

Planning Committee

A meeting of Planning Committee was held on Wednesday, 10th March, 2021.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chair), Cllr Jacky Bright, Cllr Carol Clark, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Marilyn Surtees, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Bill Woodhead MBE

Officers: Julie Butcher, (HR, L&C), Stephanie Landles (DA&H), Helen Boston, Garry Cummings, Simon Grundy, Martin Parker, Rachel Powell, Joanne Roberts (DoF,D&BS), Peter Bell, John Devine, Nigel Hart, Sarah Whaley (MD)

Also in attendance: Cllr Lisa Evans

Apologies:

P Declarations of Interest

33/20

Councillor Andrew Sherris declared a personal prejudicial interest relating to item 20/1034/FUL Yarm Sports And Social Club, Leven Road, Yarm as he had family members that were living on The Grove which was adjacent to the application site.

Councillor declared that he would speak but would not vote on the item.

P 20/0717/FUL

34/20

Vane Arms, Darlington Road, Long Newton

Erection of 1 no. 3 bedroom dwelling with associated access

The Chairman of the Planning Committee agreed to hear the officers report, public representations and member debate in relation to items 20/0717/FUL and 20/0718/FUL, as one, as both items related to the same development.

The Planning Officer outlined planning application 20/0717/FUL Vane Arms, Darlington Road, Long Newton Erection of 1 no. 3 bedroom dwelling with associated access, along with planning application 20/0718/FUL which sought permission for the change of use of the public house to a single 5 bedroom dwelling with associated external alterations.

The application site related to the associated beer garden of the Vane Arms, a public house within the defined development limits of Long Newton. The Site benefits from a hard-surfaced frontage which provides the associated car parking associated with the public house. The whole of the Site is listed as an Asset of Community Value.

This application was seeking permission for the erection of a detached dwelling within the existing beer Garden, including access past the eastern elevation of the public house itself, and sought permission for the change of use of the public house to a single 5 bedroom dwelling with associated external alterations.

The combined application had received a total of 98 objections, including the MP, Local Member and Parish Council and the Committee were updated that a further 8 objections had now been lodged.

The application had been supported by a viability assessment of the existing public house and in considering the proposal the Council had commissioned an

independent critique of the submitted appraisal. Whilst discrepancies were found, the overriding conclusion of the critique was that the Vane Arms was not a viable business and that the only viable option for it to remain as a Public House would be for it to be run by a community organisation.

The community had formed a community organisation called the Long Newton Community Hub, however no formal offer was made to purchase the pub. Notwithstanding this, there was no obligation for the owner to accept an offer even if one had been made.

Following receipt of the revised plans and subject to the imposition of the recommended conditions, the proposed dwelling was considered to represent an acceptable form of development within the context of the wider settlement pattern and without having a significant adverse impact on the amenity of the occupiers of the surrounding residential dwellings. No objection had been received from any technical consultees.

The Planning Officer advised that the proposal had demonstrated that notwithstanding the ACV listing and the unequivocal local support, the public house was no longer viable and that there was a comparable alternative facility within the village. It was therefore not considered that the proposal would undermine the community's ability to meet its day to day needs. The principle of a new residential dwelling was considered to be acceptable. Whilst the presence of an ACV, is in accordance with Policy TI2 a material consideration, in considering the viability of the asset the proposal was considered to be in accordance with policies in the Development Plan and NPPF

The Officers report concluded that the application had been considered and there were no sustainable planning reasons to refuse the development and it was recommended that the application be approved with conditions.

Objectors attended the meeting and given the opportunity to make representation their comments could be summarised as follows:

The Secretary of the Hudswell Community Pub (George and Dragon) and advisor to the Plunkett Foundation gave a potted history as to how the George and Dragon had come to be a community pub for the last 11 years.

Community pubs were on the increase and succeeding, and as far as the Plunkett Foundation were aware none had failed, even during the COVID-19 pandemic.

Community pubs worked because they had no debt to service and were invested in by shares and equal ownership therefore the community were committed to using it.

The emphasis on a community pub was not to make money but to provide a service to the village, and if The Vane Arms succeeded in becoming a community pub, it would be the first in the Borough and a blueprint for local village pubs. Without a pub, a village was no more than a collection of houses, and once the pub went it would be lost forever.

