

# Planning Committee

A meeting of Planning Committee was held on Wednesday, 29th July, 2020.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker; Cllr Helen Atkinson, Cllr Jacky Bright, Cllr Carol Clark, Cllr Lynn Hall, Cllr Tony Hampton, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Marilyn Surtees, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley

**Officers:** Julie Butcher (HR, L&C), Elaine Atkinson, Simon Grundy, Martin Parker, Rachel Powell (EG&DS), Peter Bell, Nigel Hart, Michael Henderson (MD)

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

**Apologies:**

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

**4/20**

There were no declarations of interest.

**P**        **Minutes from the Planning Committee meetings which were held 3rd June and 1st July 2020**

**5/20**

The minutes of the meetings held on 3 June and 1 July 2020 were confirmed as a correct record.

**P**        **20/0326/FUL**

**6/20**

**St Marys Church Of England Primary School, The Green, Long Newton Application for the construction of new Multi Use Games Area to include 2m high surrounding fencing.**

Consideration was given to a report relating to the above planning application.

The application sought planning permission for a Multi-Use Games Area (MUGA) to be located within the grounds of St. Mary's Church of England Primary School, in Long Newton, to further extend its facilities.

As part of the funding requirements for the MUGA, it was proposed that there would be an element of community use (via a booking system). It was, however, not intended that external users would use the facility for high level competitive team sports. The supporting information also stated that a member of staff would be present for outside school hours activities, to ensure the nature of the activity did not cause unreasonable disturbance. A planning condition was also recommended to control the hours of use and prevent the installation of floodlights.

Members were provided with details of objections and support comments from neighbouring properties, from properties within the Borough and Darlington borough. It was noted that the main concerns expressed, related to the impact upon noise and highway safety.

Since the original submission, the MUGA had been re-located, to address Sports England objection, based on the loss of a playing pitch, at the school. Sport England had confirmed that the revised scheme was a suitable location,

and it had no objection to the proposals.

Taking into account the relevant planning policies, and all comments received, the Planning Officer considered that the revised scheme was acceptable, and the application was recommended for approval, subject to the conditions outlined in the report.

The Headteacher, of St Mary's school, attended the meeting and was given the opportunity to make representation. Her comments could be summarized as follows:

- the aim of the MUGA was to create a multi sports area that could be used all year round, for the teaching of a range of activities.
- research proved that teaching sports to children had an immediate and long-lasting, positive, impact on their health and wellbeing.
- the MUGA would raise the teaching of sport and activity, at the school, to a higher level.
- it was proposed to allow pupils of St Mary's, children of Long Newton and other residents the use of the MUGA, outside school hours. The use of the MUGA would be strictly controlled, by the school, and would be managed in a way that respected the privacy of the school's neighbours and did not cause them unreasonable disturbance.
- there would be restricted hours use Monday to Saturday and the MUGA would not be used on a Sunday, or Bank Holidays.
- Out of hours use of the MUGA would be managed to ensure that any parking associated with the booking was contained within the perimeter of the school.
- noise levels outside school hours would be monitored.
- many of the events and activities that took place on the current playground would move to the MUGA and it was suggested this would reduce disturbance for some residents.
- the community did not currently have a facility that this MUGA would provide and travelling to ones in other areas could be difficult and expensive.
- the nature of the fencing to the MUGA would provide an element of camouflage, together with adjacent trees.
- access would be monitored by school staff.

Objectors to the application were given the opportunity of making representations and their comments could be summarized as follows:

- there had been no clarity provided about the use of the MUGA during school holidays.
- noise and traffic in the area was already an issue and the MUGA would

exacerbate that position, all year round.

- extending access to the MUGA, outside pupils at the school and outside school hours would increase existing traffic, parking and litter issues. The school car park was currently too small, to accommodate all users, and on street parking made it difficult for service vehicles to manoeuvre.
- those supporting the MUGA did not live near the school and therefore the problems would not affect them. Many supporters were happy with the schools use but had not considered the impact caused by the extension of use to the community, out of school hours.
- People would travel to the MUGA by car, as public transport was not available.
- the school would not be able to provide parking within the school, for users, outside school hours, as the school car park was occupied by staff cars for some time after the school day had ended.
- Drawings associated with the application were out of date.

