

Date:

Wednesday 6 August 2025 at 1.30 pm

Venue:

Council Chamber, Dunedin House, Columbia Drive, Thornaby, TS17 6BJ

Cllr Mick Stoker (Chair)

Cllr Michelle Bendelow (Vice-Chair)

Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Shakeel Hussain, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Sylvia Walmsley and Cllr Barry Woodhouse

Agenda

1. **Evacuation Procedure** (Pages 7 - 10)
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Planning Protocol** (Pages 11 - 12)
5. **25/0649/FUL - North And South Site, Stor Generating Plant, Seal Sands Link Road, Billingham - Erection of 2no external structures around existing power plant enclosure and associated works.** (Pages 13 - 44)
6. **24/2109/RET - 4 Alford Lane, Stockton-on-Tees, TS19 0QP - Retrospective application for the change of use of existing detached garage to aesthetics business.** (Pages 45 - 60)
7. **23/1111/COU - 9 Portchester Close, Ingleby Barwick, Stockton-on-Tees, TS17 5LQ - Change of use from residential (C3) to mixed use Commercial and Residential to allow for home business** (Pages 61 - 76)
8. **Planning Compliance Performance - Quarterly Update** (Pages 77 - 80)
9. **Planning Appeal Decisions** (Pages 81 - 144)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please.

Contact: Democratic Services Officer Sarah Whaley on email sarah.whaley@stockton.gov.uk

Key – Declarable interests are :-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registrable Interest

You must register as an Other Registrable Interest:

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Council Chamber, Dunedin House Evacuation Procedure & Housekeeping

Entry

Entry to the Council Chamber is via the Council Chamber entrance indicated on the map below.



In the event of an emergency alarm activation, everyone should immediately start to leave their workspace by the nearest available signed Exit route.

The emergency exits are located via the doors on either side of the raised seating area at the front of the Council Chamber.

Fires, explosions, and bomb threats are among the occurrences that may require the emergency evacuation of Dunedin House. Continuous sounding and flashing of the Fire Alarm is the signal to evacuate the building or upon instruction from a Fire Warden or a Manager.

The Emergency Evacuation Assembly Point is in the overflow car park located across the road from Dunedin House.

The allocated assembly point for the Council Chamber is: D2

Map of the Emergency Evacuation Assembly Point - the overflow car park:



All occupants must respond to the alarm signal by immediately initiating the evacuation procedure.

When the Alarm sounds:

1. **stop all activities immediately.** Even if you believe it is a false alarm or practice drill, you MUST follow procedures to evacuate the building fully.
2. **follow directional EXIT signs** to evacuate via the nearest safe exit in a calm and orderly manner.
 - do not stop to collect your belongings
 - close all doors as you leave
3. **steer clear of hazards.** If evacuation becomes difficult via a chosen route because of smoke, flames or a blockage, re-enter the Chamber (if safe to do so). Continue the evacuation via the nearest safe exit route.
4. **proceed to the Evacuation Assembly Point.** Move away from the building. Once you have exited the building, proceed to the main Evacuation Assembly Point immediately - located in the **East Overflow Car Park**.
 - do not assemble directly outside the building or on any main roadway, to ensure access for Emergency Services.

5. await further instructions.

- **do not re-enter the building under any circumstances without an “all clear”** which should only be given by the Incident Control Officer/Chief Fire Warden, Fire Warden or Manager.
- do not leave the area without permission.
- ensure all colleagues and visitors are accounted for. Notify a Fire Warden or Manager immediately if you have any concerns

Toilets

Toilets are located immediately outside the Council Chamber, accessed via the door at the back of the Chamber.

Water Cooler

A water cooler is available at the rear of the Council Chamber.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when invited to speak by the Chair, to ensure you can be heard by the Committee and those in attendance at the meeting.

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Planning Committee Procedure

1. Officers present the report to Members
2. Members of the public, applicants and agents speak for/against the application, 3 minutes each
3. Officers respond to any queries/misinformation which may have been raised as a result of public speaking
4. Members discuss the application in general and seek clarification from Officers/agents if necessary
5. Officers respond to any points raised by Members and give a brief summary of the proposal in view of comments raised
6. If it looks as if the application may go contrary to officer recommendation, Members debate and propose the possible reasons for the decision and the lead planning and legal representatives and other officers will advise which reasons are acceptable or not. Members respond on whether they wish to vary the reasons accordingly
7. Following the discussion, Members will be asked to confirm and then agree the reasons upon which they will rely if they vote for refusal of the application
8. Members vote on the officer recommendation or any alternative motion successfully carried
9. If the decision taken is contrary to officer recommendation, the Planning Officer, and Legal Representative are given the appropriate amount of time to discuss whether the protocol for decisions contrary to officer recommendation should be invoked and that the committee and members of the public be informed of the outcome of that decision
10. The next application is then debated

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DELEGATED

AGENDA NO PLANNING COMMITTEE 6 August 2025 REPORT OF ASSISTANT DIRECTOR OF INCLUSIVE GROWTH AND DEVELOPMENT

25/0649/FUL

North And South Site, Stor Generating Plant, Seal Sands Link Road

Erection of 2no external structures around existing power plant enclosure and associated works.

Expiry Date: 26 May 2025

Extension of Time Date: 8 August 2025

SUMMARY

Planning permission is sought for the erection of two external structures around the existing power plans at Saltholme.

The plants have currently had their permits suspended until the noise issues are resolved and are non-operational. The proposed structures are to reduce the noise levels that are causing disturbance to nearby residents in Cowpen Bewley Village.

The application has been considered by the Environmental Health Team and no objections have been raised. The Environment Agency have confirmed that whilst they are considering the permit information, they are confident that the measures will resolve the issues with noise. As detailed in the report it cannot be properly measured or assessed until the applicant is allowed to implement the scheme as applied for and thereafter the noise predictions can be validated. The facility is already constructed, and it is essential that the mitigation work is undertaken

The scheme has been considered in full in terms of visual impacts and other wider implications and it is considered that there are no adverse impacts that would warrant refusal of the application.

The application is recommended for approval with conditions as detailed below.

For information and to assist members a Glossary of Acoustic terms is included at Appendix A.

RECOMMENDATION

That planning application 25/0649/FUL 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.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

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

Plan Reference Number	Date Received
L284_L_X_LP_1	24 March 2025
DE100-AR-GLA-001 REV A2	24 March 2025
DE100-AR-GLA-002 REV A2	24 March 2025
DE100-AR-GLA-003 REV A2	24 March 2025
DE100-AR-GLA-004 REV A2	24 March 2025
DE100-AR-GLA-005 REV A2	31 March 2025
DE100-AR-GLA-006 REV A2	31 March 2025
DE100-AR-GLA-007 REV A2	31 March 2025
DE100-AR-GLA-008 REV A2	24 March 2025

Reason: To define the consent.

03 On-site Sound Level Meter

Prior to bringing the facility back into use a sound level meter shall be installed at a location to be agreed in writing with the local planning authority in consultation with the Environmental Health Unit.

Data from the sound level meter, including third octave bands shall be provided to the Local Planning Authority as part of the validation report as referred to in condition 5 and thereafter upon request within a time period not exceeding 2 working days.

The sound level meter shall be in position for the first 12 months of the site becoming operational after the mitigation measures have been completed in full.

Reason: To ensure that the site can be accurately monitored in the interests of the amenity of local residents

04 Installation of Mitigation Measures

The site should operate in accordance with the acoustic mitigation measures specified within P2274-REP02-REV A-BDH for the lifetime of the proposal.

Reason: To ensure that the site can be accurately monitored in the interests of the amenity of local residents

05 Noise Validation Report

Within 28 days of the site becoming operational, a validation report shall be submitted with noise measurements taken at the site boundary, the identified noise sensitive receptors and the location of the sound level meter, to demonstrate compliance with table 1 and B1 of Technical Memorandum 12 Revision A (dated 03/06/2025) (Validation report).

Should the levels exceed the approved levels at any location, then a mitigation plan shall be submitted and approved in writing for measures to reduce the noise to those within the approved report.

All mitigation measures should then be implemented within an agreed timescale with the Local Planning Authority.

Following this, three further validation Reports will be provided to the local planning authority over three month intervals within a 12-month period demonstrating compliance with predicted post-mitigation rating limits.

Should the Validation Reports identify non-compliance with the noise levels as agreed, the operator shall submit a mitigation plan and the mitigation measures shall be carried out in accordance with that mitigation plan as approved by the Local Planning Authority.

Once the agreed sound levels are achieved, the mitigation measures as implemented shall be retained and maintained for the lifetime of the development,

Reason: To ensure that the site can be accurately monitored in the interests of the amenity of local residents

06 Unexpected land Contamination

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

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Noise Validation Report

It should be noted that Table 1 and B1 of Technical Memorandum 12 Revision A (dated 03/06/2025) does not currently list predicated sound levels at all required locations, the model will subsequently need to establish predicted noise levels at specific locations detailed within this condition.

BACKGROUND

1. Planning permission was granted for two separate gas fired generating facilities, with a generation capacity of 49.99MW of electricity each, to provide electricity during supply shortfall and to meet peak supply demands on the network (Planning Refs. 18/2082/FUL and 18/2079/FUL).
2. Subsequently, following detailed civil and mechanical construction design for both facilities and commercial tendering for the plant equipment, the planning applications were amended (Planning Refs. 20/0693/FUL and 20/0625/VARY) to update drawings and reports.
3. The power plants became operational in 2021 and required a validation report to be submitted demonstrating noise levels generated from the plant met the levels in the noise compliance condition. There are two outstanding applications to discharge the noise conditions as they have not as yet been able to comply with the requirements.
4. The levels cannot be fully achieved and exceed the compliance limits set under the planning consents. Therefore, the applicant has designed an enclosure to mitigate the noise levels generated by the power plant, to accord with the approved noise levels as consented.

5. The site is currently not operating as the Environment Agency has suspended the environmental permit until the noise issue is resolved.

SITE AND SURROUNDINGS

6. The application site relates to the Stor Generating Plants which are located on Seal Sands Link Road.
7. To the north of the site are open fields extending to Cowpen Bewley Village and to the southeast the Saltholme Electricity Sub Station. To the northwest is Cowpen Industrial Estate with Belasis Technology Park to the southwest. RSPB Saltholme is to the south and the main A1185 road to the east.

PROPOSAL

8. Planning permission is sought for the erection of 2no external structures around the existing power plant and associated works. The existing building is 9.5 metres high.
9. The detailed design has been led by engineering solutions to mitigate noise levels at the site, informing the design massing, height and material choices. The proposed development comprises an external structure of up to 12m height and 38.5m x 51.8m width enclosing each of the power plant's existing structures. The ventilation stacks will remain open and will not be impacted by the proposed development.
10. The proposed development is to mitigate noise levels at the nearest sensitive receptors and ensure the existing power plants remain in compliance of their approved noise levels.
11. The condition that the applicant is aiming to comply with is detailed below;

Control of noise during operational phase

Within 28 days of the site becoming operational; a validation report regarding the individual and cumulative operational noise measurements at each of the identified locations must be undertaken in accordance with British Standard 4142. The results of the validation report shall be submitted to the local planning authority within three months from the date of the site becoming operational, including details of any remedial works and a programme for implementation of this remediation; should noise levels exceed the level specified in the tables below.

Individual

<i>Location</i>	<i>Revised Scheme Specific Sound Level, dBA</i>	<i>Rating Level, dB L_{Ar,Tr}</i>	<i>BS4142 Rating Level Difference dB</i>
<i>Cowpen Bewley Road</i>	<i>37</i>	<i>37</i>	<i>0 (23:00- 07:00)</i>
<i>Cowpen Lane</i>	<i>38</i>	<i>38</i>	<i>+1 (23:00- 07:00)</i>
<i>Haverton Hill Hotel</i>	<i>35</i>	<i>35</i>	
<i>Lime Tree Close</i>	<i>32</i>	<i>32</i>	
<i>Charlton Close</i>	<i>23 (South) & 24 (north)</i>	<i>23 (South) & 24 (North)</i>	

Cumulative

<i>Location</i>	<i>Revised Scheme</i>	<i>Rating Level, dB L_{Ar,Tr}</i>	<i>BS4142 Rating Level Difference dB</i>
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	Specific Sound Level, dBA		
Cowpen Bewley Road	39	39	+2 (23:00- 07:00)
Cowpen Lane	40	40	+3 (23:00- 07:00)
Haverton Hill Hotel	37	37	
Lime Tree Close	36	36	
Charlton Close	27	27	

Any remedial works must be carried out in accordance with the approved programme for implementation and the noise measurements must be repeated and submitted to the local planning authority for approval following completion of remedial works to demonstrate that the noise levels are within the limits set out in the table above. Measurements demonstrating compliance are to be made at the locations above and a sound power level at source should also be established. If however after discussions with the local planning authority this method is deemed unsuitable it may be necessary for noise measurements to be taken at source and noise modelling to be used to demonstrate compliance with the above requirements. The subsequent approved sound power level at source which demonstrates compliance shall then be maintained for the lifetime of the development.

Upon acceptance of the validation report and for the lifetime of the development thereafter, the noise levels should not exceed the sound power level at source or the above columns titled 'Revised Scheme Specific Sound Level, dBA' or 'Rating Level, dB L_{Ar,Tr}' either individually or cumulatively at any of the locations listed above.

PLANNING POLICY

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
13. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

14. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
15. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
 approving development proposals that accord with an up-to-date development plan without delay; or
 where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Extract from the National Planning Policy Guidance on Noise

How can planning address the adverse effects of noise sources, including where the 'agent of change' needs to put mitigation in place?

This will depend on the type of development being considered the type of noise involved and the nature of the proposed location. In general, for developments that are likely to generate noise, there are 4 broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Local Planning Policy

16. The following planning policies are considered to be relevant to the consideration of this application

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:
 - a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
 - b. Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs
Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.
4. Economic growth proposals which attract significant numbers of people will be permitted in the vicinity of a hazardous installation only where there is no significant threat to public safety.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Economic Growth Policy 4 (EG4) - Seal Sands, North Tees and Billingham

2. Development proposals in the North Tees and Seal Sands area will recognise the cumulative importance for bird species associated with the Teesmouth and Cleveland Coast SPA and Ramsar site. Appropriate development proposals will be encouraged at locations within the limits to development where:
 - a. If necessary, land has been identified to provide appropriate strategic mitigation; or
 - b. The applicant can demonstrate that the proposed development, in combination with other proposals, will not adversely impact the Teesmouth & Cleveland Coast SPA and Ramsar site.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
5. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

- a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:
 - i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or
 - ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.
- b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:
 - i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;
 - iii. no reasonable alternatives are available; and
 - iv. mitigation, or where necessary compensation, is provided for the impact.
- c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

- 1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.
- 2. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

CONSULTATIONS

- 17. Consultees were notified and the following comments were received:-
- 18. Environmental Health Unit

Noise: I have reviewed P2274-REP02-REV A-BDH, Technical Memorandum 12 Revision A and Technical Memorandum 15, Revision A. The reports have been assessed and the methodology for the assessments have been queried for clarity. To summarise:

Model: A 7dB correction has been applied to the model to account for meteorological conditions causing low frequency noise to be audible at sensitive receptors. A 7dB penalty was determined based upon noise monitoring in the village whereby 3 occasions out of 15 noted specific sound levels higher than the predicted model. For those three occasions, two of them exceeded the model by 3dB, with one exceeding by 7dB. The 7dB has been applied to the engine halls, annex and duct work as these are the areas at the site where 63Hz has been identified to be emitting from. A further 3dB has been applied to the model to account for variance with the model accuracy. Connecting supports from the existing building to the new building have been included within calculations within the model. The model has been calibrated for real-world conditions to confirm its accuracy.

Rating Level compared to background levels

With the rating level accounting for 7dB correction for meteorological conditions at all sensitive receptors, the impact at each location is displayed below. The outcome of this assessment indicates the rating level is equal to or below the background level at all locations except for one where there is a 1dB exceedance overnight.

Noise Sensitive Receptor	Location	Specific Sound Level, dB $L_{Aeq,T}$	Acoustic Character Correction dB	Predicted Rating Level, dB $L_{A,T}$	Typical Background Sound Level, dB L_{A90}	Rating Level sub. Background \pm dB
A. Cowpen Bewley Road (c.1.1km to the northwest)	Daytime 07:00–19:00hrs	23, 30	+3	26, 33	42	-16, -9
	Evening 19:00–23:00hrs	23, 30	+3	26, 33	38	-12, -5
	Nighttime 23:00–07:00hrs	23, 30	+3	26, 33	33	-7, +0
B. Cowpen Lane (c.1.2km to the northwest)	Daytime 07:00–19:00hrs	24, 31	+3	27, 34	42	-15, -8
	Evening 19:00–23:00hrs	24, 31	+3	27, 34	38	-11, -4
	Nighttime 23:00–07:00hrs	24, 31	+3	27, 34	33	-6, +1
C. Haverton Hill Hotel (c.1.2km to the south)	Daytime 07:00–19:00hrs	23, 30	+3	26, 33	45	-19, -12
	Evening 19:00–23:00hrs	23, 30	+3	26, 33	40	-14, -7
	Nighttime 23:00–07:00hrs	23, 30	+3	26, 33	35	-9, -2
D. Lime Tree Close (c.1.3km to the south)	Daytime 07:00–19:00hrs	23, 28	+3	26, 31	45	-19, -14
	Evening 19:00–23:00hrs	23, 28	+3	26, 31	40	-14, -9
	Nighttime 23:00–07:00hrs	23, 28	+3	26, 31	35	-9, -4
E. Charlton Close (c.1.8km to the west)	Daytime 07:00–19:00hrs	17, 25	+3	20, 28	45	-25, -17
	Evening 19:00–23:00hrs	17, 25	+3	20, 28	43	-23, -15
	Nighttime 23:00–07:00hrs	17, 25	+3	20, 28	42	-22, -14
<p>* Key</p> <p>Green: low impact (less than or equal to 0dB)</p> <p>Amber: sub-adverse impact to adverse impact (i.e. +1dB to +5dB)</p> <p>Red: adverse to significant adverse impact (+6dB or higher)</p>						

Comparison to 2020 Planning Condition

In comparison to the 2020 planning condition which was attached to the site under application 20/0625/VARY, the proposal with mitigation measures will result in a lower level of noise at each location compared to the existing 2020 condition limits which were set. This assessment has not included the 7dB correction for each site.

Noise Sensitive Receptor	Location	3D Noise Model Predicted Specific Level, dB $L_{Aeq,T}$	Acoustic Character Correction dB	Predicted Rating Level, dB $L_{Ar,T}$	Maximum Permissible Rating Level Limit, dB $L_{Ar,T}$	Exceedance dB Pass/Fail
A. Cowpen Bewley Road (c.1.1km to the northwest)	Daytime 07:00–19:00hrs	23, 30	+3	26, 33	39	-13, -6
	Evening 19:00–23:00hrs	23, 30	+3	26, 33	39	-13, -6
	Nighttime 23:00–07:00hrs	23, 30	+3	26, 33	39	-13, -6
B. Cowpen Lane (c.1.2km to the northwest)	Daytime 07:00–19:00hrs	24, 31	+3	27, 34	40	-13, -6
	Evening 19:00–23:00hrs	24, 31	+3	27, 34	40	-13, -6
	Nighttime 23:00–07:00hrs	24, 31	+3	27, 34	40	-13, -6
C. Haverton Hill Hotel (c.1.2km to the south)	Daytime 07:00–19:00hrs	23, 26	+3	26, 29	37	-11, -8
	Evening 19:00–23:00hrs	23, 26	+3	26, 29	37	-11, -8
	Nighttime 23:00–07:00hrs	23, 26	+3	26, 29	37	-11, -8
D. Lime Tree Close (c.1.3km to the south)	Daytime 07:00–19:00hrs	23, 26	+3	26, 29	36	-10, -7
	Evening 19:00–23:00hrs	23, 26	+3	26, 29	36	-10, -7
	Nighttime 23:00–07:00hrs	23, 26	+3	26, 29	36	-10, -7
E. Charlton Close (c.1.8km to the west)	Daytime 07:00–19:00hrs	17, 20	+3	20, 23	27	-7, -4
	Evening 19:00–23:00hrs	17, 20	+3	20, 23	27	-7, -4
	Nighttime 23:00–07:00hrs	17, 20	+3	20, 23	27	-7, -4

Table 7: Planning Condition 10 summary assessment

Level of Improvement from proposal compared to existing operations

The proposal with the mitigation measures implemented in full will result in improvements for the Specific Sound Level as demonstrated in the table below:

Noise Sensitive Receptor	Predicted Specific Sound Level, dB $L_{A,r,T}$		Change, dB +/-
	As Existing	Full Complete Implementation of the Proposed Works	
A. Cowpen Bewley Road (c.1.1km to the northwest)	43	30	-13
B. Cowpen Lane (c.1.2km to the northwest)	43	31	-12
C. Haverton Hill Hotel (c.1.2km to the south)	35	26	-9
D. Lime Tree Close (c.1.3km to the south)	33	26	-7
E. Charlton Close (c.1.8km to the west)	31	20	-11
F. RSPB Saltholme Nature Reserve (c.760m to the southeast)	40	34	-6

The proposal with the mitigation measures implemented in full will result in improvements for the 63Hz (unweighted) sound level as demonstrated in the table below:

Noise Sensitive Receptor	Predicted Linear 63Hz Octave Band Centre Frequency Specific Sound Level, dB $L_{Z63Hzeq}$		Change, dB +/-
	As Existing	Full Complete Implementation of the Proposed Works	
A. Cowpen Bewley Road (c.1.1km to the northwest)	68	51	-17
B. Cowpen Lane (c.1.2km to the northwest)	68	52	-16
C. Haverton Hill Hotel (c.1.2km to the south)	60	46	-14
D. Lime Tree Close (c.1.3km to the south)	58	43	-15
E. Charlton Close (c.1.8km to the west)	56	42	-14
F. RSPB Saltholme Nature Reserve (c.760m to the southeast)	63	49	-14

In relation to 63Hz, current measurements indicate that 63Hz is above adjacent octave bands by 14dB. Following mitigation measures the 63Hz will be above adjacent octave bands by 8dB. This will not be defined as 'tonal' in terms of BS4142 objective assessments.

NR Values

It is difficult to accurately predict internal NR values with one-third octave bands due to unknown details about external envelope and details of glazing, and trickle vents etc); however despite this predictions have been undertaken and are detailed below which all indicate levels below NR25 with windows open.

Noise Sensitive Receptor / Location	Noise Rating Level (NR)		
	External (Free Field)	Internal (Window Opening Equivalent to 4% of the Floor Area)	Internal (Window Opening Equivalent to 13% of the Floor area)
A. Cowpen Bewley Road (c.1.1km to the northwest)	NR22	c.NR12	c.NR17
B. Cowpen Lane (c.1.2km to the northwest)	NR24	c.NR13	c.NR19
C. Haverton Hill Hotel (c.1.2km to the south)	NR20	c.NR9	c.NR15
D. Lime Tree Close (c.1.3km to the south)	NR20	c.NR9	c.NR15
E. Charlton Close (c.1.8km to the west)	NR11	c.NR1	c.NR6

Conclusion The submitted application will result in noise levels which are lower than what were previously approved in 2020. The mitigation measures also demonstrate a reduction of noise at 63Hz which is predicted to exceed existing residual sound levels (when the plant is not running) by 1.3dB at NSR A during the night for worst meteorological conditions only but not at other times. At NSR B the predicted specific sound level at 63Hz exceeds residual sound levels by 0.4dB in the evening and 1.8dB at night during worst meteorological conditions. These small increases are unlikely to be detrimental to the amenity of residents.

Air Quality: It is noted that air quality levels will increase from the proposal however the emissions released are below the National Objectives for air quality and the site is a significant distance from nearby sensitive receptors which should provide adequate dispersal. The site is subject to an Environmental Permit and the Environment Agency will consider the impact of this further.

19. Contaminated Land Officer

A search of our environmental records shows that the proposed development may be affected by former landfill site which is located within 250 metres of the site boundary. The proposed development could be affected by landfill gas, therefore as defined under YALPAG Planning Guidance (June 2023), the possibility of land contamination should be considered. As such I would recommend submission of a preliminary risk rating of the potential ground conditions, especially the migration of landfill gas, to identify potential contamination sources, pathways, and receptors.

Following a review of the original documents it is considered that the unexpected land condition is reasonable.

20. The Environment Agency

Environment Agency Position: We have assessed the supporting information and confirm that we have no objection to the planning application as submitted. However, we have the following comments to make.

Requirements under Environmental Permitting Regulations 2016-advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 state that permitted sites should not harm human health or pollute the environment. The operator is therefore required to have measures in place which will:

- prevent pollution

- ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity
- ensure that there is no offence to a human sense or damage to material Property

Emissions from noise & vibration are currently regulated by the Environment Agency via compliance with the respective environmental permits (ref: EPR/LP3300PZ & EPR/XP3106PT).

