

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th May, 2016.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lisa Grainge(Sub Cllr Michael Clark), Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Jean O'Donnell(Sub Cllr Nigel Cooke), Cllr Mick Stoker, Cllr Tracey Stott, Cllr Sally Ann Watson(Sub Cllr Lynn Hall), Cllr David Wilburn

**Officers:** Colin Snowdon (PH), Greg Archer, Andrew Glossop, Simon Grundy, Joanne Roberts, Peter Shovlin(EG&D), Julie Butcher(HR,L&C), Sarah Whaley(AD&ES)

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

**Apologies:** Cllr Michael Clark, Cllr Nigel Cooke, Cllr Lynn Hall, Cllr Mrs Sylvia Walmsley

### **P Evacuation Procedure**

**15/16**

The Evacuation Procedure was noted.

### **P Recording of Council Meetings**

**16/16**

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**

**17/16**

Councillor Sally Ann Watson Declared a personal interest in relation to item 15/2531/OUT Land Off Roundhill Avenue, Ingleby Barwick, Stockton-On-Tees as she had previously submitted comments which were detailed within the main report. Councillor Watson reserved the right to speak but did not vote on the item.

### **P Planning minutes from the meetings which were held on the 30th March and the 13th April 2016.**

**18/16**

Consideration was given to the minutes from the Planning Committee meetings which were held on the 30th March and 13th April for approval and signature.

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

### **P 15/2082/FUL**

**19/16**

**Land East Of 2 Bentley Wynd, High Street, Yarm  
Construction of 20 bed boutique hotel and related bar and bistro and  
creation of vehicular access.**

Consideration was given to a report on planning application 15/2082/FUL Land East Of 2 Bentley Wynd, High Street, Yarm.

Planning permission was sought for the erection of a 20 bedroom boutique hotel and bar/ bistro. The proposal was on the site of the former Campbell's tyre depot in Yarm Centre which had been a vacant plot for in excess of 10 years although which had an extant permission on the site for a Café/Bistro with 3 residential flats above.

A number of objections had been received which, in the main, suggested the proposed building was out of scale for the area, would increase traffic and parking requirements in an area where demand was already high, would result in inappropriate vehicle manoeuvres within the area, would unduly affect the adjacent listed building and would result in an increase in anti-social behaviour in the immediate area by bringing the evening economy from the central area of Yarm to the end of the High Street of the proposed development. A number of supporting comments had been received suggesting the building would be a valuable addition to the High Street, that the hotel was a needed addition which would support local businesses and that parking could be catered for within the centre.

The hotel and bar / bistro would serve to support one another although were intended to be open to visiting members of the public. The previous café/bistro approved at the site had its opening hours limited to 8pm based on concerns that opening later would result in the evening economy within the central area of Yarm spreading to the southern end of the High Street where there was a quieter, more residential character. An earlier application to extend the opening hours of the approved café/bistro (to 11pm) was refused by the Local Planning Authority, and the associated appeal was subsequently dismissed, for similar considerations.

The proposal sought to open the bar / bistro until 11pm and in view of the previous applications and appeal, officers had carefully considered the likely impacts of the scheme. Importantly, the proposal was a different offer to that previously approved. Officers considered a hotel with associated bar/bistro which was also open to visiting members of the public would be suitable subject to adequate controls to prevent the bar being a standalone use or a bar / nightclub emerging on the site, which would be likely to result in greater levels of impacts on amenity. Conditions had been recommended to prevent the premises being used as a bar by visiting members of the public. Controls over servicing and hours of opening were also recommended to protect amenity.

The Highways, Transport and Environment Team had objected to the proposed development on the basis of a lack of parking being provided on site, the nature and intensification of the proposed layby and on other highway related matters. Notwithstanding this, it was considered that the site was in a position which would be well served by existing parking associated with Yarm Centre and this proposal would not result in significant harm to matters of parking and highway safety and that adequate provisions could be made subject to controlling conditions.

The proposed building was considered to be of a suitable scale for its position on the High Street and although being a large building, would not unduly

dominate or affect privacy and amenity of the surrounding properties subject to controls being imposed by condition as recommended. The proposed development was considered to be in accordance with local and national guidance to protect and respect heritage assets including Yarm Conservation Area and nearby Listed Buildings.

The proposal was considered to be acceptable in Flood Risk Terms, Archaeology and other such matters, all subject to works being undertaken in an appropriate manner as controlled by conditions.

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 the application be approved with conditions for the reasons as set out within the main report.

Members were presented with an update report detailing considerations since the publication of the committee report. Highways, Transport and Environment had given further consideration to the highway safety concerns they had relative to the scheme and these considerations were appended to the update report. It was now suggested that to remove their concerns regarding use of the layby the layby should be removed from the scheme and servicing be undertaken from within the site. The considerations advised that service vehicles using the layby as proposed would have already been required to reverse into the application site to undertake a 3 point turn and re-enter the High Street, rather than taking a more problematic route around West Street which was the approved approach in relation to the extant consent. The service vehicles would still undertake the same manoeuvre but would also load and unload on the service road within the site.

This proposal was acceptable in terms of highway safety given it was not requiring additional manoeuvres than would already take place. The removal of

the layby from the scheme would reduce the impacts on the amenity of the approved but yet to be built mews development on the opposing side of Bentley Wynd as service vehicles would no longer be parked directly in front of those properties. Instead, the service vehicles would be within the walled parking area associated with the proposed use. The additional impacts on the adjacent residential property of 2 Bentley Wynd as a result of removing the layby would relate to movement of goods into and out of service vehicles. The existing high wall between the two sites would limit any visual impact and reduce some of the associated noise impacts. Given the position of the layby initially proposed only being several metres away, given there being likely to only be a small number of service vehicles attending the site and given the ability to limit the hours when the premises could be serviced (away from the early or late hours and only limited servicing on weekends), it was considered that this would not be a significant impact on the amenity of the adjacent property.

It was recommended that the application be approved in line with the recommendation within the main report subject to the amendment of conditions 11, 12 and 13 which control the provision of parking, the layby and layby management. It was recommended that these be amended to ensure only staff use the on-site parking to prevent visitors vehicles making awkward manoeuvres into and out of the site when there was insufficient capacity for all visitors, for control over servicing hours and for the agreement of a service arrangements management plan to be agreed as detailed within the update report.

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

- The owner of no.2 Bentley Wynd which would be immediately adjacent to the proposed development explained to Members that herself and her husband strongly opposed the development as detailed below:

- The submitted plans and the submitted planning and heritage statement were inaccurate. They did not include a recently extended kitchen diner which was now situated much closer to the proposed hotel. The hotel rear wall would now be situated 6 metres away from the gable end of the house, not 12 metres as shown. The access road was now only 2.5 metres from the gable end. The plans also stated that there were no habitable windows or doors on the gable end of the house however the was incorrect. The kitchen/diner had a large window and glazed door on that aspect.

