

## PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 15 March 2023.

**Present:** Cllr Mick Stoker (Chair), Cllr Andrew Sherris (Vice-Chair), Cllr Carol Clark, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Tony Riordan, Cllr Marilyn Surtees, Cllr Sylvia Walmsley, Cllr Bill Woodhead MBE and Cllr Barry Woodhouse.

**Officers:** Elaine Atkinson (DoF,D&R), Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Martin Parker (DoCS,E&C), Sarah Wood (DoCS,E&C), Julie Butcher (DoCS) and Sarah Whaley (DoCS).

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

**Apologies:** Cllr Dan Fagan, Cllr Steve Matthews JP and Cllr Steve Walmsley.

### **P/49/22 Evacuation Procedure**

The Evacuation Procedure was noted.

### **P/50/22 Declarations of Interest**

In relation to item 22/0080/COU9 St Peters House, Pavilion Shopping Centre, Thornaby, TS17 9FF Councillor Sylvia Walmsley informed the Committee that she was predetermined. In accordance with Stockton Borough Council's guidance, Councillor Walmsley spoke on the item, however, she left the room prior to further debate and did not take part in the vote.

A Point of Order was raised asking about pre-determined councillors. The Head of Legal Services advised the meeting that if a member is pre-determined they may speak on the item but should then leave the room before the vote. Cllr Hall asked that this be included in the minutes.

### **P/51/22 Planning Protocol**

The Planning Protocol was noted.

### **P/52/22 Minutes of the meetings which were held on 23 November, 7 December and 21 December 2023**

Consideration was given to the draft minutes from the Planning Committee meetings which were held on 23rd November, 7th December and 21st December 2022 for approval and signature

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

### **P/53/22 22/1511/FUL, California Farm, Horseclose Lane (Off Letch Lane), Stockton-On-Tees. Proposed solar farm (49.9mw) and battery energy storage system (BESS) and associated infrastructure, access and landscaping.**

Consideration was given to planning application 22/1511/FUL  
California Farm, Horseclose Lane (Off Letch Lane), Stockton-On-Tees

Planning permission was sought for agricultural land located to the West of Stockton. The proposed development was for a 49.99MW solar farm, energy storage and associated works, equipment and necessary infrastructure. Planning permission was sought for a temporary period of 40 years and 6 months from the date of first exportation of electricity from the site. The proposed solar farm would consist of solar PV panels placed on a single axis tracker mounting structure. Ancillary infrastructure, such as central inverter cabinets, switchgear, spares container, energy storage, and energy auxiliary storage container would all be within the site boundary.

The development of renewable energy was in principle in the public interest and was considered a benefit in those terms. The proposed development, with associated energy storage, would generate and store a significant amount of electricity from renewable sources and result in a reduction of approximately 16,645 tonnes of CO<sub>2</sub> emissions annually which represented a significant contribution to the national and international requirements and associated targets to increase renewable energy generation and reduce CO<sub>2</sub> emissions. The proposal would also provide a range of other benefits including a significant contribution to local employment and the economy more generally.

The development would not result in the loss of best and most versatile agricultural land and when decommissioned, the site could revert to its former use.

The application had been considered in full and subject to the recommended conditions it was considered that the impact of the proposed development could be successfully mitigated and on balance the identified benefits of the proposed development were such that the application was recommended for approval.

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 Renewable Energy Development was in principle in the public interest and was considered a benefit in those terms. The proposed development, with associated energy storage, would generate and store a significant amount of electricity from renewable sources and result in a reduction of CO<sub>2</sub> emissions.

The proposal would also provide a range of other benefits including a significant contribution to local employment and the economy more generally.

The development would not result in the loss of best and most versatile agricultural land and when decommissioned, the site could revert to its former use.

There would be some localised harm to the character by the very nature of the loss of

the open fields although this would not be substantial, and these impacts had been mitigated to an acceptable level. Mitigation measures proposed for biodiversity would result in a biodiversity net gain which would be secured for the lifetime of the development by planning condition and were considered appropriate to mitigate against any ecological impacts.

