

Planning Committee

A meeting of Planning Committee was held on Wednesday, 15th June, 2016.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Sonia Bailey (Sub for The Late Cllr Michael Clark), Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Stefan Houghton(Sub Cllr Elsi Hampton), Cllr Jean O'Donnell(Sub Cllr Paul Kirton), Cllr Mick Stoker, Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn

Officers: Johnathan Stocks (PH), Joanne Roberts, Peter Shovlin, Elaine Atkinson, Kieran Campbell, Barry Jackson, Andrew Glossop, Sam Tidy(EG&D), Julie Butcher (HR,L&C), Gayle Nertney, Sarah Whaley(AD&ES).

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

Apologies: Cllr Elsi Hampton, Cllr Paul Kirton

P **Evacuation Procedure**
25/16

The Evacuation Procedure was noted.

P **Recording of Council Meetings**
26/16

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**
27/16

Cllr Helen Atkinson Declared a personal and prejudicial interest in relation to item 16/0852/VARY 10 Clifton Avenue, Billingham, TS22 5DE as she lived near to the proposed application. Cllr Atkinson reserved the right to speak but did not vote on the item.

Cllr Sylvia Walmsley declared that she may be deemed to be biased in relation to item 15/0527/OUT Land Adjacent To Hedgeside, Leven Bank Road, Yarm as she knew the applicant personally. Cllr Walmsley reserved the right to speak but did not vote on the item.

P **Minutes**
28/16

Consideration was given to the minutes from the Planning Committee meeting which was held on the 4th May 2016 for approval and signature.

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

P **15/0527/OUT**
29/16 **Land Adjacent To Hedgeside, Leven Bank Road, Yarm**
Outline application with all matters reserved for a proposed country club

and spa

Consideration was given to a report on planning application 15/0527/OUT Land Adjacent To Hedgeside, Leven Bank Road, Yarm

Outline planning permission was sought for the development of a country club and spa on land to the south of Leven Bank Road in Yarm. All matters (Access, Scale, Layout, Appearance and Landscaping) were reserved so this application sought permission only for the principle of development.

The site was located outside of the limits of development as defined in the 1997 Local Plan and as defined within the emerging Regeneration and Environment Local Plan whilst the proposed development (leisure use) was a town centre use as defined within the National Planning Policy Framework (NPPF). As required by the NPPF, this use in this location needed to be sequentially demonstrated that it could not be provided within an existing defined centre. The proposed use sought to provide facilities for Yarm, and in part Ingleby and the sequential assessment submitted was considered to demonstrate that there were no suitable or available sites within existing local centres.

The submission had detailed indicative proposals of a building, car park, access and other details. Although objection had been raised to the development of the site on visual, amenity, ecological, highway safety and other grounds, the indicative details were considered to demonstrate that the development could be achieved on the site without unduly affecting the character of the area, surrounding amenity and other such matters, subject to conditions being imposed. The Highways, Transport and Environment Team were satisfied that reasonable access was achievable either as a stand-alone application or alongside the extant 'Mount Leven Retirement Village' which would result in a new roundabout being required.

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

Neighbours were notified and the comments received were detailed within the main 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 it was considered that the proposal constitutes sustainable development which would provide economic and social benefits and by the imposition of conditions would protect the environment. The proposal was therefore considered to satisfy the provisions of the National Planning Policy Framework and be in accordance with the Development Plan when taken as a whole. It was recommended that planning permission be granted with conditions for the reasons specified within the main report.

