

Planning Committee

A meeting of Planning Committee was held on Wednesday, 6th October, 2010.

Present: Site Visit 5/10/2010 - Cllr Fred Salt (In the Chair), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Dick Cains (vice Cllr Rix), Cllr Terry Laing (vice Cllr Broughton), Cllr Bill Noble, Cllr Mrs Maureen Rigg, Cllr Andrew Sherris (vice Cllr Mrs Beaumont)

Meeting 6/10/2010 - Cllr Fred Salt (In the Chair), Cllr Hilary Aggio, Cllr Jim Beall, Cllr Dick Cains (vice Cllr Rix), Cllr Ken Dixon (vice Cllr Kirby), Cllr Paul Kirton, Cllr Terry Laing (vice Cllr Broughton), Cllr Miss Tina Large, Cllr Bill Noble, Cllr Mrs Maureen Rigg, Cllr Andrew Sherris (vice Cllr Mrs Beaumont), Cllr Steve Walmsley

Officers: A Bishop, K Campbell, S Grundy, B Jackson, R McGuckin, Mrs J Roberts, P Shovlin, Ms C Straughan (DNS); Miss J Butcher, Mrs T Harrison (LD)

Also in attendance: applicants, agents, objectors and members of the public

Apologies: Site Visit 5/10/2010 - Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Tina Large, Cllr Ross Patterson, Cllr Roy Rix, Cllr Steve Walmsley

Meeting 6/10/2010 - Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Jean Kirby, Cllr Roy Rix

P 60/10 **Declarations of Interest**

Cllr Noble declared a personal non prejudicial interest in relation to planning application 10/1809/FUL - Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees, New two storey teaching block extension linked into the rear of an existing maths teaching block to provide a mixture of science and IT labs to replace existing labs within the college due to the fact that his granddaughter attended the sixth form college.

P 61/10 **The minutes of the meetings held on 23rd June 2010, 14th July 2010 and 4th August 2010**

The minutes were signed by the Chair.

P 62/10 **10/1809/FUL Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees New two storey teaching block extension linked into the rear of an existing maths teaching block to provide a mixture of science and IT labs to replace existing labs within the college.**

A site visit took place prior to the meeting.

The application was returned to Members for consideration following the resolution to defer the application for a site visit at the previous meeting on the 15th September 2010.

The application site lay within the southern area of the college site with residential properties immediately to the south (Chivers Court and Meridian Way). The Sixth Form College site lay on the corner of Oxbridge Avenue and Bishopton Road West. The playing fields occupied the eastern area of the site, adjacent to Oxbridge Avenue. The existing college buildings occupied a central location within the site and main parking provision in the western area of the

site.

Planning permission was sought for the erection of a two storey teaching block extension in the southern area of the college site to provide a mixture of science and IT laboratories, the proposed building would link into the maths building. The proposed laboratories were to replace existing laboratories within the college (which were to be mothballed pending future redevelopment) and did not aim to increase the maximum number of students enrolled within the college.

Officers considered the proposed development to be visually acceptable and would not have any significant impacts on the amenity of the neighbouring occupiers or pose any significant threat to highway safety. The proposed development was therefore considered to be acceptable in planning terms.

Objectors understood that the college required extension but objections were raised at the proposed siting of the extension as their gardens and rooms would be overlooked. It was noted that the proposed landscaping would not be sufficient to protect privacy. The proposed extension would be large and overbearing.

Discussions took place regarding re-routing the footpath as the proposed footpath would take students over raised earth that would allow clear views into people's homes. It was agreed that the path would be redirected.

Discussion took place regarding the possibility of planting landscaping prior to beginning the build to allow growth as opposed to landscaping after completion of the build; however it was advised that it would not be possible to make it a condition that these occurred before work commenced and the season for planting would be the first one, once the build had begun.

Discussion took place regarding water run off with Members requesting a condition be added to the application to deal with the issue; however Members were advised that the water run off related to the previous building but the new building should correct the issue.

Officers addressed concerns raised by local Ward Councillors at the close proximity of a laboratory building to residential properties, whether all residents surrounding the site had been consulted and whether an alternative location could be found on the site. Officers advised that experiments carried out in the laboratory would not be hazardous and confirmed that all residents directly facing onto the site had been consulted. In relation to alternative locations, other locations had been considered and ruled out due to access issues and service pipes and cables which would be too costly to re-route.