Consideration had also been given to the impact of the proposals upon highway safety, residential amenity, heritage assets, flooding and drainage, and public rights of way and, subject to appropriate conditions, these impacts were considered to be acceptable.

During the officers' presentation to the Committee, the Principal Planning Officer informed Members that there had been some minor amendments to conditions 5, 10 and 17.

The Committee were also informed that there were some minor inaccuracies within the officer report. Under the heading, 'Site and Surroundings', paragraph 2, the report should have stated 87 hectares not 8.7 hectares. Clarification was also given, that under the heading, 'Proposals' paragraph 9 which referred to the reduction of number of vehicles travelling along Harrowgate Lane, this did not refer to the full length of Harrowgate Lane. The Construction Management Plan detailed that construction and operational traffic would go down Harrowgate Lane and then right at Letch Lane.

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

- The proposed application aligned with the Councils carbon reduction strategy.
- The proposed farm would be connected to the grid quickly due close proximity to Norton Substation.
- There had been extensive environmental assessments and investigations undertaken.
- The Applicant had provided presentations at Carlton and Redmarshall Parish Councils, with public in attendance, as well as having meetings face to face with local residents.
- There was an increase to screening buffers as well as additional landscaping.
- There were new access points for construction traffic off Drovers Lane and Letch Lane and therefore no construction traffic would pass through Carlton Village.
- Once the development was operational a light goods vehicle would visit the site once a month.
- Landscape Officers at Darlington and Stockton on Tees Borough Councils raised no objections to the proposed scheme.
- The proposal would deliver a brighter, cleaner and more energy efficient future.

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

- Clarity was sought as to whether power lines were overhead or underground, and whether there were to be additional pylons.
- Although it was expected that there would be an annual reduction of 16645 tonnes of CO2 emissions once the proposed development was operational, Members asked how many tonnes of CO2 emissions would be put into the atmosphere during the construction of the development.
- Officers were asked when the Council would have a renewable energy plan and whether or not one had been started?
- Clarity was sought as to why the Byers Gill development had been discounted when providing the cumulative assessment, particularly when 'Campaign To Protect Rural England' felt that the Byers Gill development was still relevant to the cumulative effect as detailed within the officers report.
- In terms of Condition 6, 'Treatment of Infrastructure', Members felt that as planners, they should have had access to precise details of the colours and finishes for all buildings, and that it was important that the development was in keeping with the countryside.
- Members drew attention to condition 07 'Tree and Hedge Protection Measures' and asked where the deer fencing was to be situated? Also,
- The solar panels would be visible from the new houses and therefore required hedge screening.
- There appeared to be a discrepancy in the number of houses the solar farm would provide energy for compared to the last report presented at Planning Committee.
- Concerns were raised relating to comments made by 'Campaign to Protect Rural England'; in particular where reference was made to the number of solar panels in the area possibly taking on the appearance of water when viewed by birds flying over, particularly water fowl resulting in them flying into the panels and killing themselves.
- If birds were kept off the solar panel farm this could have a major impact on neighbouring residential areas.
- Questions were asked as to whether the site was a potential fire risk and if there was a fire how would it be managed?
- Concerns were raised relating construction vehicles, it was reported that there would be a maximum of 5 Heavy Goods Vehicles (HGV) per day and that they would not access the site by the neighbouring villages, however a nearby development at Hartburn were experiencing 5 HGV vehicles per hour and they were supposed to use the A66 however this was not happening.

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

- Officers confirmed that the power lines would be underground.