It was proposed that the Vane Arms would be tenant ran with a fee attached.

The Chair of Carlton Parish Council expressed his fear that if this application was allowed to proceed, the village pub in Carlton and other villages in the Borough would be next.

Local pubs within the Teesside area were being lost at an alarming rate, and developers were ready to pounce since the COVID-19 pandemic.

Long Newton did not need two more unaffordable luxury houses. Only 4 people would benefit from the proposed new houses, however, should the pub stay, the whole community could benefit for generations.

As a community pub many services for the local residents would be provided, such as, ladies lunch clubs, treasure hunts, quiz nights, family events etc. offering the whole community a safe environment to socialise particularly the older generation, which would have a positive impact on health and mental wellbeing and help towards preventing loneliness and isolation.

It was felt that social cohesion of communities should be considered when considering planning applications. Pubs played an important part where neighbours meet friends increasing community cohesion. The beer garden could be used could for community allotments encouraging those who had worries to focus on other things.

In terms of the Derry being considered a viable alternative to the Vane Arms, there was no evidence to substantiate this. There was however, evidence to suggest that the Derry was not comparable to the Vane Arms as the Derry was marketed as a restaurant which did not have a public bar area, and neither did it offer the community needs of the village that were being proposed at the Vane Arms. Inspectors had stated that food led businesses were not a suitable alternative to a public house.

The Vane Arms would offer Bed & Breakfast facilities as it had done successfully in the past which would benefit from being close to Teesside International Airport and Freeport.

Members were given a brief overview on how the Vane Arms came to be awarded Asset Community Value (AVC) in 2020 which was contested at the High Court, London, however the Judge ruled in favour of The Vane Arms.

In 2019 shortly after the closure of the pub a meeting was arranged with the current owner and a verbal offer of £280000 was made by the community group, although verbal, this was a proper offer, therefore the group were staggered that the Council had been told no offer was made.

The Group had also tried to contact the owner on numerous occasions to gain access to the Vane Arms to enable a survey to be undertaken and to request access to business records, however the owner would not respond to the Community Groups requests.

Although it was recognised that the owner did not have to sell to the Group, the material planning consideration could not be cast aside. Also, once the Chief Solicitor instigated the moratorium, negotiations were between the community group and owner.

One objector explained that he had operated pubs for 35 years and believed the Vane Arms to be a viable community asset. The Council Officers report considered that the Vane Arms could be a viable business if ran as a community business.

In terms of the proposed change of use, it was understood that to successfully apply for a change of use the vendor would have to prove that there were no buyers for the Vane Arms, however there had been a buyer i.e. the Community Group from 2019.

It was felt this planning application was a back lands development which the Council usually objected to.

A resident from a neighbouring property the Vane Arms questioned the accuracy of the submitted plans, in terms of boundary treatments amenity and the unprotected gable end and why the inaccurate plans were being submitted for approval.

The proposed new property would have a view into the neighbouring properties garden which would have an adverse impact.

If approved, this would result in the loss of asset of community value. The Teesside area had lost local pubs at alarming rate. Developers were looking to take advantage of reduced pub trade as a result of Covid 19. The village did not need 2 luxury houses and the existing pubs in the village could not be compared as their business model was completely different, with the Vane Arms being a country pub and the village want to run the facility as a community viable pub. It would be a valuable asset for all, and particularly beneficial for the elderly and all who use the pub for social interaction that benefits their health and mental wellbeing.

The proposed development goes was contrary LP T12 2B section 48 and 49 with no evidence to substantiate that the Derry was a viable alternative as it operated more like a restaurant.

The pub had been recognised as an Asset of community value (AVC) in 2020, and as such was the first ever in the borough of Stockton. The demonstrated demand from the community in the facility providing social enrichment conformed to Policy T12 as a material consideration.

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation and his comments could be summarised as follows:-

- The pub had been losing money for the last 5- 6 years, and had now been closed for 18 months;
- There were equivalent facilities nearby and no evidence that the proposed community pub would be economically viable;
- The application should be considered on its planning merits only.

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

- The application was essentially a backfill development in the rear garden;
- What was the written ruling/judgement of what happened by the [Tribunal] in upholding the listing of the pub as an Asset of Community Value?
- If approved, this valuable community asset would be lost forever and what message did this send out to communities?
- There was considerable evidence suggested that its operation as a community pub would be viable and that an offer to purchase had been made;
- Approval of this application would increase social isolation within the village and be at odds with the aims of the Council Plan in tackling loneliness;
- Concern expressed whether the existing trees could be protected.