Any amendments to the current noise mitigation measures must be included in a revised Noise & Vibration Management Plan and subsequently submitted to the Environment Agency for approval. Please provide the Noise & Vibration Management Plan to your Environment Agency area permitting officer for review. When considering appropriate measures for managing emissions from noise & vibration, we recommend that you refer to the following guidance document: Noise and vibration management: environmental permits - GOV.UK

For us to determine whether the proposed changes to the facility will comply with the requirements of the environmental permits, we will require a detailed proposal on how the proposed changes will identify and minimise the risks of pollution from noise and vibration, including the provision of an acoustic model.

Update to Existing Environmental Permits

The Environment Agency has since received a Noise & Vibration Management Plan (NVMP) from the applicant under condition 3.4.2 of the environmental permits on 27 June 2025. The Environment Agency is assessing this plan in accordance with our review of permit compliance, with regard to our guidance document: Noise and vibration management: environmental permits - GOV.UK

Although still subject to assessment, upon initial review the proposed plan demonstrates a likelihood of achieving compliance with the permit conditions. We will continue to regulate the site's operations under our separate regulatory regime.

Informative: When determining a planning application the local authority should consider the advice set out in paragraphs 200 and 201 National Planning Policy Framework which states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities

21. Natural England

As the facility is already operational and the proposal is a result of a need to reduce noise impacts, we have no comments to make on this proposal. We would still strongly recommend that best practice construction mitigation measures should be put in place to ensure that there will be no temporary impacts resulting from the construction phase.

22. Sabir UK Petrochemicals Ltd

Please note planning application referenced 25/0649/FUL will not affect the high pressure ethylene pipeline apparatus.

23. Northern Gas Networks

No objection

- 24 National Grid
Regarding planning application 25/0649/FUL, National Grid Electricity Transmission have no objection to the proposal that is nearby to our overhead lines. Please note this response is only in reference to National Grid Electricity Transmission assets only. National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.
- 25 Highways Transport & Design Manager
The Highways, Transport and Design Manager has no objection to this application.
Highways Comments : There are no highway objections to the proposed 2no external structures around existing power plant enclosure and associated works.
- 26 Councillor Katie Weston
After speaking to residents in Cowpen Bewley, I am concerned that this will not reduce the noise adequately.
- 27 Councillor Paul Weston
Having talked to numerous residents I wish to oppose this proposal as my understanding is that the point is to reduce the noise level. The residents believe that this will not reduce noise adequately as 51 decibels is still unacceptable.
- 28 Billingham Town Council
No comment on this application, subject to the information available at this time.
- 29 PADHI Health & Safety Executive
Does not advise against.
- 30 Cowpen Bewley Residents Association
At a meeting of the Association tonight I, as Secretary, was actioned unanimously to file a an objection to this proposal. The essence of the objection is that the proposal does not sufficiently reduce the noise impact on properties in the Village. The noise emission from the installation, notably at the low frequency will still be at a level where is impacts adversely on Residents of the Village.
Given the short notice and the impending deadline this objection is short on detail. I shall prepare a supplementary letter in the next few days giving a fuller background basis and rationale. This will include comments on the acoustic coupling of the new frame to the existing building and the source terms used in the acoustic modelling as well as questioning the operability with reduced cooling effectiveness that is inherent in the enclosure of the units
In short, however, the proposed improvement is not adequate or sufficient to alleviate the long-standing and health damaging nuisance from this plant.
We note also that the proposal now seemingly comes jointly, from two supposedly independent units. The original planning application bypassed the national approval process by claiming these were two independently operated 49.9 MW units. This subterfuge seems to have lapsed. Does this invalidate the original permission?

PUBLICITY

- 31 Neighbours were notified and the application was advertised on site. The following comments were received.
- 32 Mr Stewart Swales 2 Earls Cottages Cowpen Bewley
I am writing to formally object to the findings presented in the Sol Acoustics Environmental Noise Impact Assessment, specifically on page 49, which states that at 63Hz, the proposed facility will still produce 51dB at Cowpen Bewley Road and 52dB at Cowpen Lane. This level of low-frequency noise is totally unacceptable. In fact, this is the exact type and intensity of

noise my family and I have been subjected to for the past three years - a persistent, invasive sound that continues to severely affect our quality of life. It is not a nuisance; it is a form of ongoing torture that has had a serious impact on our wellbeing.

I must ask: when will Stockton Borough Council finally act to protect my family and other residents from this significant and prolonged noise pollution? It is deeply distressing to see this level of disturbance being considered acceptable in any future plans.

I urge you to reject any proposal that fails to eliminate this unacceptable environmental noise burden and to prioritise the health and peace of local residents over industrial interests.

33 Mr George Laing Colemans Nook Bungalow Cowpen Bewley Road

This development has historically raised an intolerable noise impact to the residents of Cowpen Bewley of which the planning department and the environment agency is well aware. This planning application must not go ahead and something must be done to alleviate the noise levels to the residents of this beautiful and normally tranquil village.

34 Mrs Anita Stitt Orchard House Cowpen Bewley

I strongly object to this proposal as it does not reduce the noise levels sufficiently. The operation of these plants will still adversely affect ourselves and other residents of our village

35 Paul & Maria Shannon Earls Nook Cottage Cowpen Bewley

We wish to object to the above planning application. As one of the households impacted by noise nuisance from the Saltholme North & Saltholme South Peaking Power Plants over the last three years, we have no issue with the principle of the proposed new buildings. However, given the intention is to address noise nuisance, we are concerned that the predicted low frequency (63Hz) noise levels of 52/51 dB in Cowpen Bewley will still dominate the soundscape and continue to create nuisance at our property during periods of operation. We are also concerned, at 3.3.3 (h), the Environmental Noise Impact Assessment P2274-REP02-REV A-BDH 06 March 2025 states: "(h) Penetration Detailing (various): (i) Where possible, penetrations through the new masonry walls should be avoided or minimised. Notwithstanding, Figure 11 and Figure 12 provide generic acoustic detailing of cable trays and pipework penetrations which must be adopted for any required penetration through all of the new required masonry and cementitious walls to both Engine Halls (NB: others to advise fire, architectural, structural, thermal implications etc.)" We ask that all fire, architectural, structural and thermal implications are fully explored. before any decision is made on this application.

As a side note, at 8.2.1 the same report states: "8.2.1 The nearest identified ecological receptor is the RSPB Saltholme Nature Reserve (i.e. an ecological receptor) is located c.760 metres distance to the southeast." We understand the Pipeline Pools, approximately 130m from the application sites is the nearest ecological receptor.

36 Mrs Joanna Harmison The Wheel House Cowpen Bewley

I object based upon noise impact and lack of consideration to neighbouring village and the impact upon us.

37 Mrs Jenny Pearce Three Horse Shoes Barn Cowpen Bewley

We wish to formally object to the above proposal on the grounds of noise pollution. The intention to reduce noise nuisance we feel will not be met and it will still be heard during operational periods.

38 Mr Craig Wearmouth 2 Manor House Farm Cottages Cowpen Bewley

I am writing to formally object to the planning application 25/0649/FUL] for the proposed development. My concerns primarily relate to the issue of noise pollution and the site's historical poor performance in engaging with the local community.

Noise Pollution: The proposed development is likely to significantly increase noise levels in the surrounding area, adversely affecting local residents and businesses. Given the nature

of the project, there is a high probability of excessive noise from construction activities, as well as ongoing operational noise once completed. This poses a threat to the well-being of those living and working nearby, potentially leading to health and quality-of-life concerns. Furthermore, the lack of sufficient noise mitigation measures that have been delivered historically makes it clear that these risks have not been adequately addressed.

Historical Engagement Issues: The site has a history of poor engagement with the local community and relevant stakeholders including governing bodies. Previous developments and operations have failed to take community concerns into account, leading to issues such as lack of transparency, unaddressed grievances, and insufficient consultation. Based on past experiences, there is little confidence that the applicant will effectively manage community relations or mitigate the negative impact of the project. Without a clear strategy to improve engagement, the likelihood of continued disregard for local interests remains a serious concern. Given these issues, I strongly urge the council to reject this planning application unless significant improvements are made to address noise pollution and ensure genuine community involvement.

MATERIAL PLANNING CONSIDERATIONS

- 39 The principle of development for the plants has been accepted and the scheme has been implemented.
- 40 The main considerations relate to the visual impacts of the proposed enclosures and whether the development will resolve the noise issues currently experienced by local residents along with other residual matters.
- 41 The proposed development is out with the limits to development but already in place. The proposed amendments will increase the size of the existing buildings, but given the scale of the whole facility and the vantage points where the scheme is visible it is considered that there would not be a significant perceptible change that would warrant refusal of the application.
- 42 In terms of noise the applicant has submitted an initial noise assessment and additional technical information as requested by the Environmental Health Team. The submitted documents have been fully assessed with the comments from Environmental Health provided in full at Paragraph 19 of this report.
- 43 The Environment Agency suspended the permits for the two plants due to noise complaints and will not release the suspension until the noise mitigation is in place to achieve noise levels that would not impact on residents. A Noise & Vibration Management Plan (NVMP) has been submitted to them and whilst the Environment Agency still is assessing the plan, upon initial review the proposed plan demonstrates a likelihood of achieving compliance with the permit conditions.
- 44 Whilst the concerns from local residents are understandable, the Developer cannot attempt to mitigate the impact without first erecting the enclosures and assessing the real time noise measurements and whether they have done enough to achieve the improvements required. Once this scheme is implemented there are conditions to ensure the predicted noise levels are achieved and maintained for the lifetime of the development.
- 45 Comments that the facility will still produce 51dB at Cowpen Bewley Road and 52dB at Cowpen Lane were passed to the noise consultant for clarification who has confirmed the reference to these measurements have been taken out of context and it's not an accurate interpretation of the findings of the report.

- 46 The Noise Consultant has confirmed *that the noise levels in the table are presented in terms of predicted linear 63 Hz octave band centre frequency specific sound level. This is the noise level that is expected to be measured by a sound level meter with a Z weighting, (i.e. unweighted) frequency response applied. It does not take into consideration the sensitivity of human hearing at different frequencies which is less responsive to noise at low and very high frequency. The A weighting correction is typically applied to a noise spectrum in order to approximate the response of human hearing. The A weighted correction of the 63 Hz octave band and frequency is -26.2 dB. Therefore the corresponding A weighted 63 Hz octave band centre frequency specific sound level is approximately 20.6dB (50.2dB -26.2 dB). The purpose of table 9 is to show the anticipated change our level of improvement of 40 by the successful implementation of the mitigation measures at 63 Hz octave band centre frequency. The prescribed noise control works (in their entirety and constructed to a good standard) are expected to reduce the specific sound level of the 63 Hz octave band centre frequency by between 14dB to 17dB depending on the receptor which is a significant improvement in acoustic terms to put this in perspective a reduction of approximately 10 dB is typically perceived as half the loudness of the sound*
- 47 Environmental Health have confirmed that following implementation of the mitigation measures noise levels would be lower than previously approved in 2020. The mitigation measures also demonstrate a reduction of noise at 63Hz which is predicted to exceed existing residual sound levels (when the plant is not running) by 1.3dB at NSR A during the night for worst meteorological conditions only but not at other times. At NSR B the predicted specific sound level at 63Hz exceeds residual sound levels by 0.4dB in the evening and 1.8dB at night during worst meteorological conditions. The Environmental Health Team have advised that these small increases are unlikely to be detrimental to the amenity of residents and raised no objections to the proposed development and support the measures to try and reduce the noise impacts to an acceptable level.
- 48 In simple terms the specific sound levels will change from table 1 (as agreed) to table 2 (as proposed)
- 49 The rating levels have improved from those noted in table 1 to table 3 which is a significant improvement.

TABLE 1

Location	Revised Scheme Specific Sound Level, dBA	Rating Level, dB $L_{Ar,Tr}$	BS4142 Rating Level Difference dB
Cowpen Bewley Road	39	39	+2 (23:00- 07:00)
Cowpen Lane	40	40	+3 (23:00- 07:00)
Haverton Hill Hotel	37	37	
Lime Tree Close	36	36	
Charlton Close	27	27	

TABLE 2

Noise Sensitive Receptor	Predicted Specific Sound Level, dB $L_{A,T}$		Change, dB +/-
	As Existing	Full Complete Implementation of the Proposed Works	
A. Cowpen Bewley Road (c.1.1km to the northwest)	43	30	-13
B. Cowpen Lane (c.1.2km to the northwest)	43	31	-12
C. Haverton Hill Hotel (c.1.2km to the south)	35	26	-9
D. Lime Tree Close (c.1.3km to the south)	33	26	-7
E. Charlton Close (c.1.8km to the west)	31	20	-11
F. RSPB Saltholme Nature Reserve (c.760m to the southeast)	40	34	-6

TABLE 3

Noise Sensitive Receptor	Location	Specific Sound Level, dB $L_{Aeq,T}$	Acoustic Character Correction dB	Predicted Rating Level, dB $L_{A,T}$	Typical Background Sound Level, dB L_{A90}	Rating Level sub. Background \pm dB
A. Cowpen Bewley Road (c.1.1km to the northwest)	Daytime 07:00–19:00hrs	23, 30	+3	26, 33	42	-16, -9
	Evening 19:00–23:00hrs	23, 30	+3	26, 33	38	-12, -5
	Nighttime 23:00–07:00hrs	23, 30	+3	26, 33	33	-7, +0
B. Cowpen Lane (c.1.2km to the northwest)	Daytime 07:00–19:00hrs	24, 31	+3	27, 34	42	-15, -8
	Evening 19:00–23:00hrs	24, 31	+3	27, 34	38	-11, -4
	Nighttime 23:00–07:00hrs	24, 31	+3	27, 34	33	-6, +1
C. Haverton Hill Hotel (c.1.2km to the south)	Daytime 07:00–19:00hrs	23, 30	+3	26, 33	45	-19, -12
	Evening 19:00–23:00hrs	23, 30	+3	26, 33	40	-14, -7
	Nighttime 23:00–07:00hrs	23, 30	+3	26, 33	35	-9, -2
D. Lime Tree Close (c.1.3km to the south)	Daytime 07:00–19:00hrs	23, 28	+3	26, 31	45	-19, -14
	Evening 19:00–23:00hrs	23, 28	+3	26, 31	40	-14, -9
	Nighttime 23:00–07:00hrs	23, 28	+3	26, 31	35	-9, -4
E. Charlton Close (c.1.8km to the west)	Daytime 07:00–19:00hrs	17, 25	+3	20, 28	45	-25, -17
	Evening 19:00–23:00hrs	17, 25	+3	20, 28	43	-23, -15
	Nighttime 23:00–07:00hrs	17, 25	+3	20, 28	42	-22, -14
<p>* Key</p> <p>Green: low impact (less than or equal to 0dB)</p> <p>Amber: sub-adverse impact to adverse impact (i.e. +1dB to +5dB)</p> <p>Red: adverse to significant adverse impact (+6dB or higher)</p>						

Ecology

- 50 In terms of Ecology whilst it the submitted documents states the nearest identified ecological receptor is the RSPB Saltholme Nature Reserve (i.e. an ecological receptor) is located c.760 metres to the southeast and Pipeline Pools are significantly closed at approximately 130m this is discussed in full in the Ecological report where it states the noise levels at pipeline pools area are predicted at 45dB which will be well within the acceptable level of 55dB wetland bird disturbance noise level. Given the predicted noise levels will be lower than that in the original application Natural England have raised no objections to the proposed scheme. It is therefore considered that the proposal will not have an adverse impact on these ecological important areas

Air Quality Assessment

- 51 An updated Air Quality Assessment (AQA) has been submitted and reviewed by the Environmental Health Team. The air quality assessment considered the impacts of the stack emissions and provides a comparison with the predicted concentrations and conclusions with the air quality assessments submitted to support the 2023 applications. The report concludes that using professional judgement, the resulting air quality effects on human and ecological receptors of the new building configuration reported on above are considered to be 'not significant' overall and the conclusions for the 2025 new building scenario remain unchanged from the conclusions of the assessment for the 2023 application as the 2025 new building configuration results in no likely significant effects.
- 52 The AQA has been considered by both the Environmental Health Team and the Environment Agency and no concerns have been raised in this regard.

Biodiversity Net Gain

- 53 The Environment Act 2021 introduced a mandatory requirement for applicants to deliver at least 10% BNG increase onsite unless the development met the exceptions criteria for providing BNG.
- 54 The land within the red line boundary comprises existing hardstanding and plant equipment. There is no existing vegetation or soft landscaping, therefore the biodiversity value does not exceed zero and the development does not impact an onsite priority habitat or onsite linear habitat. Accordingly, the requirements have been met.

Other Matters

55. Comments regarding the fire, architectural, structural and thermal implications are noted however this matter lies with the engineers who are responsible for the construction works to ensure they adhere to current standards and achieve the noise levels as predicted.
56. Objectors have queries whether the joint application invalidates the original permission. At the time of submission of the original application, there were two applications for the same site under consideration and initial concerns were raised by the case officer that the schemes should be considered as NSIPs. Further advice was sought at that time from the Planning Inspectorate and the Council's own Legal Team. The Planning Inspectorate confirmed that they do not have the power to give a legally binding interpretation on whether the two gas fired power facilities would be classed as a NSIP/DCO project. Only the Courts can ultimately determine the interpretation of legislation, and at that time there had been no case law on this point and it would be for the developer to decide whether or not to apply for development consent. The developer sought their own legal advice and provided Counsels opinion on the more appropriate mechanism in which to apply for consent.
57. On considering the submitted information and the Counsel's opinion, the Local Authority Chief Solicitor has confirmed that if the two plants (of 49.99MW each) came in as separate applications, do not share infrastructure and could operate wholly independent of each other

(other than the connection to the same sub-station) then the local planning authority should accept them as applications under the Town and Country Planning Act.

58. The applications were subsequently accepted and determined by the local planning authority.
59. Whilst this application is joint for the enclosures the plants still meet the criteria above in that they operate independently and do not share infrastructure.

CONCLUSION

59. Overall it is considered that the proposed scheme will not have an adverse impact on the area and will resolve the noise issues currently experienced by residents and the benefits of the proposed intervention are noted.
60. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Billingham South
Ward Councillor	Councillor Katie Weston
Ward Councillor	Councillor Paul Weston

IMPLICATIONS

Financial Implications: None

Environmental Implications: See Report

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Stockton on Tees Local Plan Adopted 2019
Application File

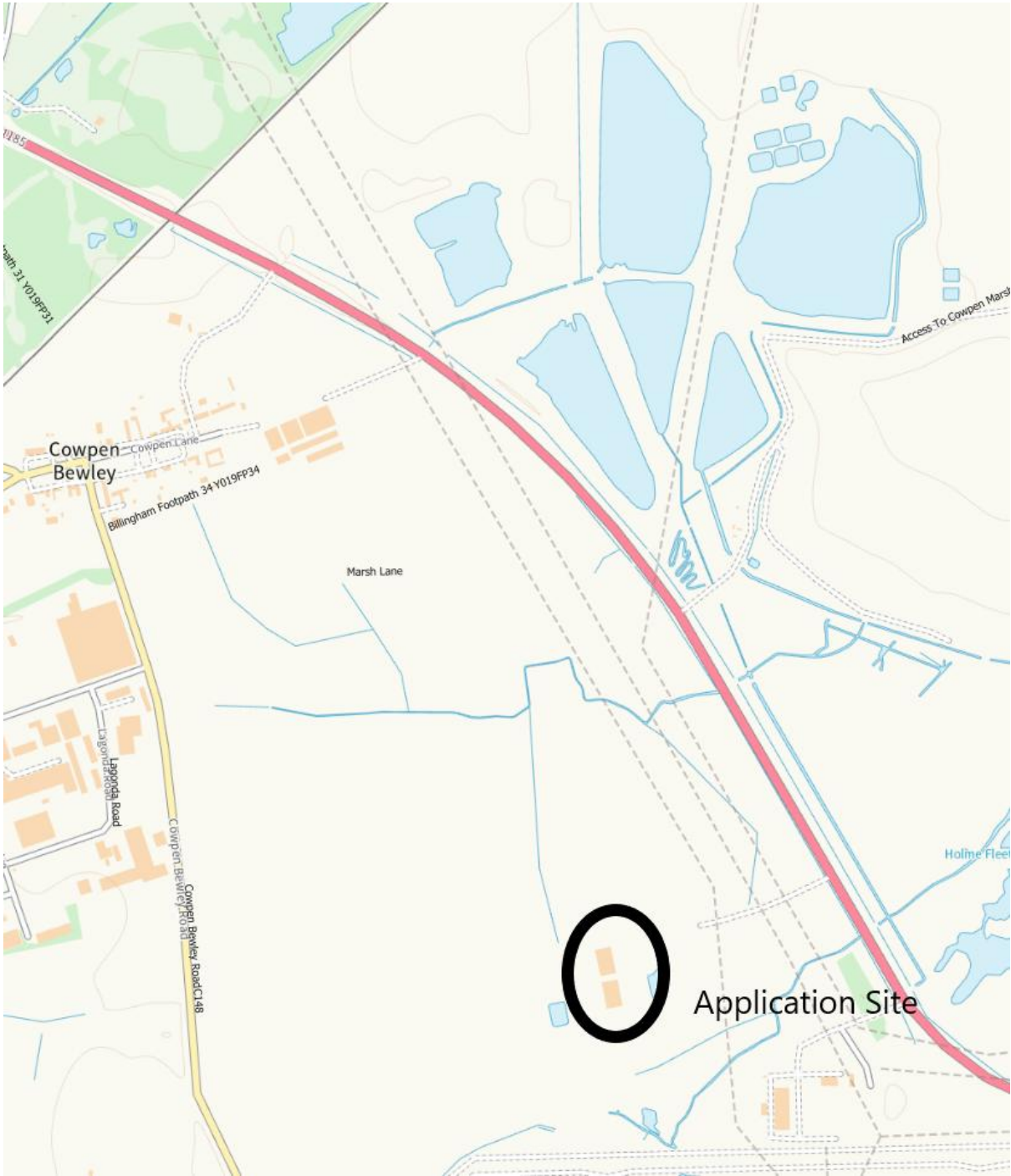
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APPENDIX A

Glossary of Acoustic Terms

Term	Abbreviation	Description
Decibel	dB	A scale for comparing the ratios of two quantities, including sound pressure and sound power.
A-weighting	dB(A)	The unit of sound level, weighted according to the A-scale, which takes into account the change in sensitivity of the human ear at varying frequencies.
Sound Pressure Level	L_{pA}	A measure of the sound pressure at a particular location. Typically expressed in dB(A) referenced to 2×10^{-5} Pascals.
Equivalent Continuous Sound Level	$L_{Aeq,T}$	The steady level of sound over a prescribed period of time which would contain the same total sound energy as the actual fluctuating noise under consideration in the same period of time.
Statistical Sound Levels	L_{A10} and L_{A90}	The level of noise exceeded for a percentage of the time period being sampled, namely 10% or 90%, respectively.
Background Sound Level	$L_{A90,T}$	The A-weighted sound pressure level of the residual noise at the assessment position that is exceeded for 90% of the time period being sampled.
Maximum Sound Level	L_{Amax}	The maximum sound or noise level determined with instrumentation set to either a fast time weighting, L_{AFmax} , or a slow time weighting, L_{ASmax} , as occurring during the time period being sampled.
Sound Power Level	L_{WA}	A measure of the total sound energy radiated from a source. Like sound pressure levels, this is also expressed in dB(A) terms, but it is referenced to 1×10^{-12} W.
Broadband		Sound sampled over a wide range of frequencies.
Narrow band		Sound sampled over a specific, restricted frequency range. Used to ascertain the amplitude and significant of individual, audible tones, and to assist in identifying particular sources of noise within a complex, multi-source soundscape environment.
Ambient Sound	$L_{eq,T}$	Totally encompassing sound in a given situation at a given time, usually composed of sound from many sources, both near and far.
Specific Sound Level	$L_{eq,T}$	The Equivalent Continuous A-Weighted Sound Level at an assessment position produced by a specific sound over a given reference time interval, T_r .
Rating Level	L_{Ar,T_r}	The Specific Sound Level plus any adjustment for the acoustic characteristic features of the noise (e.g. intermittency, tones etc.).
Residual Noise	$L_{Aeq,T}$	The ambient sound remaining at given position in a given situation, when the specific sound source is suppressed to such an extent that it no longer contributes to the ambient sound.
Sound Reduction Index	SRI	The reduction in sound energy when transmitted through a panel or similar planar element, typically used in relation to single octave or one-third octave frequency band values.
Weighted Sound Reduction Index	R_w	The Sound Reduction Index expressed as a single figure, as expressed against a reference curve.
Dynamic Insertion Loss	DIL	Reduction in acoustic energy resulting from the insertion of a noise control element (e.g. an attenuator, acoustic enclosure etc.).
Free Field		Noise measuring location that is free from the presence of sound reflecting objects (except the ground), usually taken to mean being at least 3.5 metres distance from reflective surface(s) or greater.

