who outside of Yarm and will not be affected at all by this development?
- Previously I praised the scheme but voted against it because of intrusion into the green wedge I was surprised that the scheme was approved and it set an unfortunate precedent. I'm surprised that promises have not been kept by the developer and issues have not been resolved at this late stage. If that is confirmed I would support deferment until those issues have been resolved
- Matters are not at a stage where all the issues have been resolved for us to move ahead
- There is an understanding from Members that outline approval has been granted but some of the details need further examination
- There is an ancient Britain settlement within this proposed development I would like to be absolutely assured that all the steps are taken to preserve these sites for future generations because if you lose them they are lost forever
- I voted in favour of this application last time and I still think it is a worthwhile proposal because it provides housing for elderly people and there is a gap in that market and it will get bigger
- We should be looking at a much more imaginative solution for the nursing home design
- The direction of travel has been established
- Surely all of the conditions from the outline application should have been carried out by now?
- Deferment is a way forward to address some of the concerns raised by public and members
- The layout of the village is good but it is a little bit incomplete and disjointed
- What type of nursing home is it?
- There is a need for bungalow type provision in Yarm

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

- With regard to the issue of need of the care home, outline consent was granted for 100 bedrooms, that level of provision has been established, this application is for 68 that is in accordance with that application and the applicant doesn't need to justify why that happened or if there is a need for that provision because that has already been established by the outline permission and Members can't revisit that application and concerns.
- Members can only consider the reserved matters application on its own merits.
- With regard to the country park and the conditions, the 106 Agreement secures the country park and will come for future consideration. There were a number of conditions imposed on the outline consent that will apply to the

scheme and the applicant will have to discharge those conditions. One of those conditions is for the evasive species at paragraph 36, the developer will have to set out a proposal to mitigate those impacts and that will have to come forward for agreement at a later date.

- Whilst it may appear that there is a lot of detail missing as part of this reserved matters application there are a lot of conditions on the outline application that will require the developer to submit that for approval and in a lot of cases before they start commencement of the development. There are a lot of elements of the application that form part of the jigsaw.

- Officers are satisfied that at this point in time there is enough information to make a decision hence the recommendation for approval.

- There are other matters in the Section 106 Agreement that are pre-commencement but they are dealt with entirely separate from the reserved matters application. There is no required order, the reserved matters can be dealt with before the Section 106 Agreement, and they are entirely independent because they are dealing with entirely different matters.

- The infrastructure will have to be dealt with before any development is commenced and are subject to further details to be submitted to discharge the obligation in the Section 106 Agreement that's on top of discharging the permissions outlined by the Planning Officer.

A Member then asked the following point of clarification:-

- Do they then come back as non-material considerations because I have discovered that in previous applications they are going through on Officer recommendations

- If you get objections in does that trigger it to come back to the Planning Committee

Officers responded with:-

- The discharged conditions are for Officers to look at because in a lot of cases they are technical issues and we will carry out consultation with relevant bodies.

- With regard to non-material considerations we have to turn them round very quickly and they don't require significant consultation because it is or isn't a minor change. If it is a material change it will require a Section 73 and then that may come back to the Planning Committee, where it is a none material amendment, it is often very minor and doesn't require any consultation and Officers are entitled to agree those changes under the Officer Scheme of Delegation.

- For Section 73, yes that would be triggered by the 6 objections to come back to the Planning Committee. For a none material amendment there is no requirement to go out to consultation, what we generally do is consult with none statutory consultees

The Chair then outlined that there had been a proposal to defer the application but if it that was agreed Members would need to let Officers know what further information they required.

A vote took place and it was agreed to defer the application.

Officers requested clarification on what further information they required.