Resolved that planning application 10/1809/FUL be approved subject the inclusion of an additional condition to ensure the re-routing of the footpath to between the landscaping mound and the school buildings and the conditions contained in the report and update report, therefore the conditions are as follows:

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

2. The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
S2010	9 July 2010
G7-001 REV B	9 July 2010
G4-301 REV C	9 July 2010
G4-302 REV C	9 July 2010
G24-P-001	9 July 2010
G25-E-002 REV A	9 July 2010
G25-P-001 REV B	9 July 2010
G25-E-003	9 July 2010
G25-X-001 REV A	9 July 2010
G25-X-002	9 July 2010
G1-P-002	13 July 2010

3. Materials;

Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

4. Hard Landscape works;

Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings, public art and street furniture).

5. Soft landscaping works;

Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas and mounding. The works shall be carried out in accordance with these details and within the first planting and seeding season following commencement of the development. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

6. Landscape maintenance;

Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall

include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

7. External lighting;

Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

8. Site and floor levels;

Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

9. Construction Activity;

No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

10. 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.

11. Tree Protection

Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

12. Renewables / CO2

No development shall take place until the Local Planning Authority has approved in writing a report to be provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by a minimum of 10% through either the use of on-site renewable energy equipment or through improved plant and machinery. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. The approved scheme shall be implemented and brought into use within 3 months of the development hereby approved being brought into use and shall remain in place and operational in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

13. Footpath link to sports pitches;

Notwithstanding any description submitted as part of the application a detailed scheme showing the location of the footpath link from the sports hall to the sports pitches shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall detail the footpath link being positioned to the north of the landscaping and mounding. The agreed scheme shall be implemented in full accordance with these agreed details and retained for the life of the development.

**P
63/10**

10/1778/FUL

**Land North Of Blair Avenue, Ingleby Barwick, Stockton-on-Tees
Part retrospective application for mixed use development comprising
81no. bedroom residential care home, 2no. sheltered accommodation
units containing 24no. apartments and associated access, parking and
landscaping.**

Members were reminded that at the 15 September 2010 Planning Committee Members resolved that they were minded to refuse planning permission for the above development on four grounds, namely:-

Reason 1

In the opinion of the Local Planning Authority the proposed development would be contrary to policy CS8 3. of the adopted Stockton on Tees Core Strategy as higher density development was considered to be inappropriate in Ingleby Barwick due to the impact on traffic generation, and would therefore be an over development of the site.

Reason 2

In the opinion of the Local Planning Authority the proposed development was contrary to the guidance in Planning Policy Statement 1 that Design which was inappropriate in its context, or which failed to take the opportunities available for improving the character and quality of an area and the way it functioned, should not be accepted and developments should be designed as places where people would wish to live and include good amenity space. The proposal was considered to be overdeveloped and therefore deficient in amenity space for the residents and was not considered to result in good design or good planning contrary to Government advice in PPS1 Delivering Sustainable Development.

Reason 3

In the opinion of the Local Planning Authority the proposed development would be contrary to saved Policy HO3 (6) of the adopted Stockton on Tees Local Plan 1997 in that inadequate on site car parking provision was proposed in the interests of highway safety.

Reason 4

In the opinion of the Local Planning Authority the proposed development would be contrary to policy CS 3 paragraphs 1, 2,3,4,5, of the adopted Stockton on Tees Core Strategy in that no evidence had been submitted that these requirements would be met:

1. All new residential developments would achieve a minimum of Level 3 of the

Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments would be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of "very good" up to 2013 and thereafter a minimum rating of "excellent".

3. The minimum carbon reduction targets would remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it was expected that developers would aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this was not possible, or the targets were not met, then on-site district renewable and low carbon energy schemes would be used. Where it could be demonstrated that neither of these options were suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme would be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements would be provided, on site, from renewable energy sources.

The report noted that as the decision would be contrary to the recommendation made to committee by the Head of Planning, the Head of Planning and Principal Solicitor agreed that the Protocol for Decisions Contrary to Officers Recommendation should be invoked to give further consideration to the reasons for refusal. The determination of the application was deferred and the Protocol required that the application be reported back to this Planning Committee for Members to give consideration to any further advice from Officers before making a final determination.