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

A summary of the findings of the Tribunal hearing the appeal against the listing as an ACV was given as follows: -

The Tribunal found that there was a time in the recent past, before 31 August 2019, when there was actual use of the property that was not an ancillary use and furthered the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building that would further the social wellbeing or social interests of the local community. A valid nomination had been received and the property listed as an ACV on 12 February 2020.

The Tribunal found that there was a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community. Having only closed as a pub in August 2019 the Tribunal found that the use of the Property before that date was in the recent past. The Tribunal found that The Property traded as a pub where patrons could meet and socialise.

The term 'in the recent past' was not defined in the Act or the Regulations. The Tribunal found that the Property was used up until August 2019 and that use could correctly be said to be 'in the recent past.' The Tribunal found that activities were held at the Property such as quiz nights, food nights, beer festivals, fetes, ladies lunches and gardening clubs. The Tribunal found it was not necessary to make findings about how often such events took place because the legislation does not require activities which further social wellbeing to take place with any specified frequency or regularity. The Tribunal found that these events happened in the recent past, namely before 31 August 2019.

The Tribunal found that such events would be attended by members of the local community. The Tribunal found that it was not necessary to find how many people from the local community enjoyed these activities because the legislation does not require any particular proportion of the community to attend. The Tribunal found that the events were open to all members of the community. The Tribunal found that these activities would further the interaction between patrons of the pub and further their social well-being or social interests. Residents of the village were patrons of the pub and there is no evidence to

suggest the patronage of the pub was predominantly from people living outside the village. The Tribunal found that the Property was used for more than simply drinking without socialising

The Tribunal found that the local community whose social interests or well-being were furthered by the Property would include the residents of the village of Long Newton. The Tribunal rejects the Appellant's submission that only the residents of Long Newton can be considered members of the 'local community.' The legislation does not use such terms and the omission appears to be deliberate. The Tribunal's view is that it would be wrong to impose such a restrictive test. The Tribunal found that the test was satisfied as the social well being or social interests of some part of the local community is furthered regardless of whether others from outside the local may benefit also.

The Tribunal found that the existence of other pubs or facilities in the area where the same activities do or could take place is irrelevant as it is the use of the Property that is under consideration. The Tribunal found that it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the Property that would further (whether or not in the same way as before) the social well-being or social interests of the local community.

In reaching this decision the Tribunal has attached weight to the following factors:

- a) There is strong support in the local community to maintain the Property as a community hub for local activities.
- b) The residents of Long Newton formed a community interest company. On 5 March 2019 the Long Newton Community Hub Ltd was incorporated by Companies House. The Long Newton Community Hub Ltd became a member of 'More Than A Pub' scheme and gained membership of the Plunkett Foundation which offers support to community groups and, specifically, has obtained the assistance of an advisor. The decision to seek appropriate advice and assistance demonstrates a strong intention to pursue the future of the Property.
- c) More than 120 individuals have pledged financial support and there has been support posted on the Facebook page 'Save the Vane.'
- d) There have been offers of support from the wider community; the Long Newton Parish Council, Alex Cunningham MP, Ward Councillor Andrew Stephenson, the Plunkett Foundation and CAMRA.
- e) A prospectus has been produced which explains the vision of the management committee and includes the business model, financial projections and details of the share offer. Although this has not been distributed due to the Covid 19 restrictions.

- Members were advised that a condition has been proposed to protect the trees on the site during construction and could be protected with Tree Preservation Orders if deemed appropriate and the Planning Services Manager would ask officers to look into it if the application was approved.

A vote took place and planning application 20/0717/FUL and 20/0718/FUL was refused.

RESOLVED that planning application 20/01717/FUL and 20/0718/FUL be refused on the following ground Loss of village pub/Asset of Community Value. In the opinion of the Local Planning Authority the proposals would result in the loss of valued public house and asset of community value where a comparable local equivalent alternative facility is not available to meet the community's day to day needs, contrary to policy T12 (1, 2 (a and b) and 3) of the local plan.

