

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 5th June, 2019.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chair), Cllr Carol Clark, Cllr Chris Clough, Cllr Lynn Hall, Cllr Tony Hampton, Cllr Eileen Johnson, Cllr Clare Gamble (Sub Cllr Paul Kirton), Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Jean O'Donnell(Sub Cllr Marilyn Surtees), Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley

**Officers:** Elaine Atkinson, Andrew Corcoran, Simon Grundy, Stephanie Landles, Richard McGuckin, Peter Shovlin(EG&DS), Julie Butcher(HR,L&C), Sarah Whaley(DCE)

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

**Apologies:** Cllr Jacqueline Bright, Cllr Paul Kirton, Cllr Marilyn Surtees,

**P**        **Evacuation Procedure**

**1/19**

The Evacuation Procedure was noted.

**P**        **Declarations of Interest**

**2/19**

There were no declarations of interest.

**P**        **Planning Procedure**

**3/19**

The Planning Procedure was noted.

**P**        **Draft minutes from the Planning Committee meeting which was held on the 20th March 2019**

**4/19**

Consideration was given to the minutes of the Planning Committee meeting which was held on the 20th March 2019 for approval and signature.

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

**P**        **18/2403/FUL**

**5/19**

**Land North Of, Blair Avenue, Ingleby Barwick  
Application for the erection of food store with associated car parking and landscaping.**

Consideration was given to planning application 18/2403/FUL Land North Of, Blair Avenue, Ingleby Barwick. Application for the erection of food store with associated car parking and landscaping.

Planning permission was being sought for the erection of a new food store (Use Class A1) for the discount retailer Lidl, this included the associated works of the provision of parking spaces and landscaping The proposal being presented to Members was a revision of the scheme previously presented at the March Planning Committee. Following concerns raised by Members over the relationship with the dwellings to the north Lidl had taken this on board and now proposed to replace the store with their new Eco model.

The Eco model along with the reduction in footprint, had a reduced sales area which would extend to 1,256 sq. m compared to 1,325 sqm. previously considered. The supporting information indicated that approximately 20% of the floor space (or 251 sqm.) would be for comparison goods, The reduction in floor area had enabled the store to be moved further away from the northern boundary.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that in view of the material planning considerations contained within the main report the proposed development was considered to be in a suitable location and of an appropriate scale and design for the area. The proposal was also not considered to pose any significant risks to highway safety, the amenity of neighbouring occupiers, flood risk or ecology.

In planning terms, the proposed development was considered to be acceptable in all other regards. The proposed development was therefore recommended for approval subject to those planning conditions set out within the main report.

Members were presented with an update report which since the main report detailed further discussions with the Applicant over the servicing of the proposed store and the access arrangement. As a result of the discussions the applicant had made some minor changes to the access, the revised access plan had been appended to the main report. The changes included the increased width of the access road with the provision of a pedestrian island.

Condition 06 had therefore been revised to take into account the revision to the access.

The Highways Transport and Environment Manager presented Members with a verbal update in terms of traffic modelling for the Ingleby Barwick Lidl Store. A traffic model update had been requested by Members at the previous Planning Committee meeting held on 20th March 2019.

The key topics highlighted were as follow:

- Highways modelling assessment criteria.
- Local traffic models and junction assessments used for the traffic modelling.
- AIMSUN model - Base model versus existing conditions.
- Previous approved planning application 15/2431/FUL Land off Blair Avenue (40 apartments).
- Local junction assessment of the Blair Avenue / Myton Way Roundabout.

- AIMSUN Outputs - Average Journey Times
- Local junction assessment results

In summary the Committee were informed that the impact of the proposed development had been assessed using both the Aimsun Model and local junction assessments. Given that the impact of the store traffic, once the traffic from the approved apartment development (ref 15/2431/FUL), had been taken into account, the traffic modelling amounted to no more than an additional few seconds to journey times and less than one vehicle to existing queues.

It could not be reasonably demonstrated that 'the residual cumulative impacts on the road network would be severe'.