Cllr Smith, from Long Newton Parish Council, provided representations summarized as follows:

- the Parish Council supported the application.
- the amendments to the scheme and management processes identified by the school were adequate to mitigate concerns of residents.
- the application presented increased opportunities for recreational activity, for the community, and the balance of views submitted supported the application

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

- the wider community use of the facility was something the Council encouraged, as did Sport England.
- it was considered that the conditions on the facility offered a good balance for the school, community and neighbouring residents.
- the facility could be used during the school holidays within the restricted hours and the condition on installation of floodlights would protect residents' amenity.
- the application had been assessed on planning merits and the volume of support versus objections was not a factor considered.
- Planning Officers were confident the drawings associated with the application were the correct ones, but would be checked.
- with regard to car parking issues raised it was indicated that there was likely to be some increase in traffic, associated with the MUGA, but this would be outside school hours. There were no concerns from a highways point of view.

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

- a member raised the issue of parking and access and indicated that it would be helpful to see the school's plan to manage these ahead of making a decision. It was suggested that an entrance on Rectory Lane should be ruled out as an entrance.

- a member raised issues about trees on and around the site and the impact damage to trees, or loss of them, may have.

- a member noted that there was a lack of play areas in the village and the MUGA would be an asset. and was reassured that the MUGA would be managed and had the support of the Parish Council. Parking around schools was a national issue and progress, in this regard, would only be made with a change of culture in terms of how parents transported their children to school.

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

- there was a condition on approval relating to community use. Management was the responsibility of the school and officers were confident that this would be fulfilled appropriately. The hours proposed would have limited impact on residents.

- Condition 4 required tree protection measures during construction of the MUGA, which was intended to ensure that the trees were retained. A Tree Protection Order had not been felt to be appropriate.

- in terms of car parking it was explained that, as part of the community use agreement there would be a mechanism for controlling it.

A vote took place and the application was approved.

RESOLVED that planning application 20/0326/FUL be approved subject to the following conditions and informatives below:

Time period for commencement

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

Approved Plans

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

Plan Reference Number SBC0002 received on 18 November 2019 and plan reference numbers SBC0001, SBC0003, SBC0005, SBC0006, SBC0007, SBC0004 received on 25 November 2019

Hours of use

03 The approved MUGA shall only be used between the hours of 08:00 - 18:00 Monday - Friday, 09:00 - 13:00 on Saturday, and there shall be no use on Sundays or Bank Holidays.

#### Tree Protection

04 Notwithstanding the submitted details, no development shall commence until an Arboriculture 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 the scheme shall be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

#### Community Use Agreement

05 Use of hereby approved Multi Use Games Area (MUGA) shall not begin until a community use agreement for the MUGA has been submitted to and been approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

#### Construction Details

06 Prior to the commencement of the development hereby approved a plan detailing the construction access route to the MUGA and any intended area for depositing spoil created by its construction shall be submitted to and be approved in writing by the Local Planning Authority. Prior to the commencement of use of the development, a scheme to repair any damaged areas of playing field identified in the approved plan with an appropriate timescale shall be submitted to and be approved by the Local Planning Authority. The agreed repairs shall be carried out within the timescales agreed and to the satisfaction of the Local Planning Authority.

#### No Floodlighting

07 Notwithstanding the submitted details, no floodlights shall be installed.

#### 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: Community Use Agreements

Guidance issued by Sport England.

**P**            **20/1049/VARY**  
**7/20**        **Leven Bridge Mill, Leven Bank Road, Yarm**  
**Section 73 application to vary condition no.4 (delivery of the open space scheme) of planning approval**  
**16/3055/FUL - Application for the erection of 4 no. dwelling houses.**

Consideration was given to the above planning application.

It was explained that the application site was situated on the bank of the River Leven Valley between Yarm and Ingleby Barwick with the land sloping steeply from Ingleby Barwick down to the River Leven. The site boundary would be partly shared with the Leven View Residential Park.

The site benefitted from planning permission under application ref 16/3055/FUL for the erection of four dwelling houses. A number of conditions were imposed on the approval.

This application was seeking to vary condition 04 of approval 16/3055/FUL, to allow for works to commence on site prior to the completion of the public open space, approved under application ref 16/3.056/COU. This application initially sought to enable the four dwelling houses to be completed, but not occupied prior to the completion of the open space. However, following discussions with the agent this had been revised to no works above foundation level could be started prior to completion of the public open space.

Nine letters of objection had been received and the principle concern of the objectors was that the required works would not be completed.

The Highways Transport and Design Manager had raised no objection to the minor revision to the wording of condition 04.

