

Planning Committee

A meeting of Planning Committee was held on Wednesday, 25th September, 2019.

Present: Cllr Norma Stephenson O.B.E.(Chairman), Cllr Jacky Bright, Cllr Carol Clark, Cllr Helen Atkinson (Sub Cllr Chris Clough), Cllr Lynn Hall, Cllr Tony Hampton, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Sally Ann Watson (Sub Cllr Tony Riordan), Cllr Andrew Sherris, Cllr Jean O'Donnell (Sub Cllr Marilyn Surtees), Cllr Mrs Sylvia Walmsley

Officers: Elaine Atkinson, Kieran Campbell, Stephanie Landles, Martin Parker (EG&DS), Julie Butcher (HR, L&C), Sarah Whaley (MD).

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

Apologies: Cllr Chris Clough, Cllr Tony Riordan, Cllr Mick Stoker, Cllr Marilyn Surtees, Cllr Steve Walmsley,

P 29/19 Evacuation Procedure

The Evacuation Procedure was noted

P 30/19 Declarations of Interest

Cllr Andrew Sherris indicated that he was predetermined in relation to item 18/1064/COU Agricultural Field To The South Of Forest Lane At 'Ned's Bridge' Lay-by.

Cllr Andrew Sherris remained for the meeting and was able to comment, however he took no part in the vote.

P 31/19 Minutes from the meeting which was held on the 31st July 2019.

Consideration was given to the minutes from the Planning Committee meeting which was held on the 31st July 2019 for approval and signature.

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

P 32/19 Protocol

The Planning Protocol was noted.

P 33/19 18/1064/COU Agricultural Field To The South Of Forest Lane At 'Ned's Bridge' Lay-by, Change of Use of part of an Agricultural field to a recreational dog walking field

Consideration was given to planning application 18/1064/COU Agricultural Field To The South Of Forest Lane At 'Ned's Bridge' Lay-by.

The application sought planning permission for the change of use of the existing agricultural field to a dog walking facility. The proposed development would support the diversification of an existing agricultural business.

Access to the site would be taken from the adopted highway of Forest Lane into the field, which was surrounded by mature hedge planting. Internally, an approximate 1.9 metre fence would be erected to secure the facility and would include an element of landscaping to minimise its visual impacts where appropriate.

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 the principle of diversifying the agricultural business was supported by local planning policy and the nature of the use could be managed by a specified time and a number of constraints to minimise the impact on neighbouring inhabitants within the area. It was considered that the surrounding natural features would be retained resulting in the proposed use not adversely impacting on the surroundings. The Highways Section had no objections to the proposal, subject to the recommended conditions and it was recommended that the application be Approved with Conditions for the reasons specified above.

Members were presented with an update report which since the original report detailed suggested minor changes to the planning conditions and proposed an additional planning condition to protect the existing boundary hedge surrounding the application site. An additional plan was also recommended for approval, which provided the proposed internal fencing details. Members were further advised at the meeting of an additional amendment to condition 7 (Restricted Customer Use) to change it from one car per booking to one car at any one time.

The proposed changes did not alter the recommendation of the report but was purely a technical matter to ensure the conditions were precise.

All details were contained 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:

- 'Ned's Bridge' Lay-by had a history of Anti-Social Behaviour where there had been police involvement.
- There was incidents of fly-tipping, where repeated calls to Stockton Borough Council had been made to remove the rubbish.
- The Lay-by was already used for parking by dog walkers who walked their dogs in the open countryside therefore was there a need for a designated dog

walking area?

- Concerns relating to having a designated dog walking field were raised in terms of owners not picking up after their dogs, posing a risk to humans who were at risk of contracting toxocara. Toxocara was a ring worm disease which could come from dogs that had not been wormed properly. There was also concerns in terms of the run off from the field into the beck becoming contaminated with dog waste.
- The two proposed parking spaces were not considered to have enough space for turning and therefore it was expected that vehicles would reverse out of the parking area which was not deemed safe.
- Questions were raised in relation to why the Councils Highways Officers had changed their minds in terms of highways safety relating to the access to Hill House Farm.
- Forest Lane was used as a regular rat run.
- Clarity was sought as the operational hours of the proposed dog walking application. It was felt that if dog walkers were allowed to walk their dogs in the dark how would they be expected to see and pick up dog waste?
- The field was isolated, therefore possibly leaving owners and their dogs vulnerable.
- The field would need careful monitoring, therefore it would be far better if it was closer to the homestead.