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

- Concerns were raised in relation to traffic congestion in particular at Blair Avenue / Myton Way roundabout.
- Highway safety issues in terms of the impact to residents crossing busy highways to access schools, shops etc.
- Concerns relating to the recent spate of anti-social behaviour at the local Tesco store, and, should the proposed development be approved then this could exacerbate the problem?
- A request was made to re-open Lowfields Avenue to help mitigate against increased traffic congestion.
- A representative from Asda addressed the Committee expressing that although Asda was not opposed to competition, the Lidl store was not in the right location. This was a deep discount operator, however the proposed site could be operated by any store.
- Sequential assessment had not demonstrated that the proposal met the sequential test.
- There were concerns relating to the delivery schedule and the impact it could have in terms of disturbance to the nearby care home as well as delivery vehicles arriving early and having to wait on the highway prior to unloading, possibly leaving their engines on.
- Members were informed that an overwhelming number of residents had expressed their support for the proposed application on social media.
- It was felt that there were still a lot of unknowns in terms of the traffic modelling as this had been carried out in March 2017 prior to the extension of All Saints School and the erection of the new Leisure Centre.
- The traffic modelling update was welcomed and it was highlighted that it had

alleviated some concerns however it was felt that the traffic modelling should have taken into account school drop off and pick up times not just peak morning and evening times.

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

- In terms of the concerns raised relating to traffic modelling at the Planning Committee meeting held in March 2019 the Applicant welcomed the update provided by the Highways Transport and Environment Manager.
- The Applicant confirmed that a new smaller design of the Lidl store had been submitted which would deliver a lesser retail impact and increased separation from residents. The Applicant was also working on the best plan going forward in terms of a delivery schedule.
- There would be more competition in Ingleby Barwick in terms of choice for local residents as well as the added benefit of the creation of local employment. Lidl expressed that they expected most jobs to be filled by local people and that they had little intention of bringing many employees from outside of the area.

Officers were given the opportunity to respond to comments / issues raised. Their responses could be summarised as follows:

- In terms of the traffic modelling assessment being carried out at school times, officers confirmed that the traffic modelling used, assessed the worst case scenario, and the worst case scenario was when traffic was at its most, which was 5pm to 6pm.
- Where concerns had been raised relating to additional developments and the impact of increased traffic from these, officers explained that all the committed developments which had been approved had been added to the model.
- Regards concerns relating to delivery vehicles turning up early and waiting to unload, it was highlighted that there were two conditions to mitigate against this. One from Environmental Health in terms of noise and a change to condition 6, details of which were contained within the update report.
- Officers highlighted that issues surrounding Anti-Social Behaviour would need to be handled by the store manager and police as this was not a material planning consideration.
- It was highlighted that planning policy dictated the location should be central and a sequential assessment had been carried out. It was noted that Asda's representatives were of the opinion that the application would fail the sequential test on the basis that they had adopted a 5 minute drive time. However, for the reasons given within the sequential testing the LPA were satisfied that a 5 minute drive time was appropriate in this instance.
- There had been an alternative site previously considered which was located next to the local Tesco store however this was no longer available.
- The sequential test also meant that a condition was not required that the site

be for Lidl only.

- The proposed development was relatively far from residential properties. There were large hedges five metres from residential properties.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows;

- It was felt that should the proposed development be approved then this would have a negative impact on the surrounding areas, such as Thornaby Town Centre which had an Asda and a Lidl store, both of which were frequented by Ingleby Barwick customers.

- Some Members shared the same concerns of local residents in terms of site safety and traffic, as well as there being too many unknowns relating to the new leisure centre and school extension and the impact this would have on traffic congestion.

- Questions were raised relating to the delivery vehicles entering into the loading bay and how safe this was and would the vehicles be reversing out onto the public highway?

- Concerns in terms of Tree Preservation Orders were highlighted as it was felt the trees already on the site should be protected.

- Members queried the impact of traffic to the wider area such as the accumulative traffic impact onto Thornaby Road.

- Members asked if the deliveries vehicles would be carrying fresh produce, as it was believed that if they were, the delivery drivers would be making 'just in time' deliveries, however if they arrived earlier than the stipulated unloading time they would need to keep their engines running to keep the produce fresh.

- Clarity was sought as to the location of local schools to the proposed development. Concerns were raised that there didn't appear to be a safe crossing point for school children from the Southside.

- Members queried whether the fact the proposed development, which was originally earmarked for housing, would set a precedent for future developments?