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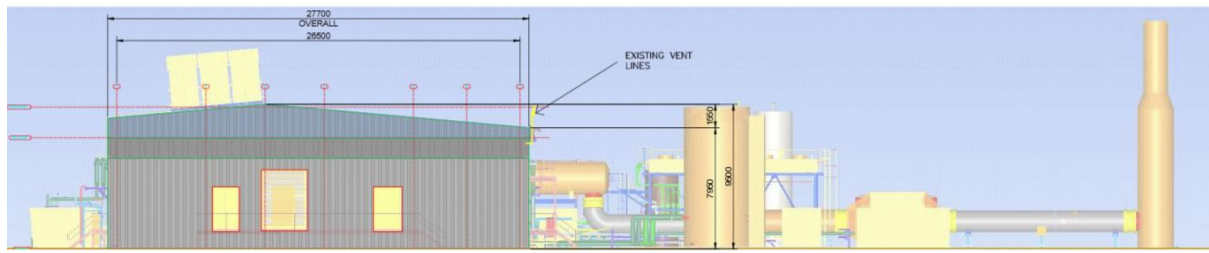


North And South Site, Stor Generating Plant, Seal Sands Link Road
Erection of 2no external structures around existing power plant enclosure and associated works

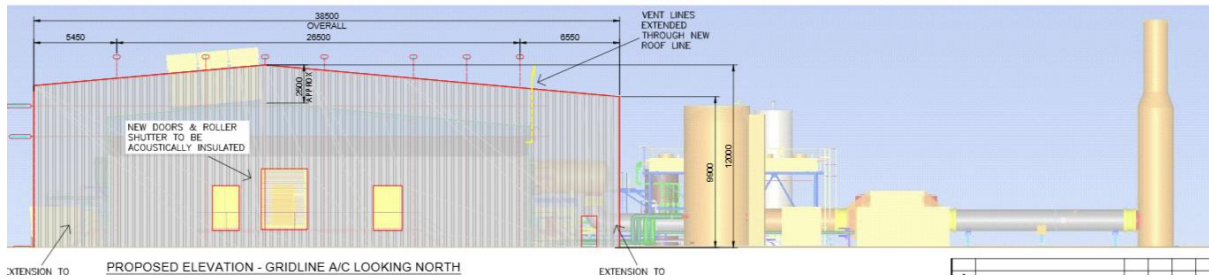
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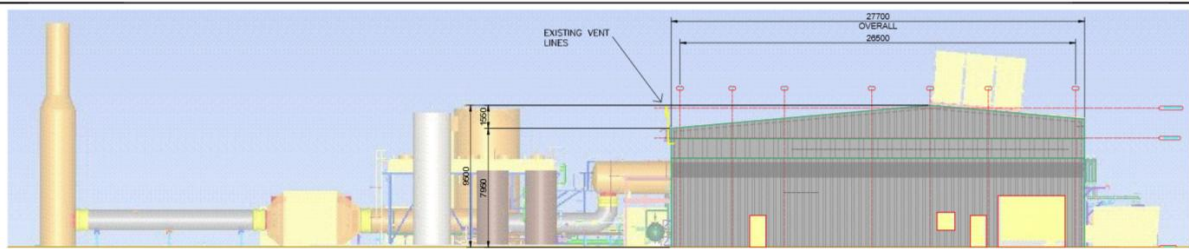
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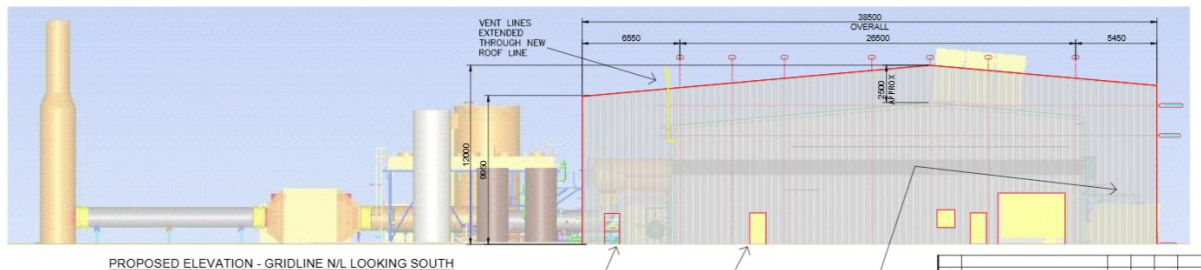
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SCALE 1:200



PROPOSED ELEVATION - GRIDLINE A/C LOOKING NORTH

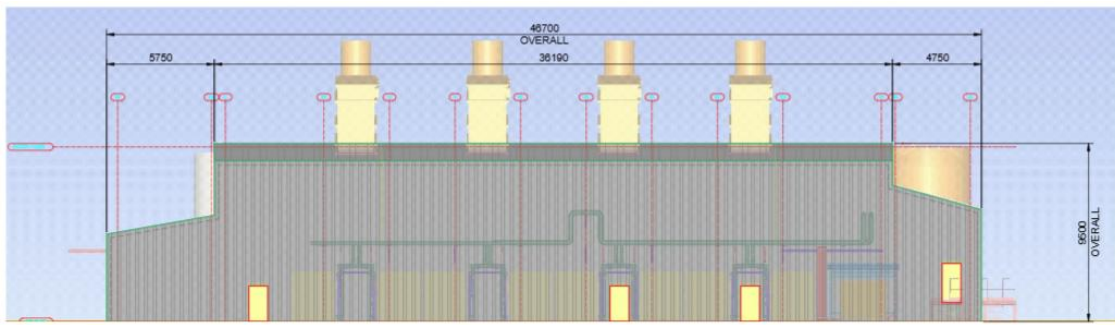


EXISTING ELEVATION - GRIDLINE N/L LOOKING SOUTH
SCALE 1:200



PROPOSED ELEVATION - GRIDLINE N/L LOOKING SOUTH

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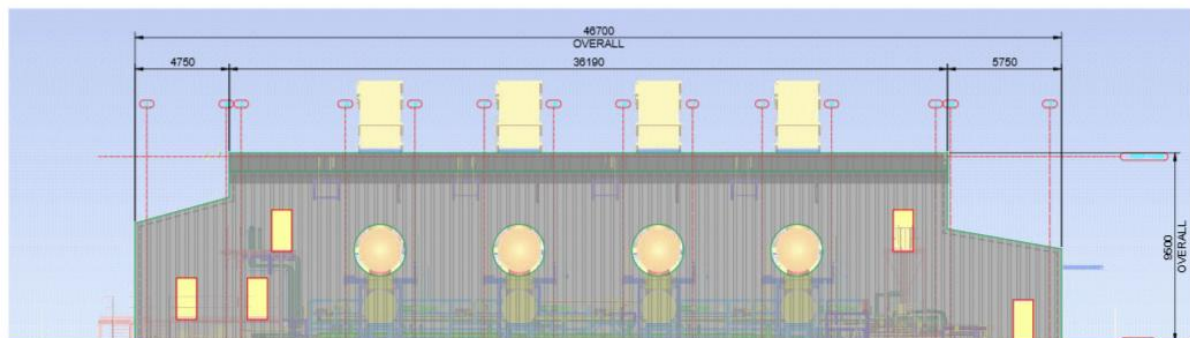


EXISTING ELEVATION - GRIDLINE 1 LOOKING EAST
SCALE 1:200

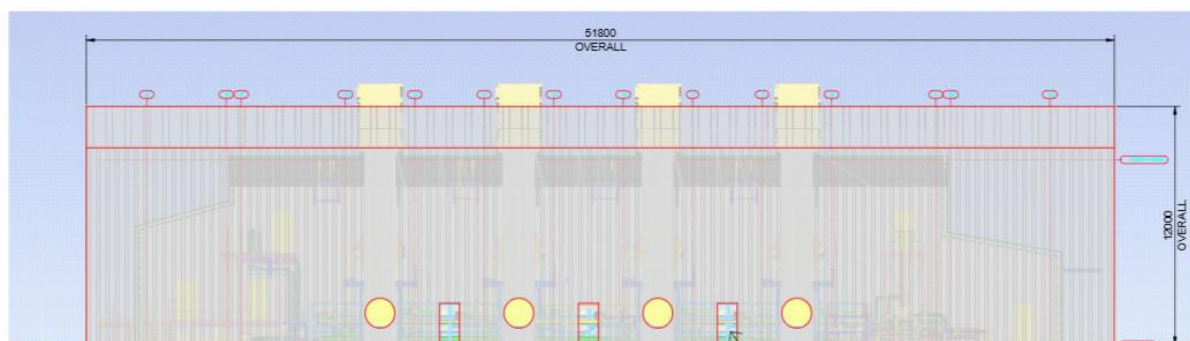


PROPOSED ELEVATION - GRIDLINE 1 LOOKING EAST
SCALE 1:200

NEW DOORS TO BE
ACOUSTICALLY



EXISTING ELEVATION - GRIDLINE 7 LOOKING WEST
SCALE 1:200



PROPOSED ELEVATION - GRIDLINE 7 LOOKING WEST

NEW DOORS TO BE

North And South Site, Stor Generating Plant, Seal Sands Link Road
Erection of 2no external structures around existing power plant enclosure and associated works

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DELEGATED

AGENDA NO PLANNING COMMITTEE 06 August 2025 REPORT OF ASSISTANT DIRECTOR OF INCLUSIVE GROWTH AND DEVELOPMENT

24/2109/RET 4 Alford Lane, Stockton on Tees, TS19 0QP

Retrospective application for the change of use of the exiting detached garage to an aesthetics business (sui generis).

Expiry Date: 6 August 2025

SUMMARY

Planning permission is sought on a retrospective basis for the change of use of the detached outbuilding to an aesthetics business. According to the supporting statement, services include dermal fillers, anti-wrinkle treatments, skin facials, vitamin injections, fat dissolving, skin analysis/consultations, skin tag removal and PRP (Platelet-Rich Plasma) treatments. The business operates Monday – Friday 9am – 2:30pm and Saturdays 10am – 4pm, by appointment only.

The application has generated a total of 31 no letters of objection and 19 no letters of support following neighbour consultations. No objections have been raised by statutory consultees.

The application site relates to a detached outbuilding, a former garage, within the rear garden of 4 Alford Lane, which is within a residential estate of Stockton. The application has been assessed in full, and it is considered that the development does not result in any significant conflict with the policies of the Local Plan or relevant chapters of the NPPF and there are no technical reasons why the proposed scheme is deemed to be unacceptable in planning terms in which to justify refusal of the application.

In accordance with the Councils scheme of delegation, the application is to be determined by Planning Committee due to the number of objections received to the proposed development.

RECOMMENDATION

That planning application 24/2109/RET be approved subject to the following conditions and informatives;

Approved Plans

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

Plan Reference Number
SBC 0001 Site Location Plan

Date Received
03 January 2025

Reason: To define the consent.

02 Opening Hours/ Number of Customers

Notwithstanding the submitted information, the outbuilding to the rear of the property is permitted to operate for the use as a aesthetics business Monday- Friday between the hours of 09:00 - 17:00. No working shall take place on Saturdays, Sundays or Bank Holidays. The number of appointments or clients visiting the site shall be restricted to no more than six appointments per day, with only one client at anyone time during the permitted hours of operation only.

Reason: In the interests of residential amenity.

Limitation of Use

- 03 The change of use hereby approved shall be used solely as an aesthetics business (use class sui generis) and for use by the applicant only, with no other commercial use permitted or additional staff members permitted. The outbuilding shall be returned to a use incidental to the main dwelling house when the permitted use ceases or the property is sold.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of sustainable development.

Waste Disposal

- 04 All clinical waste shall be kept secure within the clinic and separate from general household waste. The waste shall be suitably disposed of by an accredited waste disposal management company.

Reason: To ensure appropriate means of waste disposal.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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.

BACKGROUND

1. Application reference S1731/76 was submitted in 1976 for the erection of car port to the side of the property. The application was approved on 10th September 1976
2. Application reference 90/2647/P was submitted in 1990 for the erection of a detached garage. The application was approved on 15th February 1991.
3. Application reference 20/2348/FUL was submitted in 2020 for the erection of a two-storey extension to side, insertion of four roof lights to front and dormer window to rear. Erection of part two storey and part single storey extension to rear, dormer extension to side and the introduction of one rooflight to rear. The application was approved on 22nd March 2021.
4. Application reference 21/2655/FUL was submitted in 2021 for the erection of new mono-pitched roof to existing detached garage (to include garage conversion). The application acknowledged that the garage was to be used in association with the aesthetics business. The application was approved on 17th January 2022.
5. A non-material amendment, reference 20/2348/NMA to planning approval 20/2348/FUL was approved on 25th January 2023.

SITE AND SURROUNDINGS

6. The application site relates to 4 Alford Lane; a detached residential dwelling located in the Whitehouse Farm estate in Stockton on Tees. The property lies close to the entrance of Alford Lane, a quiet, residential cul-de-sac, comprising mainly of bungalows, with the exception of the application property and its neighbour to the south, no 2 Alford Lane, which are two storey dwellings.
7. The application property is of a modern appearance having recently undergone extensive extensions and alterations under previous planning permissions, including the erection of a two-storey extension to the side/rear, provision of new mono-pitch roof over the detached garage (set to the rear of the property and now converted) and application of render to the property façade. The front garden has been paved and more recently a drop-kerb installed providing vehicle parking for up to 4 no vehicles. Given the width of the driveway, it is however considered that up to 6no vehicles could achieve parking.
8. 4 Alford Lane is flanked by residential dwellings to either side, no 2 to the south and no 6 to the north with the rear garden abutting the gardens of no's 2 and 3 Chatsworth Court to the east. No 67 Newstead Avenue also abuts the rear garden to the northeast.

PROPOSAL

9. The applicant contacted the Council in June 2021 to ascertain whether planning permission would be required to operate an aesthetics business from home. Based on the information provided at that time advising that working hours would be one day per week with a maximum of 2no clients, the Council took a view that this would be ancillary to the residential use whereby planning permission would not be required.
10. Following the establishment of the business from home, the applicant applied for planning permission, reference 21/2655/FUL in October 2021 for the alteration and conversion of the existing detached garage to undertake aesthetic treatments in association with the applicants' business.
11. It is understood that the level of activity previously considered under permission 21/2655/FUL had increased and an Enforcement complaint was received on 9th August 2023 to consider whether the increased working hours had resulted in a material change of use.
12. The applicant advised the Council that the business which operates at 4 Alford Lane 'DermaPharm Aesthetics' includes treatments such as dermal fillers, anti-wrinkle treatments, skin facials, vitamin injections, fat dissolving, skin analysis/consultations, skin tag removal and PRP (Platelet-Rich Plasma) treatments. The business operates on an appointment only basis, Monday – Friday 09:00 – 14:30 and Saturdays 10:00 – 16:00 with no working on Sundays and Bank Holidays.
13. Based on the above working hours, the Council considered that it would be over and above what would be deemed as ancillary for a C3 residential use in terms of home working and that a material change of use had occurred. Typically, an aesthetics business would fall under Use Class E (c)(iii) 'other appropriate services in a commercial, business or service locality', however, as this is within a domestic setting, use class E wouldn't be applicable and it would therefore be considered sui generis.
14. This application has therefore been submitted following the Councils assessment of the business activities taking place and the need to regularise this through the planning process. Planning permission is therefore sought on a retrospective basis to regularise the aesthetics business being undertaken at the property.

CONSULTATIONS

15. Consultees were notified and the following comments were received.

16. **Highways Comments**

Parking has been provided for the proposed aesthetics business; no highways objections are raised.

17. **Environmental Health Comments**

No objection providing there are no chemicals or noisy machinery being used as part of the aesthetics business and subject to restriction on hours and working days.

PUBLICITY

18. Neighbours were notified and 31no. letters of objection were received which includes 11no proforma letters and 13no proforma letters which contain additional comments. Comments have been summarised below.

- The use of the gym as a clinic has resulted in contentious and irresponsible parking from some clients, reducing space for pedestrian access and causing obstructions.
- The parking could obstruct emergency vehicles.
- A lot of clients turn up early which leads to increased parking demand and clients waiting around outside for their appointment.
- The aesthetics business is becoming more popular, and concerns are raised regarding future parking problems.
- There is often general waste overflowing from the applicants' bin
- The cited working hours on the website are 9am-6:30pm, seven days a week not as stipulated in the application details. Clients also visit on the weekend.
- Alford Lane is a quiet residential area of bungalows, with the majority being for older people. The use of one of the properties as a popular business does not align with the street and wider estate.
- There are plenty of shops and retail units more suitable for this business to operate within which wouldn't affect our residential amenity.
- Planning permission should have been granted in advance of the business being set up.
- Neighbours have endured continuous building works on site and excess traffic and parking for this facility.
- The business generates issues of noise.
- The property is located close to Whitehouse Farm Primary School which adds to the chaos of the estate roads.
- What provisions are in place for medical disposal, such as syringes?
- Concerns are raised that support comments have been received from non-residents of the estate.
- Concerns are raised that the aesthetics clinic has devalued our property.
- Drainage and sewerage should be considered.

19. In support of the application, 19no. individual letters have been received. Letters are from the applicants' clients, family and friends; however, it is acknowledged that none of the letters of support are from the neighbouring properties of Alford Lane. Comments in the support letters advise that there have been no issues with respect to parking at the property and concerns have been raised with respect to the use of CCTV cameras pointing in the direction of the

application property. Comments regarding racial motivation of certain objectors have also been raised.

PLANNING POLICY

20. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

21. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

22. National Planning Policy Framework

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

23. Local Planning Policy

The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Economic Growth Policy 2 (EG2) - Managing Centres

Maintaining Vitality & Viability

1. The Council will seek to maintain and enhance the vitality and viability of all centres in the Town Centre Hierarchy, as defined in Policy SD4 and represented on the Policies Map. Proposals for the change of use, or redevelopment of premises, away from retail (Use Class A1) will only be supported where it can be demonstrated that:

- a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and
- b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and
- c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre; and
- d. Proportionate evidence has been provided to demonstrate that the premises are no longer required for retail purposes.

2. In addition to the above, within town, district and local centres the Council will support proposals for food and drink (Use Classes A3, A4 and A5) and other evening economy uses providing the activities in the area do not result in a harmful over-concentration of that use, either as a proportion of the centre overall or as a cluster within the centre.

Stockton Town Centre

3. The Primary Shopping Area, as defined on the Policies Map, will continue to be the main town centre shopping location in the Borough. The Council will aim to retain and enhance the retail function of the town centre whilst seeking a reduction in the number of vacant ground floor commercial units. In addition to the criteria above, the vitality and viability of the Primary Shopping Area will be maintained and enhanced by:

- a. Directing proposals for hot-food takeaways (Use Class A5) and uses that operate principally outside daytime hours away from the Stockton Primary Shopping Frontage, with significant clusters of these uses resisted elsewhere in the town centre; and
- b. Resisting development proposals that would result in a harmful over-concentration of non-retail uses to the detriment of the vitality and viability of the Primary Shopping Area; and
- c. Resisting proposals for ground floor residential development within the Primary Shopping Area; and
- d. In order to consolidate the retail offer of the centre, encouraging proposals which reduce the proportion of retail uses (Use Class A1) in the wider town centre, outside the Stockton Primary Shopping Area, that provide opportunities for a wider variety of town centre uses, including offices (Use Class B1), hotels (Use Class C1) and assembly and leisure (Use Class D2).

District Centres

6. The Council will, where appropriate, work with the owners of Billingham and Thornaby District Centres and local communities to develop schemes to maintain and enhance the vitality and viability of these modern district centres, particularly where the proposal will generate significant regeneration benefits for the wider centre.

Economic Growth Policy 3 (EG3) - Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:

- a. Stockton Town Centre Primary Shopping Area; then,
- b. Sites within the boundaries of Stockton Town Centre; then,
- c. Sites within the ground floor shopping frontages of the District Centres; then,
- d. Sites within the boundaries of the District Centres; then,
- e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
- f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
- g. Sites within the Local Centres; and finally,
- h. Sustainable out-of-centre locations within the limits to development.

2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:

- a. Town and District Centres, and for office development only, Principal Office Locations; then,
- b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
- c. Within the boundaries of the Local Centres; then,
- d. Sustainable out-of-centre locations within the limits to development.

3. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no available and suitable sites or premises in sequentially preferable locations, and that a flexible approach to scale and format has been applied.

4. Town centre use proposals on out-of-centre sites, which demonstrate that the format and scale of the development means it cannot be located in a town centre location, will be the subject of restrictive conditions to protect the future vitality and viability of the Boroughs town centres.

Economic Growth Policy 6 (EG6) - Small Scale Facilities

1. Proposals for small-scale town centre uses and hot food takeaways designed to meet a localised catchment will be directed to defined town, district and local centres first, and then if no suitable premises are available, to existing available and suitable premises in other existing shopping parades in the catchment area of the proposal.

2. Within strategic residential, and general employment developments, where no similar facilities exist within reasonable walking distance, developers should provide new shopping, service and community facilities of a scale which meet the day-to-day needs of future occupiers, subject to taking into account the range, choice and accessibility of existing local provision.

3. Support will only be given to the development of, or change of use to, small-scale (under 150sq m) town centre uses which would meet a local need outside of defined town, district, and local centres and shopping parades where they:

- a. Are of a scale and function intended to serve a localised catchment area;
- b. Do not have a significant adverse impact upon the vitality and viability of any designated centre; and
- c. Are situated within the limits to development.

4. Outside of town, district and local centres, development proposals for new hot-food-takeaways, betting offices or public houses, will be resisted where they result in a harmful over-concentration of those uses.

MATERIAL PLANNING CONSIDERATIONS

24. The key considerations of this application are:

- The principle of development.
- Character.
- Impact on Residential Amenity.
- Highway implications.
- Other matters.

Principle of Development

25. The detached outbuilding to which this development relates is a former garage, which is located within the rear garden of 4 Alford Lane, within a residential estate in Stockton, outside of the defined retail centres. Concerns have been raised from objectors noting that Alford Lane is a quiet residential estate which does not align with a popular business and that there are plenty of vacant units, more suitable for this business to operate.

26. Planning policies EG2 and EG3 of the Local Plan seek to protect and maintain the vitality and viability of the Boroughs defined centres, ensuring a town centre first approach is taken to direct new town centre uses. Policy EG3 and the NPPF, states that a sequential assessment should be provided for such development outside of the designated town centre locations to

assess whether potential available and suitable premises within existing centres could be considered as alternative sites to locate the proposal.

27. The applicant is a prescribing Pharmacist and previously worked full time prior to starting a family. During pregnancy the applicant trained in aesthetics with a view of working reduced hours to facilitate a home/work life balance.
28. Despite an objection raising concerns that the business should have been approved by the Council prior to it being set up, the applicant is acknowledged to have made contact with the Council to ascertain whether Planning Permission would be required to operate from a room of the applicant's home and then went on to gain planning permission for the conversion of the garage for use of business purposes. The applicant was subsequently advised that Planning Permission would not be required due to the limited working hours planned.
29. Over the course of time the business expanded and the applicants' working hours increased to Monday – Friday 9am to 2:30pm and Saturdays 10am – 4pm. Despite this increase, the applicant considers that the working hours aren't as such to warrant the need for a full-time commercial premises, hence the rationale behind the original conversion of the domestic garage for such purposes, to enable flexible working arrangements to take place from home.
30. In this instance, whilst an aesthetics business is typically Use Class E in recognition that it is a town centre use, as it's within a domestic setting, it is therefore deemed sui generis. The Council accepts that the business had been lawfully operating from the premises previously and it is only due to the increase in activity whereby planning permission is now required. The Council also accepts that despite the increase in activity, the applicant does not require a full-time commercial unit due to the operational needs of the business, particularly as the applicant has advised that there are times during the school holidays where the business is not in operation. As a result, the requirements of Policy EG3 to consider other suitable locations via a sequential assessment would not be deemed appropriate in this case.
31. Policy EG6 relates to the provision of small-scale facilities (under 150 sqm.) and whilst it still promotes a town centre first approach, it does permit development which is of a scale and function intended to serve a localised catchment area and where it would not have an adverse impact on the vitality and viability of any designated centre and providing it is within the limits for development.
32. By virtue of the nature and scale of the business, and whilst acknowledging the concerns of the objectors, it is considered that the development does not adversely impact upon the closest designated centre, which in this instance would be Stockon Town Centre and does not therefore undermine the overall vitality and viability therein. The development is located within a sustainable location, within the development limits, where access is readily available including through public transport modes.
33. Accordingly, there is no direct conflict with the policies of the Local Plan or the NPPF and the principle of development is therefore considered to be acceptable in this location.