- Officers did not have the information to provide Members with a definitive answer on the amount of CO2 emissions created during the build of the solar farm.
- In terms of the Byers Gill development being discounted from the cumulative assessment, this was not an approved site and could only be assessed when the application was received. Applications for solar farms could only be considered in the cumulative assessment when they were submitted / approved.
- Regards comments made in relation to condition 6, the only buildings to be considered on the site were battery storage. These were likened to containers and would most likely be green to blend in with the hedgerows.
- Officers confirmed that deer fencing would be put up prior to construction and trees and hedges would be protected.
- Hedgerows would be allowed to 3 metres to achieve the best screening, there would however be some short-term impact whilst the hedgerows grew.
- The solar farm would provide energy for 16000 to 17000 homes depending on demand.
- In terms of birds confusing solar panels for water sources, there was no current evidence to back this up.
- Officers explained that in terms of fire risk, all responsible authorities had been consulted and no objections received, therefore this would not be a reason to refuse. If there was to be a fire, then this would be attended by the appropriate authorities.
- In terms of concerns around construction traffic, the Construction Management Plan (CMP) had been submitted and if not adhered to, could be enforced.

A vote took place and the application was approved.

RESOLVED that planning application 22/1511/FUL California Farm, Horseclose Lane (Off Letch Lane), Stockton-On-Tees Proposed solar farm (49.9mw) and battery energy storage system (BESS) and associated infrastructure, access and landscaping be approved subject to the following conditions and informatives:

#### 01 Time Limit

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 plans;

Plan Reference Number	Date Received
SRE1130 03 07 R4	22 February 2023
SRE1130 04 01	30 June 2022
SRE1130 04 02	30 June 2022

SRE1130 04 05	30 June 2022
SRE1130 04 09	30 June 2022
SRE1130 04 14	30 June 2022
SRE1130 04 15	30 June 2022
SRE1130 04 16	30 June 2022
SRE1130 04 17	30 June 2022
SRE1130 04 18	30 June 2022
SRE1130 04 19	30 June 2022
SRE1130 04 20	30 June 2022
SRE1130 04 21	30 June 2022
SRE1130 04 22	30 June 2022
SRE1130 04 23	30 June 2022
SRE1130 04 24	30 June 2022
SRE1130 04 13	3 January 2023
SRE1130 04 26 R1	3 January 2023
SRE1130 04 27 R0	3 January 2023
SRE1130 04 12 R4	3 January 2023
SRE1130 04 07 R3	3 January 2023
SRE1130 04 08 R1	3 January 2023
SRE1130 04 10 R2	3 January 2023
SRE1130 04 11 R1	3 January 2023
SRE1130 04 04 R4	3 January 2023
SRE1130 04 06 R2	3 January 2023
SRE1130 04 03 R7	3 January 2023

#### 03 Temporary Consent

The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date.

After the expiration of 40 years, the site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning. The approved details shall then be implemented in full within 6 months of approval of those details.

#### 04 Inoperative

In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the Local Planning Authority.

#### 05 Biodiversity Management Plan

Prior to the commencement of development a final biodiversity management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the

measures contained within the final biodiversity management plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

#### 06 Treatment of Infrastructure

Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

#### 07 Tree and Hedge Protection Measures

Notwithstanding the proposals detailed in the submitted plans, no development shall commence until a Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BS5837:2012 Trees in relation to design, demolition and construction – Recommendations

2. BS3998:2012 Tree Work – Recommendations

3. 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.

The perimeter site fencing should be erected as the first operation, and prior to commencement of any construction works on site. The temporary tree/hedge protection fencing is to protect trees and hedges internal to the site, could be phased as installation progresses through the site and these details shall form part of the tree protection plan.

#### 08 Soft Landscaping

No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority which shall be in broad accordance with the Landscape Mitigation Plan. 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 tree 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 commencement of the development and completed to the satisfaction of the Local Planning Authority.

#### 09 Eastern Boundary Buffer

An off-site landscape buffer, details of which shall be agreed prior to implementation,

shall be planted along the eastern edge of the site in accordance with drawing SRE 1130 03 10 'Eastern Boundary Planting Plan'. This shall be planted at the earliest opportunity, or in the first planting season following commencement of the development.