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

- It had taken a long while to get the proposed scheme to a position where Officers were satisfied with the application. Due to the thorough scrutiny of the proposal the Applicants Agent felt that this should enable the Committee to feel confident when considering the proposed development.
- Members would be aware of the hundreds of houses which had been given permission to be built around Yarm, with hundreds more at Ingleby Barwick and Eaglescliffe. In total the south end of the borough had nearly 2000 homes with limited leisure facilities. The only facilities Yarm did have was Tall Trees, however this facility was now demolished. The proposed scheme together with the Councils new facilities in Ingleby Barwick would start to meet the need for leisure facilities in the area.
- It was highlighted from the report that some of the objectors seemed to think the scheme should be refused in order to help the proposed new pool at Ingleby Barwick. The two facilities were very different and would not conflict with each other. Tees Leisure had supported both schemes and found them to be complimentary to one another. Tees Leisure had also shown interest in operating the proposed pool.
- The proposal was not just about a pool it was about encouraging healthy lifestyles. The Applicant intended to use some of the surrounding land to grow vegetables to be used in the café as well as establishing a vineyard on the south facing slopes of the land.
- Members would appreciate from the Officers introduction that a lot of the delay was due to investigations into how the site would be accessed. If the retirement village did not go ahead there would be a road widening scheme with a right hand turn. If the retirement village did go ahead then there would be a larger roundabout provided than initially proposed.
- A larger roundabout would be a distinct improvement and would be better able to accommodate pedestrians and cyclists. The highway authority had rigorously assessed all of the proposals and was satisfied that they worked, and that the heads of terms of a S106 agreement had been drafted and agreed. Objectors who claimed that the access could not be built using the applicants land were

incorrect, which Officers accepted. Some of the objectors who had publicly opposed the scheme had tried to buy the land privately for more housing which the applicant had resisted.

- The Committee were asked to be in no doubt that the development could be delivered by the Applicant and access would be safe.

- Yarm needed this facility and Stockton deserved it. Members were asked to support the Officer recommendation for approval.

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

- One of the key arguments put forward by objectors opposing the unprecedented levels of new houses which had been granted approval in Yarm was lack of sustainability and the provision of public services. At long last here was an opportunity to address the imbalance. There were far more positives than negatives to consider in regards to the application. The plans and facilities looked to be top class offering leisure facilities for all age groups. The whole concept looked to be around optimum health and fitness, even down to the onsite garden market, providing produce for the clubs restaurant.

- The architectural design looked to be sympathetic to its surroundings and appeared not to be impacting visually upon any immediate properties, only the applicants own. Conditions to be imposed, if approved, would further ensure that the development would barely be visible for the A1044.

- There had been concerns raised in relation to the access and traffic implications There had been objections raised by many relating to the Mount Leven development and its roundabout access at the top of Leven Bank, directly adjacent to the proposed application; however this was to no avail. The roundabout was now approved and deemed safe and therefore highway risk could not be used as an argument against the proposed development whether it be a right hand turn or the fourth leg of a roundabout as a precedent had now been set. The proposed plans indicated that the fourth leg appeared safer being far wider than the entrance to the retirement village which was supporting 330 dwellings and an 80 bed care home.

- Reflecting upon the recently approved housing developments, Stockton Council had previously blamed unwanted development which they had approved on the NPPF, therefore it was felt that it was worth pointing out its relevance in relation to the proposed application. The NPPF stated that the requirement of sustainable development meant ensuring better quality lifestyles for ourselves not worse. It further stated that local planning authorities should seek opportunity to achieve the social dimensions of sustainable development meaning support for strong, vibrant and healthy communities with accessible local services which reflected those communities' needs. The frameworks chapter 8 'Promoting Healthy Communities', point 70 stated that 'Local Authorities should plan positively for the provision of community facilities such as sports venues to deliver the social recreational and cultural facilities the community needs'. In the case of Yarm this had failed to materialise in the wake of such intense growth. Considering Yarm had been allowed to expand in a way that nobody wanted it was hoped that the Committee would show some vision

and seize this opportunity by giving something other than housing back to the community and approve the proposed application which met the NPPF criteria for sustainable development.

- What was proposed went some way to address the shortfall of local leisure facilities.
- There would be a boost to the local economy and the creation of local employment opportunities for the growing population which had been forced upon the residents of Yarm.
- On paper it looked to be of high quality, befitting the aspirations of Yarm residents which clearly promoted a healthy living lifestyle within the community.
- This development was also connected to the award winning Brasserie located at Hudson Quay in Middlesbrough, which indicated a high standard would be set and that the developer was serious about his intentions to serve the area well.
- The location of the building was set well back from the Leven Bank A1044 road and was designed to merge with the surrounding landscape whilst taking advantage of the views towards the Cleveland Hills. It was clearly not detrimental to neighbouring properties in terms of visibility.
- The proposed development would give Yarm a long overdue swimming pool, fitness facilities, dance and exercise studios including a top class restaurant.
- Should the development be approved it was hoped that the Parish Council and local schools could work together with the Applicant to benefit the local children so that they could use the facilities.
- It was highlighted that Stockton Borough Council had stated that there was nothing more important to the Council than the Health and Wellbeing of the residents of Stockton. If the proposed application was granted that promise would be kept.
- This was a legitimate planning application for a country club which had been held up for an unprecedented 14 months by inexplicably being linked to another application, the Mount Leven Retirement Village. The application should have been considered on a standalone basis and decided on its own merit.
- At the reserved matters meeting Members were minded to defer the application, for, amongst other reasons, the unresolved access situation, however now after 14 months the application could be decided on its own merits.
- This was a beneficial and much sought after leisure complex and the Committee was urged to approve the application.