- It was highlighted that Asda's comments detailed within the main report questioned that the proposed application would fail the sequential test on the basis that Lidl had adopted a 5 minute drive time.

- Comments were also raised in relation to the Retail Impact Assessment.

- Officers were asked to clarify what other development sites had been considered.

- Members asked if there would be a designated route for HGV's delivering to the proposed store.

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

- Confirmation was given that delivery vehicles would turn into the proposed stores carpark and would reverse into the loading bay enabling them to then drive straight out onto the public highway after unloading.
- In terms of protecting the trees which were already on the proposed site, officers confirmed that there was already a landscaping plan. Tree Preservation Orders would make sure the trees were preserved.
- The location of the site was justified as it was the only one available.
- In terms of traffic impact on the wider area, it was confirmed that as the traffic modelling impact on the immediate area was minimal then the impact on the wider area would be less.
- Where concerns had been raised in relation to fresh produce on delivery vehicles and engines being required to be left on should delivery vehicles arrive early, the Applicant confirmed that Lidl included all produce, including fresh produce on the same vehicle. A delivery condition meant a delivery vehicle could not turn up before the conditioned time. If this did happen the vehicle would have to wait offsite in a public area which was not a residential area, with the engine on.
- Officers explained that Lowfields Avenue was closed at the request of residents.
- In terms of safe crossing points for school children on the Southside of the proposed development, officers confirmed that there was a crossing point which had been secured and a controlled crossing would be made permanent. There was a total of 3 sites where people could cross safely.
- Where concerns had been raised relating to the site being earmarked for development and the possibility that approval of the proposed application setting a precedent for future development, officers explained that each application was determined on its own merits and therefore would not set a precedent.
- Officers confirmed that in terms of the Retail Impact Assessment the only test needed to be passed was why it couldn't be in the centre of the town, and the edge was the next best thing. Predominantly the store would take from other food retailers but it would also take from its own store. Lidl therefore must be satisfied that both stores could be sustained.
- Ingleby Barwick was not yet fully developed, and retail studies suggested that there would be expenditure capacity to support two medium sized stores.
- In terms of a designated route for delivery vehicles all HGV's were expected to come in from Myton Way and then Blair Ave. Although this was not conditioned it was expected.

The Director of Economic Growth and Development reinforced what had been

said in terms of the verbal update regarding the traffic modelling and the officer's recommendation that the application be approved. There was to be only 6 additional trips in terms of traffic, which was not deemed to be severe. In terms of the retail impact there were no material planning considerations to suggest that this would be the case here. The council were committed to their town centres and their growth.

A vote then took place and the application was approved.

RESOLVED that:

Planning application 18/2403/FUL 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
07381-SPACE-00-XX-DR-A-91-0006-S3-P7 R/2104/1E	
07381-SPACE-00-XX-DR-A-02-0001-S3-P5	
07381-SPACE-RF-DR-A-01-0001-S3-P3	
07381-SPACE-00-XX-DR-A-01-0001-S3-P5	
07381-SPACE-00-XX-DR-A-91-0001-S3-P28	
07381-SPACE-00-XX-DR-A-91-1001-S3-P2	13th May 2019

13th May 2019

3rd May 2019

3rd May 2019

2nd May 2019

25th April 2019

25th April 2019

SBC0001 22nd February 2019

Surface/foul water drainage

02 The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Suitable Surface Water Drainage Scheme and a foul water drainage scheme have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

I. Detailed design of the surface water management system;

II.A build programme and timetable for the provision of the critical surface water

drainage infrastructure;

III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;

IV. Details of adoption responsibilities.

Surface water and flood risk

03 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk & Drainage Impact Assessment (FR&DIA) dated September 2018 and the following mitigation measures detailed within the FR&DIA.