#### 10 Landscape Management Plan

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; 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 local planning authority 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

#### 11 Construction Management Plan

Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements. The development shall not be carried out otherwise than in complete accordance with the approved details.

#### 12 Construction Hours

No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

#### 13 Unexpected Land Contamination

Any unexpected ground contamination identified during subsequent construction/demolition works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority. The development must be completed in accordance with any further agreed amended specification of works.

#### 14 Flood Risk Assessment and Drainage Strategy

The development permitted by this planning permission shall only be carried out in



accordance with the approved Flood Risk Assessment, Issue 01 received by the Local Planning Authority (KRS.0297.042.R.001.A) June 2022.

15 Preservation of heritage assets during construction

No development/site restoration shall commence until fencing has been erected around Area 1 to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless in accordance with Outline Construction Method Statement (Archaeology): California Farm Solar and Battery Energy Storage Development ('Report No: SRE1130/OCMS(ARCHAEOLOGY)'), submitted by Sirius Planning. This includes works undertaken during restoration of the site.

16 Preservation of heritage asset through foundation design

No work shall take place in Area 1 unless it is in accordance with Outline Construction Method Statement (Archaeology): California Farm Solar and Battery Energy Storage Development ('Report No: SRE1130/OCMS(ARCHAEOLOGY)'), submitted by Sirius Planning.

17 Recording of a heritage asset through a phased programme of archaeological works

A)No demolition/development shall take place/commence until a phased programme of archaeological work relating to Area 2 including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. This shall include trial trenching of Area 2 and proviso for any further mitigation works necessary following the evaluation. The scheme shall include an assessment of significance and research questions; and:

1.The programme and methodology of site investigation and recording

2.The programme for post investigation assessment

3.Provision to be made for analysis of the site investigation and recording

4.Provision to be made for publication and dissemination of the analysis and records of the site investigation

5.Provision to be made for archive deposition of the analysis and records of the site investigation

6.Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B)No demolition/development shall take place until the site investigation has been carried out in accordance with the Written Scheme of Investigation approved under condition (A).

C)The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

### 18 External lighting

Notwithstanding the submitted details should any external lighting be required at either the construction or operational phases of the development, details of such lighting including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be installed in accordance with the approved details and shall be retained as such for the lifetime of the development.

### 19 Ground Clearance Works

To avoid disturbance to breeding birds, ground clearance works, and vegetation removal should be undertaken prior to the bird-breeding season (March to August, inclusive). If this is not possible, the area should be checked prior to removal of vegetation or ground works by an experienced ecologist and works undertaken under the supervision of the ecologist.

### 20 Enhancements for Breeding Birds

The Enhancements as details in the submitted Breeding Bird Report June 2022 (Section 6.17 shall be implemented in full prior to the completion of the development.

### 21 Great Crested newts

Work shall be undertaken in accordance with the Precautionary Method Statement Great Crested Newt Report June 2022.

## 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: PRoW

At no stage during the construction of the development should the PRoW be blocked or made unsafe for users.

**P/54/22 22/0080/COU, 9 St Peters House, Pavilion Shopping Centre, Thornaby, TS17 9FF. Change of use to hot food takeaway (sui generis) to include new extraction and installation of new shop front.**

Consideration was given to planning application 22/0080/COU  
9 St Peters House, Pavilion Shopping Centre, Thornaby, Stockton-On-Tees

The application site was a ground floor unit within Pavilion Shopping Centre, Thornaby and was currently in use by Jalz Hairdressers within Class E use as a retail premise.

Planning Permission was sought for the Change of Use of the premise to a hot-food takeaway within the Sui Generis planning use class and the unit occupied 85m<sup>2</sup> of floorspace. The proposed works would include provision of a new shop front, external extraction systems to the rear of the unit and alterations to the internal layout of the unit; all of which were to accommodate the proposed use.