Members responded with:-

- The position of the roundabout and were Highway England consulted and what were their comments
- The application is incomplete and disjointed and the public right of way only came before us this afternoon, we do need the other information that goes alongside this application
- Archaeology issues will affect the layout of the site

Officers responded that:-

- That is not for reserved matters, Members can't consider the access today as it has been approved when the outline application was considered
- The only matters that are for consideration are the design, layout scale and landscaping of the application
- With regard to the public rights of way as detailed within the update report, the intention of the developer is that it will be a private development and he will maintain and manage the roads, footpaths and drainage scheme. To improve the sustainability of the site and allow connections through this site to the country park you will need public rights of way to traverse across the site, there is currently a public right of way across the site that will need slightly diverting and then the intention is to allow other rights of way across the site possibly north to south and possibly from east to west and this will be agreed with the developer, this will ensure that the public have permanent rights of way across the development so that the developer couldn't say this land is all in private ownership and we don't want any public access. It is understood from the developers agent that there would be a public access in any case but this would ensure permanent points of access through that site for both the existing residents of Yarm and the residents of this development and then it will feed into the country park and there has been mention of the bridge across to Ingleby Barwick but the position of that bridge hasn't been finalised, it requires an awful lot of discussion, there are land stability issues but that is something Officers will have to consider going forward and will require a lot of detail from the applicant.
- There is a condition on the outline approval and it is down to the applicant to submit a scheme to discharge that condition. We feel as Officers that we have got a condition that covers the - archaeology issues and that is reflect in Tees Archaeology comments within the report.

Members then made the following comments:-

- More clear and reassured by what Officers are telling us as it was difficult to see what had been agreed and what could be agreed today
- Happy with the response to the Tees Archaeology comments
- In the future Members should be told what the applicant has done to protect the historic sites on the application site
- Reassured that all the details are being looked at and are all in hand and the Officers will be able to deal with any problems that do arise
- The footpath issues need to be resolved
- The issue of whether the nursing home is needed is not for us to consider today

A vote then took place and Members voted to approve the application.

RESOLVED that planning application 15/2161/REM be approved subject to the following conditions and informative(s);

Approved Plans;

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

Plan Reference Number	Date on Plan
1505.10	1 September 2015
1505.11A	9 February 2016
1505.12D	9 February 2016
15.0513B	9 February 2016
1505.14C	9 February 2016
1505.15B	9 February 2016
1505.16B	9 February 2016
1505.17E	9 February 2016
1505.18	10 September 2015
1505.19	10 September 2015
1505.20	10 September 2015
1505.21	10 September 2015
1505.22	10 September 2015
1404401 A	9 February 2016
1404402 C	9 February 2016
1404403 C	9 February 2016
1404404 C	9 February 2016
1404405 C	9 February 2016
1404406 C	9 February 2016
1404407	22 December 2015
1404408 01a	9 February 2016
1404408 02a	9 February 2016
1404408 03a	9 February 2016
1404408 04	9 February 2016
1420/P/003B	10 September 2015
1420/P/004B	10 September 2015
1420/P/005B	10 September 2015
1420/P/006B	10 September 2015
1420/P/007	1 September 2015
1420/P/008	1 September 2015
1420/P/009	1 September 2015
1420/P/010	1 September 2015
1422/P/011	1 September 2015
1420/P/012	1 September 2015
1420/P/013	1 September 2015
1420/P/014	1 September 2015
1420/P/015	1 September 2015
1420/P/016	1 September 2015
1420/P/017	1 September 2015
1420/P/018	7 September 2015
1420/P/019A	10 September 2015
1420/P/026	9 February 2016
1420/P/027	9 February 2016

200-31	1 September 2015
200-24	1 September 2015
200-23	1 September 2015
200-015 A	22 December 2015
200-14	1 September 2015
200-13	1 September 2015
200-12	1 September 2015
200-11	1 September 2015
200-09 A	22 December 2015
200-08	1 September 2015
200-07	1 September 2015
200-06	1 September 2015
200-05	1 September 2015
200-04	1 September 2015
200-03	1 September 2015
200-02	1 September 2015
200-01	1 September 2015
1404409	1 September 2015
1404410	1 September 2015
1404411A	1 September 2015
1404412A	1 September 2015
1404413A	1 September 2015
1404414	1 September 2015
1404415	1 September 2015
1404416	1 September 2015
1404417	1 September 2015
1404418A	1 September 2015
1404419A	1 September 2015
1404420A	1 September 2015
1404421A	1 September 2015
1404422	1 September 2015

02 Notwithstanding the submitted details in the application, the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the hereby approved dwellings have been approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved detail.