- The discharge rate is restricted to 5l/s for all storm events.
- The design of the surface water management system should have sufficient storage within the system to accommodate a 1 in 30 year storm and shall also ensure that storm water resulting from a 1 in 100 year event plus 40% climate change surcharging the drainage system can be stored on site.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Construction Management Plan

04 Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials including any restrictions on delivery times;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the HGVs routing including any measures necessary to minimise



the impact on other road users;

(x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

#### Site Construction Access

05 No development shall take place (except for the purposes of constructing the initial site access) until that part of the access(es) extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

#### Service Management Plan

06 Within each phase, no development shall take place, until a Servicing Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Servicing Management Plan shall provide details of:

A carpark management plan;

Details of vehicle type, size, frequency of all service vehicles;

Once operational servicing times of all HGV's shall be restricted to 7.00-7.45 and 18.00-23.00 hours, unless it has been satisfactorily demonstrated to the Local Planning Authority that alternative delivery times do not adversely affect highway users.

Details of all offsite waiting areas where vehicles can stack off the adopted highway waiting to be called to the loading bay.

#### Travel Plan

07 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed

physical works

(ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Delivery Hours

08 Notwithstanding the requirements of Condition 06, the hereby approved retail store shall not receive deliveries outside the hours 07:00- 23:00.

Noise of Plant

09 The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Dust Emissions

10 Prior to commencement of the development hereby approved a scheme should be provided to control dust emissions, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection

Landscaping Hardworks

11 No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority.

This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details before practical completion of the store or in respect of soft landscaping completed in the first planting season following practical completion of the store. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Street Furniture

12. Prior to the siting any street furniture associated to the development on the Site full details shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

#### Site levels

13 Notwithstanding the information submitted as part of the application details of the Existing and proposed site levels (including the proposed route of the public footpath to the west) and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

#### Soft Landscaping Management

14 No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publically accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

#### Tree Protection

15 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations
2. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

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.

#### Unexpected Land Contamination

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

#### A1 Retail

17 The hereby approved premise shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class revoking or enacting that Order. The hereby approved premises shall have a maximum net retail floor space (net sales area) of 1,256 sqm. In addition no more than 20% of the permitted retail floor area shall be used for the sale of comparison goods. The hereby approved store shall also not include any post office, pharmacy, butcher or bakery other than the heating of pre-prepared products. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

#### No subdivision

18 The premises shall not be sub-divided into independent units without the prior written consent of Local Planning Authority

#### Opening Hours

19 The hereby approved retail store shall not be open for business outside the hours 08:00 – 22:00 Monday to Saturday including Bank Holidays and 10:00 -18:00 on Sunday.

#### Ecology

20 The development hereby approved, shall be built out in full accordance with the Discussions and Recommendations Chapter 5 of the Preliminary Ecological Appraisal as received by the Local Planning Authority on the 18th February 2019.

#### Sustainability Statement

21 The development hereby approved, shall be built out in full accordance with the Sustainability Statement as received by the Local Planning Authority on the 21 November 2018.

#### Lighting

22 Notwithstanding the details submitted in the lighting report received by the Local Planning Authority the lighting provided shall be arranged so as not to shine directly towards any dwelling. The light fittings shall be shielded to prevent light spillage beyond the boundary of the property.

#### Construction Hours

23 No construction/ site preparation works or deliveries shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).

#### Bin Storage

24 There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

#### 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.

##### Informative: NWL

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

##### Informative: Surface Water (Reason for Pre- Commencement Condition)

The Lead Local Flood Authority must be satisfied that the developer is able to provide a surface water drainage system that will manage the additional surface water runoff generated by the proposed development. The surface water management plan should have a clear timetable / programme highlighting when the main surface water infrastructure will be provided and how surface water runoff from the development will be managed during construction phase of the site, this is to manage potential flood risk during construction phase but also reduce the risk of silt from the development entering receiving water body, watercourse or public sewer.

##### Informative: Surface Water

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to the existing greenfield runoff rates (5l/s) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the

installation of sustainable drainage system within the site.

Informative: British Gas

The applicant is advised that Northern Gas Networks require the promoter of these works to contact them directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Informative: s278 Works outside of the Site.

The developers attention is drawn to the requirement of a s278 agreement which may include alterations to highways, footway and landscape improvement that lies outside of the red-line boundary of the application site.