Whilst it was acknowledged that there were other food outlets within Thornaby District Centre and Thornaby Pavilion Shopping Centre, it was considered that the proposed

hot food takeaway would not lead to an overconcentration of hot food takeaways within the Pavilion Shopping Centre or Thornaby District Centre. In addition to this, its associated impacts would not significantly worsen the existing impacts of the retail centre or its users and the scheme was also not considered to have an adverse impact on the character of the area or highway safety.

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 proposal did accord with the wider aims of National and Local Planning Policy. The scheme was also not considered to have an adverse impact on the character of the area, amenity of nearby premises or highway safety.

It was considered therefore that the proposal constituted sustainable development which would provide economic and social benefits and by the imposition of conditions would protect the users of the surrounding area. The proposal was therefore considered to satisfy the provisions of the National Planning Policy Framework and be in accordance with the Development Plan when taken as a whole. It was recommended that planning permission be granted with conditions for the reasons as detailed within the main report.

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

- There was already a high concentration of fast-food outlets in the area, as well as 2 cafes and 2 bakeries serving hot food.
- The premise fell within 400 metres of school premises.
- The outlet for the ventilation would be positioned behind the window of a sports facility.
- The proposed premises was currently operating as a successful hairdressing salon and had done so for over 40 years; the change of use could affect 5 people's jobs.
- The Salon was used by many people and had loyal staff and customers.
- The change of use to a fast-food outlet was not very good for public health and would not improve the local economy.
- There were 2 other outlets with 'To Let' signs available which could have been utilised for a fast-food outlet.
- It was believed that the current tenant was in talks with the landlord in relation to a new lease.

- Comments were made stating that neither the tenant nor the landlord had been notified of today's Planning Committee meeting.
- A fast food outlet would create noise, littering, smells, and potentially more work for the local authority.
- Current fast-food outlets / takeaways were creating a lot of traffic movement in Thornaby Centre which was not what had been envisaged for the town in the 1990's.
- The current tenant had moved into the premise 45 years ago when the unit was an empty shell. There were no electrics or plumbing and the tenant spent in the region of £100,000 fitting the unit out.
- The tenant found out 3rd hand that the landlord was submitting plans to change the use of the unit to a fast-food outlet.

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

- The Planning Services Manager appreciated that there was a number of food outlets within Thornaby Town Centre however there was not an over concentration of takeaways, it was also explained that it was common practice to direct fast-food / takeaways to town centre locations, minimising the impact on surrounding residential areas.
- Where comments had been made relating to the close proximity of the premise to a local school, Officers explained there was no policy in the Local Plan relating to the proximity of fast-food / takeaway outlets to schools.
- The extraction system was to be a grill located above air conditioning units and Officers were confident that all odours would be taken away.
- Officers sympathised with the current business owner and appreciated the possible impact on his staff, however this was not a material planning consideration.
- If the application was approved, this did not necessarily mean the landlord would turn the premise into a takeaway.
- It was confirmed that the landlord and the tenant had been notified of the Planning Committee meeting, both parties had received due notification.
- In terms of concerns raised relating to Anti-Social Behaviour, the local police authority had not provided any comments / raised concerns, therefore this would not be grounds for refusal.

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

- Concerns were raised relating to how another takeaway would affect the viability of the Town Centre.
- If the application was granted there would be a takeaway delivery service in operation with cars continually pulling in and out of the.

- Staff at the current business would be affected by this change of use.
- Councillor Sylvia Walmsley informed the Committee that the current occupier of the premise had not been contacted directly and that she herself had notified him.
- The current occupier had been a supporter of Thornaby Town Centre for over 45 years and his establishment was top class and it would be a massive mistake to get rid of a vibrant and flourishing business which brought customers into the town.
- Takeaways should be directed towards town centres and not residential estates.
- The current landlord had notified the tenant on Christmas Eve to say the lease would not be renewed.
- It was wrong and immoral to potentially change this business to a fast-food takeaway, there were already enough in the town and getting rid of a viable business which attracted people to the centre of Thornaby seemed a backward move.
- Clarity was sought as to whether a sports facility was above the application site, and if so, would there be a need for pipes for the extraction grill to go up through the sports facility, and what would the impact on noise levels be?
- Questions were raised as to how the street scene would be impacted from additional refuse?
- Members asked if a loss of amenity could be used as a reason for refusal?