Means of Enclosure;

03 Notwithstanding those details submitted as part of this application, the means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before such fencing is erected. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Planting details;

04 A detailed planting scheme in accordance with those landscaping principles submitted and agreed as part of this application, shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the first dwelling. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the

occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Hard Landscaping;

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

Cycle parking;

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

Removal of PD Rights - All Householder

07 Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

Public Rights of Way;

08 No material operation as defined in Section 56 (4) (a)-(e) of the Town and Country Planning Act 1990 shall be carried out to begin the development pursuant to this planning permission until a detailed scheme for the diversion of the existing public right of way and creation of new public rights of way to link the existing residential properties to the west to the proposed Country Park and Leven Bank Road has been submitted and agreed with the Local Planning Authority. Such details shall specify the proposed route for the public rights of way and a timetable for phasing/ implementation. The scheme shall be implemented in full accordance with those agreed details and no building shall be occupied in a phase of the development that includes a proposed PROW until the relevant phase for the creation of public rights of way has been completed and no building within a phase of the development that includes the existing PROW to be diverted shall be built until the PROW has been diverted

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

7

15/2650/FUL

**David Lloyd Club, Tees Barrage Way, Stockton-on-Tees
Installation of a combined heat and power unit within an acoustic purpose
built contained enclosure.**

Consideration was given to a report on planning application 15/2650/FUL - David Lloyd Club, Tees Barrage Way, Stockton-On-Tees - Installation of a combined heat and power unit within an acoustic purpose built contained enclosure.

Planning permission was sought for the installation of a combined heat and power unit within an acoustic purpose built enclosure to the rear of the David Lloyds Leisure Club, Teesdale, Stockton.

6 letters of objection had been received which related mainly to existing and previous noise from the club and the provision of additional equipment.

The development was a replacement combined heat and power plant resulting in energy savings for the Club, the scale of the development was not considered to be significant and the development would reduce the overall noise in the area. The principle of development on this site was considered acceptable on this basis.

Taking into account all comments received, it was considered that the scheme would not have a significant detrimental impact on neighbours or the character of the area and would improve existing noise levels in the area.

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

With regard to publicity neighbours had been notified and 6 individual letters of objection were received from the following addresses with the main objections summarised 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 15th January 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 requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance

considerations, so far as material to the application and c) any other material considerations.

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

In conclusion it was considered that the proposed development accorded with planning policy and there would be no adverse impacts on the character of the area or neighbouring properties. The development would not have an adverse impact on highway safety and it was therefore recommended that the application be approved with Conditions.

Members were presented with an update report that outlined that additional Comments had been received from the Environmental Health Unit as follows:-

"Although the noise report concludes that predicted noise from the CHP is going to be less than the background, I am concerned that the noise emissions may be different to what the noise consultant predicts and therefore recommend the following condition;

Prior to commencement of development; details of proposed locations required for the monitoring and measurements of noise (agreed nearest noise sensitive locations/properties) shall be submitted and agreed in writing with the local planning authority. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the agreed locations) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the agreed locations). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority."

The comments of the Environmental Health Officer had been assessed and it was considered that the recommended condition would be acceptable to ensure that there would be no adverse noise impacts on local residents.

The agent was in attendance at the meeting and made the following comments:-

- The company has been established for over 30 years and have done over 700 CHP installations throughout the UK and work abroad
- More efficient than conventional sources of energy
- There are benefits to the environment
- The unit will be in an acoustic container and an acoustic fence
- The issue of noise break out has been taken seriously

A vote then took place and the application was approved.

RESOLVED that planning application 15/2650/FUL be approved subject to the following conditions and informatives;

01 Time Limit

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

02 Approved Plans

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

Plan Reference Number Date on Plan

9999-M-022830 October 2015

0690-M-000123 October 2015

999-M-0229 P1 30 October 2015

03 Existing Equipment

On commencement of operation of the hereby approved combined heat and power plant, the existing combined heat and power plant and roof mounted ventilation attenuator shall not be operated and shall be removed from the site within three months of the date of this permission unless otherwise agreed in writing.

04 Construction / Demolition Noise

No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

05 Prior to commencement of development; details of proposed locations required for the monitoring and measurements of noise (agreed nearest noise sensitive locations/properties) shall be submitted and agreed in writing with the local planning authority. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the agreed locations) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the agreed locations). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority."