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

- The adjoining neighbour to the proposed development explained to the

Committee that they were greatly affected by the proposal. Concerns were raised as to the lack of detail regarding road safety and access. It was felt that both fundamental issues should be resolved prior to outline planning.

- Had a road safety audit been carried out, and had the Committee studied the content?

- Was the Committee comfortable with fundamental issues such as road safety being left to reserved matters?

-The protected right hand turn presented serious road risks to neighbours as they left their properties on an already busy road.

- When travelling from the nearby Fox Covert Public House to Yarm, drivers were already facing queuing traffic waiting to turn right across oncoming traffic at the top of Leven Bank. Suggestions were made that all Committee Members visit the site and see the magnitude of risk imposed which came with the right turn.

- It was realised that the right turn would be a temporary measure until the fourth leg of the roundabout could be achieved. Was there any information as to how negotiations were going in relation to the roundabout? Was a legal agreement achievable and was there a risk that the public purse may end up paying for it? Was there a chance the right turn may become a permanent feature?

- Over the last few weeks comments had been asked for on various plans which had changed from time to time, some of which had been across the objectors land. The occupants of the neighbouring residence to the proposed application, Handley cCross, had received a site visit from Officers of Stockton Borough Council and were informed that their land would not be encroached by the development for which they were thankful. However if there were changes legal agreements would be needed to make sure their land was not encroached.

- As the adjoining neighbour the proposed landscaping and screening was appreciated however in December 2011 a planning application was approved for Hedgeside with a condition relating to landscaping and that condition had yet to be fulfilled. The Council on this occasion had been powerless to take enforcement action; therefore what were the guarantees for the newly proposed application that the screening and planting would be forthcoming?

- It was requested that a postponement of the item be considered so the objectors outstanding questions be addressed

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- In relation to issues raised regarding landscaping and the application which was granted in 2011, the majority of planning applications were granted with a time period to commence, time periods for completion were not given as a matter of course. If however a development had been completed and agreed conditions had not been undertaken then action could be taken. It was understood that the development which was granted in 2011 was still ongoing

however it was a separate application and would need to be looked at separately.

- In terms of the access, extensive work had been carried out behind the scenes to ensure that the access would operate safely and would be in accordance with the Councils design guidance. The work had been tested by the Consultancy Practice Manager and his team of Chartered Engineers and it worked in a safe manner.

- With regard to land ownership and adopted land, the site lines for the safe junction could be achieved within the adopted highway and third party land was not required.

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

- Clarity was sought as to whether the land was farmers land or green wedge.
- Mount Leven Retirement Village was also to have a swimming pool on the opposite side to the proposed development, would this be a private or public swimming pool, as the Leisure club was to be a private pool and not for general public use?

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- The land was not green wedge however it was considered to be farm land although was not currently in use as such.
- In relation to whether the pool was public or private this was not something the Council was looking to control, it was not considered to be a reasonable planning control.

A vote then took place and the application was approved.

RESOLVED that planning application 15/0527/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement incorporating the Heads of Terms below or such other terms as deemed necessary by the Director of Economic Growth and Development Services. Should the Section 106 Agreement not be signed within a 6 month period following the approval (i.e. by the 15th December 2016) then the application be refused due to lack of provision for access.

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date on Plan
S158 PL 003 K	
S158 SK 001 G	13th May 2016
11th April 2016	

Reserved Matters - Details

02 Approval of the details of the Access, Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

Period for Commencement

03 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

Reserved Matters - Time Period for submission

04 Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Levels

05 Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the building and car parking within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the existing ground levels and the development shall be carried out in accordance with these approved details. .