P
35/20 **20/0718/FUL**
Vane Arms, Darlington Road, Long Newton
Conversion and alterations to existing public house and first floor
accommodation to create 1 no. residential
property with associated access.

See Minute above in respect of 20/0717/FUL Vane Arms, Darlington Road, Long Newton- Erection of 1 no. 3 bedroom dwelling with associated access.

RESOLVED that planning application 20/01717/FUL and 20/0718/FUL be refused on the following ground
Loss of village pub/Asset of Community Value. In the opinion of the Local Planning Authority the proposals would result in the loss of valued public house and asset of community value where a comparable local equivalent alternative facility is not available to meet the community's day to day needs, contrary to policy T12 (1, 2 (a and b) and 3) of the local plan

P
36/20 **20/1034/FUL**
Yarm Sports And Social Club, Leven Road, Yarm
Creation of a two bay non-turf system (33m x 7.3m) cricket practise
enclosure.

Consideration was given to a report that detailed planning application 20/1034/FUL Yarm Sports And Social Club, Leven Road, Yarm for the creation of a two bay non-turf system (33m x 7.3m) cricket practice enclosure. The application site was Yarm Sport and Social Club, a designated playing field within the Local Plan Policies Map. Permission was being sought for the construction of a two bay non turf system cricket practice enclosure to be located within the North Western corner of the playing field. The purpose of the facility was to enable members of the club to train and practice. During the course of the planning application process, revised plans had been submitted to amend the location of the practice enclosure and this was supported by a Noise Impact Report.

A total of 7 letters of objection had been received, principally from the occupiers of the properties along The Grove which formed the western boundary to the site.

A total of 14 letters of support had been received. No objection had been received from technical consultees.

The proposed development would represent an enhancement of an existing sporting facility as supported in principle by Local and National Planning Policies. On balance and subject to the recommended conditions, it was not considered that, the proposed development would adversely affect the residential amenity of the occupiers of the surrounding residential properties to

such a degree as to sustain a reason for refusal.

The proposed development was therefore considered to be in accordance with the policies in the Development Plan and therefore the officer's recommendation was to approve the application subject to appropriate conditions.

A representative for the applicant was in attendance at the meeting and was given the opportunity to make representation and his comments could be summarised as follows:-

- The proposed facilities would hugely benefit the cricket club and afford vital practice facilities in the event of bad weather;
- The location of the enclosure was 7m further away from neighbouring properties and a commitment had been given to install measures to reduce noise;
- Access to the facilities would be restricted to club officials;
- The latest the facilities would be used was 8pm and the maximum numbers participating would be 16 players;
- Steps would be taken to ensure that people did not congregate in the car park after practice.

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

- If approved, it was hoped that conditions would include a Transport Plan that would restrict the amount of vehicle movement transport materials;
- Appreciation was expressed for the measures to be taken by the club to address any potential noise issues.

Officers responded to the comments raised and advised that the amount of materials likely to be transported was minimal as the facility was to be built out from dug out soil.

A vote took place and planning application 20/1304/FUL was approved.

RESOLVED that planning application 20/1304/FUL be approved subject to the following conditions and informatives:-

Any inert material imported to the site to facilitate the bund, shall be carried out in full accordance with a scheme first agreed with the Local Planning Authority, which shall include proposed volumes, number of HGV deliveries and any associated HGV routes/delivery times. No materials shall be brought to the site without the prior agreement of the Local Planning Authority.

Reason: In the interest of protecting the amenity of the occupiers of the surrounding residential properties

Consideration was given to an update on the level of housing supply in the Borough and the performance of housing delivery against the Government's Housing Delivery Test.

The update was based on the housing supply for the 5 years starting from 1st April 2020 (2020 – 2025)

Early indications were that the current pandemic would not have too much effect on housing supply over the next 5 year period despite an initial and inevitable dip in construction over Quarter 1 & 2 this year.

RESOLVED that the report be noted.

**P
38/20**

**1. Appeal - Mr Gurbachan sandhu - 3 - 5 Cumbernauld Road, Thornaby,
Stockton-on-Tees**

19/0969/COU - DISMISSED

**2. Appeal - Carlington Development Ltd - Land South Of Thornaby Football
Club, Acklam Road, Thornaby**

18/0409/OUT - ALLOWED WITH CONDITIONS - COSTS DISMISSED