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 gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

8

15/2912/LAF

**Courtyard Hotel & Georgian Theatre, Green Dragon Yard,
Stockton-On-Tees**

Change of use of ground and first floors of the Courtyard Hotel to form bar and associated facilities for the Georgian Theatre. The works will enable

the bar to be used independently from the Georgian. External alterations include new feature, glazed, entrance staircase to Green Dragon Yard, lift shaft to rear and installation of new windows and doors.

Consideration was given to a report on planning application 15/2912/LAF - Courtyard Hotel & Georgian Theatre, Green Dragon Yard, Stockton-On-Tees - Change of use of ground and first floors of the Courtyard Hotel to form bar and associated facilities for the Georgian Theatre. The works would enable the bar to be used independently from the Georgian. External alterations included new feature, glazed, entrance staircase to Green Dragon Yard, lift shaft to rear and installation of new windows and doors.

The application sought change of use of the ground and first floors of the former Courtyard Hotel to form bar and associated facilities for the Georgian Theatre. The works would create a mixed used facility and enable the bar to also be used independently from the Georgian. External alterations include a new feature, glazed atrium staircase to Green Dragon Yard and a rear extension for toilet provision.

The works had been considered in accordance with National and Local Planning Policy and were considered to be acceptable in that they would not lead to an adverse impact on the amenities of the Stockton Town Centre Conservation area, the amenities of neighbouring properties, highway safety, listed buildings or ecology.

The application was recommended for approval with conditions.

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

With regard to publicity neighbours had been notified and no comments were received.

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 15th January 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 requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

In conclusion the application was considered to be acceptable in that it would

not adversely impact on the vitality or viability of Stockton Town Centre or adversely impact on the amenities of the conservation area, neighbouring residents. Additionally the proposal was considered to be acceptable in regards to heritage assets and archaeology, highway safety and ecology.

It was recommended that the application be approved with conditions.

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

- Will the use of glass and steel suitably enhance the building as it is not sympathetic to the area
- Will the hours of food and drink be appropriate?

Officers addressed the Committee and were given the opportunity to respond to issues raised by the Members. Their comments could be summarised as follows:

- The condition has been put on with Environmental Health input. The hours of operation have been aligned up with the licensing requirements.
- The report has been written by the Historic Buildings Officer and it is her view that the use of steel and glass is appropriate and it is used in lots of conservation areas where you are trying to maximise on space and you are trying you differentiate between the original building and the extension to the building. English Heritage doesn't rule it out and often ask for the use of steel and glass.

A vote then took place and the application was approved.

RESOLVED That planning application 15/2912/LAF be approved subject to the following conditions and informative below;

01 Approved Plans

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

Plan Reference Number	Date on Plan
105	20 November 2015
111	20 November 2015
103	20 November 2015
107	20 November 2015
101	20 November 2015
109	20 November 2015
106 Rev 1	5 February 2016
112 Rev 1	5 February 2016
108 Rev 1	5 February 2016
102 Rev 2	27 January 2016
110 Rev 1	5 February 2016
0854-(59)001	20 November 2015
100	
113	

104 REV 2 20 November 2015
23 November 2015
28 January 2016

02. Construction Operation Hours

All 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

03. Use of outdoor terrace

Food and drink shall not be consumed in the external seating area after 22:00. There shall be no music played in the external seating area, and no use of lighting likely to cause a nuisance to adjacent premises. Doors to the external area shall be fitted with a lobby and or self-closing devices to prevent the ingress of smoke and egress of noise. The sides of shelters used for smoking shall be maintained so as not to be enclosed or substantially enclosed.

04. Noise disturbance from vehicles servicing the premises

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00Hrs and 19:00Hrs

05. External materials

Notwithstanding the submitted information full details of the proposed external materials to be used in the construction of the new extensions shall be agreed in writing with the Local Planning Authority before that element of the works is commenced on site. The works shall be carried out in accordance with the agreed details.