- The impact of noise, odour, refuse management and loss of light due to the extreme close proximity of the proposed hotel bar and bistro to 2 Bentley Wynd's kitchen/diner, which was the main family living area. The plans were showing that the commercial kitchen was situated adjacent to and in very close proximity to the kitchen of the house. The resident of 2 Bentley Wynd feared intolerable and unrelenting noise and smells from the hotel kitchen, its extractor fans and waste management which would impact immensely on the family due to proposed long business hours operating 7 days a week 365 days a year. To date no plans had been submitted to ensure that the development had minimal environmental impact on local residents.

- There were concerns raised in relation to the loss of privacy and amenity that

the plan had on all local residents, for example, as a recommendation to obscure windows facing private residence. These windows according to the plan would still be able to be opened thus potentially giving clear view from the hotel into the home and private garden of 2 Bentley Wynd.

- Road safety concerns were highlighted for local residents and visitors to Yarm. The vehicular access for service vehicles was dangerous, it failed to meet the councils access and on-site turning standards. No sensible plans for deliveries and refuse collections had been made. The proposed layby was dangerous. It had been highlighted that associated parking would also be dangerous which had all been highlighted in the submitted report by the Highways Transport and Environment department objecting to the plans. Children walked, cycled, scootered and used skateboards up and down Bentley Wynd. School children who crossed the road to go to school would be crossing the road in the path of reversing vehicles.

- The proposed development would be surrounded by private houses and gardens on all sides. It was not part of Yarm Town Centre and it never had been. The area was a designated residential area within Stockton's own town plan. It was a quiet place away from all of the night time business where families lived.

- The area was where 7 new families were going to live shortly when the development directly opposite was completed. All the front facing windows of the 7 new houses would directly face a wall of hotel windows only 11 metres apart.

- Road safety was a major concern and inadequate car parking. These were not NIMBY objections these were objections which had been upheld by Stockton's own Highway and Transportation department. In their words 'the application would have a detrimental impact on the safety of other road users which was considered to be severe and therefore unacceptable'. The parking provision was considered to be inadequate and the location of the proposed drop-off layby was also considered to be unsafe. There was talk of removing the layby, however if this was removed it would increase the hazards of the reversing traffic in and out of the small access route at the back of the proposed development and would be a difficult manoeuvre and in reality people would just pull in on the pavement anyway where the layby was going to be and block the access for the road users and pedestrians.

- Objections were raised in relation to loss of privacy, Anti-social behaviour, noise, smell of smoke, all of which no one would deny were associated with a 24 hour operating hotel with a bar and restaurant. Stockton's own environmental health team had concerns regarding the use of the proposed bar/restaurant and objected to the site being used as a late night drinking establishment due to its residential location.

- The Applicant had been trying for 16 years to get planning permission for a night-time business on the site but it had been repeatedly refused due to 'undue detrimental impacts on privacy and amenity associated with surrounding residential properties'.

- A café bistro was granted planning permission previously however with

conditions to ensure the business was closed by 8.00pm. The Applicant applied to remove the conditions to extend the opening hours which was also refused. This was then taken to appeal and the council's decision was upheld.

- It wasn't ok 5 years ago to have a business on this site. Now the Applicant was looking to replace what would have been 3 apartments above a bar/bistro with 20 hotel rooms and open it 24 hours a day and still have an evening bar and restaurant. This proposal was worse than the last with a more detrimental impact.

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 had extant consent for a café/bistro with residential flats above. The extant situation and neighbouring occupants who had recently occupied the neighbouring property were aware of the extant consent.

- Objectors concerns in relation to the operating hours was appreciated however Yarm High Street had changed considerably in the last 5 years with recent planning application approval for extension of hours along Yarm High Street.

- The current application would significantly enhance the character at present of a desolate area. It would have a major economic and employment benefit in the retail centre.

- In terms of layout design and scale, Historic England and the councils Historic Buildings Officer raised no objections to the application. They both considered it would improve the vacant and derelict site for the better of the conservation of Yarm.

- In terms of amenity the councils Environmental Health Unit had confirmed that they had no objection to the development subject to the imposition of appropriate planning conditions.

- The application site was located in a highly sustainable location. Every mode of transport was available. There were several car parks within walking distance of the proposed site.

- In relation to the update report provided at the meeting the agreement to remove the elements from the proposal as requested from the councils Highways Officers, was now considered not to raise any highway safety considerations or impact.

- The Applicant was also keen to work with the council to improve the public realm with contribution which would improve the immediate area of the application site.

- This project would eradicate a desolate site and bring forward a viable use which would financially benefit the Borough. It would bring employment to local people, and support the council's aspiration to boost tourism by providing high quality accommodation.

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

- Concerns which were raised in relation to detrimental impact on amenity and privacy, any approval recommended was subject to servicing hours and the nature of servicing being agreed with Planning Officers.
- There were some properties directly opposite the site, however Yarm did have a tight knit grain and the very nature of Yarm conservation area was that properties were in closer proximity than you would find in other areas which ultimately meant that windows were in closer proximity to one another. Officers felt however that through obscured glazing the majority of impact could be offset.
- In relation to the previous approval which was limited to 8pm for the café/bistro, Officers viewed the current proposal as a different nature of use although accepted that there was potential for impact on amenity and therefore were looking to prevent the bar being a standalone bar in its own right and that the establishment operated as a hotel bar/bistro which could also be open to members of the public but not as a standalone bar.

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

- Questions were raised in relation to whether the hotel had a lift and if so was it DDA compliant?
- Was the proposal outside the limits of development for the High Street?
- A Member requested information in relation to the national guidance which related to car parking for a hotel development of this scale as there seemed to be far too few spaces provided within the curtilage of the development.
- Concerns were raised relating to the location of the proposal and its close proximity to residential properties. 6 metres next to someone's main living space seemed to be too close. Access for service vehicles going passed would be even closer to the kitchens and the waste storage, and although there would be rules in place for waste storage and operating hours, people could get lazy and not follow the rules.
- Comments were made regarding the reasons for refusal of the previous application for the proposed site. Members appreciated that the current proposal was different to what had been proposed previously however the plan was showing that the lobby and the bar/bistro entrances were separate to one another and the bar/ bistro would be recognized separately to the hotel entrance, therefore looking materially different and standing out from each other. Concerns were raised that the bar/bistro would go beyond what was previously agreed of 8pm when in fact it was in a residential area.
- The previous application relating to the proposed site of a café/bistro with 3 apartments above also included associated car parking. The Hotel had 20 bedrooms and a bar/bistro with only 4 staff car parking spaces to be provided which was totally inadequate with no parking for guests. The parking in Yarm

High Street was predominantly short term between the hours of 9 until 5 and limited to a 3 hour stay. Long stay parking was very limited and what there was filled up quickly. Since the recent introduction of residents permits on West Street, parking for none residents were limited to one hour with no return within two hours. Reference was made to paragraph 49 of the material planning considerations contained within the main report and according to local parking standards for an application of this nature a total of 16 spaces would be required for the overall scheme. It was understood that the landowners of the site promised to donate the land to Yarm for parking however we now have an application which would increase parking problems which already existed in Yarm Town Centre.