It was considered that the revised wording, that Members were being asked to consider, would ensure that the original intent of the condition would be retained and that the Local Planning Authority would retain control. The proposed variation to condition 04 was therefore considered to be acceptable and was recommended for approval, subject to the conditions set out in the report.

The Applicants representative attended the meeting and was given the opportunity of making representations. Her comments could be summarized as follows;

- in seeking this variation, the applicant had worked with officers to ensure the

original intention of condition 4 was retained.

- the concerns raised in the letters of objection did not relate directly to this planning application.

- the applicant would be working with residents to ensure that works in respect of the residential park were completed to a satisfactory standard.

- earthworks, already started, would be stopped, after the site had been made safe and secure. It was recognized that any further works would be liable to enforcement action by the Council.

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

- the public open space, approved under application ref 16/3.056/COU, had to be completed before work on the four dwellings could commence, but this work had not been completed and there had been no work undertaken on the open space since September 2019.

- work on the park and public space should not be open ended and there must be a realistic timescale for completion.

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

- it was considered that limiting any work on the houses to completing the foundations only, provided adequate protection of the original intent of condition 4, to provide the public open space.

- if the applicant failed to observe conditions then a breach of condition notice would be served, and the Council had already undertaken enforcement investigations at the site and surrounding area. The applicant was aware of the requirements placed upon him.

- in terms of the original development, the residential park, the Council had been looking into some of the concerns raised and would put pressure on the developer and take enforcement action, if necessary; within planning powers.

Members were given the opportunity to ask questions / make comments and these could be summarized, as follows:

- there had been significant earthworks on the site already. Was the Committee being asked to approve these works, already undertaken?

- a number of members were unhappy about how the site looked and the lack of progress on the public open space. They understood and shared the concerns of the residents.

- the developers appeared to have ignored a key condition.

- members requested information on what enforcement action was being undertaken and what action may be taken should breaches continue.

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

- in effect the Committee would be approving the work already undertaken in respect of the 4 houses, though that work was a breach of condition 4.
- if the variation was approved the developer would have consent to put the foundations of the houses in place, but if they attempted to build the houses, further, before the public open space was completed, then the developer would be served with a breach of condition notice. The developer, and his agent, had been informed of the Council's intention to do this, if it became necessary.
- with regard to the residential park, officers repeated that planning officers had looked at conditions relating to that application and certain landscaping conditions had not been fulfilled, so officers would be putting pressure on the developer to remedy this, in a timely manner. Again, officers could issue a notice if this did not happen.

A vote took place and the application was approved.

RESOLVED that planning application 20/1049/VARY be approved, subject to the following conditions and informatives, detailed below:

#### Delivery of public open space

01 No dwelling approved under planning approval 16/3055/FUL shall be constructed above foundation level until all works associated with the delivering the public open space as approved under application 16/3056/COU has been completed. Thereafter the residential chalet development shall not exceed a total of 25no. residential caravan/chalet.

#### Variation to condition 4 only

02 This approval relates solely to this application for the variation of condition 04 (delivery of open space) and does not in any way discharge the conditions contained in planning approval 16/3055/FUL dated the 29th August 2017 which conditions apply to this consent.

#### Informative: Working Practices

The Local Planning Authority had 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  
8/20**

**20/0767/FUL**

**2 Durham Road, Thorpe Thewles, Stockton-on-Tees**

**Change of use of the existing self contained residential annex to a luxury holiday let/ annex and erection of a Golf Simulator/Private Cinema.**



Consideration was given to the above application.

It was noted that the application site was situated within the defined development limits of Thorpe Thewles and was surrounded by residential developments to the northern, eastern and western boundaries.

This application was seeking planning permission for a change of use of an existing annex to a one-bedroom holiday let/annex and erection of a purpose-built golf simulator/home cinema. The proposed boundary treatment had also been revised to take account of concerns, over the loss of the existing hedgerow. The proposal had been revised to remove the proposed glamping pod, following concerns raised by officers and members of the public.

The applicant had confirmed that the operations of the golf simulator would be as follows:

The golf simulator would be by appointment only, to reduce the potential of drive in custom.

The average booking for the simulator would be 2-3 hours per group (based on 2-3 golfers playing 18 holes), so would result in a maximum of 3-4 bookings per day. Guests of the annex would also get priority booking.