#### HEADS OF TERMS

- Transfer of land to the west of the site to form public open space
- Commuted lump sum of £28,122 for open space maintenance

**P  
6/19**

**18/2565/ADV**

**Land North Of Myton Park Primary School, Blair Avenue, Ingleby Barwick  
Advertisement consent for 3no. internally illuminated fascia signs, 5no.  
externally illuminated hoarding signs, 1no. non-illuminated hoarding sign  
and 1no. internally illuminated flag pole sign.**

Consideration was given to planning application 18/2565/ADV, Land North Of Myton Park Primary School, Blair Avenue, Ingleby Barwick Advertisement consent for 3no. internally illuminated fascia signs, 5no. externally illuminated hoarding signs, 1no. non-illuminated hoarding sign and 1no. internally illuminated flag pole sign.

The application site was an area of undeveloped land which currently benefitted from extant planning permission for the development of 40.no apartments with associated communal facilities (ref 15/2431/FUL.) situated to the North off Blair Avenue. The Site fell outside of the defined Local Centre, but was within the defined development limits. The surrounding area contained a mix of uses which included commercial, educational and residential premises, to the north, east and south. The western boundary was formed by a further area of grassed mound with trees.

The advertisement application sought consent for 3no. internally illuminated fascia signs, 5no. externally illuminated hoarding signs, 1no. non-illuminated hoarding sign and 1no. internally illuminated flag pole sign. The adverts related directly to a separate planning application (ref 18/2403/FUL) for the erection of a new food store (Use Class A1) for the discount retailer Lidl. The associated works would include the provision of parking spaces and landscaping. The building would extend to 1,900 sq. metres gross external area (GEA), with a net sales area of 1,1256 sq. metres., the supporting information indicated that approximately 20% of the floor space (or 251 sq.m) would be for comparison goods.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that it was recommended that advertisement consent be granted with conditions for the reasons specified within the main report.

There were no Members of the Public in attendance wanting to make representation.

The Agent for Lidl was in attendance and supported the committees report in accordance with local policy and NPPF

- It was noted that there had been objections received, and therefore revised plans had been submitted.

A vote then took place and the application was approved.

RESOLVED that advertisement consent 18/2565/ADV be approved subject to the conditions and informative below;

Approved plans;

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

Plan Reference Number	Date on Plan
07381-SPACE-00-XX-DR-A-99-0001-S3-P9	13 May 2019
07381-SPACE-00-XX-DR-A-99-0001-S3-P9	13 May 2019

Standard Advertisement Controls;

02 Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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.

Informative: Lighting

The applicant must ensure that all lighting is angled/shield to prevent glare onto the highway.

**P  
7/19**

**16/1248/REM**

**The Wellington Club, Wellington Drive, Wynyard**

**Reserved matters application following outline approval for development comprising 150 bed golf resort hotel with ancillary restaurant and conference facilities, creche, health club, gymnasium and spa and key worker accommodation; replacement golf club house, golf academy and driving range facilities, associated access, parking and landscaping together with alterations to the golf course layout and formation of new water features and mounding and the formation of a landscaped park/amenity area for residents.**

Consideration was given to planning application 16/1248/REM The Wellington Club, Wellington Drive, Wynyard for reserved matters following outline approval for development comprising 150 bed golf resort hotel with ancillary restaurant and conference facilities, crèche, health club, gymnasium and spa and key worker accommodation; replacement golf club house, golf academy and driving range facilities, associated access, parking and landscaping together with alterations to the golf course layout and formation of new water features and mounding and the formation of a landscaped park/amenity area for residents.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that overall it was considered that the proposed development was acceptable in terms of appearance, landscaping, layout and scale and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours.

It was considered that the reserved matters were in general accordance with the National Planning Policy Framework and the Development Plan policies and therefore the recommendation was to approve the reserved matters application subject to the conditions set out within the report.

There were no members of the public in attendance wanting to make representation.



Officers explained that a correction to condition five was required as discussed.

There was a formalised path for local residents proposed within the plans.

A vote then took place and the application was approved.