- Officers had already covered previous applications in 2007 for a café/bistro with opening hours of 8.00pm and then an application to extend the opening hours which was refused and dismissed on appeal, the reason was the impact this would have on the surrounding quiet residential properties due to the main night time economy spreading to the southern end of the high street. The Agent had stated that night time economy had spread along the High Street. This was not so in respect of this part of the High Street which was still a quiet residential area.

- The current application still sought to open the bar/bistro until 11.00pm and the hotel would be open for 24 hours 365 days of the year. Something certainly needed to be done with the site but the current proposal was not the answer.

- Concerns were raised in relation to the list of supporters and objectors which were as far and wide as Southampton, Lincolnshire and Leeds. 30% of supporters/objectors were not from the area.

- The development was too large for the size of the site and consideration should be given to reducing its size.

- The impact of the proposal would be very detrimental to the people who lived in close proximity to the site.

- If this development was allowed to go ahead then it appeared to be obvious that the facilities would extend to those who were not staying at the hotel.

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

- Officers confirmed that there was a lift within the building.

- The site was within development limits and was outside of the town centre boundary which ran alongside Bentley Wynd. The site had been a commercial site for a long time previously and it did have approval for a café/bistro.

- In terms of servicing and refuse comments that had been made in relation to rules being broken, conditions would be in place which could be enforced against any breach of those conditions.

- Where parking concerns had been raised, it was felt by Planning Officers that this particular location would be difficult to maintain an argument on appeal that



it would be unreasonable for hotel guests to use existing parking within Yarm centre as there were plenty of hotels which relied on town centre parking rather than in curtilage parking. The parking which was to be provided although minimal was adequate for the use.

- Officers had concerns in relation to the bar becoming just another pub in Yarm therefore conditions had been imposed and would be looked at alongside the Licensing Committee. There would be Planning and Licensing controls in place and licensed premises were monitored and such things such as refuse would also be looked at as part of food hygiene and health and safety inspections therefore more monitoring than simply waiting for complaints from residents.

- Officers informed the Committee that there had been initial safety concerns in relation to highway safety which were all associated with the layby and the operation of that and the pedestrians crossing. Those concerns had now been removed with the removal of the layby from the scheme.

- In terms of the reversing vehicles, this was part of the extant permission as it was always expected that refuse/service vehicles would enter the access road by reversing and exiting in forward gear onto Bentley Wynd and then onto the High Street which would be controlled by a condition.

- Where concerns had been raised relating to the lack of car parking, there was an abundance of car parking spaces in the high street although very popular and well used would possibly not be supported by an inspector if used for reasons for refusal, however it was still a concern of Officers.

- Issues raised surrounding lack of privacy and impact on amenity, conditions could be put in place so no undue impact was caused however most developments impacted on local amenity. The site was formerly a commercial site in the form of a tyre and exhaust fitting garage with limited controls on hours of operation. Members needed to bear in mind that there was already a use approved for a bar/bistro and 3 residential properties above which would also have had windows facing towards the surrounding properties which would have impacted on privacy and amenity.

- Officers had given weight to the economic benefits of the scheme. The current site was causing a detrimental impact to the character and appearance of the conservation area and it was felt that this site did need developing including the one opposite which had been vacant for over 10 years.

- Officers clarified that commercial refuse was normally collected differently to residential and therefore a condition was applied to the application.

- It was confirmed that the current proposal extended further than that of the previously approved application and therefore would be closer to the adjacent property, 2 Bentley Wynd.

A vote then took place and the application was refused.

RESOLVED that in the opinion of the Local Planning Authority, planning application 15/2082/FUL Land East Of 2 Bentley Wynd, High Street, Yarm development would result in the overdevelopment of the site, being in particular

close proximity to 2 Bentley Wynd and the residential development site on the opposing side of Bentley Wynd and would have an undue impact on the privacy and amenity associated with the adjacent properties particularly as a result of its position within the site, the nature of the use and the extent of windows overlooking properties thereby causing demonstrable harm, being contrary to the guidance contained within the National Planning Policy Framework.

In the opinion of the Local Planning Authority, the proposed use and its intended hours of opening would result in the evening economy associated with the centre of Yarm extending into a residential area and the associated impacts of the use would have significant adverse impacts on the amenity of residents within the surrounding area due to the consequent general noise and disturbance being contrary to the guidance contained within the National Planning Policy Framework.

**P 15/2531/OUT**  
**20/16 Land Off Roundhill Avenue, Ingleby Barwick, Stockton-on-Tees**  
**Outline application with some matters reserved for a residential development of up to 65 no houses and associated access.**

Consideration was given to a report on planning application 15/2531/OUT Land Off Roundhill Avenue, Ingleby Barwick, Stockton-on-Tees

The application was a former agricultural field which appeared to have been used for spoil from the development of Ingleby given the presence of mounds on the site. Centrally within the site lay an access track and pumping station. A public footpath and bridleway also ran through the site adjacent to the eastern boundary. White Horse Farm and the residential properties of Bala Close, Marchlyn Crescent, Harlech Court, Nolton Close and Newgale Close surrounded the application site, while the River Tees lay to the west.

Planning permission was sought in outline for a residential development of up to 65 no houses and associated means of access, with all other matters being reserved for a future submission. Access into the site was proposed from Blair Avenue running through the area which currently provided the bridleway.

A total of 135 objections had been received to the application with the main objections raising concerns in relation to the loss of a piece of the green wedge; loss of an area used for recreational purposes; that Ingleby had insufficient infrastructure; and the impact on traffic and the highway network.

Given that the Local Authority was unable to demonstrate a five year housing land supply the proposed development and its contribution towards the Borough 5yr housing land supply weighed in favour of the proposed development. As outlined within the report the scheme was not considered to have any significant impacts on the visual amenity of the area or highway safety, while matters regarding the final design and impacts on the neighbouring residents would have to be considered at the reserved matters stage. The proposed development would also have some other associated benefits in providing additional housing and helping to contribute towards the aim of delivering a country park along the Tees corridor.