In consultation with the Head of Planning, Principal Solicitor, Corporate Director of Development and Neighbourhood Services and Director of Law and Democracy the following advice was offered to members should they be minded to refuse the application to ensure the reasons for refusal were reasonable and could be supported on appeal.

With regard to Reason 1, higher density development was not considered appropriate in Ingleby Barwick due to the impact on traffic generation. However, as reported, the proposed development would have a lower traffic generation than previously approved schemes on this site. Furthermore it should be noted that the site conformed with the location criteria for flats in SPG4 'High Density Development: Flats and Apartments April 2005. It was within the limits to development of Ingleby Barwick; on previously developed land; within 500m of a main bus route and within 500m of the Myton Way Local Centre. In addition it was noted that as of June 2010 density requirements had been removed from PPS3 Housing. Therefore it was considered that in these particular circumstances the proposal by generating less traffic than the previously approved scheme did not conflict with the Core Strategy policy. CS8.3 and the areas of concern related more to the proposed second reason for refusal.

With regard to Reason 2 it was recommended to include PPS3 as well as PPS1 as applicable policy that was a material planning consideration as PPS3 was also concerned with providing good design in housing developments including access to sufficient amenity space.

With regard to Reason 3 the parking provision as set out in the SPD3 had been reviewed by Officers and it had been found that the current guidance levels were insufficient in similar developments elsewhere in the Borough. The review had also examined available data in relation to car ownership and the client population. It was therefore proposed to increase the current maximum standard in line with the research and consultation will commence early Autumn on all changes to SPD3.

However the proposal met the existing standards through the adopted SPD3 which would be the document relied upon at appeal. Members must also be mindful of PPG13 Transport and PPS4 Planning for Sustainable Economic Growth which both required local planning authorities to, amongst other things, encourage the use of public transport and reduce carbon emissions, in effect by minimising the levels of car parking available and reducing the reliance on the private car. It was accepted that measures to encourage sustainable modes of transport were available for the elderly in the form of bus passes, this however did not appear to affect the levels of car ownership. A local planning authority must have justifiable planning reasons and evidence why they were departing from that guidance, given the proposal was considered to have adequate car parking in the opinion of the Head of Technical Services and there was no significant evidence to the contrary Reason 3 was not considered to be sustainable.

Members could wish to consider whether it was appropriate to use Reason 4 in a refusal relating to Core Strategy Policy CS3 when this could be dealt with by a condition on an approval and was also dealt with under the Building Regulations which would change on 1st October 2010 to include greater levels of sustainable building and energy conservation. Therefore it was considered that this reason for refusal could not be sustained as it was covered by other legislation and could be conditioned to make it acceptable.

Officers recommended that the planning application 10/1778/FUL be Approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the conditions presented to Members at the 15 September 2010 Planning Committee with an additional condition requiring the development to comply with paragraphs 1 to 5 of Core Strategy 3. In the event of the legal agreement having not been signed prior to the 8 October 2010 that the application be refused.

A spokesperson on behalf of the applicant noted that the application was acceptable in planning terms and therefore if the application went to appeal the Council would lose the appeal and be required to pay costs.

The Principal Solicitor for Planning Committee advised that as the officer's recommendation was for approval of the application, unless there was a motion for refusal a vote for approval would have to be taken first. If a motion for refusal was made it would be on the ground referred to in the report being:-

"In the opinion of the Local Planning Authority the proposed development is contrary to the guidance in Planning Policy Statement 1 and Planning Policy Statement 3 that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted and developments should be designed as places where people will wish to live and include good amenity space The proposed site is considered to be overdeveloped and therefore deficient in amenity space for the residents and is not considered to result in good design or good planning contrary to Government advice in PPS1 Delivering Sustainable Development and PPS3 Housing."

Unless a motion to amend the reasons for refusal was proposed.

Members raised concerns regarding the inclusion of a care home in the application due to the absence of amenities especially in the immediate vicinity. Members felt that the requirement for a 106 agreement was an indication that care home residents did not have the amenities they deserved on site or on their doorstep.

A motion was moved to refuse the application on the ground referred to above relating to insufficient amenity space. The motion was seconded therefore the application was put to the vote on the basis of refusal.