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

- The facility above the application site was a gaming station not a sports hall.
- Regarding fume extraction, there wouldn't be a flu as the extraction would come out from a grill to help with the dispersion. Officers had requested significant pre-treatment and raised the standard of odour abatement so what came out was much less in terms of odour. The grill would be located above the extraction units which meant noise levels would be similar to what was already there.
- In terms of additional refuse and the impact on the street scene, there was a designated refuse area at the rear of the shopping centre which had a turning circle allowing for refuse collection, the only change would be additional waste bins.
- Officers explained that the loss of amenity to refuse a planning application was usually linked to quality of life, noise, odour, loss of light etc.
- In terms of the over concentration of fast-food outlets, vitality and viability, there was no guarantee that even if the change of use was approved a fast-food outlet would come to fruition as it would be up to the landlord. Members would have to spell out why the loss of the current business would have such an impact on the town centre.

A vote then took place, and the application was approved.

RESOLVED that planning application 22/0080/COU, 9 St Peters House, Pavilion Shopping Centre, Thornaby, TS17 9FF Change of use to hot food takeaway (sui generis) to include new extraction and installation of new shop front be approved subject to the following conditions and informatives:

01 Time Period for Commencement

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(s); Plan Reference Number Date Received 0000/M/100/ REV A 14 January 2022 SBC0001 17 January 2022 1.1 14 January 2022 1.3 14 January 2022 2.0 2.1 14 January 2022 14 January 2022

03 External Finishing Materials

The external finishing materials shall be in accordance with the approved plan 2.1 submitted on 14 January 2022 and shall be retained for the lifetime of the development.

04 Operating Hours

The hereby approved hot food takeaway use (sui generis) shall not be open to customers outside the hours of 11:00 - 23:00 Monday to Sunday.

05 Noise disturbance from vehicles servicing the premises No deliveries shall be taken at or dispatched from the site outside the hours of 11:00Hrs and 22:30Hrs.

06 Waste storage and collection

Prior to the first occupation of the hereby approved premise details of the method of storage (including locations) and arrangements for collection of waste and refuse from the premise shall be submitted to and be approved in writing by the Local Planning Authority. All waste facilities shall be provided in accordance with the approved details and shall be managed in accordance with those agreed details thereafter.

07 Noise disturbance from New Plant Prior to the commencement of the development, a noise report shall be submitted and approved in writing by the Local Planning Authority. The report shall assess and confirm that the rating level of sound emitted from the extract grill and all fixed plant 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.

08 Extraction and Filter installation

The extraction and odour control system shall be installed in full accordance with those details shown on drawing 0000/M/100 REV A.

Prior to first occupation of the premise and approved use, details of the Grease Filter and Prefilter to be installed within the extraction and odour control system shall be submitted to and be agreed in writing with the Local Planning Authority. The Grease Filter and Pre-filter shall be installed in accordance with the agreed details prior to commencement of the development.

Both the extraction system and associated filters shall be maintained and serviced in full accordance with the manufacturers recommended maintenance programme and to the satisfaction of the Local Planning Authority, for the lifetime of the development.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

##### 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.

##### Informative: Advertisement Consent

Before any advertisement is displayed on land pursuant to this consent, the permission of the owner of that land or other person entitled to grant permission thereto shall be obtained.