## RECOMMENDATION

That planning application 16/1248/REM be approved subject to the following conditions and informatives;

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

Plan Reference Number	Date on Plan
96138 01	11 May 2016
96138 03_A	11 May 2016
96138 05_01_A	11 May 2016
96138 05_02_A	11 May 2016
96138 05_03	11 May 2016
96138 06_01_D	19 January 2017
96138 06_02_B	11 May 2016
96138 06_03_D	19 January 2017
96138 06_04_C	25 August 2016
96138 10_C	18 May 2016
96138 11_C	18 May 2016
96138 12_D	20 May 2016
96138 13_C	18 May 2016
96138 14_A	11 May 2016
96138 15_C	18 May 2016
96138 16_B	18 May 2016
96138 17_B	18 May 2016
96138 18_C	20 May 2016
96138 19_B	18 May 2016
96138 20_B	11 May 2016
96138 21_B	11 May 2016
96138 22_B	11 May 2016
96138 25_B	11 May 2016
96138 30_B	11 May 2016
96138 35_B	11 May 2016
96138 40_A	11 May 2016
96138 45_A	11 May 2016
96138 50_A	11 May 2016
96138 55_A	11 May 2016
1607.01B	8 February 2017
1607.02	11 May 2016
1607.03	11 May 2016
1607.04 A	19 January 2017
1607.05A	8 February 2017
1607.06	11 May 2016
1607.07A	8 February 2017
1607.08 A	19 January 2017

1607.09 A	19 January 2017
1607.10	11 May 2016
1607.11	11 May 2016
1607.12	11 May 2016
1607.13	11 May 2016
1607.14	11 May 2016
1607.15	11 May 2016
1607.16	11 May 2016
1607.17	11 May 2016

## 2 10% Renewables

The development shall secure at least 10% of its energy supply from renewable energy or low carbon sources, unless otherwise agreed in writing by the Local Planning Authority. No development shall take place within any phase until an energy strategy has been submitted to and agreed in writing by the Local Planning Authority for that phase which includes details of how that phase will contribute towards achieving the 10% requirement for the whole development. Thereafter the agreed scheme shall be implemented in complete accordance with the details of the scheme unless otherwise agreed in writing by the Local Planning Authority.

## 3. Ecological Management Plan (LEMP)

Prior to the commencement of works a Landscape and Ecological Management Strategy Plan (LEMP) to benefit local wildlife (as detailed in the Ecological Impact Assessment (Report Reference: BG18.117.1 - January 2019) by Brindle and Green)) shall be submitted and approved in writing by the local planning authority. Works shall be undertaken in accordance with the approved details.

## 4. Ecological Mitigation

Work shall be undertaken in full accordance with the mitigation measures as detailed in Part 6 (Assessment of Effects and Mitigation Measures) of the Ecological Impact Assessment (Report Reference: BG18.117.1 - January 2019) by Brindle and Green.

## Residents Park

Notwithstanding the submitted plans, prior to work commencing on the resident park, a final species and planting plan for area L (located to the rear of Embleton Grove), shall be submitted and agreed in writing with the local planning authority. A shade parameters plan shall also be submitted along with the final details which should be used to inform the proposed landscaping and species mix. The planting shall thereafter be undertaken in accordance with the approved plans.

## INFORMATIVES

### Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

### Major Accident Hazard Pipeline

There is a Major Accident Hazard Pipeline (MAHP) high pressure gas pipeline

which runs through this land parcel – (Feeder 6 – Little Burdon - Billingham). Please consult the Technical Specification HS (G) 47 "Avoiding Danger from Underground Services", further details can be found in the specification for Safe Working in the vicinity of National Grid high pressure gas pipeline and associated installations - requirements for third party: T/SP/SSW22. All relevant site staff should make sure that they are both aware of and understand this guidance. National Grid will also need to ensure that pipelines access is maintained during and after construction. Pipelines are normally buried to a depth of 1.1 metres or more below ground and further information may be found on the plans provided. Ground cover above pipelines should not be reduced or increased.

If it is planned to use mechanical excavators and any other powered mechanical plant it shall not be sited or moved above the pipeline.

If it is planned to carry out excavation to a depth greater than 0.3 metres, embankment or dredging works the actual position and depth of the pipeline must be established on site with a representative and a safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline. The digging of trial holes to locate the pipeline must be carried out under the supervision of the onsite representative.

Excavation works may take place unsupervised no closer than 3 metres from the pipeline once its actual location has been confirmed by a National Grid representative. Similarly excavation with hand held power tools may take place no closer than 1.5 metres away.