Construction working hours

06 Apart from in relation to matters within (a) below, no construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Opening Hours and servicing hours

07 The use/s hereby approved shall only be open to visiting members of the public between the hours of 7am and 11pm Monday to Sunday and the site shall be vacated by staff by 11.30pm Monday to Sunday. Service Vehicles shall only access the site between the hours of 7am and 7pm Monday to Sunday.

Any marquee or similar building at the site shall conform with restricted hours to be agreed as part of the requirements of the 'management plan' which is required by condition.

Lighting

08 All external lighting at the site shall be installed and maintained in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted detailing the position of lighting, luminance, direction, shielding and timing of use.

Scheme of Plant and Equipment Noise Mitigation

09 All plant and equipment at the site shall be installed in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be restricted to providing an assessment to show that the rating level of any plant & equipment will be at least 5 dB below the background level and shall, where necessary detail noise mitigation. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas". The use shall be operated in strict accordance with the scheme of Plant and Equipment Noise Mitigation.

Management Plan – including use of external areas

10 No development hereby approved shall be commenced on site until a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include but not be restricted to the following;

- Detailing how all external areas, including any marquees or similar structures would be used;
- Detailing controls over numbers of patrons using such areas,
- Hours of use and numbers of functions to be held for external areas and in marquees or similar structures,
- Mitigation required to prevent undue impacts on residential amenity
- Detailing how internal areas, ventilation, windows and balconies would be utilised and controlled.

Any noise mitigation shall be informed by appropriate acoustic survey work as required.

The use shall be operated in strict accordance with the approved Management Plan.

Music – Amplified or otherwise

11 There shall be no music played external to the building or within any marquee or similar structure unless in accordance with a music management and noise mitigation plan which has first been submitted to and approved in writing by the Local Planning.

Use Class - restriction

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order replacing or revoking that order, the development hereby approved shall be used as a country club and spa with ancillary functions and for no other use.

10% Renewables or fabric first

13 Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use

of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

Unexpected land contamination

14 In the event that contamination is found at any time when carrying out the approved development, 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 and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

No burning of waste during construction phase

15 During the construction phase of the development there shall be no open burning of waste on the site.

Waste Disposal Management Plan

16 The development hereby approved shall only be brought into use once a Waste Disposal Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Use hereby approved shall be operated at all times in strict accordance with the agreed Waste Disposal Management Plan.

Tree Assessment Report

17 Prior to the development hereby approved commencing on site (including any clearance works in advance of construction activity) a 'Tree Assessment Report' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to providing the following;

- an assessment of all trees on the site and within 10m of the site boundary;
- a plan showing the position of the trees and their associated canopy spread (for trees over 75mm diameter measured at 1.5m above ground);
- a schedule of the trees and relevant details;
- a schedule of intended works to trees (removal, pruning and other work);
- a plan showing root protection zones;
- details of any ground level changes or excavations / services within root protection zones;
- a statement confirming how the long term future of the trees will be provided for;

The scheme shall be in line with the principles of BS:5837:2005 and Vol.4 NJUG 'Guidelines for The Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees(issue 2)Operatives Handbook Nov. 2007.

The development shall be undertaken in strict accordance with the approved 'Tree Assessment Report'

Tree and landscaping protection

18 No development hereby approved, including any preparatory works to the ground, shall commence until a scheme for the protection of trees and other landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the precise location of protective fences, areas of material storage within the site and root protection zones. The approved scheme of protection shall be implemented on site prior to construction works commencing on site and shall be maintained throughout the period of construction.

Construction Management Plan

19 Prior to the development hereby approved commencing on site (including any clearance works in advance of construction activity) a 'Construction Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to the following details;

- The routing of HGV movements associated with the site;
- Staff parking provision and other parking and manoeuvring;
- Predicted construction traffic flows;
- Wheel cleaning facilities;
- Sheeting of vehicles;
- Dust suppression;

The construction phase of the development shall be undertaken in strict accordance with the approved 'Construction Management Plan'.