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 detailed within the main report and given that the Local Authority was unable to demonstrate a five year housing land supply the proposed development and its contribution towards the Borough 5 year housing land supply weighed in favour of the proposed development. The site was identified within the emerging Regeneration and Environment local plan (RELP) as a potential housing allocation and although little weight could currently be given to this document, it indicated that the site was suitable for a residential development. As outlined within the report the scheme was not considered to have any significant impacts on the visual amenity of the area or highway safety, while matters regarding the final design and impacts on the neighbouring residents would have to be considered at the reserved matters stage.

In view of all considerations and despite the objections from the local residents it was considered that the associated benefits of the proposed development in providing additional housing and achieving the aim for helping to deliver a country park along the Tees corridor would offer some significant economic, social and environmental benefits would outweigh any resultant harm. As a consequence the proposed development was recommended for approval subject to those conditions and heads of terms identified within the main report.

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

- Objections were raised due to the impact on the protected species of the great crested newt. The species used the long grasses on the proposed site for its natural habitat and there was also a breeding pond which was very close to the

perimeters of the site. An objector claimed to have photographic evidence of great crested newts on the site from May 2015 which was logged with biological records. There was however no mention of those biological records within the wildlife report which was carried out.

- There would be an impact on the wider community for the loss of the outdoor recreational space. The land did have a bridal path, a public path which was widely used by young and older members of the community. The land which was to be passed on by the developer for public use was very steep and was not going to be accessible by many members of the community.

- There were significant old hawthorn hedgerows on the site to the western boundary and also to the north eastern boundary. The north eastern boundary hedgerows did not seem to be mentioned in the planning application and they would come under planning regulations 1997.

- It was understood that there was a requirement for housing to be built however Ingleby Barwick was already over populated. Road improvements were being carried out to cope with the current amount of residents in Ingleby Barwick.

- There had been an original application for 30 houses on the site however that had now increased to 65. There were no doctors appointments available for at least 2 to 3 weeks. Surely Stockton Borough Council had other areas they could meet the shortfall of houses other than Ingleby Barwick.

- Developers took a gamble of purchasing land on Ingleby Barwick without planning permission and it was now time that Stockton Borough Council listened to its residents.

- Ingleby Barwick did not have the facilities or the infrastructure to cope, and there was no space left to build houses.

- Questions were raised from residents of Ingleby Barwick asking if the public footpath diversion order had been implemented to re-route the bridal way for the proposed new build, and if so who authorised it?

- The proposed development site was a huge asset to the local community in its current natural state. It was a haven for wildlife and a well-used area for dog walkers and none dog walkers. It would be a disgrace if this area was destroyed in order to build more houses in a town which had already reached saturation point.

- Ingleby Barwick was full. The roads were full and the schools were oversubscribed. Doctors surgeries could not provide an adequate service for the current population and this was before the many more houses which were planned were completed.

- The ecology report submitted regarding the application failed to mention the diversity of wildlife on this site which included toads, frogs, deer, bats, foxes, field mice, voles, and numerous species of butterflies and countless birds including kestrels, yellow hammer and skylarks. The red clover that grew there was vital for the diminishing bee population. The area should be left as a natural habitat for these creatures that had no voice to object to the destruction of their

environment.

- Surely there were brown field sites which would be more suitable for the purpose of this development instead of continuing with the overdevelopment of Ingleby Barwick.
- This was the last green belt on Ingleby Barwick and residents failed to see why there was a need to build on it.
- There were currently 167 properties for sale on Rightmove in Ingleby Barwick so why was there a need to build more.

A letter was read out during the meeting from a 7 year old boy of a resident of Ingleby Barwick who asked the Committee to save the proposed site for the community and the nature which was there.

- The pictures which had been shown during the meeting did not do the site justice. The piece of proposed land was probably the only piece of land of natural beauty in Ingleby Barwick. Wildlife was in abundance it was enjoyed by local residents and families.
- It would be a total shame to destroy something so beautiful.
- Please reject the application and keep something to be proud of in Ingleby Barwick and keep a piece of green and pleasant land.

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

- The proposal was for residential development which was entirely policy compliant and which ticked all the boxes regards compliance with the NPPF in terms of sustainable development criteria.
- The site lay within the limits of development, had good links to local facilities and amenities, was accessible by various modes of transport including walking and cycling and the proposals were fulfilling the social, economic and environmental roles of sustainable development as identified in the framework.
- The site had previously been identified as a suitable location for new housing development through the Regeneration and Environment Local Plan.
- It was acknowledged that the plan was stalled however it was understood that there was concern that the plan may not bring forward sufficient housing sites and that additional housing allocations may have been necessary.
- The site was not an area of public amenity space although there was a public right of way running along the eastern boundary and this would be protected. The significant benefit of the proposal was the associated transfer of 4.89 hectares of land to the immediate west of the site to the council to assist in the delivery of a country park along the River Tees as part of the Tees Heritage Park. This would be available to the public and accessed through the development site. The land the applicant was proposing to allocate to the

heritage park was larger than the proposed development.

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

- Ingleby Barwick was approved by the Planning Inspectorate in 1978 with no conditions. All the land was private land and development went beyond the masterplan with a lack of facilities.
- Members had in the past, many years ago, tried to stop further development on the green wedge. Now under the NPPF the power was taken away from the local authority, however they had been very supportive in trying to stop applications such as Little Maltby Farm.
- Currently there was traffic schemes in place, there were just enough primary school places, however 600 children were still being bussed off to secondary school. Doctors surgeries were full and Ingleby Barwick just didn't need any more houses.
- One of the conditions under the Heads of Terms of the S106 agreement was to use £180,000 of that money which would come in from the scheme and put it off site for affordable housing elsewhere. If the Committee were minded to approve that then that money shouldn't be going outside of Ingleby Barwick. Ingleby Barwick needed services which is where the money should be spent.
- Please refuse the scheme.

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

- There had not been approval on the moving of the bridal path and it would require diversion approval. It was a formal process but it hadn't come in yet however would be considered in due course. It would be published allowing people to comment at that time.
- Picking up on issues regarding the great crested newts and other wildlife. Under planning legislation only certain species were protected and some were not given the same type of protection as the great crested newt. As eluded to in the presentation an ecological appraisal had been carried out by the developer, a professional competent person that had made a number of recommendations and mitigation measures as part of the scheme. This had been considered by Officers and in line with the NPPF guidance and Natural England and it was considered to comply with their own standing advice. From a planning policy perspective, Planning Officers were confident that the report was robust and sound and there was no evidence to contradict the findings of the report.
- In terms of hedgerows and references made to hedgerows being removed, Officers highlighted the landscape structure plan that was contained within the main report and it would become an approved plan. It would require any future development to accord with the basic principles and as could be seen on the western and northern boundaries of the site the existing hedgerows were to be retained and would not be removed. It was felt that this would be enough

protection for the hedgerows to be retained.