Character

34. Paragraph 131 of The National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

35. Moreover, planning policies SD3 and SD8 within the adopted Local Plan encourages high standards of design. They set out new development should be suitable to the context of the surrounding area and be of an appropriate style, proportion, and materials. Consideration should be given to the context of the surrounding area and the need to respond positively to the quality, character, and sensitivity of the surrounding public realm.
36. When considering character and appearance of an area, it does not solely rely on its visual appearance; it can also be determined by the nature of the development and how it creates a sense of place. During the consultation exercise, objection comments have been received stating that the residential property isn't suitable for business purposes as it doesn't align with the residential nature of the area.
37. As previously explained, the works to the outbuilding were approved under permission 21/2655/FUL, however, it must be noted that the outbuilding is not prominently set within the street scene, it is located to the rear of the property, in the northeast corner of the garden, which is enclosed by high level timber fencing. By virtue of its location, it is only marginally visible from the street scene, from only glimpsed views. The outbuilding occupies a small footprint of approximately 44 sq.m and has been converted to a high standard to include the provision of a set of patio doors to the front (facing towards the street, westwards) and a window to the side (facing south).
38. In the context of the existing dwelling, the outbuilding is not a dominant feature, and its footprint and general scale is not excessive. The outbuilding still remains ancillary to the main dwelling in terms of footprint and design, and the business use is also considered to be acceptable with regards to the context of the surrounding area when considering the relatively low numbers of customers per day. Whilst it is acknowledged that activity levels have increased from its former use, this is not considered to go significantly beyond the scope of a busy domestic property. The change in this context is not considered to significantly harm the character of the surrounding area as to warrant a strong enough reason for refusal in this regard. The working hours/days and subsequent number of clients per day is a matter which can be secured by a condition to prevent any undue impact occurring. It must also be noted that the outbuilding has been converted in a way that it can easily be returned for uses incidental to the main dwellinghouse when no longer required for business purposes. Again, this matter can be controlled by condition.
39. In considering the above, the use of the outbuilding for the aesthetic business has not adversely impacted upon the character and appearance of the property or the wider area, thereby complying with the aims of Policies SD3 and SD8 of the Local Plan in this regard.

Impact on adjacent residential properties

40. In respect of the neighbouring properties, planning policies SD3 and SD8 seek to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings, while guidance within the Householder Alterations and extensions SPD provides further clarity over the impacts that development can have on neighbouring occupiers.
41. Chapters 12 and 15 of the NPPF, requires a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution, including noise.
42. First and foremost, it should be noted that the building has been lawfully used as part of the aesthetic business therefore the only matters to be considered in regard to amenity, relates to whether the increase in the business activities has had any further detrimental impact on the neighbouring properties residential amenity.

43. Concerns to this regard have been raised from objectors which includes concerns relating to building works, excess traffic and parking and noise generation. Concerns have been raised regarding the provisions for medical disposal of equipment such as syringes.
44. The applicant has advised that the business generates a maximum of 6 clients per day, but a standard day would typically be between 2 – 5 clients, working between the hours of 9am and 2:30pm (Monday to Friday) and 10am – 4pm on Saturdays. No appointments take place on a Sunday or Bank Holiday. By the very nature of the business, each appointment would vary in time depending on the treatment, however, it is advised that they tend to vary between 15 – 45 minutes and that there is always sufficient time between appointments to prevent overlapping and clients congregating outside.
45. Clients access the outbuilding along the northern side of the property, a narrow walkway adjacent to no 6 Alford Lane. The boundary treatment is high-level timber fencing delineating the two properties and although there are windows along the side of no 6 facing across to the side of no 4, they are noted to be obscurely glazed, which could suggest that they don't serve habitable rooms. Notwithstanding this, the number of clients which attend appointments per day are not deemed to be excessive or of a volume which significantly harms the amenity of the neighbouring property as a result of their comings and goings. They are not deemed to be significantly different to that of a busy domestic property.
46. The Environmental Health Unit have been consulted on the application and note the hours and days of operation and subsequently have raised no objection in this regard. As the development is within a residential setting, it is considered necessary to impose a condition on the days of operation to ensure the working hours don't go above and beyond those currently stipulated and to ensure that no more than 1 client attends the property at any one time, with a limit of up to 6 clients per day. Furthermore, a condition has been applied that the business is restricted to the applicant only with no additional staff members permitted.
47. It is noted that the nature of the business would increase activity levels for this property with one of those days being on a Saturday. The number of daily customers (maximum of 6) is not considered to significantly increase activity levels to the detriment of surrounding residential properties. However, as this activity would fall within a residential setting, it is considered necessary to impose a condition on the days of operation to Monday-Friday to ensure the nearby residents can reasonably enjoy their amenity space on a weekend when most people would not be at work.
48. A condition has been attached to limit the operation hours between 9am - 5pm Monday - Friday with no more than 1 customer visiting the property at one time and no more than 6 customers per day. Subject to this condition being imposed to ensure no harmful impacts are created at unsociable hours, it is not considered the business would generate demonstrable harm with regards upon the amenity of neighbouring residents.
49. In considering matters relating to pollutants as a result of the treatments being undertaken, whilst acknowledging the existing use of the outbuilding, the applicant advises that there are no additional noisy machines or equipment being used or chemicals being omitted, which result in unacceptable risk or harm to the occupiers of neighbouring properties.
50. In terms of waste disposal, the business does not generate high levels of waste, however it is separated from domestic waste by means of a grey bin and sharps bin, which is securely stored inside of the clinic. The applicant has confirmed that general waste and anything with blood contamination is disposed of within the large grey bin and sharps are disposed of directly into a sharps bin. The applicant has 2no sharps bins to cover any excess and a roll of yellow bags to use for the grey waste bin. All the waste is stored within the clinic and collected by a

company called Waste Managed. A condition has been included to ensure that the clinic waste is not merged with general householder waste and for appropriate disposal methods as detailed.

51. An objection has been raised with regards to the need for appropriate drainage; however, the outbuilding was previously converted for business use and no further drainage provision was needed at that time. The increase in activity does not warrant any improvement to the current drainage system.
52. Overall, based solely on the proposed development relating to the regularisation of the proposed use, it is considered that subject to appropriate conditions, the proposed development has not directly resulted in undue noise and disturbance to occupiers of neighbouring properties and therefore does not conflict with the policy aims of the Local Plan or the NPPF.

Highway implications

53. Local Plan Policy SD8 states that new development should be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport. Paragraph 116 of the National Planning Policy Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.
54. The primary objection from neighbouring properties relates to highway safety related matters. Concerns have been cited around irresponsible parking and manoeuvrability from some clients causing general obstruction and possible obstruction for emergency services. Concerns around clients turning up early, leading to further parking demand and waiting outside for their respective appointments. There are also concerns raised that the business is notably popular and parking demand may grow further. Concerns are cited that the property is located close to Whitehouse Farm Primary School, which further adds to the chaos of the estate roads.
55. As previously noted, the property has recently undergone extensive alterations, which has resulted in the driveway being unavailable for use due to the presence of building materials, a skip and general clutter associated with construction works. Inevitably this has led to parking occurring on the street, from the applicant and family, construction workers and clients of the business, which is wholly recognised to have caused disruption to neighbouring properties. The building works however are now complete; the driveway is now available for use and can hold up to 6no vehicles, and a drop-kerb has recently been installed. This should notably reduce any parking demand previously experienced on Alford Lane, thus addressing a large proportion of the objections raised.
56. The Highways Transport and Design Manager has reviewed the application noting the objections received and the available car parking spaces for use. As a result, no objections have been received with respect to the aesthetics business.
57. Overall, the proposed development would comply with the provisions of SD8 as the development can demonstrate sufficient, safe and satisfactory access and it would not be deemed to result in an unacceptable impact which would be deemed severe, thereby according with Chapter 9 of the NPPF. Accordingly, the proposal is deemed acceptable in terms of highway safety.

Other Matters

58. By virtue of the nature of the development proposed, it would not result in an increase in population and is therefore outside of the scope for Nutrient Neutrality consideration.
59. The proposal is of a retrospective nature and therefore Biodiversity Net Gain would not be applicable.
60. An objection has been raised regarding the overflow of general waste from the applicants' bin. This is not a material consideration of this application. Consideration should also be given to the recent construction works undertaken at the property which are now complete. The disposal of clinic waste has been previously addressed and should have no bearing on the volume of household waste.
61. Concerns are also raised that the working hours cited on the website are 9am-6:30pm, seven days a week, not as stipulated in the application details. Comments go on to state that clients also visit on the weekend. In this regard, the premises of which the business operates is small in scale and the Council is satisfied that the working hours as proposed are appropriate and proportionate and have been conditioned as such as part of this consent. Should the applicant operate outside of these hours, this will be a matter for the Council to consider enforcement action.
62. Some of the comments provided relate to other matters, which are outside of the material considerations of this application such as the use of CCTV cameras, devaluation of properties, racial motivation of certain objectors etc. They have no bearing in the outcome of the decision.

CONCLUSION

63. In view of the assessment above, it is considered that the proposed development would not result in any significant conflict with the policies contained within the Stockton on Tees Local Plan or the relevant chapters of the NPPF and there are no technical reasons why the proposed scheme would be deemed unacceptable.
64. In planning terms, the proposed development is considered acceptable in all other regards and is therefore recommended for approval subject to those planning conditions set out in the report.

Director of Finance, Development and Business Services
Contact Officer Jill Conroy Telephone No: 01642 528179

WARD AND WARD COUNCILLORS

Ward	Bishopsgarth & Elm Tree
Ward Councillor	Councillor Hugo Stratton
Ward Councillor	Councillor Emily Tate

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Supplementary Planning Documents

SPD3 – Parking Provision for Developments - Oct 2011



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DELEGATED

AGENDA NO PLANNING COMMITTEE Wednesday 6th August REPORT OF ASSISTANT DIRECTOR OF INCLUSIVE GROWTH AND DEVELOPMENT

**23/1111/COU 9 Portchester Close, Ingleby Barwick, Stockton-on-Tees
Change of use from residential (C3) to mixed use Commercial and Residential to allow for home business**

**Expiry Date: 13 September 2023
Extension of Time Date: 8 August 2025**

SUMMARY

The application relates to No.9 Portchester Close, which is a substantial two storey detached residential dwelling located within an established residential area of Ingleby Barwick.

Planning permission is sought for the change of use of part of No.9 Portchester Close to be used for the sale of firearms and ammunition. The change of use would allow for a designated reception room to be used as a secured sales area. The rest of the property would remain as a residential dwelling.

Sales of firearms would be by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public. Customers would have to provide evidence of membership of shooting clubs, or being holders of Firearm or Shotgun Certificates. The business would operate only between the hours of 10:00 to 18:00 Monday to Saturday, with only one customer visiting the property at any one time, and it is anticipated that there would be a maximum of 2-3 customers per day.

The property benefits from secure storage for firearms and ammunition, and the exterior of the host property is covered by security cameras and has a 24 hour a day monitored alarm system. There are no external alterations proposed to the property, and the business would not have any external signage or indication of the type of business which would operate from the premises.

Following the consultation process there have been 52no letters of objection received. The objections relate to highway issues including increase in the volume of traffic and off-street parking, public safety, anti-social behaviour/crime, unsuitable location for such a commercial use, and impact on residential amenity by way of noise disturbance and impact on privacy. There have also been 29no letters of support received.

Given the scale of the proposed business, which would operate by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public, during daytime hours with only one customer visiting at any one time and a maximum of 3 appointments per day, the proposal is not considered to have a significant adverse impact on centre locations.

Due to the measures required to make the business safe, the pre-conceptions and connotations attached to the nature of the business proposed and the vagueness of how the business will operate, has, in the opinion of the Local Planning Authority, caused a heightened sense of fear of crime regarding the proposal which completely undermines the residential character of the area

and the perception of safety for the surrounding neighbouring residents, to their detriment. The proposal is not considered to result in a significant impact on highway safety due to the off-street parking provided on the Site.

The proposed development would therefore be contrary to Local Plan Policy SD8(3) and National Planning Policies 96(b) and 135(f) which seek development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

The application is therefore recommended for refusal.

RECOMMENDATION

Planning application 23/1111/COU be Refused for the following reason(s)

Reason One: Character

In the opinion of the Local Planning Authority, the proposed change of use would introduce a commercial use which is considered to be fundamentally at odds with the established residential character of the area due to the heightened fear of crime associated with the development. In addition, the introduction of a retail business for the sale of firearms and the associated security infrastructure required for the business is considered to erode the residential character of the area. It is considered that this would result in a discordant and inappropriate use that fails to respect the prevailing pattern of development. The proposal is therefore contrary to Policy SD8 of the Stockton-on-Tees Local Plan and paragraphs 96(b) and 135(f) of the NPPF which seeks to ensure that development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

Reason Two: Impact on the amenity of surrounding residents

In the opinion of the Local Planning Authority, the proposed development is considered to introduce a use which would erode the perception of safety and is therefore detrimental to the amenity of the surrounding residents. The proposed use is therefore inappropriate in a residential context and would be contrary to Policy SD8 of the Stockton-on-Tees Local Plan and paragraphs 96(b) and 135(f) of the NPPF, which seeks to ensure that development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

Informative: Working Practice

The Local Planning Authority considers the submitted details unsatisfactory but fully explored whether the scheme could be modified to be considered acceptable and thereby worked in a positive and proactive manner in dealing with the planning application.

SITE AND SURROUNDINGS

1. The application relates to 9 Portchester Close, which is a substantial two storey detached residential dwelling located within an established residential area of Ingleby Barwick.
2. The property is set back from the highway to the front, with the front boundary treated by way of a 2-metre-high brick wall and gates. To the front of the property there is a detached 1.5 storey garage building and a substantial driveway which provides off street parking for the dwelling.

PROPOSAL

3. Planning permission is sought for the change of use of part of 9 Portchester Close to be used for the sale of firearms. The change of use would allow for a designated reception room to be used as a secured sales area. The rest of the property would remain as a residential dwelling.

4. Sales of firearms will be by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public. Customers will have to provide evidence of membership of shooting clubs, or being holders of Firearm or Shotgun Certificates.
5. The business will operate only between the hours of 10:00 to 18:00, with only one customer visiting the property at any one time, and it is anticipated that there will be a maximum of 2-3 customers per day.
6. The property benefits from secure storage for firearms and ammunition, and is fully covered by external security cameras and has a 24 hour a day monitored alarm system. There are no external alterations proposed to the property, and the business will not have any external signage or indication of the type of business which would operate from the premises.

CONSULTATIONS

7. Consultees were notified and the following comments were received.

Highways Transport & Design Manager - The Highways, Transport and Design Manager has no objection to this application.

Adequate parking for the proposed change of use, has been provided. There are no highway objections.

Environmental Health Unit - I have checked the documentation provided, have found no grounds for objection in principle to the development and do not think that conditions need to be imposed from an Environmental Health perspective.

Cleveland Police - I note the applicants 'business plan' and 'Design and Access Statement' registered on the planning portal.

I have looked at the property, where the proposed business is expected to operate from, on Google Maps. It's on the edge of a large housing development that backs onto the River Tees.

The applicant does highlight in the supporting material, that attendance to the property would be by appointment only, however, I'm not sure how that might be adequately controlled, and suspect that people might, simply turn up unannounced.

The applicant mentions that alarms in use at the property are approved by Cleveland Police, however, that statement is not completely accurate, it's the supplier of the alarms who is a member of a trade body, that is recognised by the police nationally. We recognise this fact, not endorse them or the system.

I recommend the Council reject the change of use application, because it's proposed that the business will operate from a residential property on a housing estate, which I consider inappropriate, for the type of business being considered. There is a road traffic safety element to consider too, with people unfamiliar with the location, creating additional traffic. I also fear that the nature of the business, may attract criminality to it, and therefore may represent an increased danger to the public.

PUBLICITY

8. Local residents have been individually notified of the application. Letters of objection were received from the following addresses and a summary of the comments received are set out below. 52 objections were received in total.

- 2 Portchester Close Ingleby Barwick
- 4 Portchester Close Ingleby Barwick

- 7 Portchester Close Ingleby Barwick
- 8 Portchester Close Ingleby Barwick
- 11 Portchester Close Ingleby Barwick
- 12 Portchester Close Ingleby Barwick
- 19 Portchester Close Ingleby Barwick
- 31 Portchester Close Ingleby Barwick
- 2 Lufton Close Ingleby Barwick
- 7 Lufton Close Ingleby Barwick
- 2 Ingram Grove Ingleby Barwick
- 12 Avens Way Ingleby Barwick
- 11 Goodrich Way Ingleby Barwick
- 18 Penderyn Crescent Ingleby Barwick
- 29 Port Way Ingleby Barwick
- 5 Fosse Court Ingleby Barwick
- 10 Farrier Close Ingleby Barwick
- 1 Piddington Close Ingleby Barwick
- 11 Cragside Court Ingleby Barwick
- 29 Condercum Green Ingleby Barwick
- 1 Arennig Court Ingleby Barwick
- 17 Portchester Close Ingleby Barwick
- 31 Stainforth Gardens Ingleby Barwick
- 11 Beacons Lane Ingleby Barwick
- 59 Lullingstone Crescent Ingleby Barwick
- 28 Binchester Court Ingleby Barwick
- 27 Whernside Crescent Ingleby Barwick
- 37 The Orchard Ingleby Barwick
- 6 Woodchester Grove Ingleby Barwick
- 1 Kirkbride Way Ingleby Barwick
- 12 Lufton Close Ingleby Barwick
- 8 Potto Close Yarm
- 19 Rothbury Close Ingleby Barwick
- 8 Enterpen Close Yarm
- 51 Bader Avenue Thornaby
- 15 Ickworth Court Ingleby Barwick
- 24 Cradoc Grove Ingleby Barwick
- 3 Lufton Close Ingleby Barwick
- 36 Mastiles Close Ingleby Barwick
- 20 Hillmorton Road Ingleby Barwick
- 10 Rochester Court Ingleby Barwick
- 25 Portchester Close Ingleby Barwick
- 3 Lufton Close Ingleby Barwick
- 2 Portchester Close Ingleby Barwick
- 39 Poppy Lane Stockton-on-Tees
- 5 Portchester Close Ingleby Barwick
- 39 Pembroke Drive Ingleby Barwick
- 3 Usk Court Ingleby Barwick
- 6 Portchester Close Ingleby Barwick
- 15 Rowen Close Ingleby Barwick
- 87 mulberry wynd Stockton
- 18 Stamford St Middlesbrough

9. The main concerns raised are: -

- Impact on public safety
- Increase in crime and anti-social behaviour in the area
- Increase in noise disturbance as a result of the proposed use
- Increase in on street parking pressures in the area
- Detrimental impact on highway safety
- Impact on privacy, safety and quality of life.
- Inappropriate location for commercial use

10. 29 letters of support have been received:

- 11 Keswick Grove Middlesbrough
- 5 St Lukes Avenue Thornaby
- 11 Heslop Street Thornaby
- 20 Debruse Avenue Yarm
- 2 Bamburgh Court Ingleby Barwick
- 12 Albany street Middlesbrough
- 88 Priorwood Gardens Ingleby Barwick
- 5 Camelon Street Thornaby
- 5 Cawthorne Place Wynyard
- 8 Berrington Gardens Ingleby Barwick
- 2 Duke of Wellington Gardens Wellington Gardens
- 1 Otter Way Ingleby Barwick
- 18 Portchester Close Ingleby Barwick
- 1 Chalk Walk Stockton-on-Tees
- 3 Chalk Walk Stockton-on-Tees
- 5 Chalk Walk Stockton-on-Tees
- 66 Langley Avenue Thornaby
- 72 Langley Avenue Thornaby
- 76 Langley Avenue Thornaby
- 78 Langley Avenue Thornaby
- 96 Langley Avenue Thornaby
- Flat B 36 Heslop Street
- 109 Priorwood Gardens Ingleby Barwick
- 56 Canon Grove Yarm
- 1 Cragside Court Ingleby Barwick
- 134 Mansfield Avenue Thornaby
- 2 Duke of Wellington Gardens Wellington Gardens
- 31 Northallerton Road Thornaby
- 35 Clarendon Road Thornaby

11. The main reasons for support are:

- Will not raise any safety issues
- There are no parking problems in the street
- Property benefits from adequate off street parking to serve the business operations
- Precedent has been set by a similar business being run from a residential property elsewhere in the locality
- The business will operate safely and by appointment only
- Business will comply with strict regulatory framework
- Only licensed holders will be able to use the business
- Business will operate using enhanced security measures
- Economic impact/job creation

PLANNING POLICY

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
13. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

14. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
15. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Planning Policy

16. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:
 - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
 - Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

Town Centres

10. Stockton Primary Shopping Frontage will be the main location for new retail development to 2032, whilst the wider town centre will be the main location for new leisure and evening economy uses.
11. Proposals for new town centre uses will be directed to suitable and available sites and premises in the centres within the following Town Centres Hierarchy:

Centre Tier	Location	Role and Function
Primary Shopping Area /Town Centre	a. Stockton	The largest shopping centre within the Borough containing the Primary Shopping Area, an administrative function and evening economy.

District Centre	b. Billingham c. Thornaby d. Yarm e. Norton	District centres will generally comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
Local Centre	See SD4.12 (below)	Centres which serve a small catchment and, typically include a small supermarket/ convenience store and a range of other small shops, services and community facilities.

12. The following locations are designated as Local Centres:

- | | |
|---------------------------------|------------------------------------|
| a. Billingham Green, Billingham | b. Mill Lane, Billingham |
| c. High Grange, Billingham | d. The Stables, Wynyard |
| e. Wolviston Court, Billingham | f. Orchard Parade, Eaglescliffe |
| g. Healaugh Park, Yarm | h. Sunningdale Drive, Eaglescliffe |
| i. Myton Way, Ingleby Barwick | j. Elm Tree Centre, Stockton |
| k. Hanover Parade, Stockton | l. Harper Parade, Stockton |
| m. High Newham Court, Stockton | n. Oxbridge Lane, Stockton |
| o. Redhill Road, Stockton | |

13. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with the Sequential and Impact tests set out in Policy EG3 alongside prevailing national planning policy, having regard to the catchment area of the proposal.

16. Small scale convenience facilities which are intended to meet the needs of a neighbourhood will be permitted in suitable and available commercial premises in undesignated shopping parades, in accordance with Policy EG6.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- Landscape character of the area, including the contribution made by existing trees and landscaping;
- Need to protect and enhance ecological and green infrastructure networks and assets;
- Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- Privacy and amenity of all existing and future occupants of land and buildings;
- Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Economic Growth Policy 3 (EG3) – Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:
 - a. Stockton Town Centre Primary Shopping Area; then,
 - b. Sites within the boundaries of Stockton Town Centre; then,
 - c. Sites within the ground floor shopping frontages of the District Centres; then,
 - d. Sites within the boundaries of the District Centres; then,
 - e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
 - f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
 - g. Sites within the Local Centres; and finally,
 - h. Sustainable out-of-centre locations within the limits to development.
2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:
 - a. Town and District Centres, and for office development only, Principal Office Locations; then,
 - b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
 - c. Within the boundaries of the Local Centres; then,
 - d. Sustainable out-of-centre locations within the limits to development.
3. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no available and suitable sites or premises in sequentially preferable locations, and that a flexible approach to scale and format has been applied.
4. Town centre use proposals on out-of-centre sites, which demonstrate that the format and scale of the development means it cannot be located in a town centre location, will be the subject of restrictive conditions to protect the future vitality and viability of the Boroughs town centres.

Economic Growth Policy 6 (EG6) - Small Scale Facilities

1. Proposals for small-scale town centre uses and hot food takeaways designed to meet a localised catchment will be directed to defined town, district and local centres first, and then if no suitable premises are available, to existing available and suitable premises in other existing shopping parades in the catchment area of the proposal.
2. Within strategic residential, and general employment developments, where no similar facilities exist within reasonable walking distance, developers should provide new shopping, service and community facilities of a scale which meet the day-to-day needs of future occupiers, subject to taking into account the range, choice and accessibility of existing local provision.
3. Support will only be given to the development of, or change of use to, small-scale (under 150sq m) town centre uses which would meet a local need outside of defined town, district, and local centres and shopping parades where they:
 - a. Are of a scale and function intended to serve a localised catchment area;
 - b. Do not have a significant adverse impact upon the vitality and viability of any designated centre; and
 - c. Are situated within the limits to development.
4. Outside of town, district and local centres, development proposals for new hot-food-takeaways, betting offices or public houses, will be resisted where they result in a harmful over-concentration of those uses.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.
12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality

public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

MATERIAL PLANNING CONSIDERATIONS

17. The main planning considerations of this application are the principle of the development, impacts on the character of the area, amenity of neighbouring occupiers and highway safety.

Principle of the development

18. The Site is located within a principally residential area within the defined development limits of Ingleby Barwick, outside of the defined retail centre. Planning policies EG2 and EG3 of the Local Plan seek to protect and maintain the vitality and viability of the Boroughs defined centres. Consequently, as set out within the Policy EG3 and the NPPF, a sequential assessment should be provided to assess whether potential available and suitable premises within existing centres could be considered as alternative sites to locate the proposal. However, planning policy EG6 states that support will only be given to the development of, or change of use to, small-scale (under 150sqm) town centre uses which would meet a local need outside of defined town, district, and local centres and shopping parades where they:

- a. Are of a scale and function intended to serve a localised catchment area;
- b. Do not have a significant adverse impact upon the vitality and viability of any designated centre; and
- c. Are situated within the limits to development.