The operating times of the golf simulator would be limited to:

9am-6pm Monday to Friday  
10pm-4pm Saturdays  
Closed on Sundays

A total of 18 residents' letters had been received, 8 in support, with 10 objecting.

The Planning Officers report concluded that the revised development was considered to have overcome previous concerns and, subject to the imposition of the recommended conditions, was considered to represent a small scale tourist activity within a village location, the principle of which was supported by Local and National Planning Policy.

The proposed development was therefore recommended for approval.

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

- there was demand for UK staycations.
- it would bring visitors to Thorpe Thewles and this would help the local economy and enhance the village, whilst maintaining its peaceful aspect.
- there was significant opposition to the original application, and he had engaged with officers of the Council to identify an acceptable proposal. Attempts to engage with residents had had little response but he had tried to address all the objections to the first application.

- the applicant explained that he and his family would be living above the annex and would therefore be on hand to manage any issues.

An objector was in attendance and was given the opportunity to make representation. His comments could be summarised as follows:

- concerns about increased traffic and parking issues.
- potential noise from the users and entertainment
- concern that this may be a gateway to increasing facilities in the future.
- if approved he expected the planning conditions to be adhered to.

Members were given the opportunity to speak about the application and did not raise any concerns, given the amended application and proposed conditions.

Officers confirmed that the Council would take appropriate action to ensure conditions were implemented.

A vote took place and the application was approved.

RESOLVED that planning application 20/0767/FUL be approved subject to the conditions and informatives detailed below:

#### Approved Plans

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

Plan Reference Numbers SBC0001A, SBC0003, SBC0004 received on 20 April 2020 and SBC0002A received on 13 July 2020.

#### Controls on use

02 The development hereby approved must comply with the following requirements:

(i) the annex accommodation shall be occupied for holiday purposes only, or as a residential annex to the occupiers of the property known currently as 2 Durham Road, Thorpe Thewles;

(ii) when being used as a holiday let, the owners/operators shall maintain an up to- date register of the names of all owners/occupiers of the accommodation, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

#### Provision of access

03 Prior to the commencement of the development, hereby approved the re-location of the existing access to the south which enables the required 2.4m

x 43m visibility splay shall be completed in accordance with the details shown on drawing SBC0002A , received by the Local Planning Authority 13 July 2020.

#### Provision of parking/turning area

04 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing /10/19 Rev A1, for parking spaces, turning areas and access shall be kept available for their intended purposes at all times for the lifetime of the development.

#### Hard landscaping

05 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 will 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 within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. 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.

#### Means of enclosure

06 Notwithstanding the proposals detailed in the submitted plans, prior to the commencement of development, details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

#### Soft landscaping

07 No development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- (i) Commencement of the development;
- (ii) or agreed phases;
- (iii) or prior to the occupation of any part of the development;

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

#### Hours of operation - Golf Simulator/ Private Cinema

08 The Golf Simulator/ Private Cinema, hereby approved, shall be limited to a maximum of 4 bookings per day and shall not be used outside of the hours of; 09:00hrs to 18:00Hrs Monday -Friday; and 10:00hrs to 16:00Hrs Saturday.  
Closed Sunday

Hours of operation - amenity area/hot tub

09 The amenity area, including hot tub associated with the holiday let, hereby approved, shall not be in operation past 22:00hrs and there shall be no external music system installed.

External Illumination

10 Prior to the installation of any external lighting, full details of the method of external illumination including; Siting; Angle of alignment; Light colour; and Luminance, of all buildings facades and external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority, the lighting shall be implemented wholly in accordance with the agreed scheme.

Waste Collection

11. Prior to the commencement of the development hereby approved being brought into operation a plan shall be submitted to and agreed in writing by the Local Planning Authority for the management of waste collection. The plan shall provide details of the containers for the storage and disposal of waste foods and other refuse from the premises, including their location and frequency. 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. The waste storage arrangements shall be maintained for the life of the development to the satisfaction of the Local Planning Authority.

Informative: British Gas

The applicant 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: Northumbrian Water

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

**P 1. Appeal - Mr and Ms Brundall and Colligon Colligon, 3 The Courtyard,**

**9/20**

**Aislaby Road, Eaglescliffe**

**19/0309/CPE - DISMISSED**

**2. Appeal Bannatynes Fitness Limited - Bannatyne Fitness, Myton Road,  
Ingleby Barwick**

**19/0532/ADV - PART APPROVED PART DISMISSED**

The Appeals were noted