- In terms of brown field sites, officers understood residents' concerns relating to loss of green field sites and green areas for housing development. Planning Officers would prefer to see brown sites developed first, unfortunately the NPPF did not distinguish between the two and put more emphasis on economic growth, providing new housing. It was quite clear if a local authority did not have a five year land supply for affordable housing then this would carry significant weight for the approval of such schemes as had been seen with the 550 houses on the southern end of Ingleby Barwick which had been allowed by the Secretary of State.

- The site did not have any planning policy designation as a recreation or open space, whilst it was appreciated it was being used this was generally being used through trespass. As part of the proposal the applicant was proposing to transfer a large area of land for public use, free for residents to use. To the south there was a site of open space which was due to come to the council and it was hoped that this would be linked to the area of open space which would be provided as part of the retirement village and deliver a large strategic area in-between Ingleby Barwick and Yarm for residents to use.

- The NPPF was quite clear that there needed to be a 5 year land supply for affordable homes and although there was 167 houses for sale in Ingleby Barwick this was insufficient grounds from a planning perspective to say there was no need for additional housing.

- In relation to the increase in the proposed number of houses on the site it was a Planning Policy Officer which looked at the status of the site and considered the needs and felt that at a conservative estimate 30 dwellings could be accommodated on the site. The applicant had then provided a layout which in principle looked to work however the number of houses would be considered at a reserved planning stage and the quantity could change. The merits of the scheme would be considered at the reserved matters stage, however the information which had been provided did suggest that you could get 65 houses on the site which would be a reasonable number to accommodate. The scheme was considered to be a very low density scheme which worked out at about 16 dwellings per hectare.

- Where concerns had been raised in relation to the lack of facilities, this would lay outside of planning control and the planning system and therefore there was nothing planning officers could do in relation to additional needs for doctors or dentists.

- In relation to the offsite contribution, if Members were minded to redirect the contribution it would still have to be compliant and meet CIL tests.

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

- Members asked if the ecological assessment which had been carried out by the developers approved person, was a desk based or field based assessment?

- The elevation of the piece of land which was to be handed over to Stockton

Borough Council from the developer had been highlighted by a resident as having quite a slope and therefore how useful would this be to residents?

- Concerns were raised in relation to the contributions which were to be made. There was no mention of additional school places, local transport infrastructure, all the things which normally came with a development and although this was a relatively small development it had a combined effect with other developments in the area.
- The access onto the site required consideration as there was a thin finger of land which could be seen within the main report to the left which looked like an 'L', and clarity was sought as to what sort of problems officers may envisage in relation to access as it was understood to be a long road with hedges on either side.
- The Committee over the years had a strong feeling of protection over the Tees Heritage Park however it seemed that the Tees Heritage Park was being nibbled away at the edges constantly. Members felt that the Tees Heritage Park should be continued to be protected.
- Some Members felt that their hands were tied due to previous applications which had been refused by the Committee and then allowed by the Planning Inspectorate at appeal.
- There weren't enough secondary school places within Ingleby Barwick.
- In relation to transport the transport statement stated that there would be an additional 47 trips during morning peak time and 49 trips during evening peak hour on Roundhill Avenue. Roundhill Avenue did not lead out of Ingleby Barwick it joined other roads within Ingleby Barwick. 25 additional trips had been added onto Blair Avenue at a meeting which was held on the 13th April 2016. Questions were raised in relation to the additional trips and the answer received was that the new dual carriageway would alleviate the current problems and would have a 10% contingency. Members asked how much that 10% contingency actually was in trips because if small numbers of trips were to be continued to be added then would the 10% be exceeded?

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

- It was confirmed that in relation to infrastructure where footpaths and cycle paths were concerned, this would be picked up at reserved matters application.
- The Highway layout would be subject to a Section 38 agreement for the whole of the layout and a Section 278 with the highway authority agreement for the actual access to Roundhill Avenue. This had been looked at by officers with the view that a principle of access could be established. There was sufficient junction space with sufficient visibility for it to be acceptable in highway terms.
- Where concerns had been raised in relation to bus services, all services within Ingleby Barwick were commercially ran, were fairly local and ran approximately every 15 to 30 minutes. Officers were also aware that Arriva the local bus provider were to undertake a transport survey of existing residents which could



impact on future services. Asking a developer to contribute to bus services on a development this size would not be acceptable.

- In relation to trip rates Officers explained that the trip rates were reasonably low when looking at a development of this size on its own merits. There were other roads within the vicinity which had many more properties than the proposed 65, and from a traffic point of view the impact on Roundhill Avenue had been looked at to make sure there wasn't a significant impact. On a wider scale any impact would be picked up in the Yarm and Ingleby Barwick traffic model. This particular application did not hit any of the critical junctions however officers explained that trip rates would be added in incrementally making sure all trip rates from smaller applications would be included and updated for future consideration.

- In relation to the ecology assessment, it was explained that the assessment had been carried out as a desk based assessment and also by a site visit and was in line with all relevant guidance from a planning point of view.

- It was confirmed that the land which was to be given to the Council by the developer did slope towards the River Tees and the part of the land to be developed for housing was flatter. Officers did reiterate however that the land was privately owned and apart from the rights of way, if the public were veering away from the public rights of way they would be trespassing. A future design for the open space needed to be agreed which would be carried with the relevant officers within the council and would include appropriate access for all including those members of the public who were less mobile.

- Where issues were raised relating to the provision of school places, it was highlighted that there was the possibility to secure funds elsewhere to enable schools to extend however the corporate priority for this development was to provide affordable homes. This development due to size and onsite constraints was not viable in relation to having to provide the same S106 agreements as other developments.

- Officers explained where concerns had been raised relating to protecting the separation of the villages within Ingleby Barwick, the villages within Ingleby Barwick were not considered as separate settlements. Ingleby Barwick itself was considered a settlement and it was this which would be protected as an individual settlement not each individual village within Ingleby Barwick.

- At a high court hearing it was ruled that where green wedge was concerned, only the green fingers on the Local Plan could be considered as green wedge and the proposed development was not within the area of green fingers and therefore not considered green wedge. The same principal applied to the Tees Heritage Park and there were no grounds to say this development was within the Tees Heritage Park. The acquisition of the open space however would hopefully mean there would be no further development of the western side of the proposed site and residents of Ingleby Barwick would be able to enjoy the open space in perpetuity.

A vote took place and the application was approved.

RESOLVED that planning application 15/2531/OUT be approved subject to the

following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

Approved Plans;

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

Plan Reference Number	Date on Plan
14005/L01 B	13 October 2015
740/LA2A	11 January 2016

Time limit for submission of the reserved matters;

02 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Time limit for commencement;

03 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reserved matters;

04 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Dwelling numbers;

05 The total number of dwellings authorised by this permission shall not exceed 65

Conformity with the submitted masterplan

06 The details of the reserved matters shall broadly follow the principles and parameters set out in the site landscape structure plan (drawing 740/LA2A submitted with the planning application).