To view the SSW22 Document, please use the link below:

[http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safe\\_working.htm](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safe_working.htm)

To view the National Grid Policy's for the Sense of Place Document. Please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/>

**P  
8/19**

**19/0527/VARY**

**48A High Street, Yarm, TS15 9AH**

**Section 73 application to vary condition no5 (Opening Hours) of planning approval 09/1379/FUL- Change of use from office (Use Class A2) to restaurant/cafe (Use Class A3)**

Consideration was given to planning application 19/0527/VARY 48A High Street Yarm

The application site, 48A High Street, was an upper floor premises located centrally within Yarm High street within the Yarm Conservation Area. At ground floor level, below the application site was M&Co, Coral bookmakers, Your Move estate agent. Directly in front of the application site was the Town Hall and parking area while to the rear was a warehouse serving a potato merchant, residential cottage at Cross House and beyond flats at Merryweather Court.

Planning permission was previously granted for a change of use of the premise from the previous A2 office use to an A3 restaurant use in 2009. As part of that

planning approval the opening hours were restricted to 8am – 11.30pm with the premise being vacated by midnight.

The application sought planning permission to vary the approved opening hours of the premise Macy Browns to 2.30 am.

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.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that in view of the considerations contained within the main report and subject to the requisite planning conditions, it was considered that on balance the scheme would not result in a significant adverse impact on the amenity of existing and future occupiers of adjoining or surrounding properties in terms of noise disturbance as to warrant a reason for the refusal of the application. The proposal was therefore considered to satisfy the provisions of the NPPF in this respect.

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

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

- It was felt that the applicant aimed to use the premise as a cocktail bar which was an A4 use not A3.
- Although there was a picture showing the inside of the premise, a cake counter and menu, it was felt that the evidence was selective. Macy Browns advertised on social media that they were a cocktail bar
- A license condition had recently been varied to remove the premise having to serve drinks with food.
- Residents felt the applicant knew it was easier to approve a licence with a late night café.
- Noise associate with the premise would be disruptive to local residents.
- The Committee were asked to look more closely at the business, and the impact on local residents.

Officers responded to objectors comments and these could be summarised as follows:

- If there was a breach of the A3 use then this would be an enforcement issue.
- Officers had considered the café restaurant element and the neighbouring

properties.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

- Environmental Health's view on the proposed application was welcomed, which highlighted that they had looked at this premise closely in terms of the variation to hours, reducing the operational hours of the premise from the variation the applicant had asked for.
- One Member explained that he had visited the applicants other premises in neighbouring towns and stated that they were just bars, and the menu was only offered during the daytime.
- Similar establishments in Yarm offered food all through the night.
- One Member stated that alarm bells start ringing when a café wants to open until 2.30am.
- There were over 50 reviews on trip advisor, however these were all alcohol related there was no mentioned, not food.

Officers were given the opportunity to respond to member's questions / comments. These could be summarised as follows:

- Officers shared the concerns of Members regarding the nature of the application therefore more questions had been asked of the applicant.
- Members were only requested to look at the variation at this stage and not the use. The recommendation was to vary to 12.30 with premises being vacated at 1.00am
- If a complaint was received then officers would be sent to gather evidence.

A vote then took place and application was approved.

RESOLVED that planning application 19/0527/VARY be approved subject to the following conditions and informative below;

Variation of condition;

01 This approval relates solely to this application for the variation of condition 5 approved opening hours and does not in any way discharge the conditions contained in planning approval 09/1379/FUL dated the 4th August 2009 which conditions apply to this consent.

Hours of opening;

02 The premises to which this permission relates shall not be open for business outside of the hours of 8.00 hours and 0.30 hours and shall be vacated by all visiting members of the public by 01:00 hours.

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner

and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

**P  
9/19**

**1. Appeal - Mr P Riley - The Moorings, Bentley Wynd, Yarm, TS15 9BS  
18/0142/OUT - DISMISSED**

**2. Appeal - Mr Chris Gould - 2 Devonshire Street, Stockton-on-Tees, TS18  
3QQ**

**18/0703/ADV - DISMISSED**

**3. Appeal - Mr Inderdeep Sohanpal - 6 Wharton Close, Yarm, TS15 9XF  
18/1902/FUL - DISMISSED**

The Appeals were noted.