##### Informative: Building Regulations

The applicant should be aware of their responsibilities outside of the planning process. The applicant should make contact with Building Control as they would be interested in the new shopfront, new extract systems, internal alterations, drainage and other matters. For further advice, please email [building.control@stockton.gov.uk](mailto:building.control@stockton.gov.uk)

##### Informative: Registering a New Food Business

You are required to register your new business with the Environmental Health Unit within Stockton on Tees Borough Council. Please visit this web link <https://www.stockton.gov.uk/ourpeople/environmental-health/food-safety-and-inspections/food-premises-register/> for the Food Registration Form, complete all parts and click submit. Alternatively a word version of this form can be provided to you upon request. Please note the statute states new businesses should be registered 28 days prior to being operational. For further advice, please email [Environmental.Health@stockton.gov.uk](mailto:Environmental.Health@stockton.gov.uk)

##### Informative: Cleveland Police

The applicant should make contact with Cleveland Police to consider measures to reduce crime and anti-social behaviour. Contact details are to be found at [www.securedbydesign.com](http://www.securedbydesign.com)

##### Informative: Drainage - Grease Trap

The drainage system to the premises needs to be provided with a suitable grease trap in order to prevent discharge of grease into the public sewer and associated problems occurring. This is a requirement under the current Building Regulations, Approved Document Part H (H1) and the applicant should contact the Building Control department in respect to this proposal.

**P/55/22**

**22/2114/RET, 66 The Stables, Wynyard, Stockton-On-Tees. Retrospective application to incorporate land for residential use to include the installation of 1.5 metre wall/fence.**

Consideration was given to planning application 22/2114/RET  
66 The Stables, Wynyard, Stockton-On-Tees

Planning permission was sought for an application site which related to a semi-detached property located at 66 The Stables. The rear garden area at the property adjoined an area of open space. The submitted application was part retrospective as works had already been carried out. The applicant had partly demolished an existing wall to the rear of the property and incorporated an area of their land beyond by erecting a boundary fence. The land had been levelled out to create a second level of residential garden area and was enclosed by a wooden fence.

The land to the rear was within the applicant's ownership despite it being designated as open space provision within the Adopted Local Plan. Several objections had been received mainly raising concern over the loss of the open space, setting a precedent and its visual impact.

The main considerations of this application were the impacts on the open space provision, character of the area and residential amenity.

The applicant had submitted a revised plan which showed a reduction of land incorporated (approximately 2.8 metres at its longest part) and proposed to erect a 1.5 metre high wall/fence which would continue from the adjoining neighbours property and would curve at a point to meet the previous wall.

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 application be Approved with Conditions for the reasons as detailed within the main report.

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

Brief discussion took place around the newly proposed boundary fence and clarity was sought where the original boundary line had been.

The newly proposed plan was an improvement in terms of what was currently there.

A vote took place and the application was approved.

RESOLVED that planning application 22/2114/RET be approved subject to the following conditions and informatives below;

Approved Plans

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



Plan Reference Number Date Received  
SBC0001 21 October 2022  
01C 31 December 2023

#### Installation of replacement boundary enclosure

02 The hereby approved enclosure as detailed on drawing 01C (31st December 2022) shall be built and completed within 4 months of the date of this decision unless the written consent of the Local Planning Authority to any variation has first been obtained.

#### Materials

03 The enclosure hereby approved shall be of a similar brick work to that of the existing boundary wall at the property unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity.

#### Reinstatement

04 The excavated land adjacent to the hereby approved enclosure shall be 'made good' following relocation of the boundary. This external area beyond the new boundary must be backfilled, graded into the surrounding landform, topped with topsoil and grass seeded within 4 month from the completion of the new enclosure.

#### Removal of permitted development rights - outbuildings

05 Notwithstanding the provisions of class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the extended residential curtilage area hereby approved (as defined by the hatched line on Plan No 1C, dated 31 December 2022, no erection of any outbuildings shall be erected within the extended curtilage without the written approval of the Local Planning Authority.

#### INFORMATIVE

##### Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

**P/56/22 22/2300/FUL, 12 Hartburn Village, Stockton-on-Tees, TS18 5EB. Application for replacement of existing flat roof with pitched roof to include installation of external door of existing extension.**

Officers requested that Planning Committee Members defer this item to enable them to consider additional information relating to public consultation.