Surface Water Management

20 The development hereby approved shall not be commenced on site until a scheme of 'Surface Water Drainage and Management' has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to providing the following details;

- Extent of surface water discharge;
- Design of the Surface Water Drainage scheme including any attenuation;
- Discharge points for surface water;
- Timescales / Build programme for provision of the scheme;
- Details of adoption responsibilities;
- Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and brought into use and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

INFORMATIVES

Informative 1: Working Practice

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 2: Noise disturbance to adjacent premises

The Reserved Matters details shall include for hard and soft landscaping works to be undertaken in order to protect amenity associated with nearby dwellings. Within such a scheme, some boundaries may require acoustic fencing and mounding, the height and acoustic quality of which should be justified in relation to potential noise source from the proposed development. An assessment by a noise consultant will be necessary in order to establish where or whether acoustic protection is required.

HEADS OF TERMS

A Section 106 and / or S278 Agreement to provide suitable access to the site in a manner which achieves the following;

- An individual access (protected right turn or other access as deemed suitable by the Local Highways Authority) in the event of the approved Mount Leven Retirement Village Roundabout not being commenced;
- A 4 leg roundabout (or other access as being deemed suitable by the Local Highway Authority) should the approved Mount Leven Retirement Village be commenced or the three leg roundabout required for the Retirement Village having been constructed or commenced.
- In the instance of the individual access being provided and access to the Mount Leven Retirement Village being required following this, then transition works being undertaken to close the individual access following the provision of a 4 leg roundabout (or other access as being deemed suitable by the Local Highway Authority).
Provisions for all necessary design work, costs and implementation as required.

P **15/2978/FUL**
30/16 **66B Leven Road, Norton, Stockton-On-Tees**
Change of use of vacant shop unit to hot food takeaway

Consideration was given to planning application 15/2978/FUL
66B Leven Road, Norton, Stockton-On-Tees.

The application site was located on the northern side of Leven Road, on the corner with Eamont Road. The surrounding area was predominately residential in nature with the application site and surrounding properties being two storeys. The site formed part of the ground floor with the remainder of the ground floor being currently operated as a 'Nisa' retail unit.

Planning permission was sought for a change of use of the existing premise to a

hot food takeaway with opening hours of between 8am and 10pm. The proposed use was to be split over two floors with the storage and food preparation on the first floor. As part of the proposal it was proposed to include a fume extraction flue projecting out of the rear roof slope.

Objections had been received from the two local ward councillors and 12 members of the public. The main objections to the proposed development included; that there were sufficient takeaways in the area; will exacerbate existing traffic and parking problems; will increase, noise disturbance, cooking odours, litter and vermin in the area; and, will generate and worsen existing anti-social behaviour problems. One letter of support had also been received which provided general support for a southern fried takeaway but not pizza/kebab takeaways

In view of the above, whilst the proposed development was not strictly in accordance with saved policy S14, it did accord with the wider aims of the policy in terms of being adjacent to a use with associated activity. Provided that any use and activity associated with the takeaway did not extend beyond that of the retail premise it was considered that its associated impacts would not significantly worsen the existing impacts of the retail unit on residential amenity. The scheme was also not considered to have an adverse impact on the character of the area or highway safety and the proposal would also bring into beneficial use a vacant premise offering some economic benefits.

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

Neighbours were notified and the comments received were detailed within the main 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 information contained within the main report, whilst it was acknowledged that the proposed development was not strictly in accordance with saved policy S14, it did accord with the wider aims of the policy in terms of being adjacent to a use with

associated activity. Provided that any use and activity associated with the takeaway did not extend beyond that of the retail premise it was considered that its associated impacts would not significantly worsen the existing impacts on residential amenity. The scheme was also not considered to have an adverse impact on the character of the area or highway safety and the proposal would also bring into beneficial use a vacant building.

It was considered therefore that the proposal constituted sustainable development which would provide economic and social benefits and by the imposition of conditions would protect the environment which should be attributed significant weight as the scheme would not result in a significant adverse impact on the amenity of existing and future occupiers of the surrounding neighbouring properties in terms of noise disturbance. The proposal was therefore considered to satisfy the provisions of the National Planning Policy Framework and be in accordance with the Development Plan when taken as a whole. It was recommended that planning permission be granted with conditions for the reasons specified within the main report.