19. The business would operate principally out of a small room on the first floor of the host property, with appointments initially taking place in a reception room of the ground floor. The business would operate between 10:00 and 18:00 Monday to Saturday and would be by appointment only, with a maximum of 3 appointments per day. Over the course of a month, this would equate to approximately 90 visits. The applicant has not provided a sequential assessment, however the nearest local centre would be approximately 1.5km at Myton Way with wider district and town centres being more than approximately 2.5km as the crow flies.

20. It seems reasonable given the nature and scale of the proposal that it would not adversely impact upon the vitality and viability of the existing commercial units at Myton Way due to the limited opening hours, number of appointments per day which would not be any more than a busy residential dwelling and the specialist nature of the service it would provide. Therefore, on balance, it is considered it would be unlikely to undermine the overall vitality and viability of the defined centres. Accordingly, there is no direct conflict with the policies of the Local Plan or the NPPF and the development is considered to be sustainable in this respect and overall, the principle of development is considered to be acceptable.

Impact on Character

21. Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Whilst policy SD8 sets out that the Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the quality, character and sensitivity of the surrounding public realm. Further to this SD8(3) states that all proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

22. Cleveland Police have objected to the proposed change of use due to the type of business being proposed, citing it is unsuitable for a residential area. In addition, a number of concerns

have been raised by local residents with regards to the change of use in respect of impact on public safety, crime and anti-social behaviour.

23. It is acknowledged that the proposed business use has resulted in a heightened fear of crime from neighbouring residents in relation to public safety. It is considered that in this case the perception of fear is heightened due to the specific goods on offer, and the pre-conceptions and connotations attached to such goods.
24. It is understood that the sale of firearms is heavily regulated and monitored by the police with regard to safety by the firearms regulations and there is the requirement to be licenced by Cleveland Police who consider issues such as the safety of the building. In terms of physical alterations, the supporting statements clarify that the host building does benefit from secure storage for firearms and ammunition, external security cameras and a 24 hour a day monitored alarm system. There are no additional external alterations proposed to the host property, and the business would not have any external signage or indication of the type of business which would operate from the premises.
25. Whilst the systems already in place would not necessarily require planning permission in their own right, it is considered that the need for this level of security camera, alarm and storage system in connection with the proposed use creates the perception that the proposal is unsafe and unsuitable for a residential dwelling. In the opinion of the Local Planning Authority, the need to provide security cameras, alarms, and secure storage to this degree and to be strictly controlled by Cleveland Police only highlights the significant issues and the heightened fear of crime which is completely at odds with, and undermines the residential character of the area. It is considered that this proposal would be more suitable in a secure location away from residential areas.
26. Given the objections made to this application by Cleveland Police and the heightened fear of crime by the nature of goods on offer, it is considered that the proposal is contrary to Local Plan Policy SD8 and NPPF paragraphs 96(b) and 135(f).

Impact on Amenity

27. It is noted that within the supporting statements, the business would operate by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public, with customers having to provide evidence of membership of shooting clubs or being holders of Firearm or Shotgun Certificates.
28. The business is proposed to operate only between the hours of 10:00 to 18:00 Mondays to Saturdays, with only one customer visiting the property at any one time. The supporting information submitted as part of the application states that it is envisaged that there would be a maximum of 2-3no customers per day.
29. Customers would attend a pre-arranged appointment to the host property to order from a catalogue, or from an internet website, with the main purpose of the initial and pre-arranged meeting being to view Firearm Certificates. The desired item by the customer would then be ordered by the Applicant for delivery to the host property. It is indicated within the supporting statements that deliveries would be stored at the property for a maximum of 1no day, however, in practice this is likely to be unachievable in all circumstances as it would rely on each customer travelling to the Site to collect their order within 24 hours of the product arriving at the host property, and within the proposed opening hours of 10:00 to 18:00. This would also rely on the Applicant or delivery service notifying the customer that the order had arrived and is ready for collection in a timely manner.
30. In practice, the Applicant has provision on Site to store multiple firearms, ammunition and related paraphernalia and some of the supporting information attempting to explain or justify the proposal

appears vague and at times contradictory, which when handling a planning application of this nature, it is essential to have an acute understanding of how the business is proposed to operate in order to assess and understand safety related concerns or if there is potential for the public to be at risk. It is not considered that the submission sufficiently mitigates concern from Officers.

31. This proposal, its associated documents and planning report are in the public domain. There is concern raised due to the fact that the business would be public knowledge and that there would be a high likelihood of multiple firearms and ammunition being stored at the host property at any given time which potentially could make the Site subject to being targeted by gangs or other ill-intentioned groups which is not a welcomed positioned for immediately surrounding residents.
32. Therefore, regardless of the sale of guns being strictly controlled by other legislation and cannot be controlled through the planning system and the perception of fear in this instance is considered sufficient to warrant a refusal of this application as it is considered that the proposal is contrary to Local Plan Policy SD8 and NPPF paragraphs 96(b) and 135(f).

Highway Safety

33. A number of concerns have been raised with regards to parking issues as a result of the proposed use, and subsequent highway safety implications. However, as set out earlier within the report, there will be no more than one customer visiting the property at anyone time, and this will be by appointment only. The number of appointments will be limited to a maximum of three per day, and as such there would only be a maximum of one customer vehicle at the property at any one time, and a maximum of three over the course of a day. The property can provide off street parking to accommodate this amount of customers. Furthermore, the Highways, Transport and Design Manager has raised no objection to the proposed business use. As such, it is considered that there is sufficient off street parking provision available to serve the proposed business use, and the proposal would not have a detrimental impact upon highway safety within the area.

CONCLUSION

It is recommended that the application be Refused for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Joe Port Telephone No 01642 524362

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick North
Ward Councillor	Councillor Ted Strike
Ward Councillor	Councillor Alan Watson
Ward Councillor	Councillor Sally Ann Watson

IMPLICATIONS

Financial Implications:

Environmental Implications:

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

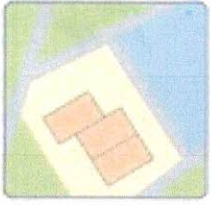
Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Stockton on Tees Local Plan Adopted 2019

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**UK
Planning
Maps**

9 Portchester Close, Ingleby Barwick, Stockton-On-Tees, TS17 5LQ

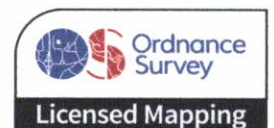


Site Plan



Dr No 0007 PC9

© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 443290,514820 443432,514962. Produced on 05 June 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: p2c/uk/958791/1293063



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DELEGATED

AGENDA NO PLANNING COMMITTEE 5 AUGUST 2025 REPORT OF DIRECTOR FOR REGENERATION AND INCLUSIVE GROWTH

PLANNING COMPLIANCE PERFORMANCE REPORT

SUMMARY

Following members requests for quarterly updates to be provided to Members on Planning Compliance caseloads and performance, this is the latest quarter report (Quarter 1, 2025/26).

RECOMMENDATION

That the Members of Planning Committee note the contents of the report

BACKGROUND

1. The Stockton on Tees Local Enforcement Plan (LEP) was approved at planning committee in September 2024 and became 'live' on the 1st November 2024 and this report provides the latest quarterly report.
2. As part of the LEP, service targets were introduced which are;
 - 70% of enforcement case closed where no breach identified within 20 working days.
 - 60% of enforcement requests receiving an initial response, for example no breach of control identified or further investigation to be undertaken, within 10 working days.
 - 60% of planning enforcement cases, where the case actions are determined within the established priority timescales.

DETAIL

3. Appendix 1 provides members with a snapshot of the over the last quarter's performance for the planning compliance function. Some narrative and explanation of current performance and trends is also detailed below;

Quarter 1, 2025/26 Performance

4. As can be seen from Appendix 1 below, performance against the internal performance standards remains high with the relevant thresholds being exceeded in the majority of cases. Overall 95% of all the number of cases in the last quarter have had case actions determined within the identified priority period.
5. As detailed within table 1 below, over the last quarter the number of cases received has increased. However, the overall time to process cases has reduced with a number of cases resulting in enforcement notices being served on six properties with assistance being provided from the Council's Legal Services team.
6. Alongside the level of caseload, a new staff member has been integrated into the planning compliance team which has involved increased time pressures to provide the associated training. Nevertheless, the processes introduced to both manage and maintain momentum on compliance cases are working well as demonstrated within the performance figures.

7. Additionally, following the serving of notices in quarter 3 of 24/25, two notices have been fully complied with and the associated breaches of control have been addressed.

Table 1: Comparisons over quarters since

	Requests received	Requests determined	Av days to process	Notices Served
Q4 (24/25)	127	85	29	2
Q1 (25/26)	167 (+40)	112 (+27)	14 (-15)	6 (+4)

8. For completeness, the total number of unresolved cases currently equates to 205, with 76 cases being historic cases received before the introduction of the Local Enforcement Plan.

NEXT UPDATE

9. The next quarterly update will be quarter 2 of 2025/26 (July -September), which is anticipated being reported in October 2025.

Director of Regeneration and Inclusive Growth
Contact Officer Simon Grundy
Telephone No 01642 528550

WARD AND WARD COUNCILLORS **All**

IMPLICATIONS

Financial Implications:

Not applicable

Environmental Implications:

Not applicable

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

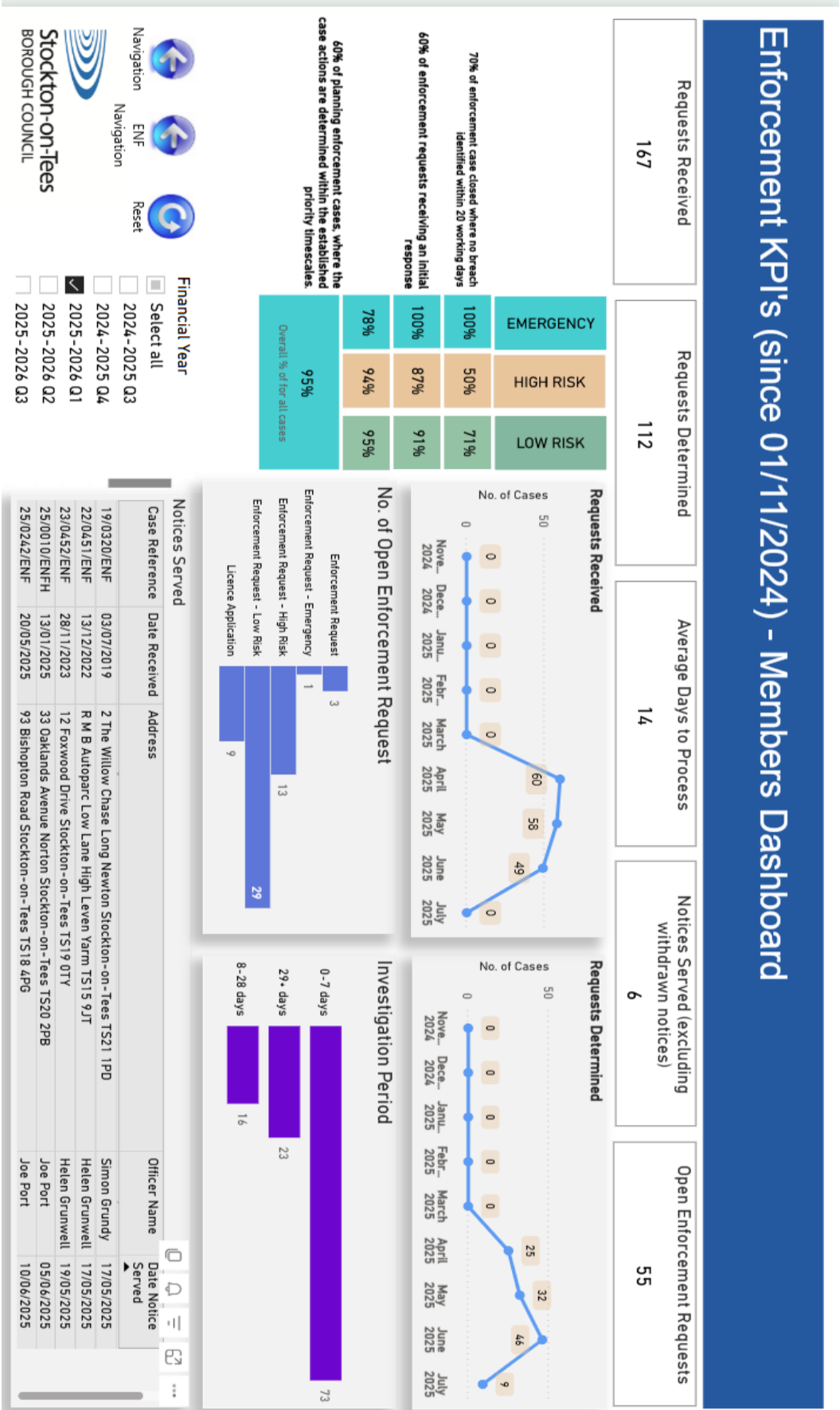
Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers:

Stockton on Tees Local Plan
 Town and Country Planning Act
 Stockton on Tees Local Enforcement Plan

Appendix 1: Local Enforcement Plan performance indicators



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Appeal Decision

Site visit made on 20 February 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/H0738/W/24/3352732

Land at Wynyard Village, Easting (x) 440223 Northing (y) 526881

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Mark Antonopoulos (Cameron Hall Development Limited) against the decision of Stockton-on-Tees Borough Council.
- The application Ref is 22/2579/FUL.
- The development proposed is full planning permission for the erection of 135 residential dwellings with associated landscaping and ancillary works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is adjacent to Wynyard Park Grade II* listed park and garden. It was therefore the case that both Historic England and The Gardens Trust should have been consulted by the Council during the course of the original application, although this did not happen until I requested those consultations during the course of the appeal. A response was received from Historic England and I have taken this into account. Both the appellant and the Council have been afforded an opportunity to comment on this matter, which I consider to be a main issue.
3. The Council decision notice makes reference to the Wynyard Village Extension. The evidence indicates that this refers to an earlier outline planning permission (13/0342/EIS). I am advised that the subsequent reserved matters applications relating to that approval have been granted for which construction has commenced. The land within the red line boundary for that outline application included land within the red line boundary of the appeal site though it is suggested that the land was ultimately not required for that development.
4. The appeal site is located adjacent to a site where outline planning permission was granted for up to 130 dwellings, a new local centre, associated landscaping and ancillary works (referenced 20/2408/OUT and also referred to as phase 1). The evidence indicates that a reserved matters application was approved for the housing elements of the scheme with construction having commenced.
5. The appeal scheme (also referred to as phase 2) relates to the provision of 135 residential dwellings with associated landscaping and ancillary works. It would be linked with and follow on from the consented development site adjacent, forming the second phase of that development although this appeal relates to a separate full planning application which should be considered on its own merits.

6. The appeal site is within land allocated for residential development and Policy H3 of the Stockton-on-Tees Borough Council Local Plan (2019) (LP) deals with Wynyard Sustainable Settlement which includes Wynyard Village.

Main Issues

7. The main issues therefore are firstly the effect of the proposal on the setting of the Wynyard Park Grade II* listed park and garden. The second main issue is whether the proposal would represent overdevelopment of the site contrary to the overall characteristics of Wynyard Village including with reference to supporting infrastructure.

Reasons

Setting of Wynyard Park Grade II listed park and garden*

8. The appeal site sits next to the boundary of the park and garden. The evidence indicates that the parkland adjacent to the appeal site is shown on 19th Century maps much as it is today including reference to a racecourse or course. The significance of the park and garden therefore sits partly with its open character and historical associations with the breeding and training of racehorses dating back to the 18th Century tenure of Sir Henry Vane Tempest.
9. The appellant indicates that the Wynyard Hall and Estate Conservation Plan states that the appeal site is attributed as having neutral significance with regard to the setting of the park and garden. I do not disagree with that position and I consider that the site has neutral significance as a result of being largely free of built development which reflects the largely open and undeveloped characteristics of the adjacent parkland.
10. The proposal would introduce a substantial level of built development to the appeal site in the form of executive housing within close proximity to the boundary with the park and garden. The closest properties would be those on plots 31-36. During the course of the appeal, the appellant has suggested the introduction of a native tree shelter belt to the boundary with the park and garden¹. This would shorten the rear gardens of the properties on those plots. The evidence suggests that the shelter belt would be 13m in depth and I note the parkland transition arrangements elsewhere at Wynyard Park.
11. However, the stated depth is not consistently reflected on the plan and would not apply on site as the shelter belt would narrow substantially close to plot 36 due to the positioning of the garage that would serve that dwelling. Further, I am not convinced that the shelter belt would be of sufficient depth to limit the urbanising influence of the houses from being experienced within the bounds of the parkland, especially during the winter when any deciduous trees would be out of leaf.
12. Although I appreciate that it may be possible to condition such matters, it is further the case that the details of the proposed shelter belt are also limited with regard to the standard of tree and planting proposed and the amount of time it would take for the shelter belt to mature to the level that it would be able to seek to fulfil its intended purpose. It would not be reasonable to condition a deeper shelter belt given that such an arrangement would be likely to consume too great an amount of the rear gardens of plots 31-35 to be reasonable. No details of any potential tree planting beyond the boundary of the appeal site within the park and garden are before me.

¹ Detailed within Drawing No. 4280-Native-Tree-Belt-01.

13. To conclude on this main issue, the appeal proposal, through the introduction of substantial built development within close proximity to the parkland would harm the significance of the Wynyard Park Grade II* listed park and garden through introducing a suburban influence into the setting of the parkland which would be at odds with the sense of isolation and enclosure which is a key characteristic of the parkland landscape, harming its setting.
14. There would be conflict with Policy SD5 of the LP which has aims to conserve and enhance the historic environment including through supporting proposals which positively respond to and enhance heritage assets.
15. There would also be conflict with Policy SD8 of the LP which amongst other things seeks development to be designed to the highest possible standard taking into consideration the context of the surrounding area and the need to respond positively to heritage assets.
16. There would further be conflict with Policy H3 of the LP which amongst other things requires that development at Wynyard Village must be designed to ensure that the significance of Wynyard Park Registered Park and Garden is not harmed.
17. The heritage harm would be less than substantial and the Framework² requires that this harm be weighed against the public benefits of the proposal.

Overdevelopment/supporting infrastructure/characteristic of Wynyard Village

18. The appeal proposals would deliver predominantly 4 and 5 bedroom homes on well sized plots at a density which the evidence indicates is towards the lower ranges of existing densities on Wynyard Village. In any event, a density of 9.6 dwellings per hectare would be well below what could be considered standard density. Further, Wynyard Village hosts a mix of dwelling sizes with variation in design and material. I cannot therefore conclude that the proposal would represent an overdevelopment of the site nor would it undermine the characteristics of Wynyard village.
19. Services and facilities are available within Wynyard Village. The evidence indicates that these include a Village centre with Co-op convenience store, hairdressers, public house and estate agents, Dentist, pharmacist and beauty therapists, Wynyard golf club with associated restaurant, Wynyard Hall Hotel and Spa, Wynyard Walled Garden including café and the glasshouse restaurant, Wynyard Primary School with hall and sports facilities available for community use, Children's play area off Wynyard Woods and Significant areas of open space and recreational routes. I observed some of those services and facilities on my site visit on which I took in the appeal site and walked through other parts of Wynyard Village.
20. The evidence also indicates that a local centre comprising of up to 8 units which may include a medical centre, restaurant/café, community facility and veterinary practice amongst other units is likely to be forthcoming having been secured via a planning obligation under S106 associated with a previous planning approval. The appeal proposal would therefore benefit from adequate supporting infrastructure.
21. There would therefore be no conflict with Policy SD8 of the LP with regard to this particular main issue, which amongst other things states that new development should contribute positively to making places better for people including by being inclusive and establishing a strong sense of place.

² National Planning Policy Framework 2024.

Other Matters

22. The evidence indicates that the Council cannot demonstrate a five year supply of housing land with the Council indicating the supply as being 4.33 years. However, given the effect of the proposal on the setting of Wynyard Park Grade II* listed park and garden, the application of Framework policies relating to designated heritage assets provide a clear reason for refusing the development proposed. The balance in paragraph 11d) of the Framework does not therefore apply.

Planning Balance and Conclusion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
24. There would be public benefits to the scheme. The proposed removal of the palisade fence which currently separates the appeal site from the park and garden would offer some improvement to the setting of the park and garden as a result of the removal of a modern boundary treatment. However, that benefit would be limited given its reasonably open appearance which allows visual correlation between the two sites and I afford this benefit limited weight.
25. There would be education contributions and other economic benefits that would normally be associated with a scheme of this type and size. These benefits are afforded moderate weight.
26. There would be further public benefits which would include the delivery of executive housing which would contribute towards the supply of housing within the context of a housing land supply of 4.33 years. There would be a financial contribution towards the provision of affordable housing within the local area at an amount in excess of two million pounds. These benefits are afforded significant weight.
27. The Framework however requires that great weight should be given to the conservation of designated heritage assets. That weight is increased given the importance of the asset which is Grade II* listed, a listing which the evidence indicates applies to only a limited amount of the country's registered parks and gardens.
28. The proposal would conflict with the Framework in that it would result in less than substantial harm to the setting of Wynyard Park Grade II* listed park and garden, harm which would not be outweighed by the public benefits.
29. The application of Framework policies relating to designated heritage assets provide a clear reason for refusing the development proposed. This is a matter which weighs against the proposal.
30. There is also conflict with the LP around these matters. Subsequently, the proposal would conflict with the development plan and there are no material considerations which indicate a decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR



Appeal Decision

Site visit made on 16 June 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/H0738/W/25/3361294

35 Pennal Grove, Ingleby Barwick, Stockton-on-Tees TS17 5HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Paul Brown against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/2016/RET.
 - The development proposed is change of use of formal landscaping area to garden land associated with 35 Pennal Grove, including landscaping works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has commenced and is substantially completed. It is therefore retrospective development, and I have considered the appeal on this basis.
3. In the heading above, I have removed reference to retrospective from the description as it is not an act of development.
4. The National Planning Policy Framework (the Framework) was updated in December 2024. Insofar as it is directly relevant to the appeal, there are no substantive changes. As a result, I have determined the appeal on the basis of the information provided and the parties have not been prejudiced by this. However, for correctness I have used the paragraph numbering and any related changes in the update where applicable.
5. A boundary retaining wall survey by WB Engineers¹ dated February 2025 (February 2025 Survey Report) was submitted in support of the appeal. This report considers the structural integrity and stability of the wall. As this report does not change the physical form of the development and the Council and Interested Parties have had the opportunity to comment on it, I consider that no party would be prejudice by its inclusion. I have therefore considered the report and the provided comments in my determination of the appeal.

¹ Reference W22284-WBE-XX-XX-CO-Z-0002/EB/ks

Main Issues

6. The main issues in the determination of the appeal are the effect of the development on:
- the stability of land with particular regard to the boundary retaining wall extension; and
 - the living conditions of the neighbouring occupants at 27 Stanegate Avenue (No 27) with particular regard to overlooking and privacy.

Reasons

7. The appeal site comprises the rear garden to 35 Pennal Grove (No 35). The host property and part of its rear garden are at a higher ground level than the neighbouring property at No 27. To allow for the height difference, a retaining wall exists along the adjoining boundary of these properties. Prior to the development, the higher rear garden was partly covered by a raised timber decked patio.
8. The development has extended the higher rear garden, removed the timber decked patio, landscaped the area and changed some of the boundary treatments. Amongst other works, the development included the extension of the retaining wall along the boundary of No 27 to support the higher garden extension.

Stability

9. The extended retaining wall is of cavity construction made up of two leaves of blockwork/brickwork separated by a small cavity and which sits on a foundation. The wall and foundation are visible from the garden of No 27. A boundary fence is fixed to the top of the wall.
10. The February 2025 Survey Report concluded amongst other matters that the extended retaining wall, while not aesthetically pleasing was structurally suitable. The assessment was based on the assumption that the fence fixings would fail before imposing any substantial horizontal forces on the wall and the wall was not showing any visual signs of distress. However, a number of defects were noted and identified as needing to be addressed including underpinning the foundation, repairs to damaged bricks and mortar and the wall cavity being cleaned out and concrete/grout infilled. Reference was made that the wall was typically in accordance with the BRE Good Building Guide 27 titled 'Building Brickwork or Blockwork Retaining Walls' (GBG 27) and compliant to this guidance. The Council's Building Control Manager did not dispute the contents of this report.
11. Notwithstanding the above, at the application stage a Structural Report² dated July 2024 (July 2024 Report) was submitted by an Interested Party. This considered the original and extended retaining walls and the boundary fence. Amongst other matters, in relation to the extended retaining wall, this report identified similar and some additional defects to those detailed in the February 2025 Survey Report. This report recommended that the extended wall should be structurally designed and rebuilt. The author of this report also commented on the February 2025 Survey Report findings³ and confirmed that this supported the findings of the July 2024 Report. However, the author disputed that the wall complied with GBG 27, outlining

² Structural Inspection Boundary Wall and Fence by K. Wijesinghe B.Eng, C.Eng, M.I.Struct.E, dated 27 July 2024

³ Reference - WB Engineer Letter dated 21st February 2025 by K. Wijesinghe B.Eng, C.Eng, M.I.Struct.E, dated 28 February 2025

a variety of reasons for this including the guidance was not suitable for walls that support solid fences; the foundation did not meet the guidance's requirements; there was no evidence that the guidance's recommended back of wall drainage had been provided and the wall construction was not covered by the guidance. It was maintained that the wall's structural integrity and stability was not satisfactory. Little evidence to counter these raised concerns have been provided.