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

- The application site was already fenced and hedged.
- There was nothing to deem the application unacceptable.
- The NPPF and adopted Local Plan supported Farm diversification opportunities.
- The regular presence of dog walkers would be a further deterrent for Anti-Social Behaviour.
- The Applicant informed the Committee that they would continue to act as caretakers for the area in terms of upkeep.
- Dog walkers would only be allowed to book 1 slot at specific time. There was to be specific rules that would have to be adhered to which would include picking up dog waste. A unique code would be given to each dog walker that had booked to gain access to the field.

Officers were given the opportunity to respond to comments / issues raised.

Their responses could be summarised as follows:

- In terms of Anti-Social Behaviour and fly-tipping, this was an existing situation, however the proposed scheme could improve this.
- There was a condition to upgrade the road, which was currently grassed and would become a more formal place.
- Where concerns were raised relating to owners picking up after their dogs, it was highlighted that Environmental Health had not rejected the scheme in terms of this. There was to be a bin provided on site and it would be managed regularly in terms of emptying.
- Although there was to be two car parking spaces, only one car per booking was to be permitted. The additional parking space was to allow for a cross over period of when one car would be arriving and one leaving. The car parking spaces were to be in the field and not on the highway.
- The operational hours were to be 0800 until 2000 hours weekdays and 0800 until 1800 hours on weekends.
- The field would not be lit at night.
- Highways Officers explained to the Committee that a change in stance had come about in terms of visibility splays as new evidence had been submitted. A speed survey had been undertaken which was in accordance with national guidance, details of which were contained within the main report.
- Where concerns were raised in relation to access, Officers confirmed that the access was wide enough for two vehicles to pass. The access however would only be suitable for the dog walking field.

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

- Was there evidence to substantiate that the proposed facility was much needed?
- Without on-site monitoring how could assurances be given that Anti-Social Behaviour and the collection of dog waste would be managed at all times? Stockton Borough Council were not even regulating their own facility. Preston Park dog walking field was a disgrace in terms of a mess.
- It was felt that the traffic survey was not carried out at peak times and the speeds reported did not reflect the average speed on Forest Lane and therefore raised questions as to whether the visibility splays should be higher. Why had the current speed limit of 60mph not been used for the traffic survey?
- There was likely only to be about one additional car per hour, there was nothing to stop anyone using and parking in the lay-by, therefore no reason for the scheme to be refused.

- Reference was made to one of the photo's Members had been presented with in the Planning Committee meeting which showed the lay-by and gateway into the field. It was felt that if there was to be two parking spaces inside of the gateway then a substantial improvement would be required to the entrance, and would those spaces be available for everyone?
- A suggestion was made that there should be summer and winter operational hours to discourage using the field in the dark.
- Questions were asked as to how many times the pin code to access the field would be changed.
- Clarity was sought as to whether the gates could be opened after the conditioned hours.
- Members asked to how much it would cost to use the facility.
- It was felt that the consultation carried out should have gone to a wider area.

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

- In terms of evidence to substantiate the need for the facility. Dog walking facilities were becoming more popular and there was already an established facility located within the Borough at Redmarshall.
- Officers felt there was enough controls in place in terms of concerns raised relating to Anti-Social Behaviour / fly tipping, dog fouling etc. The facility would be monitored on an ad-hoc basis. There would also be some reliance on other users of the facility to report misuse, which was standard across the country.
- In terms of highways concerns, Officers informed Members that current guidance did not state at what time of day speed surveys should be undertaken ie at peak hours. If a traffic survey was taken at peak time then the speed of the traffic would be much slower reducing the average speed even further. The responsibility in terms of providing traffic surveys was that of the applicant and not the authority.
- It was confirmed that users of the field could only get through the gates with a key code, which would change often, therefore the use of the field would not be open to the general public, however, the adopted highway was open to the public.
- Parking for the facility was inside the field.
- Where concerns had been raised relating to enforcing the planning conditions, it was explained that there were a multitude of planning applications with conditions, which the authority did not have the resources to monitor. If however an issue arose in relation to a condition being breached then the authority would act appropriately.

- In terms of the cost to use the facility, this would be up to the Applicant to set.
- To change the operational times of the field to seasonal times would require a demonstration of the harm the proposed operational times would pose.
- The Case Officer was satisfied that the required level of public consultation had been undertaken.