Members were presented with an update report which since the main report it had been noted that Policy S17 was omitted from the report and details regarding the flue had been added for clarification.

Policy S17 stated that planning permission would only be granted for a change of use that would result in the loss of a shop within a village or other location outside the Centres listed in Policy S1, where it could be demonstrated that: -

- i) local need for the facility no longer exists, or
- ii) the facility is no longer economically viable, or
- iii) appropriate alternative facilities exist within reasonable walking distance for residents who live within the pedestrian catchment area of the existing shop.

The supporting text in the policy stated that Local and village shops provided an important service to residents by providing a range of convenience goods and the availability of shops to meet local needs was particularly important for those without transport and for those with mobility problems who were unable to make journeys to larger Centres or food stores to meet their everyday needs. Minimising the need to travel and protecting viable shop units was the principal aim of the policy.

The application site was located just 250 metres from the defined retail centre of Norton which provided a whole range of services to this catchment area and beyond; and considering this distance and the presence of the adjacent retail store providing convenience goods it was considered that the loss of this retail unit would not be contrary to the aims of the policy.

In relation to the flue; whilst it had been identified that there would be no impact on the character of the area it should be noted that the flue would be encased in a fibreglass stack clad in brick slips to match the existing. This would give the appearance of a chimney stack which would not have an adverse impact on the visual amenities of the neighbours when the site was viewed from the garden areas.

It was considered that the details within the update report did not alter the

recommendation made 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:

- The application site was part of a building already benefitting from planning permission for a mix of uses including a tea room and internet café.
- Concerns had been raised by objectors relating to the haphazard way in which people were parking their vehicles associated with the present use of the building. The applicant met with the Case Officer and a representative of the Highways Transport and Environment section and had agreed a series of works which once formally approved and the necessary agreement to carry out the works was entered into, the necessary works would be implemented to create off-street parking for a minimum of 8 vehicles including provision for a disabled driver.
- In response to concerns raised by the Councils Environmental Health Unit in relation to the control of the emission of fumes and odours the incorporation of the first floor flat into the overall proposal had provided sufficient internal space to allow the installation within the building of suitable equipment necessary to ensure that the potential for venting fumes and odours which may become a nuisance was minimized. The original proposals involved the vent pipe being located just above the eaves level of the rear roof space, the incorporation of the first floor into the overall proposal had allowed the vent pipe to be moved closer to the ridge thereby moving it further away from the nearest residential properties and ensuring any emissions into the atmosphere occur at a more elevated point to assist with more efficient dissipation. The vent pipe would be encased so it would appear as a chimney in order to avoid what may otherwise be considered an unsightly feature.
- The application had given rise to a number of objections. Prior to the Applicant submitting the application he had canvassed shoppers at the adjacent NISA store in an attempt to assess local reaction to the possibility of a takeaway being opened. Over 90 positive responses had been made, with 67 responses from residents residing in streets within the immediate vicinity of the premises. The Applicant continued to proceed with the application on the basis of the positive responses he had received.
- It was clear from the report that the Case Officer had taken careful examination of development plan policies in the context of National Planning Policy and had arrived at his recommendation on the basis of a sound interpretation of the policies. Planning assessments had been made on the impact of the development and the potential for their mitigation, concluding that subject to satisfying a number of conditions to which the Applicant accepted the proposed development would not have serious detrimental impact on the local neighbourhood or the amenity of local residents.

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

- Concerns were raised in relation to whether the proposed application was

close to local schools and if so what the impact of this would have.

- Members requested that an additional condition be considered in relation to the parking and the layout of the parking at the proposed site. Members felt that this would address a number of residents' concerns.

- It was acknowledged that Norton Post Office was to be located within the Nisa store, and as this was more remote from the village, 8 parking spaces were to be made available. It seemed that a lot of use was being made of the parking spaces however it was felt that the Post Office would create quite a high volume of cars in its own right. Questions were raised as to whether the 8 spaces would be sufficient.

- There were other NISA stores with Post Offices located inside which did not seem to have a detrimental effect on parking spaces.

- Questions were raised in relation to the proposed opening hours of the takeaway. The majority of takeaways opened at 10.00am and not 8.00am as proposed with this application.