RESOLVED that planning application 10/1778/FUL be refused for the following reason:-

In the opinion of the Local Planning Authority the proposed development is contrary to the guidance in Planning Policy Statement 1 and Planning Policy Statement 3 that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted and developments should be designed as places where people will wish to live and include good amenity space The proposed site is considered to be overdeveloped and therefore deficient in amenity space for the residents and is not considered to result in good design or good planning contrary to Government advice in PPS1 Delivering Sustainable Development and PPS3 Housing.

P 10/2110/RET
64/10 542 Thornaby Road, Thornaby, Stockton-on-Tees
Revised retrospective application for conversion of existing dormer bungalow into two storey dwelling and erection of single detached garage.

Members were provided with report regarding the application site of 542 Thornaby Road; it was located on a main road and within a row of other detached dwellings. The applicant sought retrospective planning consent for revised works for the conversion of the property into a two-storey dwelling and the erection of a single garage to the rear.

Permission had previously been granted and the majority of the works had been carried out, however the applicant now sought to make amendments to the scheme. The amendments included the use of the loft space as 2 bedrooms,

the installation of 1 window in each side gable, the installation of velux roof lights in the rear and the removal of 1 first floor window in the rear elevation. These works had been carried out, with the exception of the velux roof lights.

The planning application had been publicised by means of individual letters and 8 objections had been received from 7 different properties and 1 letter of representation had also been received. The main reasons for the objections related to loss of privacy from the additional windows and concern over the potential use of an existing flat roof extension as a balcony area. Concern had also been raised regarding the carrying out of works without first gaining planning permission.

The main planning considerations related to the impact upon the street scene and character of the area, any impact upon the amenity of neighbouring occupiers and highway safety.

It was considered that overall the proposed development would not have a detrimental impact on the amenities of the area and was in accordance with saved policy HO12 of the Stockton on Tees Local Plan and Policy CS3 of the Stockton on Tees Core Strategy.

A friend of the applicant advised that the applicant had communicated with the planning department whilst continuing to build. The friend advised that level 5 obscured glass had been installed into the windows in the gables which prevented any clear view through the window and the windows in the roof could not over look anything.

An objector advised that the conversions had infringed on his privacy and overlooked his property. The objector advised that changes were made a day before the end of the consultation. The objector felt that retrospective applications were a fiasco and requested that there were no more changes to the property.

The Ward Councillor advised that that he did not agree with retrospective planning applications but he had withdrawn his objection only on the grounds that the windows put in the gables would always remain obscured and there would only ever be a juliet balcony.

Officers clarified that they believed the levels of glass obscurity ranged from 1 to 7 with 7 being the highest level of obscurity.

Members queried the number of bedrooms compared to the number of parking spaces and were advised that the number of rooms was 6 and the number of parking spaces were 4. The new regulations would require 5 parking spaces, however this application fell under the old regulations so the parking provision was sufficient.

Members were happy to approve application on the proviso that the windows remained obscured and the balcony remained a juliet balcony.

Members queried whether neighbours would receive letters advising who to contact if the conditions were broken but officers advised that it would not be necessary as residents were aware as to who should be contacted.

RESOLVED that planning application 10/2110/RET be Approved with Conditions subject to

1. The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
SBC0003	2 September 2010
BUTLER/10	18 August 2010
SBC001	11 August 2010
SBC002	11 August 2010
BUTLER/01C	24 September 2010

2. The Juliet Balcony railings shall be installed in accordance with drawing no. BUTLER/01C DATED 24th September 2010 and retained for the life of the development hereby approved.

3. The obscurely glazed windows within the northern and southern elevations shall be retained for the life of the building.

4. Notwithstanding any details submitted as part of this application, the existing flat roof of the rear extension shall not be used for recreation or any purposes other than the maintenance of the property.

P 10/1847/LA
65/10 Bewley Infant School, Low Grange Avenue, Billingham
Proposed extensions, alterations and associated external works to include demolition of junior school block and closure of existing section of public footpath between the schools.

Members were provided with a report which advised that planning permission was sought for the erection of extensions, alterations and external works to the existing Infants School to allow the Infant and Junior School to amalgamate. The existing Junior School would be demolished and the space used to extend the existing staff car park. A footpath ran north to south through the two schools and this would be closed to the public.

There had been two letters of objection received, mainly relating to the impact of the development on traffic in Low Grange Avenue.

The planning merits of the proposed development had been carefully assessed and the proposal accorded with the relevant policies in the core strategy and local plan and was considered to be acceptable.