In accordance with Council Procedure Rule 16.4 Councillor Lynn Hall requested that a recorded vote be taken on the recommendation to approve the application; which was supported by at least a quarter of the members present:-

For the recommendation to approve the application:-

Cllr Helen Atkinson, Cllr Carol Clark, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Jean O'Donnell, Cllr Norma Stephenson O.B.E, Cllr Sylvia Walmsley

Against the recommendation to approve the application:-

Cllr Jacky Bright, Cllr Lynn Hall, Cllr Tony Hampton, Cllr Sally Ann Watson.

Abstentions:-

Cllr Andrew Sherris.

The recommendation to approve the application was carried.

RESOLVED that planning application 18/1064/COU be approved subject to the following conditions and informative:

Time period for implementation;

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

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan:

| Plan Reference Number | Date on Plan |
|-----------------------|-----------------|
| SBC0002B | 1 February 2019 |
| OW/18216 | 17 July 2018 |

03 Scheme for upgrade and Maintenance of Access

Notwithstanding the development hereby approved, prior to the proposed development being brought into use, a scheme shall be submitted to and approved in writing for the upgrade and maintenance of the existing vehicular access from Forest Lane to the field gate. Following approval of the submitted scheme, the improvements shall be carried out in accordance with the approved details prior to the use commencing and shall be maintained for the lifetime of

the development.

04 Scheme for Internal details

Notwithstanding the development hereby approved, prior to the proposed development being brought into use, a scheme shall be submitted to and approved in writing detailing the internal arrangement of the site to include the provision of; the requisite two vehicular parking spaces; provision of waste storage/collection method and frequency; and the position of the internal fencing to be installed. The development shall be carried out in full accordance with the approved details prior to the commencement of the proposed use and the approved details shall be retained for the lifetime of the development.

05 Protection of Existing Boundary Hedge

The boundary hedge surrounding the application site to the north, east and west (to the front and at either side) shall be protected and retained for the lifetime of the development and maintained at a height of no less than 2 metres from the ground level internal to the application site. If the hedge dies, is removed, becomes seriously damaged or diseased, it shall be replaced within the next planting season with a hedge of a similar size and species unless the Local Planning Authority gives written consent to any variation.

06 Soft Landscaping

Notwithstanding the development hereby approved, no development shall commence until full details of Soft Landscaping have been submitted to and approved in writing by the Local Planning Authority. The detailed soft landscaping planting plan and specification of works shall indicate a hedge to the southern boundary of the site and include the species of hedge plants, stock size, type, density and planting methods. All soft landscaping works shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority within the first planting season following the proposed use coming into operation unless otherwise agreed in writing with the Local Planning Authority and the hedge shall be retained for the lifetime of the development.

07 Restricted Customer Use

Notwithstanding the development hereby approved, no more than one set of customers arriving in one car shall use the facility at any one time, with no more than a maximum of eight dogs being on the site and utilising the exercise activities at the site at any one time. Details of the mechanism for the lockable activation gate shall be submitted to and agreed in writing with the Local Planning Authority and shall be erected in accordance with the agreed details prior to the first use of the development.

08 Hours of Use

The dog walking use hereby approved at the site shall be restricted to the hours of 08:00 to 20:00 on Mondays to Saturday and between the hours of 10:00 to 18:00 on Sundays and Bank Holidays.

09 No External Lighting

No external lighting shall be installed on the site or affixed to any structures on the site and no floodlights or other methods of illuminating the site shall be

erected without the prior written consent of the Local Planning Authority.

Informative: Working Practices

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

- P
34/19**
- 1. Appeal - Mr & Mrs Newton & Kirsty Tucker - Ballybrack, Blakeston Lane, Stockton-On-Tees, TS21 3LE
19/0372/FUL - DISMISSED**
 - 2. Appeal - Mr Mark Page - Elton Manor, Darlington Road, Elton, Stockton-on-Tees, TS21 1AG
18/0580/OUT - DISMISSED AND COSTS DISMISSED**

The appeals were noted.

- P
35/19**
- 1. Appeal - Mr Michael Newberry - Iris Gardens, Thorpe Leazes Lane, Thorpe Thewles, TS21 3HY
18/1320/FUL - DISMISSED**
 - 2. Appeal - Mr And Mrs McFee - 39 Dentdale Close, Yarm, TS15 9UJ
19/0003/FUL - DISMISSED**
 - 3. Appeal - Peter Stabler - 7 Martindale Grove, Egglescliffe, Stockton-on-Tees, TS16 9DL
19/0705/FUL - DISMISSED**
 - 4. Appeal - Mr Craig Newson - Hilton House, Yarm Road, Hilton, TS15 9LF
19/0178/FUL - DISMISSED**

The appeals were noted.