- Clarity was sought as to the exact location of the car parking spaces.

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- It was believed that there were no schools in the immediate location of the proposed application.

- Officers confirmed to Members the exact location of the proposed parking.

- The condition that applied to the regulation of the carpark applied to the actual store itself. There had been agreement to undertake work and Officers were waiting for information to come forward to discharge the previous condition which would provide the layout for the carpark and improvements to the highway network itself in terms of bollards etc.

- In relation to the hours of operation, the Applicant had proposed an opening time of 8.00am which had not raised any concerns with Environmental Health. There were no sustainable planning reasons as to why the opening hour should be changed to 10.00am.

- Members were advised that if they wanted to ensure that the parking condition was in place prior to the takeaway coming into operation (should Members be minded to approve the proposed application) a condition could be imposed which stated that the operation of the takeaway was not brought into use until the 8 parking spaces had been brought into operation.

Members proposed that a parking condition directly linked to the proposed application be included providing 8 parking spaces including 1 disabled bay, and that operation of the proposed takeaway not commence until that condition was implemented.

A vote took place and the condition was agreed.

A vote then took place for the proposed application

RESOLVED that planning application 15/2978/FUL be approved subject to the following conditions and informative;

Approved Plans;

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

1560/LP	30 November 2015
1560/02	30 November 2015
1560/03	30 November 2015
1560/06	30 November 2015
1560/04 A	15 February 2016
1560/07 A	15 February 2016
1560/05B	1 April 2016

Conformity with submitted layout.

02. Notwithstanding any submitted information, the hereby approved use shall be carried out in strict accordance with the layout and identified room uses as shown and approved on drawings 1560/04A and 1560/05B.

Hours of opening;

03. The hereby permitted use shall not take place other than between the hours of 08:00 and 22.00 hours with the premise being vacated by all staff at 22.30 hours.

Fat/grease trap;

04. Prior to the commencement of the use hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.

Odour nuisance;

05. Notwithstanding any of the submitted details, before any development commences details of a ventilation and fume extraction system shall be submitted to and agreed in writing with the Local Planning Authority for approval. Such details shall include a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises. Such a scheme shall also detail that any flue is provided no less than 1 metre above the eaves of the main building and positioned at least 2 metres away from any window that is able to be opened. The agreed extraction system shall be installed before the development is brought into use and be in full accordance with the agreed details. Thereafter the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Noise protection for adjacent residential flat;

06. No development shall take place until a scheme for sound insulation and

attenuation to limit noise and sound from the hereby approved use to the adjacent dwelling has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the use commencing and shall retained thereafter.

Waste storage/collection;

07. Prior to the commencement of the development hereby approved, details for the siting of waste storage facilities and methods/frequency of collection shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use commencing and all waste procedures shall be carried out in full accordance with those agreed details thereafter.

Car Parking

08. Approved with additional condition requiring provision of 8 space car park before the use can commence.

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
31/16**

16/0852/VARY

10 Clifton Avenue, Billingham, TS22 5DE

Section 73 application to vary condition 3 (opening hours) of planning approval 00/0568/P to allow the hot food takeaway to open on Sundays and Bank Holidays between 12:00 and 23:00 hrs.

Consideration was given to planning application 16/0852/VARY
10 Clifton Avenue, Billingham, TS22 5DE.

This application sought to vary the days/hours of operation of the previously approved Hot Food Takeaway unit at 10 Clifton Avenue in Billingham.

The planning approval for the hot food takeaway was granted by a Planning Appeal on 15 November 2000 for a change of use from A1 Retail to an A5 Hot Food Takeaway (00/0568/P) and as part of the decision the hours/days of the use were conditioned to 10:00 - 23:00 Monday to Saturday with no operating hours on Sundays and Bank Holidays. The application sought to extend those opening hours/days to 12:00 –23:00 on Sundays and Bank Holidays.

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 Unit had no objections to the extended days/hours having regard to existing background noise levels.

Following the neighbour consultation and the display of a site notice there had been 6 letters of objection and 1 letter of support received. These objections principally related to concerns including the following matters: noise and

disturbance; litter; increased traffic; odour; 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 days/hours was considered not to have an unacceptable adverse impact on residential amenity 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 main report.