Entrance to Tees Heritage Park

07 Notwithstanding the submitted information, no development shall commence until a detailed scheme for pedestrian entrance to the Tees Heritage Park has been submitted and agreed in writing with the Local Planning Authority. Such a scheme shall allow for a suitable pedestrian route and appropriate connections to the existing route; route signage; entrance features; and, a specific timetable (including any phasing) for the agreed works. The agreed scheme shall be implemented in full accordance with those agreed details.

Buffer landscaping;

08 Notwithstanding the submitted information, no development shall commence until a detailed scheme for mounding, landscaping and tree/shrub planting to form buffer planting on the western boundary shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out prior to the commencement of the development 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 prior attained size and species unless the Local Planning Authority gives written consent to any variation.

#### Ecological mitigation

09 All ecological mitigation measures shall be carried out in accordance with the submitted ecological appraisal for land to the southeast of white house farm prepared by Naturally Wild (December 2014) and shall be implemented in full in accordance with the advice and recommendations contained within the document.

#### Method Statement for Invasive species

10 No development shall commence until a detailed method statement for removing or the long-term management / control of Giant Hogweed has been 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 of the relevant phase shall be carried out only in accordance with the approved method statement.

#### Tree Assessment;

11 Notwithstanding the submitted information, all trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The assessment should include for the following information:

- a) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.
- b) A tree schedule as detailed in Ref. 4.2.6 BS5837:2005;
- c) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- d) Details of any ground level changes or excavations within 5 metres of the Root Protection Area (Para 5.2.2. of BS5837) of any tree to be retained including those on adjacent land.
- e) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.
- f) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007

#### Scheme for the protection of trees

12 No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained

until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

#### Drainage

13 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

#### Construction Management Plan;

14 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

#### Construction activity;

15 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.

#### Unexpected land contamination

16 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

#### 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

#### HEADS OF TERMS

Transfer of Land for open space purposes

Commuted Lump sum of £120,000 for open space purposes/maintenance

Commuted Lump sum of £180,000 towards off site affordable housing

**P  
21/16**

**16/0189/COU**

**89 Lanehouse Road, Thornaby, Stockton-on-Tees**

**Change of use from Hairdressing Salon (A1 Use Class) to Hot food**

## **takeaway (A5 Use Class).**

Consideration was given to a report on planning application 16/0189/COU 89 Lanehouse Road, Thornaby, Stockton-On-Tees.

The application site was 89 Lanehouse Road an (A1) retail unit positioned within a row of commercial units in Thornaby. The site currently operated as a hairdressers. The application site was located outside of the defined town centre, district or neighbourhood centres set out in the Stockton on Tees Local Plan. Residential properties were located opposite the site along Thornaby Road with further residential properties sited to the rear along Stranton Street and Oxford Road. Commercial units were positioned on either side of the site with a vacant unit 91 Lanehouse Road to the east and 87 Lanehouse Road an A5 Pizza Shop to the west. Rear access to the unit was from Stranton Street via an alleyway running through the rear extension of 93 Lanehouse Road.

The application sought permission for the change of use of the retail unit (A1) to a Hot Food Takeaway unit (A5). The hours of operation proposed were 18:00 to 23:50 Monday to Sunday (every day). The proposal would employ two full time employees.

A total of three objections had been received in response to the proposed development. These objections principally related to concerns including the following matters; noise and disturbance, litter, increased traffic and associated noise, parking, need for the facility, waste provision, vermin, drainage and issues around anti-social behaviour.

The site was located outside of the designated town centre, district centre and neighbourhood centres but was positioned within an existing row of commercial units in a sustainable location. The core principles of the National Planning Policy Framework (NPPF) was to proactively drive and support sustainable economic development whilst also ensuring a high standard of amenity for existing and future occupants. In view of the material planning considerations and the level of commercial activity which was already present within the surrounding area, the proposed change of use was not considered to have an unacceptable adverse impact on residential amenity. The sustainable location of the premises and the existing parking restrictions meant the proposal was not considered to have any significant highway safety implications. Therefore, the proposal was considered to accord with the principles of the NPPF and the Development Plan in all 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 the proposed development was considered to be acceptable in all other regards and consequently the application was recommended for approval subject to those conditions detailed within the main report.

Members were presented with an update report which since the original report the Local Planning Authority had received a further objection comment to the application from Luke Frost of 37 Diamond Road, Thornaby which in summary objected on the grounds of the health implications with 9 hot food takeaways in Thornaby with additional hot food takeaways at Teesside Park, anti-social behaviour along Lanehouse Road with Stockton Borough Councils anti-social behaviour team present at the meetings and parking issues.

The number of hot food takeaways and the parking issues within the immediate vicinity of the site had been considered and assessed as part of the initial officer's report. In terms of the anti-social behaviour issues Cleveland Police were consulted on the application and commented that there was no link to the proposed use and anti-social behaviour and that should the application be approved then CCTV should be installed both externally and internally. The use of CCTV was a matter for licensing and not something which could be controlled through planning.

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

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

- Concerns were raised relating to the rise of obesity in Stockton which was one of the biggest threats to the health of the population. The prevalence of obesity in the area was significantly higher than that of the national average for both adults and children. In Stockton On Tees alone the NHS costs of principal diseases relating to obesity were estimated to be £71.8 million. Stockton Borough was described by the Department of Health as showing evidence suggesting a conveyor belt effect in which excess weight in childhood obesity continued into adulthood. Allowing more hot food outlets in Thornaby, a town with 15 takeaways excluding the fast food outlets within Thornaby Town Centre and those on Teesside Retail Park would do nothing to stop this conveyor belt

effect. The area was already struggling with various health issues and this would have long lasting consequences for future generations.

- The occupier of 87 Lanehouse Road, Thornaby explained to Members that 10 to 12 years ago he had applied to extend into 85 Lanehouse Road and his application was refused due to refuse collection, traffic management etc. It was not understood why this application was being considered.

- Just recently there had been a number of takeaways opened within the Thornaby area one of which was situated at the top of Lanehouse Road. How many more takeaways did Thornaby need?

- The Occupier of 87 Lanehouse Road conveyed a message from the fish and chip shop owner located at the same parade of shops as the proposed application. The owner of the fish and chip shop stated that he would never grant access for refuse collection of the proposed takeaway as he owned the land. The other takeaways on the same parade had their own keys to gain access.

- There were ongoing issues relating to environmental health which the council were already aware of.

- The café owner of 85 Lanehouse Road raised concerns in relation to the opening hours. She stated that she did not have a hot food licence and her main concern was the disposal of waste. If the application was approved and the opening hours were agreed where would all the refuse go? The cafe owner had a 5 star food rating and did not want this to be jeopardised.