12. I appreciate that the extended retaining wall has been in place for a number of years and the fence fixings would fail prior to placing any significant loading on the wall. However, taking together the identified defects, the differences in the wall's design to that recommended in the GBG 27, the significant differences set out in the two independent engineers' reports and the potential risks to the neighbouring property, I am not convinced that the extended retaining wall is structurally sufficient, and the land stability risk is acceptable.
13. I appreciate that an engineering solution could probably be found to make the extended retaining wall stable and note the Council and the appellant's indication that this matter could be secured through a planning condition. However, neither party has provided any proposed wording for this and considering the uncertainties and differences detailed in the two independent engineers' reports, I am not satisfied that a condition could be imposed that would meet the enforceable, precise and reasonable tests⁴ set out in the Framework.
14. Accordingly, the development adversely affects the stability of land and is contrary to Paragraphs 187, 196 and 197 of the Framework. These seek, amongst other matters, for new development to not contribute to land instability and be suitable for its proposed use taking account of any risks arising from land instability.

Living Conditions - Overlooking

15. While the extended rear higher part of the garden is located away from the houses at Nos 35 and 27, with its low boundary fencing, the development has significantly increased the original area from where overlooking of No 27's garden and patio can occur. Furthermore, even though there is separation to No 27's house, the area has also allowed better views into some of the rear rooms. Together, these are allowing unacceptable overlooking of No 27 and have adversely affected the occupants' privacy and harmed their enjoyment of the garden and house.
16. Due to the topography of the area and No 27 being constructed later than No 35, some overlooking may have been expected and accepted. However, the development has changed this, and with the extended higher garden being increased by a number of metres with little privacy screening being provided, it is not negligible. The 'before and after' photographs⁵ show the significant changes caused by the development. As such, the original overlooking does not justify the harm the development is causing.
17. It is advised that the extended garden is significantly lower than the removed original timber decked patio, the patio area has not been extended any further than it had been originally, and the height of the development's boundary fence is similar to the original fence. However, these do not justify or change the fact that the development has increased overlooking and caused harm.

⁴ Paragraph 57 of the Framework

⁵ Appendix 6 of the appellant's appeal statement

18. It is argued that overlooking has been worsened by the removal of some of the boundary planting and the installation of rear bifold doors by the owner of No 27. Be that as it may, these do not justify the original overlooking being worsened by the development.
19. Although it is claimed that removing the patio section would still necessitate the retaining wall, the cause of the increased overlooking is directly related to the development's extended higher garden and associated low fence. Leaving this area unpaved would not prevent the use of the extended higher garden and therefore this would not overcome the harm being caused.
20. Due to safety and liability concerns it is contended that a higher fence cannot be used. However, while the extended retaining wall has been noted as unable to support a high fence, the July 2024 Report recommended the retaining wall should be structurally designed to take such a feature. There is little compelling evidence presented to show a structural solution to safely support a higher fence could not be achieved. On this basis the reason for not providing a higher fence does not justify the harm the development is causing.
21. While some trees have been planted to the boundary by the owners of No 27, as shown by the 'before and after' photographs, these provide limited screening when not in leaf. The trees therefore do not acceptably mitigate the harm the development is causing.
22. Consequently, the development adversely affects the living conditions of the occupants of No 27 with regard to overlooking and privacy. It would be contrary to Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (Local Plan) and Paragraph 135 of the Framework. These seek, amongst other matters, to ensure new development responds positively to the privacy and amenity of all existing occupants of land and buildings and provides a high standard of amenity for existing users.

Other Matters

23. I note the points that the previous owner of No 35 extended the garden without planning permission; that the appellant now owns the land and wishes to regularise it as residential garden; the garden character of the area would be maintained, and the Council have not raised significant concern regarding its encroachment into the area identified as being part of the 'Green Wedge'. However, these do not justify the harm the development is causing.
24. Given the environmental and social harm identified above, the development would not amount to a sustainable form of development as set out in Paragraph 7 of the Framework.
25. The Council did not raise significant concerns regarding character and appearance, and I see little reason to question this. However, the lack of harm is a neutral factor and does not justify the development. I have considered the main issues raised and the evidence presented in determination of the appeal.
26. The approach to identifying the most important policies is raised as an issue by the appellant and reference is made to caselaw⁶ in support of this. However, while the Council did not specifically refer to criterion 1(e) of Policy SD8 of the Local Plan, in

⁶ Wavendon Properties Ltd v SSHCLG and Milton Keynes Council [2019] EWHC 1524 (Admin).

the Officer Report it clearly listed the policy's criteria, including 1(e). It also specifically noted under the 'amenity of the neighbouring occupiers' section that Policy SD8 seeks development to provide 'acceptable privacy and amenity for existing and future occupants'. As such, the Council sufficiently identified the important policy in its decision.

27. At the application stage, reference was made to permitted development rights enabling the original patio to be raised by up to 300mm. However, while this may well be a fallback available, little substantive evidence is provided to allow a comparison of the effects on land stability and overlooking with that caused by the development before me. On the basis that the fallback would not extend the higher garden and would not require the retaining wall extension, I am not convinced that the harm from it would be worse than the development. As such it is not sufficient to justify the development.
28. The appellant has requested that, as the Council does not object to the change of use of the land to residential garden, at least part allowing of the appeal be considered. However, as the development's extended higher rear garden is an integral part of development of the land to residential garden use and construction is already substantially complete, then these elements are not both clearly physically and functionally severable. I therefore consider part allowing of the appeal is not appropriate.

Conclusion

29. For the reasons given above, and taking into account other matters raised, the appeal should be dismissed.

J Symmons

INSPECTOR

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Appeal Decision

Site visit made on 1 July 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/H0738/W/25/3363704

White House Farm, Bala Close, Ingleby Barwick, Stockton-on-Tees, Cleveland TS17 5AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Karen Kaur against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 24/1980/RET.
 - The appeal development is the erection of 1.9m high fence adjacent to public bridleway.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed at the site visit that a fence has been constructed at the appeal site. It is clear from the plans and evidence that this is the fence referenced in the planning application. I have dealt with the appeal on the basis that planning permission is being sought retrospectively for the construction of the fence.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises the boundary between a bridleway and open land that slopes down to the River Tees. It lies to the northern side of a small group of residential properties, including White House Farm, and to the west of a larger and more modern housing estate. A landscaped buffer strip is situated between the bridleway and the housing estate opposite the appeal site. The bridleway leads from the built-up housing estate to the much more rural and open setting in the area of the appeal site and beyond. Immediately north of the site there is a more open rural setting with views from the bridleway over agricultural land towards the river and beyond due to a lower post and rail boundary fence. This positively contributes to the local character and the overall experience for users of the bridleway. At the time of my visit, I observed the bridleway to be a well-used route.
5. The Council states that the site is within the green wedge, which is not disputed by the appellant. These play an important role in maintaining local character. Due to its position, substantial length, height and close boarded construction, the fence is a very prominent and visually intrusive structure adjacent to the bridleway. It appears as a dominating and stark feature that is significantly out of scale and character with its surroundings and creates a greater sense of enclosure in an

otherwise more open and rural setting. I do not find that the fence adversely effects the outlook of residents in properties closest to the appeal site due to the separation and intervening landscaping. However, there is significant harm to the character and appearance of the area and to the experience of users of the bridleway in the area of the appeal site.

6. I observed other similar fences towards the southern end of the bridleway, which is less open in character than the appeal site. These predominantly enclose land immediately adjacent to the residential properties in that area and I do not find that these would justify the identified harm from the appeal fence. Whilst there is a landscaped buffer opposite the fence, this does not reduce the more open character of the area close to the appeal site to any significant degree, and it contributes to the overall attractive rural setting in this location.
7. The fence has been painted a green colour, and the appellant has also suggested that landscaping could be undertaken to soften its impact. Whilst the colouring lessens the impact, and landscaping could mitigate the visual impact to some degree, given its height and significant length, I do not consider these measures would be sufficient to adequately mitigate the harm to the character and appearance of the area and make the scheme acceptable.
8. I conclude that the development is harmful to the character and appearance of the area. It therefore conflicts with Policies SD5, SD8 and ENV6 of the Stockton-on-Tees Borough Council Local Plan (2019). Amongst other things, these policies seek the conservation and enhancement of the environment, to ensure proposals adhere to sustainable design principles and will be designed to the highest possible standard taking into account the context of the surrounding area, and that development within green wedges would not adversely impact on local character.

Other Matters

9. I note the appellant's aims for erecting the fence, which are stated to relate to issues of antisocial behaviour and trespass. Whilst photographs have been provided indicating graffiti on the fence prior to it being painted green, I have not been provided with evidence of antisocial behaviour or trespass prior to its construction. It has not been adequately demonstrated that this development is the only way to achieve the appellant's objectives. In any event, the reasons provided for erecting the fence do not justify the harm I have identified.
10. Where the development has been found to be acceptable by the Council in other respects, for example in terms of not directly affecting the route of the bridleway and highway safety, these are neutral matters and do not weigh in favour of the development.

Conclusion

11. The development conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR



Appeal Decision

Site visit made on 15 July 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/H0738/W/25/3364109

Land east of 232 Cotswold Crescent, Billingham TS23 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr M Leck against the decision of Stockton-on-Tees Borough Council.
- The application Ref is 23/0364/FUL.
- The development proposed is erection of 10 dwellings.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 232 Cotswold Crescent, with particular regard to noise and disturbance from the access road and parking areas.

Reasons

4. The appeal site comprises approximately 0.24 hectares of land off Cotswold Crescent. It was previously occupied by domestic garage blocks, which were demolished several years ago. Currently, only remnants of the original hardstandings remain, and the area is informally used for parking by nearby allotment holders.
5. The proposal includes widening the existing narrow access track between 232 and 234 Cotswold Crescent, taking part of the garden of No 232. The widened access would cut diagonally across the entire frontage of No 232, bringing vehicle movements within a few metres of its front-facing windows. Additionally, the access road and designated parking spaces for the allotments would extend around the side and rear of the modest garden, effectively surrounding the property with vehicular activity at significantly closer proximity than currently exists.
6. Although the historic garage use did generate vehicle movements, these were likely intermittent and the access did not bring regular traffic into such close proximity with the habitable areas and garden of No 232. The current use by allotment holders results in only occasional, low frequency vehicle movements, typically limited to daylight hours - an arrangement that has remained unchanged for many years.

7. In contrast, the development would introduce 10 residential units, each likely to generate regular daily activity. This would include vehicle movements by residents and visitors, deliveries, and pedestrian traffic. Residential use is inherently more frequent, varied, and less predictable, particularly during evenings and weekends when domestic activity tends to peak. The close proximity of this activity to the windows and garden of No 232 would create a sustained presence of vehicles and people, significantly diminishing the privacy and tranquillity currently enjoyed by the occupiers.
8. While the appellant's noise assessment concludes that predicted sound levels fall within acceptable thresholds under BS8233 and WHO guidelines, such assessments do not fully capture the qualitative experience of noise and disturbance. The frequency of use, proximity, and layout of the access and parking would result in a material loss of residential amenity for the occupiers of No 232 through a combination of noise and visual intrusion. This could not be adequately mitigated through boundary treatments or landscaping.
9. A previous appeal (APP/H0738/W/21/3286194) for a similar development was dismissed, in part due to the impact of the access road on No 232. Although the current proposal seeks to address certain design issues raised in that appeal, the layout of the access road remains largely unchanged. The Inspector in that case found the proximity of the access to the front windows of No 232 to be materially harmful, and that conclusion remains valid.
10. I therefore find that the development would unacceptably harm the living conditions of the occupiers of No 232 through noise and disturbance, contrary to Policies SD5 and SD8 of the Stockton-on-Tees Local Plan (2019), which seek to protect the amenity of existing and future residents.

Other Matters

11. I note that planning officers recommended approval of the application and that no objections were raised by either the highways authority or environmental health officers. However, the planning committee was entitled to exercise its judgement on the planning merits of the scheme, particularly in the context of the previous appeal decision. Residential amenity is a matter of planning judgement, not merely technical compliance, and I concur with the committee's assessment for the reasons outlined above.

Planning Balance and Conclusion

12. Several benefits of the scheme have been highlighted, including the redevelopment of previously developed land, contribution to local housing supply, and provision of smaller units suitable for an ageing population. The site's accessibility to public transport and local services is also a positive factor.
13. However, these benefits do not outweigh the significant harm identified to the living conditions of existing residents. The proposal conflicts with the development plan when read as a whole, and no material considerations have been advanced that would justify a departure from it. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR



Costs Decision

Site visit made on 15 July 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Costs application in relation to Appeal Ref: APP/H0738/W/25/3364109

Land east of 232 Cotswold Crescent, Billingham TS23 2QN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr M Leck for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 10 dwellings.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In short, the applicant contends that the Council's planning committee acted unreasonably by refusing the planning application contrary to officer recommendation and without first identifying a sound planning reason. It is further claimed that the reason for refusal lacked technical support, and contradicted the advice of professional consultees. The applicant also raises concerns about the conduct of the committee meeting and the appropriateness of legal advice provided.
4. It is well established that elected members are not bound to follow officer recommendations, provided their decisions are based on reasonable planning grounds. In this case, the committee's concerns related to the impact of the proposed access arrangements on the living conditions of neighbouring occupiers, a legitimate planning consideration. While technical consultees raised no objections, planning decisions are not determined solely by technical compliance. The qualitative nature of residential amenity allows for differing professional and lay judgements.
5. The Council's appeal statement clearly set out the basis for its concerns, and these were ultimately upheld in the appeal decision. This demonstrates that the committee's reasoning was neither vague nor unsubstantiated. While the applicant criticises the manner in which the committee reached its decision, it is not uncommon for reasons to be clarified post-decision, provided they are ultimately based on sound planning grounds. The final reason was clearly expressed, capable of being defended at appeal, and supported by the appeal outcome. Legal advice

provided during the meeting was intended to ensure procedural compliance and does not indicate impropriety.

6. The applicant also alleges that the committee's decision was predetermined and politically motivated. This is a serious allegation that is not supported by the evidence presented. There is no indication that members acted outside the scope of their planning responsibilities. The committee was entitled to exercise its discretion and reach a decision contrary to officer recommendation, provided it did so on legitimate planning grounds, which it did.
7. In light of the above, I find that the Council did not behave unreasonably in refusing the application or in the manner in which the decision was reached. The concerns raised were legitimate, substantiated, and ultimately upheld at appeal. As such, no unnecessary or wasted expense has been demonstrated, and an award of costs is not justified.

A Caines

INSPECTOR



Appeal Decision

Site visit made on 24 June 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/H0738/Z/25/3365748

161- 162 High Street, Stockton on Tees TS18 1PL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/0176/ADV.
 - The advertisement proposed is Advertisement consent for 1no internally illuminated wall mounted digital media screen.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The reasons for refusal refer to Policies SD8 and HE2 of the Stockton-on-Tees Borough Council Local Plan (the LP)¹. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account insofar as they are material to matters of amenity, they have not been decisive in my consideration of this appeal.
3. The Council have not objected to the proposal on grounds of public safety, nor have I been presented with any further compelling evidence to lead me to reach an alternative conclusion on this matter.
4. Having regard to the above, the main issue in this instance is therefore the effect of the proposed advertisement upon amenity, having regard to Stockton Town Centre Conservation Area and nearby grade I, II* and II listed buildings.

Reasons

5. The appeal site is currently occupied by a wall-mounted 'paper-and-paste' advertisement panel at 161-162 High Street, positioned approximately at first floor level on the largely blank flank elevation of that building. The site lies in a prominent position towards the northern end of High Street where it splits at the junction with Norton Road and Bishopton Lane and is prominently sited when travelling south into High Street from the latter two roads.
6. The site lies in a predominantly commercial area, with shop fronts and commercial premises at ground floor levels on neighbouring units, albeit that the main body of

¹ Adopted 30 January 2019

the town centre lies further south along High Street and within the Wellington Square shopping centre. Residential uses are present on upper floors in some nearby buildings, including that of the public house, directly opposite the appeal site. At the time of my visit to the site, the current advertisement did not appear to be illuminated.

7. There is some dispute between the main parties as to the site's advertisement history. The appellant claims that the site benefits from over 10 years continuous display of advertisements, providing photographs that show an advertisement in place in approximately the same position as the existing panel (and proposed advertisement) in 2009, 2014, 2017 and 2024. The Council does not dispute that the site has been used for the display of advertisements, but notes that an advertisement was removed from site some time between June 2018 and November 2020, and not re-installed until late 2023. Although the Council has not provided any photographic evidence to support its timeline, this period coincides with a lengthy gap between the photographs supplied by the appellant.
8. There is nevertheless a broad consensus that the site is seen in a commercial context amongst a mix of shopfront signage. I agree. Thus, a public house lies in the site's foreground on approach from Bishopton Lane and the shopfronts at the junction of Norton Road and High Street as its backdrop. Similarly, from Norton Road, a long, modern and illuminated fascia sign of the commercial unit beyond on High Street provides an immediate backdrop to the proposed signage.
9. However, most of that signage is typically shopfront fascia signage on shops and other commercial premises. Advertisements at, or above, first floor level are not so common. Whilst noting the appellant's assurances regarding variable illumination levels, and the comparative illumination examples provided in the appellant's submissions, of digital display panels, images shown on digital displays are nevertheless often sharper than their 'paper-and-paste' counterparts. Furthermore, the regularly refreshing images on the display panel would exacerbate the sharper, more stark nature and often brighter appearance of the resulting image.
10. Thus, in such a prominent location at a main entrance point onto High Street and the town centre, the very nature of the proposed digital display, added to its size and positioning, would be disruptive, incongruous and, ultimately, harmful to the amenities, in this instance visual, of the surrounding area. Furthermore, the immediate foreground and backdrop of commercial premises and shopfronts against which it would be viewed would be sufficiently different in its nature and character as to provide little, if any, mitigation for the appearance of the images displayed on the panel.
11. The proposed digital panel may well be the smallest form of large format outdoor advertising displays, and its 6 metres by 3 metres dimensions an industry standard, but in this context and location, the visual starkness of its digital display would be compounded by its size. Merely because the overall size of the panel is broadly similar to that of the existing non-illuminated 'paper-and-paste' panel does not make the proposal a 'like-for-like' replacement. Nor was I struck by any particular sense that the existing signage was harmful to the amenities of the local area through neglect or physical condition and that its replacement would improve matters in this respect.

12. There are residential flats within the upper floors of the public house building that lies directly opposite the proposed digital display panel at 163 High Street, with windows at first floor on the side elevation and a bay window on the front elevation of that building. Whilst I accept that the appeal site is located at a busy road junction at a town centre gateway where there is a commercial presence and where streetlight is present, the proposed digital display would be close to those windows.
13. Even though the relationship is offset between the proposed panel and the windows, and the bay window looks forward rather than towards the appeal site, there is only a narrow road separating them and, thus, only a short distance between them. The nature of the bay window is such that the return panel of the bay would capture light and glare from the panel, as would the closest window on the side elevation, even if it is not directly opposite the panel. That the neighbouring property is in a central location served by streetlighting does not in my judgement diminish the intrusive and unpleasant nature of a digital display panel so close to windows serving a residential property. Nor am I persuaded that the controls available in terms of dimming the panel display according to ambient light levels, luminance thresholds and restricting the manner in which images change would be sufficient to offset the harm by reason of proximity.
14. LP Policies SD8 and HE2 set out the Council's approach to securing design of the highest possible standard and conserving and enhancing the borough's heritage assets. To this end, they take into consideration the context of the surrounding area and responds positively to, amongst other things, the quality, character and sensitivity of the surrounding public realm, heritage assets and nearby buildings, in particular at prominent junctions and town centre gateways. Additionally, LP Policy SD8(e) also considers the need to respond positively to the amenity of existing and future occupants of land and buildings. As I have concluded that the proposal would harm amenity, it would also conflict with these policies insofar as they are material to matters of amenity, and with the guidance set out at paragraph 135 of the National Planning Policy Framework, which recognises that the character and quality of places can suffer when advertisements are poorly sited and designed.
15. The appeal site's backdrop in particular is made more sensitive by the presence of a number of listed buildings, as well as its location within the Stockton Town Centre Conservation Area (the CA). Although the Stockton Town Hall (grade II* listed) is some distance from the appeal site at the southern end of High Street, the layout of High Street and perspective means that the town hall is neatly framed between the receding building frontages on either side of the street. From the junction of High Street, Norton Road and Bishopton Lane, the proposed digital panel would be an intrusive feature in the foreground of the town hall.
16. So too, albeit from differing aspects, would the proposed panel be an intrusive foreground presence in the setting of Stockton Parish Church (grade I listed) and the Globe theatre (grade II listed). None of these buildings or their settings are harmfully encroached upon in the same manner by the more modest and typically-found shopfront signage schemes present along High Street. Whilst the High Street area of the CA is commercial in its nature, and the setting of the listed buildings similarly so, the strident nature of the digital display panel would be such that the proposal would fail to preserve or enhance the character or appearance of the CA or the significance of the setting of the listed buildings.

17. In support of the proposed digital display, the appellant has set out a range of benefits arising from the operation of a digital display advertisement as opposed to a paper-and-paster advertisement. Wider public benefits are stated as including the provision of tidy and well-maintained sites, uplift in business rates, reduction in waste involved in paper advertisements as well as reduced trips associated with replacing campaigns in that format, greater flexibility for local businesses, a platform to use for emergency message broadcasting, the use of void periods to allow for public messaging and public art campaigns and the ability to integrate hardware to meet 'Smart City' objectives.
18. In a very broad sense, these may be considered to be public benefits but they are matters which carry only limited weight and are not sufficient to outweigh the harm, including the less than substantial harm to the CA and the setting of the listed buildings, that I have identified above. Neither individually nor cumulatively therefore are they sufficient to outweigh the amenity harm that I have identified above. With regard to the digital panels allowing smarter real-time campaigns and better control over sales, these are private benefits to the advertisers and operator of the site and are not matters that weigh in favour of the proposal in respect of the historic environment matters.

Other Matters

19. The appellant has provided a list of what are described as 'comparable sites' within conservation areas and close to listed buildings. However, no further commentary on, or assessment of, these examples has been offered and only limited details in respect of each have been submitted. Nevertheless, from the evidence before me, I am not persuaded that these examples are sufficiently similar to the matter before me to persuade me as to the acceptability of the appeal scheme. The Kirklees² and North Devon³ examples appear, from the evidence, to have been justified at least partly on the basis of the replacement of multiple externally illuminated advertisement panels with just one digital panel, whilst the Cornwall⁴ and Enfield⁵ examples have not been offered with any commentary or assessment beyond the submitted plans and decision notices. I therefore afford these examples limited weight.

Conclusion

20. For the reasons given above the appeal should be dismissed.

G Robbie

INSPECTOR

² Appendix 3: Comparable Sites – Kirklees Metropolitan Borough Council – APP/Z4718/Z/22/3307301

³ Appendix 3: Comparable Sites – North Devon Council – APP/X1118/Z/20/3265565

⁴ Appendix 3: Comparable Sites – Cornwall Council – LPA Ref No: PA23/05420 and PA23/05421

⁵ Appendix 3: Comparable Sites – London Borough of Enfield – LPA Ref No: 22/00105/ADV



Appeal Decision

Site visit made on 11 March 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2025

Appeal Ref: APP/H0738/D/24/3356166

76 Weaverham Road, Norton, Stockton-on-Tees, Cleveland TS20 1QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Pattison against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 24/1040/RET.
 - The development proposed is to erect single storey extension and install log burner and flue.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted at the site visit that a single storey extension with an external flue has already been constructed to the rear of the property. It is clear from the plans and evidence that this is the development referenced in the planning application. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively.
3. The appeal proposals include development that is not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to these aspects of the application. Therefore, the focus of this appeal is the installation of the flue as referred to in the Council's decision notice.

Main Issues

4. The main issues are the effect of the development, with particular reference to the flue, on:
 - the character and appearance of the host dwelling and the wider area; and
 - the living conditions of the occupants of the neighbouring dwelling at 74 Weaverham Road, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal property is a two storey semi-detached dwelling within a residential area. The front elevation faces onto Weaverham Road, and the extension with flue has been constructed within the rear garden area, with the A1027 highway and public footpath located beyond the rear boundary fence. The extension has been constructed across most of the width of the rear elevation of the property and slightly off the boundary with the adjoining dwelling at 74 Weaverham Road. The

flue has been installed on part of the rear elevation of the extension that is close to the boundary with No 74 and towards the lowest point of the roof. It has a black finish that projects a considerable height above the roof of the extension and features two supporting brackets.