Planning Committee Members agreed that due to the proposed changes to the application and the proximity to All Saints Church a deferral would be appropriate, and, in addition, requested that a site visit be undertaken by Members of the Planning Committee prior to the item being considered at the next Planning Committee meeting.

RESOLVED that item 22/2300/FUL 12 Hartburn Village, Stockton-on-Tees, TS18 5EB be deferred, and a site visit be undertaken prior to the item being presented to a future meeting of the Planning Committee.

## Local Design Guide Supplementary Planning Document

Members were asked to consider and note a Supplementary Planning Document (SPD) prior to being presented at which provided guidance on how Local Plan policies were applied and would be a material consideration when determining applications for planning permission within the Borough.

This "Local Design Guide" SPD had been prepared as part of a suite of guidance documents that expanded on policies within the adopted Local Plan (2019). The Local Design Guide SPD and accompanying technical appendices were intended as a guide for the design of development sites, with an aim to improving the quality of design within development proposals. They were as follows;

Appendix A- Stockton-on-Tees Local Design Guide Supplementary Planning Document  
Appendix B- Landscaping and trees- Technical Guidance and Standards  
Appendix C- Play areas- Technical Guidance and Standards  
Appendix D- Shop fronts and advertisements- Technical Guidance and Standards  
Appendix E- Design Process Overview  
Appendix F- Consultation Statement  
Appendix G- Strategic Environmental Assessment Consultation Screening Report  
Appendix H- Community Impact Assessment

The Local Design Guide SPD and accompanying technical appendices had been published for public consultation and the documents had been amended where appropriate based on the consultation comments received.

Adoption of the Local Design Guide would also see a number of existing SPD's superseded.

The Officers recommendation was that the Planning Committee note the contents of the report and that the Local Design Guide Supplementary Planning Document be recommended for approval by full Council.

That the Planning Committee provide any comments on the SPD for consideration by Cabinet and Council; and

Note that the existing Supplementary Planning Documents (or elements of) would be replaced, full details of which were contained within the Officers report.

Members felt that they had not been given enough time to study the SPD fully and expressed that they wished a briefing session had been provided to enable them to go through the SPD in detail enabling them to make comments for consideration at Council.

The Planning Services Manger explained that the SPD was to provide guidance on how the Local Plan was interpreted and that the document was for guidance and not policy.

The Planning Services Manager also stated that he would be happy to go through some aspects of the plan at Planning training sessions and or put on a special training session focused on design.

A vote took place and the Officers recommendation was approved.

RESOLVED that:

The Planning Committee note the contents of the report and that the Local Design Guide Supplementary Planning Document be recommended for approval by full Council.

That the Planning Committee provide any comments on the SPD for consideration by Cabinet and Council; and

Note that the existing Supplementary Planning Documents (or elements of) would be replaced;

- Supplementary Planning Documents 1 - Sustainable Design Guide;
- Supplementary Planning Guidance - High Density Development, Flats and Apartments;
- Supplementary Planning Document - Shop Front Design and Advertisements, and
- elements of Supplementary Planning Document: Open Space, Recreation and Landscaping (section 8; Landscaping on development sites; Appendix 2 - Planting within Stockton-on-Tees; Appendix 3 - Tree protection; Appendix 4 - Tree planting specification for softscape areas)

**P/58/22      1. Appeal - Mr Mark Taylor - Highgrove House, Aislaby Road, Eaglescliffe. 22/0855/FUL - DISMISSED.**

The Appeal was noted.

**P/59/22      2. Appeal - Mr Leo Barry - 54B Bassleton Lane, Thornaby, 21/2501/FUL - ALLOWED WITH CONDITIONS.**

The Appeal was noted.

**P/60/22      3. Appeal - Sean Brockbank - Land Adjacent To The Poplars, Green's Lane, Stockton-on-Tees 21/2644/FUL - DISMISSED, COSTS - REFUSED**

The Appeal was noted.