- The café owner was also a resident of the area and highlighted that there was a high level of anti-social behaviour. She informed the Committee that she herself had had to contact the police within the last 6 months in relation to this. The police had indicated that additional CCTV would be installed as the current CCTV did not capture the parade of shops.

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

- Where concerns had been raised in relation to refuse collection the route was a concern. The council could not force the land owner to permit access for the collection of refuse however the owner of the unit would have to have a suitable system in place to avoid refuse accumulation.

- Condition 6 within the main report stated that a waste provision scheme would need to be implemented in full prior to commencement of the takeaway by the applicant.

- Issues relating to health and obesity were appreciated by officers however this was not a planning consideration.

- In terms of the neighbouring unit and the planning application submitted 10 to 12 years ago, each planning application was considered on its own merits and it would have been considered under the planning guidance at that time.

- There was no evidence or grounds to refuse the application on the basis of anti-social behaviour / disorder reasons.

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

- Members did have concerns relating to the access to allow for the collection of waste. If the application was approved today and the applicant could not satisfy condition 6 of the report then the applicant would not be able to operate.

- Members asked if there was any national guidance in relation to the number of takeaways within the proximity of local schools?

- What was once a nice parade of shops in a residential area was slowly being taken over by takeaways.

- There were issues in relation to parking as cars were being parked on the pavement. Residents at the bus stop were having to walk into the road to get onto the bus.

- There were two funded CCTV cameras in the area due to anti-social behaviour. The Police, PCSO's and The Anti-Social Behaviour Team were often in the area due to anti-social behaviour.

- Members sought clarity as to whether the fish and chip shop owner could refuse access for refuse collection.

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

- . Officers confirmed that the owner of the fish and chip shop would be able to refuse access for refuse collection as long as there were no rights of access.

- Where questions had been raised relating to national guidance and the close proximity of takeaways to schools, Officers confirmed that there wasn't any available from a planning perspective.

- Where issues had been raised regarding traffic issues, it was confirmed that the highways officers were not in support of the application and there were issues surrounding traffic management in and around the application site.

A vote then took place and the application was refused.

RESOLVED that in the opinion of the Local Planning Authority, planning application 16/0189/COU 89 Lanehouse Road, Thornaby, Stockton-On-Tees proposed use would be likely to attract additional vehicles to the premises with no associated car parking in an area of high levels of on-street parking. This would result in vehicles parking on the carriageway and across footways which would increase hazards to pedestrians and other highway users and prejudice the free flow of traffic.

**P 15/3073/COU**



**22/16 91 Lanehouse Road, Thornaby, Stockton-on-Tees  
Change of use from A1 use class (Retail) to A5 use class (Hot food  
takeaway).**

**Expiry Date 29 May 2016**

Consideration was given to a report on planning application 15/3073/COU 91 Lanehouse Road, Thornaby, Stockton-On-Tees.

The application site was 91 Lanehouse Road a vacant (A1) retail unit positioned within a row of commercial units in Thornaby. The application site was located outside of the defined town centre, district or neighbourhood centres set out in the Stockton on Tees Local Plan.

The frontage of the unit faced towards Thornaby Road with residential properties sited across Thornaby Road at 34 and 36 Thornaby Road. On either side of the unit were commercial units with 93 Lanehouse Road a Fish and Chip shop (A5) located to the east and a hairdressers (A1) unit located to the west at 89 Lanehouse Road. Access to the rear of the unit was via an alleyway accessed from Stranton Street and through an extension to the rear of 93 Lanehouse Road which provided access to 85,87,89 and 91 Lanehouse Road.

The application sought permission for the change of use of the retail unit (A1) to a Sharwama Hot Food Takeaway unit (A5). The hours of operation proposed were 10:00 to 23:00 Monday to Sunday (every day). The proposal would employ five part time employees. The previous florist shop ceased trading in August 2015.

A total of nine objections had been received in response to the proposed development. The objections principally related to concerns including the following matters; noise and disturbance, litter, increased traffic and associated noise, parking, need for the facility, waste provision, drainage and issues around anti-social behaviour.

The site was located outside of the designated town centre, district centre and neighbourhood centres but was positioned within a existing row of commercial units in a sustainable location. The core principles of the National Planning Policy Framework (NPPF) sought to proactively drive and support sustainable economic development whilst ensuring a high standard of amenity for existing and future occupants. In view of the material planning considerations and the level of commercial activity which was already present within the surrounding area, the proposed change of use was not considered to have an unacceptable adverse impact on residential amenity. The sustainable location of the premises and the existing parking restrictions meant the proposal was not considered to have any significant highway safety implications. Therefore, the proposal was considered to accord with the principles of the NPPF and the Development Plan in all 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 the proposed development was considered to be acceptable in all other regards and consequently the application was recommended for approval subject to those conditions within the report.

Members were presented with an update report which since the original report the Local Planning Authority had received a further objection comment to the application from Luke Frost of 37 Diamond Road, Thornaby which in summary objected on the grounds of the health implications with 9 hot food takeaways in Thornaby with additional hot food takeaways at Teesside Park, anti-social behaviour along Lanehouse Road with Stockton Borough Councils anti-social behaviour team being present at the meetings and parking issues.

The number of hot food takeaways and the parking issues within the immediate vicinity of the site had been considered and assessed as part of the initial officer's report. In terms of the anti-social behaviour issues Cleveland Police were consulted on the application and commented that there was no link to the proposed use and anti-social behaviour and that should the application be approved then CCTV should be installed both externally and internally. The use of CCTV was a matter for licensing and not something which could be controlled through planning.

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

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

- Concerns were raised relating to the rise of obesity in Stockton which was one of the biggest threats to the health of the population. The prevalence of obesity in the area was significantly higher than that of the national average for both adults and children. In Stockton On Tees alone the NHS costs of principal

diseases relating to obesity were estimated to be £71.8 million. Stockton Borough was described by the Department of Health as showing evidence suggesting a conveyor belt effect in which excess weight in childhood obesity continued into adulthood. Allowing more hot food outlets in Thornaby, a town with 15 takeaways excluding the fast food outlets within Thornaby Town Centre and those on Teesside Retail Park would do nothing to stop this conveyor belt effect. The area was already struggling with various health issues and this would have long lasting consequences for future generations.

- The occupier of 87 Lanehouse Road, Thornaby explained to Members that 10 to 12 years ago he had applied to extend into 85 Lanehouse Road and his application was refused due to refuse collection, traffic management etc. It was not understood why this application was being considered.

- Just recently there had been a number of takeaways opened within the Thornaby area one of which was situated at the top of Lanehouse Road. How many more takeaways did Thornaby need?