6. The appellant has provided examples of other flues that they state are on the estate and wider area, although I have not been provided with details of their locations. I observed some flues of varying designs in the wider area of the appeal site that appeared to be on the roof of, or closer to, the main part of bungalows and two storey houses. However, flues in general are not a common feature of properties on Weaverham Road or prevalent in the area.
7. As a result of its siting, scale and appearance, the flue is an incongruous addition on the single storey extension. Although there may be functional and regulatory reasons for its height, the flue is a discordant addition on the extension and is excessive in scale and out of place on a domestic property. The visual impact on the property and wider residential area is exacerbated by the single storey height of the extension and its separation from the main part of the dwelling, as well as the views from the public domain to the rear.
8. I do not know the circumstances under which other flues I viewed or that are referred to by the appellant were erected, or their status with regard to planning permission. I therefore cannot draw any direct comparison with the development that weighs in its favour. The presence of these does not justify the harm that I have otherwise found with the appeal proposal.
9. I conclude that the flue is materially harmful to the character and appearance of the host property and the surrounding area. This conflicts with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (2019) (the Local Plan), which amongst other things looks to ensure new development will be designed to the highest possible standard, taking into account the context of the surrounding area.

Living conditions

10. I viewed the development from the rear garden of the appeal site, as well as from the interior and rear garden of the adjoining property at 74 Weaverham Road. The neighbouring property has rear facing double doors serving a living room at ground floor level close to the development and bedroom windows at first floor level.
11. Due to its height, appearance and proximity to the boundary, the flue is an imposing and overbearing feature clearly visible from within the adjoining property at No 74 and particularly its garden. It has an overly dominant visual effect, and therefore a detrimental impact in terms of outlook for the neighbouring occupants.
12. I conclude that the flue has a materially harmful impact on the living conditions of the occupants of 74 Weaverham Road in respect of outlook. This conflicts with Policy SD8 of the Local Plan, which amongst other things looks to ensure new development responds positively to the amenity of all occupants of land and buildings.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

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Appeal Decision

Site visit made on 25 February 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/H0738/D/24/3353304

1 Redmire Road, Stockton-on-Tees TS18 4JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Wahid Mohammad against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 24/1412/FUL.
 - The development proposed is two-storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The location plan, existing and proposed site plan show the correct orientation of the site. However, the existing and proposed elevation drawings have been incorrectly labelled so that north is south and vice versa, and west and east have been similarly reversed. I have, however, determined the appeal based on the correct orientation of the plans.

Main Issues

3. The main issues are:
 - the effect of the proposed extension on the living conditions of the occupiers of neighbouring properties, with particular reference to privacy, outlook and natural light; and
 - whether the proposed development would provide acceptable living conditions for the occupiers of No 1 Redmire Road (No 1) with regards to the provision of private outdoor space.

Reasons

Living conditions of neighbouring occupiers

4. The appeal site is on a triangular plot of land located on the corner of Redmire and Askrigg Road. It lies within a residential area of mainly semi-detached houses, laid out in small blocks surrounded by roads, and with back gardens of limited size. The property is a two storey, semi-detached house, with a single, detached garage. It has three bedrooms on the 1st floor. There is a triangular garden to the rear, with a drive and lawned areas to the front.

5. The proposal would extend 3 metres from the rear elevation and would provide two bedrooms and a bathroom on the 1st floor and an extended kitchen, bedroom and bathroom on the ground floor. It would have two windows on the 1st floor rear elevation, one for bedroom 4, and the other a bathroom window. On the northern, side elevation, there would be a 1st floor window for bedroom 3.
6. Adjoining the site is No 25 Askrigg Road (No 25), which also has a triangular-shaped back garden. On the back of the house is a conservatory containing a table and chairs. Next to this is an outdoor seating area. The proposed extension would abut the boundary with No 25, very close to the conservatory and rear of the property. Therefore, the window of bedroom 3 would overlook the rear of No 25 and some of the garden at the side of the house. This would harm the privacy of the occupiers. Whilst the window of bedroom 4 of the proposal would be further away, it would result in some overlooking of the small, rear garden.
7. Housing in this area is densely located, with small gardens that often overlook each other. Indeed, the rear windows at No 1 already overlook the rear garden area of No 25. However, as the proposal would be two-storey in height and extend up to the boundary, it would be overbearing and have a harmful effect on the outlook of the occupiers, as well as having a significant effect on their privacy. Nevertheless, the proposed extension is unlikely to reduce natural light to the rear garden of No 25 to any greater extent than may currently exist.
8. I visited No 3 Redmire Road (No 3), which is separated from No 1 by a high wooden fence. Here, the ground level is lower than that found at No 1. This property has a long narrow garden at the rear, with seating areas. Whilst it would be at an oblique angle, there would be some overlooking from the window of bedroom 4 of the proposal, into the rear garden of No 3. This would have a moderate effect on the privacy of the occupiers when they are using their outdoor garden space.
9. The proposal would extend along the shared boundary with No 2 Redmire Road (No 2). Whilst it would lead to some loss of natural light to the rear of No 2, this would likely be limited to early morning sunlight.
10. I therefore conclude that the proposed development would have a significant effect on the living conditions of the occupiers of No 25 with regards to privacy and outlook, and a moderate effect on the privacy of the occupiers of No 3. It would have a limited effect on No 2 with regards to the loss of natural light.
11. It would conflict with Policies SD3 and SD8 of Stockton-on-Tees Local Plan, 2019 (LP). These policies seek to ensure that there is no significant loss of privacy and amenity for the residents of neighbouring properties. It would also conflict with Stockton-on-Tees, Householder Extensions and Alterations Supplementary Planning Document, 2021,(SPD), which amongst other things, seeks to avoid rear extensions having an unacceptable overbearing or oppressive impact upon neighbours.

Outdoor space

12. Whilst there is garden space at the front of the house, this is visible from the street and does not provide any privacy. Moreover, the proposal would result in some of this being used to create parking and access for up to four vehicles.

13. The proposed extension would be built within the existing rear garden. However, this is already relatively small, with limited privacy between it and No 25. The proposal would, therefore, reduce the garden to an even smaller, triangular space between the boundaries of No 25 and No 3, with the only access being from the house.
14. The proposed development, designed to meet the needs of the current occupiers, would result in a house with five bedrooms, plus a study room on the 1st floor. However, as the Council suggests that around half of the existing garden would be taken up by the proposal, this would result in a very small garden for a house of this size, inadequate for both the existing and any future occupiers.
15. I therefore conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 1 with regards to private outdoor garden space. It would conflict with Policy SD8 e. and the SPD as it would fail to provide privacy and amenity for all existing and future occupants.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
17. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

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Appeal Decision

Site visit made on 8 April 2025

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/H0738/W/24/3355724

Land Adjacent to Low Lane and Thornaby Road, Ingleby Barwick, TS8 0BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs I & D J Snowdon against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 18/0195/OUT.
 - The development proposed is a residential development comprising up to 200 homes and including provision of a neighbourhood centre, multi-cultural centre, primary school, extension to Maltby Cricket Club, open space and means of access.
-

Decision

1. The appeal is allowed, and planning permission is granted for residential development comprising up to 200 homes and including provision of a neighbourhood centre, multi-cultural centre, primary school, extension to Maltby Cricket Club, open space and means of access at land adjacent to Low Lane and Thornaby Road, Ingleby Barwick, TS8 0BW in accordance with the terms of the application, Ref 18/0195/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr & Mrs I & D J Snowdon against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with approval sought for access. Layout, appearance, landscaping and scale would be the subject of future applications for approval of reserved matters. Plans were submitted showing the access and an illustrative layout of the site. Illustrative plans have been treated as such.
4. During the course of the appeal, an updated illustrative masterplan has been submitted. I have taken it into account insofar as it is only illustrative given the nature of the application and the matters which are reserved for future determination. I do not consider that any prejudice arises as a result of this.

Main Issues

5. The main issues are

- whether or not the proposal would provide realistic travel alternatives to the private car,
- whether or not it would lead to harmful visual coalescence,
- whether the proposal would harm highway safety and convenience, and
- the effect of the proposal on the Teesmouth & Cleveland Coast Special Protection Area (SPA).

Reasons

6. The appeal site forms the eastern edge of site allocation “IB3 Little Maltby Farm, Low Lane” in the Stockton on Tees Borough Council Local Plan, adopted 30 January 2019 (the Local Plan). That allocation sought to deliver 1155 dwellings across the whole allocation, and the 200 units proposed in this appeal contribute to that amount. Policy H1 of the Local Plan identifies residential developments on sites such as this as being required to deliver the housing requirement for the area.

Travel

7. As noted, the appeal site is part of an allocated housing site within the Local Plan. As such, the overall sustainability of the site, and by extension, proposals to develop it, in terms of its connectivity, relationship to local facilities and services has already been assessed. I accept that at plan-making stage this would necessarily have typically been a lighter-touch consideration than at application stage. But the detailed effects of the appeal proposal were considered and found acceptable in the previous appeal, and then each time the appeal proposal was presented to committee. Nothing has materially changed since then. In fact, connectivity and the provision of safe and accessible routes which do not require the use of a private car has likely improved, and continues to improve as the wider allocation continues to be developed on other sites. The evidence of the appellant is clear on this point and I find no other evidence, either submitted to me, or following my site visit, to reach a different conclusion.
8. At the most recent presentation of the proposal to Members, Officers and the appellant had apparently agreed that the footbridge to the north, crossing Bassleton Beck and providing a shorter, but non-adoptable standard, connection into Ingleby Barwick was no longer required. Although Members did at one point resolve to approve the application without this footbridge link, it is now clear that they consider it to be of value.
9. Having visited the area and examined the evidence, whilst I agree that the site is sustainably located, is relatively close to facilities and services, and would provide on-site facilities, a northern footbridge link would provide improved, shorter access for some, to other existing facilities and services within Ingleby Barwick to the north.

10. In considering this matter, I note that the appellant has made provision for it within their planning obligation, their original planning application and highlighted it in their 2018 Design and Access Statement. To my mind this gives rise to a reasonable expectation of its provision, and the appellant has not otherwise sought to suggest that it would not ultimately be deliverable, or that it would harm the overall deliverability of the proposal.
11. Despite the ultimate decision of the Council, it is clear that Officers are satisfied that the proposal would secure suitable access to bus services already in operation, and that this is a suitable and long-term viable option. I also note the proposal by the appellant to provide welcome packs and travel incentives to first-occupiers, secured through the planning obligation.
12. Whilst I note the concern of Members that funding or provision of suitable routes may not secure or establish a viable bus service over the long term, an element of this is of course significantly beyond the control of the appellant, being a function of market forces. Nevertheless, the proposal does seek to include a spine road connecting to other development, a temporary bus turning loop and bus stop facilities. Whilst the detail of these would be secured through reserved matters applications, they do nevertheless demonstrate a commitment to, and the availability of non-car means of transport.
13. I therefore find that the proposal would provide realistic travel alternatives to the private car and would not therefore conflict with Policies SD6(1), TI1(1), TI1(2) or TI1(12) of the Local Plan in this respect.

Coalescence

14. The western and northern edges of the appeal site effectively abut existing, under-construction, or proposed housing sites. The eastern side of the appeal site includes, indicatively, a substantial area of retained farmland, a relatively new, but now well-established line of landscape planting. Beyond that line is an area of land reserved for nitrate mitigation. Further to the east, between the site and the Thornaby Road carriageway is a wide, grassed verge, apparently previously acquired for a road-widening scheme. Beyond the relatively wide Thornaby Road lies a large industrial and trading estate. The bulk of the residential area of Thornaby lies further to the north.
15. Taking those factors together, I cannot agree that the proposal would lead to the visual coalescence of Ingleby Barwick and Thornaby. Furthermore, the eastward expansion of Ingleby Barwick across this site and those which adjoin it, is plan-led growth in the area, and those effects must have been considered and found acceptable at plan-making stage. I must also note that the Council has not suggested how or why such visual coalescence, were I to have found that it may occur, would in fact be harmful.
16. I therefore find that the proposal would not result in harmful visual coalescence, and would not conflict with Policy SD8,1(g) of the Local Plan.

Highway matters

17. Although the Council, and Members in particular have expressed concern over levels of congestion and safety on Thornaby Road and Low Lane, there is no evidence to support this view. Indeed, the evidence, accepted by the local highway authority is that although the proposal would add vehicle movements onto the network there is sufficient capacity within it to accommodate the traffic likely to be generated by the development, and this can be done safely.
18. Since the application was originally made, the Thornaby Road and Low Lane junction has been updated with changes made to the signal timings. The positive effect of this on the safety of that junction is borne out by the accident record in the evidence before me.
19. The appellant has committed to delivery of a highway mitigation scheme to provide a segregated left-turn filter on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue Roundabout, despite their suggestion that the need for this improvement is not wholly connected to, or driven by the appeal proposal. I will return to that particular matter later in connection with the Planning Obligation.
20. I therefore find that the proposal would not harm highway safety and convenience and would not therefore conflict with Policies SD8,1(f) and TI1(6) of the Local Plan

Teesmouth and Cleveland Coast SPA

21. The appeal site is within the Tees Catchment and is therefore subject to 2022 Natural England guidance in respect of the unfavourable condition of the River Tees and levels of nitrogen. The proposal would result in an increase in the nitrogen load into the catchment from the site and would therefore have a likely significant effect on the SPA.
22. To address this, the appellant proposes to include an area of woodland planting within the site, which, coupled with the reversion of the agricultural land, will result in no net increase in nitrogen load into the catchment. A woodland management plan is proposed to ensure the ongoing effectiveness of the mitigation. This would be secured by condition.
23. Natural England has been consulted as part of this Appropriate Assessment and has identified that, subject to the mitigation identified and proposed, the integrity of the SPA can be protected and there would be no net increase in nitrogen load into the catchment as a result of the appeal proposal.

Conditions

24. The Council has essentially supplied, in their 2024 report to committee conditions to be attached, should planning permission be granted. Having had regard to the requirements of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance I have imposed those requested conditions.

25. Taken as a whole, I am satisfied that the conditions imposed are necessary amongst other things to ensure the satisfactory appearance, landscaping, layout and scale of the completed development, to ensure that it is appropriately delivered, can be safely accessed, drained, and is acceptable in all other relevant regards. Condition 17 is required to ensure that the effect of the proposal on the SPA is acceptable. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Planning obligation

26. Having considered all of the evidence and tests relating to the planning obligation which accompanies the appeal, it is my view that it should take effect as freely entered into and submitted, including the provision for the Bassleton Beck Bridge for the reasons set out above.
27. Although the appellant has questioned the need for the highways obligation, on the basis that the level of the contribution is disproportionate, their own evidence makes plain that the works delivered by that obligation would improve network conditions and mitigate the residential highway impact of the development.
28. Similarly, although the appellant has questioned the bus service contribution, primary school requirement and left-turn lane obligation, these are all evidence-based, and the obligation is structured in such a way as to allow the flexibility requested by the appellant here. As such, I consider it appropriate to leave those requirements in the obligation as drafted and executed.
29. The contributions set out in the obligation reflect an evidence-based, policy-supported position on contributions which the proposal is required to make and are the ones found acceptable by Officers at the Council and agreed to by the appellant. Whilst it may ultimately be the case that obligations are amended in future, as allowed for under various mechanisms, to my mind this approach is the fairest and most appropriate given the particular circumstances of this site and this proposal.
30. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for the contributions meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that the contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.
31. A signed and sealed agreement under section 106 of the Act has been provided. I am satisfied that this undertaking is appropriate legally and with regard to what it will secure and deliver. On that basis, I consider that the proposal could secure satisfactory and necessary contributions towards the matters identified in the committee report and the bridge connection discussed above.

Conclusion

32. At the time the appeal was submitted, the Council could demonstrate a five-year supply of housing land. However, this site was included within that supply, and it appears that by refusing to grant planning permission on this and other allocated sites, the Council has potentially reduced that level of supply to below five-years. Further, the 2024 revisions to the Framework look likely to significantly increase the amount of housing required in the area, and the Council has confirmed that the Local Plan is now deemed out of date and requires a full update.
33. I also note that the presumption in favour of sustainable development set out in the Framework likely now applies to this proposal. I have found no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Given that, the proposal benefits from that presumption in the Framework, indicating that planning permission should be granted.
34. Taking all of the above into consideration, I find that the proposal accords with the development plan. Not least owing to its allocation within the development plan for the use proposed in the appeal, but also for the specific reasons set out above, including the lack of any justified or evidence-based conflict with the specific development plan policies identified in the Council's decision.
35. I have considered other material considerations but find that none of them are of such weight to indicate that a decision be taken other than in accordance with the development plan. There are however, in the contents of the Framework, material considerations which also weigh significantly in favour of the proposal above and beyond its compliance with the development plan.
36. The appeal should therefore be allowed.

S Dean

INSPECTOR

Schedule of Conditions

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

LTP-2691-TS-06-01-B	23 May 2019
5755_200	26 January 2018
5755_201_F	September 2024
2. Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
4. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
5. No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.
6. No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location, phasing and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.
7. The total number of dwellings authorised by this permission shall not exceed 200.
8. No development shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how the housing in that particular phase of the development will achieve a 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

9. No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of:
 - i. Construction access;
 - ii. Parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate;
 - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
 - vii. A Site Waste Management Plan;
 - viii. Details of the routing of associated HGVs;
 - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.
10. No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.
11. No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the submitted Ecological Impact Assessment (Naturally Wild, January 2018) has been submitted to and been approved in writing by the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.
12. Notwithstanding the information submitted as part of the application the neighbourhood centre (including the community centre) and any associated landscaping and parking provision shall not exceed a total site area of 0.3 hectares. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.
13. No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise and neighbouring commercial uses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

14. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Such details shall be in accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" and include;
- a) Detailed design of the foul water management system
 - b) Detailed design of the surface water management system
 - c) A build program and timetable for the provision of the critical surface water drainage infrastructure
 - d) A management plan detailing how surface water runoff from the site will be managed during construction phase
 - e) The arrangements for the future maintenance and management of the SuDS elements of the surface water system, including:
 - I. Identification of those areas to be adopted and
 - II. Arrangements to secure the future operation of the system throughout its lifetime.

Thereafter the development shall take place in accordance with the approved details.

15. If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.
16. If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required.
17. No development shall commence until full details of the woodland mitigation scheme have been submitted to and been agreed in writing with the Local Planning Authority. Such a scheme shall include details of proposed location; species mix, planting size and densities; and be of a minimum area of 3.8 hectares as detailed on drawing 5755_200 submitted with the Nutrient Mitigation.

The woodland mitigation scheme shall be carried out in accordance with the agreed details and shall be planted prior to the occupation of the hereby approved dwelling. The woodland planting shall be maintained in accordance with the submitted maintenance plan (Rossetta, March 2024).

End of Schedule of Conditions

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Appeal Decision

Site visit made on 11 March 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/H0738/D/24/3355843

51 Goose Pasture, Yarm, Stockton-on-Tees TS15 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Fitzmaurice against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 24/0532/FUL.
 - The development proposed is demolition of attached garage, construction of two storey front and side extensions, single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposals include development that is not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to these aspects of the application. Following my site visit I see no reason to disagree. Therefore, the focus of this appeal is the proposed two storey front extension as referred to in the Council's decision notice.
3. An amended proposed elevations plan was submitted during the course of the planning application showing a change to the roof design of the front extension and a slight alteration to its position on the front elevation. The Council made its decision against the revised plan, and I have made my determination on the same basis. I note that whilst the proposed elevations plan was revised, the proposed floor plans drawing that I have been provided with does not reflect the change in position of the front extension where it is set in from the side elevation of the original dwelling. However, I have enough detail before me to form the basis of my overall planning assessment. Had I been allowing the appeal I would have pursued this matter further with the parties.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and the surrounding area, with particular reference to the two storey front extension.

Reasons

5. The appeal property is a detached dwelling that sits in a generous plot within a residential area. Along with other properties, it is set down at a lower level from the highway that provides access to Goose Pasture. The property is located to the southern part of Goose Pasture, which is characterised by a smaller group of two

storey detached dwellings of varying layout and appearance that form a street frontage. The dwellings are predominantly constructed with red brick and concrete roof tiles. The front elevations of properties in this area are set back from and face towards the estate road and an embankment beyond with mature trees, whilst the rear gardens are bound by the River Tees. The northern part of Goose Pasture comprises a larger group of detached dwellings with varying designs and the layout set on both sides of the estate road. There are also variations in the materials used, including predominantly red and buff brick with some elements of timber cladding. Views of the appeal property and other dwellings in this street frontage are very limited from outside of Goose Pasture.

6. Due to the extent of its projection, width and the overall scale and massing, the proposal would be a substantial two-storey extension to the front of the property. This would be an incongruous addition out of scale and character with the existing property and would have a detrimental visual impact in the immediate area. Although the property is set back from and at a lower level to the estate road, and there are existing hedges to the front boundaries, the extension would be clearly visible from the road and footpath and would adversely impact on the street scene in this part of the estate. In terms of other aspects of the design, whilst a hipped roof can help to reduce the bulk of an extension, I note this is not entirely consistent with the appearance of the appeal property and it does little to reduce the dominance of the extension on the front elevation.
7. I have had regard to the Council's Householder Extensions and Alterations Supplementary Planning Document (2021) (the SPD), and in particular its guidance on front extensions. The immediate area of the appeal site features a staggered and indistinct building line, and in such circumstances the SPD states front extensions are more likely to be appropriate. However, for the reasons set out above, the proposal would not complement the area, match the design features of the original property or avoid being obtrusive.
8. There are variations to the front of properties close to the appeal site, and the appellant makes specific reference to the extent of the additions to the front of 49 Goose Pasture. I noted these were single storey extensions, albeit covering more of the front elevation than the appeal proposal. I do not know the circumstances under which these extensions were constructed or their status with regard to planning permission. As such, they do not provide justification for the effects of the appeal scheme or provide a reason to alter my findings.
9. There is no uniform character in terms of design, and extensions have altered the front elevations of other properties in the immediate area to varying degrees, including some to a much lesser extent than the proposed scheme. However, the proposed development would result in harm due to the overall scale, massing and design as a two storey addition on the front elevation. I therefore cannot draw any direct comparison from other properties with the proposal that would weigh in its favour. The presence of these other examples and variations in design do not justify the harm that I have otherwise found.
10. I conclude that the proposed two storey front extension would be materially harmful to the character and appearance of the host property and the surrounding area. This conflicts with Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan (2019). Amongst other things, these seek to ensure extensions are in keeping with the property and the street scene, and new development will

be designed to the highest possible standard, taking into account the context of the surrounding area. The proposal also conflicts with the SPD for the reasons set out above.

Other Matters

11. I have taken account of the appellant's statement, which sets out their desire for additional space. I also acknowledge the suggested benefits associated with a larger home within the local housing stock, as well as the suggested economic, social and environmental objectives. However, it has not been adequately demonstrated that the development as proposed is the only way to achieve those objectives. In any event, the stated benefits do not outweigh the harm I have identified or alter my conclusion on the main issue.
12. Where the proposal has been found to be acceptable in other respects, for example in terms of flood risk and parking, these are neutral matters and do not weigh in favour of the development.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong

INSPECTOR

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Appeal Decision

Site visit made on 18 March 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/H0738/H/24/3356612

Bus Garage, Church Road, Stockton on Tees TS18 2HW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
- The appeal is made by Wildstone Estates Limited against the decision of Stockton-on-Tees Borough Council.
- The application Ref 24/1505/ADV was approved on 22 October 2024 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is advertisement consent for 1no internally illuminated digital media screen.
- The condition in dispute is No 4 which states that *"In accordance with the submitted information, the hereby approved signage shall be restricted to and shall not exceed the following luminance levels; 300cd/m"*.
- The reasons given for the condition is *"to define the consent"*.

Decision

1. The appeal is allowed and the express consent Ref 24/1505/ADV for advertisement consent for 1no internally illuminated digital media screen at Bus Garage, Church Road, Stockton on Tees TS18 2HW granted on 22 October 2024 by Stockton-on-Tees Borough Council is varied by deleting condition 4 and substituting for the conditions in the attached schedule.

Main Issue

2. The proposal seeks to vary condition 4 to allow for a greater luminance during daytime hours. The main issues are therefore the effect of the proposal on visual amenity and public safety.

Reasons

3. The area surrounding the appeal site is characterised predominantly by commercial buildings in an urban area where numerous advertisements are visible in the street scene.
4. The proposal would allow for brighter luminance levels during the day than at night but would not exceed the maximum daytime luminance values set out in the Institution of Lighting Professionals – Professional Lighting Guide. Given the location of the proposal, its size and proposed illumination levels, the proposal would not have an adverse effect on the character and appearance of the surrounding area. Its proximity and orientation to the surrounding roads would also ensure that the proposal would not distract roads users.
5. Accordingly, I find that the proposal would not have a harmful effect on visual amenity or public safety. The proposal would accord with SD8 of the Stockton-on-

Tees Borough Council Local Plan which seeks new development to be designed to the highest possible standard.