06. New windows and doors

Full details of any new external windows and doors to be installed at the property shall first be agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

07. Lighting

Details of all new lighting at the building including internal lighting to the glazed atrium feature shall be agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

08. Works to the terrace

Details of any proposed works to the external terrace including any works of hard landscaping shall first be agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

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

Informative: Nesting Birds

Any roof works or works within the roof void should not take place in the bird nesting season from March to September

9

15/2933/LBC

Courtyard Hotel & Georgian Theatre, Green Dragon Yard, Stockton-On-Tees

Listed building application for alterations to ground and first floors of the Courtyard Hotel to form bar and associated facilities for the Georgian Theatre. The works will enable the bar to be used independently from the Georgian. External alterations include new feature, glazed, entrance staircase to Green Dragon Yard, lift shaft to rear and installation of new windows and doors.

Consideration was given to a report on planning application 15/2933/LBC - Courtyard Hotel & Georgian Theatre, Green Dragon Yard, Stockton-On-Tees - Listed building application for alterations to ground and first floors of the Courtyard Hotel to form bar and associated facilities for the Georgian Theatre. The works will enable the bar to be used independently from the Georgian. External alterations include new feature, glazed, entrance staircase to Green Dragon Yard, lift shaft to rear and installation of new windows and doors.

The application sought Listed Building Consent for alterations to ground and first floors of the former Courtyard Hotel to form bar and associated facilities for the Georgian Theatre.

External alterations included new feature, glazed, entrance staircase to Green Dragon Yard, extension to rear and installation of new windows and doors.

The application was considered to be acceptable and would not have an adverse impact on the character, appearance or significance of either the grade II listed Courtyard (39A High Street) or the Georgian Theatre.

The application was recommended for approval with conditions.

With regard to publicity neighbours had notified and no comments were received.

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 15th January 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 requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

In conclusion the application was considered to be in accordance with the provisions of the listed building act and would not have an adverse impact on the character, appearance or significance of the grade II listed buildings.

It is recommended that the application be approved with conditions.

RESOLVED that planning application 15/2933/LBC be approved subject to the following conditions and informative;

01 Approved Plans

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

Plan Reference Number	Date on Plan
105	20 November 2015
111	20 November 2015
103	20 November 2015
107	20 November 2015
101	20 November 2015
109	20 November 2015
106 Rev 1	5 February 2016
112 Rev 1	5 February 2016
108 Rev 1	5 February 2016
102 Rev 2	27 January 2016
110 Rev 1	5 February 2016
0854-(59)001	20 November 2015
100	
113	
104 REV 2	20 November 2015
23	November 2015
28	January 2016

02. Making Good

All work of making good shall be finished to match the existing original work in respect of material, colour, texture and profile and, in the case of brick work, facebond and pointing.

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

10

16/0054/COU

Change of use of land to the rear of Vicarage Avenue to Community Garden

Land to the rear of 13-43 (odds) Vicarage Avenue) and 33-59 Dunmail

Road, Stockton

Consideration was given to a report on planning application 16/0054/COU - Change of use of land to the rear of Vicarage Avenue to Community Garden - Land to the rear of 13-43 (odds) Vicarage Avenue) and 33-59 Dunmail Road, Stockton.

Planning permission was sought for the change of use of land to a Community Garden at the rear of 13-43 (odds) Vicarage Avenue) and 33-59 Dunmail Road, Stockton.

No objections had been received in relation to the application and the proposal was supported by the Ward Councillor.

The change of use would create a community garden for the local residents and there were no planning policies which would render the application unacceptable.

Taking into account all the comments received, it was considered that the scheme would not have a significant detrimental impact on neighbours or the character of the area and was recommended for approval.

With regard to publicity neighbours had notified and no comments were received.

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 15th January 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 requires in dealing with such an application the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

In conclusion it was considered that the proposed development accorded with planning policy and there would be no adverse impacts on the character of the area or neighbouring properties. The development would not have an adverse impact on highway safety and it was therefore recommended that the application be approved with conditions.

RESOLVED that planning application 16/0054/COU be approved subject to the following conditions and informatives;

01 Time Limit

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

02 Approved Plans

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

Plan Reference Number	Date on Plan
SBC001	08 January 2016

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

11

1. Appeal - Mr J Jones - Field No. 5453

Holmes Lane Carlton - 14/2884/REV - ALLOWED WITH CONDITIONS

2. Appeal - Mr C Teasdale - Beckside Livery Thorpe Leazes - 15/1836/REV - DISMISSED