- The Occupier of 87 Lanehouse Road conveyed a message from the fish and chip shop owner located at the same parade of shops as the proposed application. The owner of the fish and chip shop stated that he would never grant access for refuse collection of the proposed takeaway as he owned the land. The other takeaways on the same parade had their own keys to gain access.

- There were ongoing issues relating to environmental health which the council were already aware of.

- The café owner of 85 Lanehouse Road raised concerns in relation to the opening hours. She stated that she did not have a hot food licence and her main concern was the disposal of waste. If the application was approved and the opening hours were agreed where would all the refuse go? The cafe owner had a 5 star food rating and did not want this to be jeopardised.

- The café owner was also a resident of the area and highlighted that there was a high level of anti-social behaviour. She informed the Committee that she herself had had to contact the police within the last 6 months in relation to this. The police had indicated that additional CCTV would be installed as the current CCTV did not capture the parade of shops.

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

- Where concerns had been raised in relation to refuse collection the route was a concern. The council could not force the land owner to permit access for the collection of refuse however the owner of the unit would have to have a suitable system in place to avoid refuse accumulation.

- Condition 6 within the main report stated that a waste provision scheme would need to be implemented in full prior to commencement of the takeaway by the applicant.

- Issues relating to health and obesity were appreciated by officers however this

was not a planning consideration.

- In terms of the neighbouring unit and the planning application submitted 10 to 12 years ago, each planning application was considered on its own merits and it would have been considered under the planning guidance at that time.
- There was no evidence or grounds to refuse the application on the basis of anti-social behaviour / disorder reasons.

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

- Members did have concerns relating to the access to allow for the collection of waste. If the application was approved today and the applicant could not satisfy condition 6 of the report then the applicant would not be able to operate.
- Members asked if there was any national guidance in relation to the number of takeaways within the proximity of local schools?
- What was once a nice parade of shops in a residential area was slowly being taken over by takeaways.
- There were issues in relation to parking as cars were being parked on the pavement. Residents at the bus stop were having to walk into the road to get onto the bus.
- There were two funded CCTV cameras in the area due to anti-social behaviour. The Police, PCSO's and The Anti-Social Behaviour Team were often in the area due to anti-social behaviour.
- Members sought clarity as to whether the fish and chip shop owner could refuse access for refuse collection.

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

- Officers confirmed that the owner of the fish and chip shop would be able to refuse access for refuse collection as long as there were no rights of access.
- Where questions had been raised relating to national guidance and the close proximity of takeaways to schools, Officers confirmed that there wasn't any available from a planning perspective.
- Where issues had been raised regarding traffic issues, it was confirmed that the highways officers were not in support of the application and there were issues surrounding traffic management in and around the application site.

A vote then took place and the application was refused.

RESOLVED that in the opinion of the Local Planning Authority, planning application 15/3073/COU 91 Lanehouse Road, Thornaby, Stockton-on-Tees the proposed use would be likely to attract additional vehicles to the premises with no associated car parking in an area of high levels of on-street parking. This

would result in vehicles parking on the carriageway and across footways which would increase hazards to pedestrians and other highway users and prejudice the free flow of traffic.

**P 16/0758/ADV**  
**23/16 Nifco U K Limited, Yarm Road, Stockton-on-Tees**  
**Advertisement consent for 2 no. illuminated fascia signs, 3 no. wall mounted illuminated hoarding signs and 1 no. illuminated pylon sign.**

Consideration was given to a report on planning application 16/0758/ADV Nifco U K Limited, Yarm Road, Stockton-On-Tees.

The application site was the former Nifco factory which was situated off Yarm Road, the surrounding area contained a mix of uses which included commercial and residential premises. On the opposite side of the road was the former Visqueen site which was now well underway as a residential housing estate, with a number of properties fronting onto the site. To the immediate south of the site was an existing Abattoir and Council's own storage yard/depot with the A66 and the associated junction beyond.

The application came before members as a total of 13no. objections which had been received, however, the majority of those objections originally related to the free standing hoarding/billboard which had now been removed from the proposal. Additional comments received also raised concerns in relation to the wall mounted signage boards.

Advertisement consent was therefore sought for 2no. illuminated fascia signs, 3no. wall mounted illuminated hoarding signs and 1 no. illuminated 'pylon' sign. The signage was predominately located on the approved foodstore with the exception of the pylon sign which was situated adjacent to the site entrance.

The proposed signage would be predominately situated on the approved building with a separate free standing sign situated adjacent to the site entrance. The signage was considered visually acceptable and was not considered to have a harmful impact on the amenity of the surrounding area or highway safety. As a consequence the proposal was in accordance with guidance within the NPPF and the Council's adopted Shop front and advertisements SPD.

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, the proposed signage was not considered to have a harmful impact on the amenity of the surrounding area or highway safety, as a consequence the proposal was in accordance with guidance within the NPPF and the Council's adopted Shop front and advertisements SPD and was recommended for approval subject to those conditions within the main report.

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

- The proposal was in accordance with the guidance contained within the NPPF and the councils adopted SPD.
- There were no objections from the Highways Transport and Environment Manager, although it was noted that there were objections raised by local residents which the majority related to the free standing billboards. After listening to concerns raised the applicant had removed the free standing billboards from the south east corner of the site.
- The signage was in keeping with the character of the local area and would be proportionate to the scale and size of the proposed food store.
- It was also not considered to have any harmful effect on the amenity of the surrounding area or highway safety as confirmed by council officers.
- It was requested that Members' approve the application.

A vote then took place and the application was approved.

RESOLVED that advertisement consent 16/0758/ADV be Approved subject to the following conditions and informative;

Approved plans;

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

Plan Reference Number	Date on Plan
A(90)GAP003 Rev 18	18 March 2016
A(99)GAP001 Rev 2	18 March 2016
A(00)GAV005 T1	18 March 2016

Control of hours of luminance;

02 Notwithstanding any details submitted as part of the application, the hereby approved signage shall not be illuminated outside of the hours of 08:00 to 22:00 hours Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

#### 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 24/16** **PLANNING PERFORMANCE**

The purpose of this report was to update members on the current performance of Planning Development Services for the two final quarters and year of 2015/2016.

In February 2016 the Planning Committee decided that the future reporting of performance to committee would be on a six monthly basis. The performance level for this year remained at 75% for majors, 80% for minors, 88% for other applications and 75% for County matters.

The reporting timeframe runs from 1st April-31st March each year. The report presented the performance of the last quarters in that period, 1st October 2015 to 31st March 2016.

Current performance position was that performance results achieved for the last two quarters were 91.67% and 92.86% for major applications, 89.96% and 94.44% for minor, 93.55% and 96.53% for others and there were no County matters applications dealt with in that time frame. The results for the last two quarters and the year were as shown in the tables contained within the main report

RESOLVED that planning committee note this six monthly report.