Conclusion

6. Condition 4 is the modified condition that is subject of this appeal and relates to luminance levels. This condition is necessary in the interests of visual amenity and public safety. In addition to the standard time limit condition, I have also imposed conditions relating to approved plans, advert maintenance, and display and image times. These conditions were originally imposed by the Council, and I have imposed them in the interests of visual amenity and public safety.
7. For the reasons given above I conclude that the appeal should be allowed, and the express consent should be varied.

Chris Baxter

INSPECTOR

Schedule of Conditions

1) The permission hereby granted for display of the proposed advertisement shall begun no later than the expiration of five years from the date of express consent Ref 24/1505/ADV.

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

Plan Reference Number	Date Received
SBC00001	28 August 2024
SBC00002	28 August 2024
SBC00004	28 August 2024

3) Any advertisement displayed, and any site used for the display of advertisements shall be:

- a. Maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- b. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- c. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- d. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- e. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

4) In accordance with the submitted information, the hereby approved signage shall be restricted to and shall not exceed the following luminance levels:

- 300cd/m in the hours of darkness; and
- The maximum daytime luminance values set out in table 10.5 of the Institution of Lighting Professionals – Professional Lighting Guide (PLG05) ‘Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m2.

5) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.

6) The sequential change between displays shall be no greater than 1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

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Appeal Decision

Site visit made on 2 May 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5 June 2025

Appeal Ref: APP/H0738/W/25/3360204

Unit 19, 10 St Peters House, Pavilion Shopping Centre, Thornaby TS17 9FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Proudreed Real Estate Limited against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 24/1944/FUL.
 - The development proposed is the change of use from retail (Class E (a)) to a hot food takeaway with associated seating area for consumption of food on the premises (sui generis) and the installation of extraction on rear elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from retail (Class E (a)) to a hot food takeaway with associated seating area for consumption of food on the premises (sui generis) and the installation of extraction on rear elevation at Unit 19, 10 St Peters House, Pavilion Shopping Centre, Thornaby TS17 9FF in accordance with the terms of the application, reference 24/1944/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant's documentation indicates that the proposed development would be predominately a hot food takeaway with some associated seating on the premises for the consumption of food. In the interests of accuracy and consistency, I have amended the development description to reflect this takeaway use. The parties were consulted about the proposed description change and no concerns were raised.
3. For accuracy I have amended the development address to include the retail unit number.

Main Issues

4. The main issue in determination of the appeal is the effect the proposal's non-retail food and drink and other evening economy use would have on the Thornaby Pavilion Shopping Centre and the Thornaby District Shopping Centre.

Reasons

5. The appeal site consists of Unit 19 of the Thornaby Pavilion Shopping Centre (Shopping Centre), and it is part of the Thornaby District Shopping Centre (District Centre). It is currently being used as a post office. It sits to the end of a prominent row of seven units which front the Shopping Centre's car park.

6. The proposal would change Unit 19 into a predominately hot food takeaway with associated seating on the premises for the consumption of food. This use would operate from 11:00 to 23:00 Monday to Sunday.
7. Policy EG 2 of the Stockton-on-Tees Borough Council Local Plan 2019 (Local Plan) seeks to maintain and enhance the vitality and viability of all centres in the Town Centre Hierarchy. It sets out a series of criteria where a change of use, or redevelopment of premises away from retail, including proposals for food and drink and other evening economy uses, would be supported. In relation to proposed food and drink and other evening economy uses, the policy supports proposals which would, amongst other matters, not result in a harmful over-concentration of non-retail use within a cluster of the centre. The policy does not offer a quantifiable threshold for over-concentration.
8. There are currently six units: Greggs; Coopland Bakers; Subway; KFC; Melt Desserts and Big Shawarmz, identified within the Shopping Centre that sell food for consumption. Of these, three were detailed as fast-food outlets. Even with the proposal, the number of units selling food for consumption would still represent a small proportion of the estimated 38 units that exist. The proposal's approximate 139 square metres (m²) of floorspace would also represent a very small proportion of the estimated 29,275 m² retail and leisure floorspace covering the Shopping Centre.
9. Notwithstanding this, the proposal would be grouped with the existing KFC and Big Shawarmz outlets and this group would represent an estimated 43% of the row of units that front the car park. However, from my visit, the grouping of the proposal with these units and the combined floor space, in comparison to the mix of unit sizes across the Shopping Centre, would be quite modest. It would not create a disproportionately large group of fast-food outlet units. It would also, other than some cosmetic changes to the front, maintain the separate unit facades which would limit the units appearing as a prominent group in the row. Combining these aspects with the mix of heights and unit sizes along the row, the proposal's change of use would not cause the units to appear overly dominating nor would it create a significantly high concentration of non-retail or fast-food outlets in the Shopping Centre.
10. In addition to the fast-food outlets in the Shopping Centre, there is also, a McDonalds, Donatello's and Thornaby Fish and Chip shop identified within the District Centre. Despite these units being near to the Shopping Centre units, there is still clear separation to them. From my observations, the proximity and number of fast-food outlets in both the Shopping and District Centres did not appear overly excessive. The proposal would be a very modest change to this, and it would have a correspondingly modest effect. It would not cause an over concentration of non-retail or evening economy uses in the District Centre.
11. There is no substantive evidence presented to show the proposal would, either on its own or in combination with the other non-retail or fast-food units, adversely affect the retail function or purpose of either the Shopping Centre or District Centre, it would not positively contribute to these centres' vitality and viability and it would result in the unjustified loss of a key retail unit.
12. Furthermore, no evidence has been provided to support the view that the proposal would have a harmful effect on the character of the area, the community's ability to

meet its day-to-day needs, crime and anti-social behaviour and highway safety. Nor has any evidence been presented to show concerns raised regarding noise, waste and odour could not be mitigated using planning conditions. These views are supported by the Council and the consultation it carried out with the Highway Authority, the Environmental Health Unit and Cleveland Police.

13. Notwithstanding this, interested parties have raised a number of additional concerns regarding the proposal's effects on littering, devaluing of property, drainage and the health and well-being of local residents and school children.
14. With respect to littering, on my visit I saw little evidence of litter and saw numerous litter bins around the Shopping Centre. There is little to suggest the proposal would unacceptably affect littering and no convincing evidence to the contrary has been presented. In terms of the claims on the proposal's effect on drains, no evidence to support this has been provided. In all likelihood the proposal would be appropriately designed to ensure adequate foul and surface water drainage and that existing drainage systems would not be harmed. Regarding comments concerning the devaluing of property, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.
15. In relation to the concerns raised regarding health and well-being and associated Government's guidance, Paragraph 97 of the Framework sets out that applications for hot food takeaways and fast food outlets should be refused a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour. The Framework's glossary details that reference to a town centre applies to city centres, town centres, district centres and local centres. The proposal would be in the Thornaby District Shopping Centre and as such criterion a) would not apply. Furthermore, no compelling evidence has been presented to show the proposal would unacceptably impact local health, pollution or anti-social behaviour as required by criterion b).
16. While I fully appreciate the importance of promoting health and well-being nationally and locally, especially near schools, there is nothing to suggest the proposal would unacceptably harm these aspects. I also note the Council did not raise this as a concern when considering the application.
17. Taking all the above into account, the proposal would not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the Thornaby Pavilion Shopping Centre and the Thornaby District Shopping Centre. It would also not cause activities in the area that would result in a harmful over-concentration of food and drink and other evening economy uses either as a proportion of the Thornaby Pavilion Shopping Centre and the Thornaby District Shopping Centre overall or as a cluster within them. It would therefore not be contrary to Policy EG 2 of the Local Plan.

Conditions

18. The Council has suggested a number of planning conditions, and the appellant did not dispute these. I have considered these against the advice in the Planning Practice Guidance and have amended some in the interests of precision. I

consulted the main parties regarding these amendments and no concerns were raised.

19. In the interests of certainty, a time limit condition for completing the development and a condition to ensure it is completed in accordance with the approved plans are required.
20. To protect neighbouring residents from noise and disturbance, a condition to limit noise levels and time limit conditions for the premises opening and delivery hours are necessary. Conditions are also required to protect residents and businesses from odour and a pre-commencement condition is necessary to ensure appropriate odour mitigation is considered and completed. Additionally, a condition is necessary to ensure any associated flue is positioned away from any windows.
21. A condition is also necessary to ensure that acceptable storage for refuse and recycling is provided to protect the environment.

Conclusion

22. For the reasons given above and having regard to the matters that have been raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3820-4_L(20)_001 – ‘Location Plan’ dated October 2024;
 - 3820-4_L(20)_020 – ‘GA and Elevations as Existing’ dated October 2024;
 - 3820-4_L(20)_021_A – ‘GA and Elevations as Proposed’ dated October 2024;
 - 3820-4_L(20)_022_A – ‘RCP and Floor Finishes as Proposed’ dated October 2024;
 - 3820-4_L(20)_023 – ‘Electrical Drainage and Travel Distances as Proposed’ dated October 2024;
 - 3820-4_L(20)_024 – ‘Section AA as Proposed’ dated October 2024;
 - 3820-4_L(20)_031 – ‘Internal Elevation 01’ dated September 2024;
 - 3820-4_L(20)_032 – ‘Internal Elevation 02’ dated September 2024;
 - EN_TCB-TCBT(1) – ‘Extraction Detail’ undated; and
 - Image 018 – ‘Extraction Details’ undated.
- 3) Prior to commencement of the development, a detailed report in accordance with ‘IAQM: Guidance on the Assessment of Odour for Planning’ of the ventilation and fume extraction system shall be submitted and approved in writing by the local planning authority. The report shall include a full technical specification of the position of the flue outlet points and the type of filtration or other odour treatment

such as grease traps, pre-filters, Electrostatic Precipitator, Carbon filters and odour neutralizer. The report shall also cover air flow velocity, a maintenance programme for items such as replacement filters and cleaning schedules, the impact of odour upon nearby sensitive receptors and appropriate mitigation measures shall be recommended. The approved ventilation and fume extraction system shall thereafter be retained and maintained in working order for the duration of the development's use.

- 4) The flue shall be positioned no less than 1 metre above the eaves of the original building and positioned at least 2 metres away from any openable window.
- 5) Prior to the first occupation of the development hereby permitted details of the method of storage (including locations) and arrangements for collection of waste and refuse from the premise shall be submitted and 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.
- 6) The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB 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 submitted and approved in writing with the local planning authority.
- 7) The development hereby permitted shall not be open to customers outside the hours of 11:00 and 23:00 Monday to Sunday.
- 8) No deliveries shall be taken at or be dispatched from the development hereby permitted outside the hours of 07:00 and 22:00.

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Appeal Decision

Site visit made on 2 April 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/H0738/D/25/3360879

8 Priorwood Gardens, Ingleby Barwick, Stockton-on-Tees TS17 0XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Ford against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/2216/FUL.
 - The development proposed is attic conversion to include raising of the roof. Front and rear single storey extensions and conversion of garage.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been submitted by Mr M Ford which is the subject of a separate decision.

Preliminary Matters

3. Whilst the application was refused in part because of the effect of the proposal on the character and appearance of the dwelling and the area, there is no dispute between the main parties regarding the single storey extensions and conversion of the garage. This is the basis on which I have determined the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area; and
 - whether the proposal would provide acceptable living conditions for the occupiers of No 10 Priorwood Gardens (No 10) with regards to privacy and outlook.

Reasons

Character and appearance

5. The appeal property is a modern, detached, two-storey dwelling on a residential estate of mainly detached houses. It is constructed of brick with some render and an extended gable feature at 1st floor level, with a tiled, pitched roof. Next to the house is a detached, single storey, double garage, with a hipped roof and a driveway. The site has a garden to the front and rear. On the other side of the

house is a single garage with a pitched roof and tarmac driveway, owned by No 10, a detached bungalow.

6. The appellant contends that allowing an increase in the height of No 4 Priorwood Gardens, (No 4)¹, with a roof pitch of 42°, including dormer windows to front and rear, set a precedent. However, Priorwood Gardens slopes downwards from the junction with Beckfields Avenue, and No 4, sited between two dwellings with front gable elevations, does not appear out of scale with the existing streetscape.
7. I saw the variety of designs and scale of properties in the vicinity of No 8, including the differing roof heights, as well as the gable elevation of No 2 Strome Close, opposite the site. However, the proposal would increase the ridge height of the house by 2.4 metres so that the apex would be 9.5 metres in height and include the enlargement of the front gable projection. This would change the current roof pitch of 25° to 45°. Whilst the proposal would provide additional floor space in the roof and would not satisfy building regulations if the height was reduced, the increase and overall height would appear to be much greater than found in other properties nearby.
8. The appeal site is downslope and at the end of a row of four detached properties, (Nos 2-8), close to the corner of Priorwood Gardens. The corner plot is occupied by No 10 which has an extensive front garden, whose sweeping lawn extends from the front to the side and follows the curve of the road. However, as No 10 is set well back from the road, No 8's side elevation is highly visible within the adjoining area.
9. Consequently, raising the height of the property by 2.4 metres would result in an increase in the massing of the enlarged gable elevation. Whilst the small garage at No 10 visually breaks up the side elevation of No 8 and is closer to the bungalow than the proposed development, the proposal would be overly dominant in this prominent corner location. Moreover, and notwithstanding the height of other houses in the vicinity, it would be out of scale and character to surrounding properties.
10. Furthermore, when viewed from the front, the proposed roofscape of No 8 would appear oversized and bulky. Whilst the gable feature would, in part, break this up, this is much larger than the existing feature. Although rooflights, rather than dormers, have been proposed, the steep pitch, seemingly steeper than properties nearby, would harm the appearance of the house and appear incongruous in this location.
11. I therefore conclude that the proposal would harm the character and appearance of the host dwelling and the surrounding area. It would conflict with Policies SD3 and SD8 of the Stockton-on-Tees Local Plan, 2019 (LP). These policies support domestic extensions where they are in keeping with the property and appropriate to the surrounding area, including in terms of style and proportion.

Living conditions of No 10

12. The bungalow at No 10 is positioned at right-angles to the side elevation of No 8. However, the differences in adjoining land levels means that the bungalow is sited

¹ Ref 20/1663/FUL

much lower than No 8 and its rear garden. To overcome the changes in levels, the rear garden of No 10 has been terraced.

13. Whilst the proposed development would not result in any overlooking of the rear of the bungalow or garden, and affect their privacy, the increase in height of No 8 by 2.4 metres would be apparent and appear overbearing to the occupiers of No 10, particularly when sitting in their conservatory, which is located on the side elevation, or using the adjoining patio and garden.
14. The main parties refer to the proposal being between 11 and 11.7 metres from the rear elevation of No 10. Whilst this distance may technically accord with the Council's Householder Extensions and Alterations Supplementary Planning Document, 2021 (SPD), and there are no windows on the proposed side elevation of No 8, the SPD does state that these distances will increase if there is a variation in ground levels between the properties or a difference in the number of storeys. No 10 is a bungalow, adjoining, and at a lower level than a two-storey house. Consequently, this increase in height would be more acute and appear dominant at the rear of No 10. This would harm the outlook of the occupiers.
15. I therefore conclude that the proposed development would result in moderate harm to the living conditions of the occupiers of No 10 with regards to outlook. It would conflict with LP Policies SD3 and SD8 which together requires new development to not harm the amenity of residents of neighbouring properties.

Other Matters

16. The proposed development would not result in any flood risk, or other environmental and ecological concerns. Whilst it would provide some economic benefits during the construction of the proposal, these would be limited and would not outweigh the other concerns that I have identified.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the National Planning Policy Framework, that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

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Appeal Decision

Site visit made on 16 June 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Appeal Ref: APP/H0738/W/25/3363051

8 Bankside, Yarm, Stockton-on-Tees TS15 9RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Darren Crompton against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/0904/OUT.
 - The development proposed is described as 'dividing the area of land to form a new four bedroom house with double garage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As no agreement has been provided for changing the development description shown on the application form, I have used this with some minor changes for correctness in the above header.
3. The application is an outline application with all matters reserved and as such I have considered the proposed plans for the house as only indicative.
4. In support of the appeal a new revision, revision C, of Drawing 9016/(-9)02 has been submitted. This drawing does not fundamentally change the indicative proposal but shows dimensions between it and existing housing. As the Council and Interested Parties have had the opportunity to comment on the information through the appeal process then, having regard to the Holborn¹ principle, I am satisfied that there would be no risk of prejudice if I take this information into account.

Main Issue

5. The main issue in the determination of the appeal is the proposed development's effect on the character and appearance of the area.

Reasons

6. Bankside is a cul-de-sac which has a fairly straight road alignment and serves housing on both sides of the road. The houses are generally set within large plots and have generous and mostly open frontages, consisting typically of verge, drives and gardens. To the end of the cul-de-sac there is a turning head which has grass and some low planted gardens to its sides and end and there are several larger

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

trees to the garden boundaries. Together, these aspects give the cul-de-sac a wide, open and substantially green street scene and there are reasonably open views across the end gardens, the turning head and boundary trees.

7. The appeal site is the side garden to 8 Bankside (No 8) which is located at the end of the cul-de-sac and bounds one side of the turning head.
8. The proposal would consist of a new dwelling with attached garage. Even though the application is in outline, it is advised that the proposed house has been designed to act as a visual 'end-stop' to the cul-de-sac.
9. While I appreciate the design concept, the positioning of the proposed house to the front of the plot, with no significant open or green frontage, would not be an attractive or positive addition to the cul-de-sac. Unlike the existing mix of house types on the cul-de-sac, the proposed house would be a highly prominent and incongruous addition which would unbalance and significantly harm the existing pleasant street scene and open views.
10. It is advised that the 'end-stop' design concept is generally encouraged in urban design to curtail viewers distant sightlines. However, in this case it is the wide and open views that are an integral part of the attractiveness of the street scene. In this case restricting these would not be appropriate.
11. Due to the outline nature of the application, the proposed layout and house type detailed on the drawings are only indicative and could be changed at the reserved matters stage. However, to maintain the existing character and appearance of the cul-de-sac, in all likelihood a more extensive and greener form of house frontage would be required. This would inevitably result in the proposed house needing to be positioned towards the rear of the appeal site, away from the street which would significantly reduce the space to the rear and side boundaries. As such, even though the appeal site is some 426 square metres (m²) in size, the proposed house would in all probability appear very constrained. As the existing housing and the retained No 8 sit in more spacious plots, ranging from approximately 620m² to 940m², even with the use of similar house styles and materials to the existing housing along the cul-de-sac, the proposed house would appear significantly restricted and different in terms of character and appearance. I am therefore not convinced that an acceptable design could be achieved which would prevent harm to the character and appearance of the area and there is little substantive evidence provided to show otherwise.
12. In conclusion, the proposal would significantly harm the character and appearance of the area, and it would be contrary to Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (Local Plan) and Paragraph 135 of the National Planning Policy Framework (the Framework). These seek, amongst other matters, to ensure new development is visually attractive and responds positively to the character and sensitivity of the surrounding buildings and landscaping.

Other Matters

13. The appeal site is identified as not being in the Green Belt, is in a low flood risk area and would not affect any environmental, ecological or landscape designations. It is further noted that the proposal would meet nutrient neutrality requirements, not cause overshadowing or loss of natural light to neighbouring properties, not unacceptably affect trees, provide the Council's parking

requirements and design changes could be undertaken to address potential adverse effects from overlooking and loss of privacy. Furthermore, no objections have been raised regarding the proposal by the Council's Highway, Transport and Design Manager and Environmental Health Units, Natural England and Northern Gas. However, while these points are appreciated, they are neutral factors which do not justify or outweigh the significant harm the proposal would have to the character and appearance of the surrounding area.

Planning Balance and Conclusion

14. Reference is made that the proposal would meet a variety of the policies and paragraphs set out in the Local Plan and the Framework. It is also contended that the proposal would be consistent with the guidance detailed in the Stockton-on-Tees Supplementary Planning Document 1: Sustainable Design Guide 2011. However, due to the identified harm the proposal would cause, it would not accord to the Local Plan or Framework when these are considered as a whole.
15. Furthermore, given the environmental harm to the character and appearance of the area, the development would not amount to a sustainable form of development as set out in Paragraphs 7 and 8 of the Framework. Also, little substantive evidence has been presented to show Policy SD8 of the Local Plan is not relevant or that it is out-of-date and as such there is little reason to suggest Paragraph 11(d) of the Framework is engaged.
16. The proposal would result in the creation of one residential house which could be completed reasonably quickly and would provide social and economic benefits through job creation, construction and would add to the range of housing along the cul-de-sac. However, these housing benefits would be small, and the proposal would only modestly boost housing supply. These would therefore only weigh moderately in favour of the proposal. In spite of the benefits, as detailed above, the proposal would significantly harm the character and appearance of the area, and this significantly weighs against it. Consequently, the proposal's significant harm would not be outweighed by the moderate benefits.
17. For the reasons given above, and having had regard to the matters raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR

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Costs Decision

Site visit made on 8 April 2025

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Costs application in relation to Appeal Ref: APP/H0738/W/24/3355724 Land Adjacent to Low Lane and Thornaby Road, Ingleby Barwick, TS8 0BW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs I & D J Snowdon for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for up to 200 homes and including provision of a neighbourhood centre, multi-cultural centre, primary school, extension to Maltby Cricket Club, open space and means of access.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 49 of the PPG, which sets out a non-exhaustive list of behaviour which may give rise to a substantive award against a local planning authority effectively details much of the Council's behaviour in respect to the substance of the matter under appeal.
4. The Council has, by refusing to grant outline planning permission in this case and then defending this appeal managed to demonstrate many of the behaviours in that list, such that it would be further wasted time to list them, beyond simply noting that they are set out in the applicant's claim for costs and the PPG.
5. Members are of course not bound to accept the recommendations of their Officers, and defending an appeal following the refusal of such a planning application is, of course, not unreasonable in itself.
6. However, if professional or technical advice is not followed, then reasonable planning grounds for taking a decision contrary to those recommendations need to be provided supported by relevant evidence.
7. The Council themselves acknowledge that this is a difficult task as the decision was taken on the basis of individual judgement, Members' own observations and knowledge. However, that does not absolve the Council of the need to produce, or even attempt to produce evidence to substantiate each reason for refusal, and give a clear, specific and accurate assessment of the impacts.
8. The Council did not do this in this case.

9. No substantial evidence was submitted to support the reasons for refusal, or properly explain why a development proposal for a site allocated in the local plan, clearly subject to developer interest, and adjoining occupied and under-construction parts of the same allocation was refused planning permission.
10. This behaviour is plainly unreasonable with respect to the substance of the matter under appeal, that is, a development on a site allocated for it in the development plan, and has clearly caused unnecessary or wasted expense to the applicant to the degree set out in their application.

Conclusion

11. The criteria for an application for an award of costs has two limbs. Firstly, a party must behave unreasonably. It has been established above that the Council did so.
12. The second limb of the test is that that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process. I find that it is clear that it has. As a result of the actions of the Council the applicant has been put to the expense of submitting an unnecessary appeal.
13. I therefore find that the Council has demonstrated behaviour in their handling of the appeal which was unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense.
14. The application for a full award of costs should therefore be allowed.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Stockton-on-Tees Borough Council shall pay to Mr & Mrs I & D J Snowdon the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The applicant is now invited to submit to Stockton-on-Tees Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Dean

INSPECTOR



Costs Decision

Site visit made on 2 April 2025

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Costs application in relation to Appeal Ref: APP/H0738/D/25/3360879

8 Priorwood Gardens, Ingleby Barwick, Stockton-on-Tees TS17 0XH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr M Ford for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for proposed attic conversion to include raising of the roof. Front and rear single storey extensions and conversion of garage.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant contends that the Council did not substantiate each reason for refusal, and did not objectively analyse the application, which should have been approved. Consequently, an appeal, which has required employing a planning consultant, has been necessary. Moreover, they contest the two reasons for refusal, concluding that the Council has been inconsistent as there are varying heights and scales of properties in the area, and they have already granted planning permission to raise the roof of No 4 Priorwood Gardens, close to the site.
4. With regards to the second reason for refusal, the applicant claims that the distance between the gable wall of the appeal site and the nearest window of No 10 Priorwood Gardens would achieve the Council's gable to window separation distance of 11 metres¹, and it would not have a demonstrable overbearing impact on the occupiers.
5. The Council's officer report clearly sets out the differences between increasing the height of this proposal and other properties in the area, which they did not consider to be directly comparable. Additionally, whilst the proposal would be 11 metres from the rear of No 10 Priorwood Gardens, the SPD sets out that this is a minimum separation distance which is increased if there is a variation in ground levels

¹ Householder Extensions and Alterations Supplementary Planning Document, 2021 (SPD)

between properties and a difference in the numbers of storeys. It states that the separation distance should be increased by 3 metres for every 1 metre rise in ground level. In this instance, No 8 is much higher than No 10. Moreover, I have found that the height of the proposal would harm the living conditions of the occupiers of No 10, as well as harming the character and appearance of the host dwelling and the area. On this basis, I dismissed the appeal.

6. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

M J Francis

INSPECTOR