Neighbours were notified and the comments received were detailed within the main 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 it was considered that the proposal would provide economic and social benefits and by the imposition of conditions would reasonably protect the amenity of the surrounding area to a level suited to this area given its function as a parade of commercial units intended to serve the local area and would not result in a significant adverse impact on the amenity of existing and future occupiers of the surrounding residential properties. The proposal was therefore considered to satisfy the provisions of the National Planning Policy Framework and be in accordance with the Development Plan when taken as a whole. It was recommended that planning permission be granted with conditions 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:

- The NPPF stated that greater emphasis should be placed on economic considerations when considering planning applications.

- The NPPF also stated that Local Planning Authorities should support existing business sectors whether they be expanding or contracting. Be flexible enough to accommodate need not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Where the proposed application was concerned, the busiest times for food takeaways was generally a Friday, Saturday, Sunday evenings and also Bank Holidays.

- Neither Environmental Health nor Highways had any objections to the proposal.

- Previous resistance to allow opening on Sundays and Bank Holidays was outweighed by economic and social benefit. Previous refusals were prior to the implementation of the NPPF.

- The application accorded with NPPF guidance and relevant local planning policies.

- Members were asked to approve the application.

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

- It was highlighted that the car park in front of the shop was owned by the Public House, however was for general use. The car park was very well used and currently there was an ATS scheme to alter the car parks entrance and exit. This however would not be controlled on Sundays and Bank Holidays and concerns were raised regarding increase in traffic.

- Other establishments close to the proposed application did not appear to have Sunday and Bank Holiday restrictions therefore there didn't seem to be any reason why the proposed application should be restricted.

- Clarification was sought in relation to the fact that the Officer had stated that there was another takeaway on the parade of shops which opened on a Sunday, however did not have restrictions. Was this takeaway opening when it shouldn't be?

Officers addressed the Committee in response to some of the concerns/issues raised. Their comments could be summarised as follows:

- Where issues had been raised in relation to the takeaway which was already opening on a Sunday, Officers explained that the takeaway in question had no restrictions. There were a lot of historic applications which had no restrictions on hours of use, as was the case in this instance.

A vote then took place and the application was approved.

RESOLVED that planning application 16/0852/VARY be approved subject to the following conditions and informative:

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

Plan Reference Number Date on Plan
SBC0001A 4 May 2016

02 Hours of operation –Hot Food Takeaway;

The premises shall not be open customers and no customer shall be permitted to be on the premises outside the hours of 08:00 –23:00hrs Monday to Saturday and 12:00 and 23:00hrs on Sundays and Bank Holidays.

03 Variation of hours only;

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 00/0568/P dated 15 November 2000, 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
32/16 **Councillor Michael Clark**

The Committee paid their respects to the late Councillor Michael Clark.
The Committee observed a minute's silence.

P
33/16 **1. Appeal - 6 High Church Wynd, Yarm, Stockton on Tees, TS15 9BQ - 15/2008/REV - ALLOWED**

2. Appeal - Land at Woodside Farm, Wynyard Road, Thorpe Thewles, Stockton on Tees - 15/2348/PDA - DISMISSED

3. Cost Decision - Land as Woodside Farm, Wynyard Road, Thorpe Thewles, Stockton on Tees - 15/2348/PDA - REFUSED

4. Appeal - Land at Little Maltby Farm, Low Lane, Ingleby Barwick, TS17 0QR - 13/3107/OUT - ALLOWED WITH CONDITIONS

5. Appeal - The Stables, Kirk Hill, Redmarshall, Stockton on Tees, TS21 1FE - 15/1110/OUT - ALLOWED WITH CONDITIONS

The Appeals were noted.

P
34/16 **1. Appeal. 38 Holme Land, Ingleby Barwick - 15/2789/FPD - ALLOWED**
2. Appeal. 6 Coniston Road, Stockton on Tees - 15/2534/ FUL - ALLOWED
3. Appeal. Gooseberry Farm, Darlington Back Lane, Whinney Hill, Stockton on Tees - 15/0736/FUL - ALLOWED
4. Appeal. 22-24 Levendale Close, Yarm - 15/1728/FUL - DISMISSED

The Appeals were noted.