Discussion took place regarding whether there was a need to add a condition into the planning application for a travel plan, however officers advised that as two schools would be merging the school would have to provide a new travel plan anyway.

Members raised concern regarding parking but were advised that the access points would be modified. Once the new school opened if current habits remained with parents, it would not be a problem, however if problems occurred officers could then put traffic restrictions in place.

RESOLVED that planning application 10/1847/LA be Approved with Conditions subject to:

Approved Plans

1. The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
ARC1154/100	14 July 2010
ARC1154/101	14 July 2010
ARC1154/102	14 July 2010
ARC1154/103	14 July 2010
ARC1154/104	14 July 2010
ARC1154/105	14 July 2010
ARC1154/106	14 July 2010
ARC1154/107	14 July 2010
ARC1154/108	14 July 2010

Materials

2. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted including render and colour and cladding details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Surface Water Drainage

3. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Details of Footpaths and Delivery Areas

4. Notwithstanding the submitted plans, prior to commencement of works on site, full details of the proposed pedestrian access and layout of the delivery area from Low Grange Avenue and pedestrian access from the car park at Wolviston Back Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Cycle Parking

5. Prior to the occupation of the development hereby approved, a scheme setting out the location and design details of secure, covered cycle parking for

10 bicycles and additional uncovered secure cycle storage shall be submitted to, for consideration and approval by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the buildings hereby permitted, unless the written prior agreement of the Local Planning Authority is obtained.

Landscaping - Softworks

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

- a) commencement of the development
- b) or agreed phases
- c) or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Maintenance – Soft works

7. Notwithstanding the proposals detailed in the submitted plans A soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the

- a) development
- b) or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Landscaping - hardworks

8. Notwithstanding the proposals detailed in the submitted plans No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finish and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the

approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Retention of existing trees, shrubs and hedges

9. Notwithstanding the submitted plans, no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

Tree protection

10. Notwithstanding the proposals detailed in the submitted plans no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Retained trees prohibited works

11. All existing trees/hedgerows on the site and within 10m of the site boundary should be protected during the site works in accordance with the provisions of B.S.5837:2005 Trees in relation to construction. A written undertaking to meet the requirements of tree protection should also be submitted, which should include the following:

- No work shall commence until the approved Tree Protection Barriers are erected.
- No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.
- No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree or within the Root Protection Zone.
- No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.
- No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.
- No unauthorised trenches shall be dug within the Root Protection Zone.
- No alterations or variations to the approved works or tree protection schemes

shall be carried out without the prior written approval of the Local Planning Authority.

Location of site works

12. In order to protect all the existing trees on site worthy of retention sufficient space must be assigned for all site activities and indicated on a site plan to be submitted and approved in writing by the Local Planning Authority. No works will be allowed in the root protection area of any retained tree without agreement with the Local Planning Authority. Consideration should be given to:

- Construction and /or Demolition zones
- Site access
- Location of site signage
- Material storage
- Parking for the duration of the works
- Space for temporary construction buildings (offices)
- Installation of underground services
- Grading and storage of soil
- Use of temporary fencing

Existing and proposed levels

13. Notwithstanding the proposals detailed in the submitted plans prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

Means of Enclosure

14. Notwithstanding the proposals detailed in the submitted plans, prior to the commencement of development, details of the means of enclosure including those proposed around the play areas and car park shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

Street furniture

15. Notwithstanding the proposals detailed in the submitted plans, prior to the commencement of development, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

Scheme of illumination

16. Notwithstanding the proposals detailed in the submitted plans, full details of the method of external illumination including siting, angle of alignment; light colour and luminance of buildings facades and external areas of the site,

including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Unexpected land contamination

17. 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 prepared, which is subject to the approval in writing of the Local Planning Authority.

Renewables / CO2

18. No development shall take place until the Local Planning Authority has approved in writing a report to be provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by a minimum of 10% through either the use of on-site renewable energy equipment or through improved plant and machinery. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. The approved scheme shall be implemented and brought into use within 3 months of the development hereby approved being brought into use and shall remain in place and operational in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Construction Noise

19. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

**P
66/10**

- 1. Appeal - Mr D Lake - 57 - 59 Grays Road Stockton - 09/2005/OUT - DISMISS AND REFUSE PLANNING PERMISSION**
- 2. HAS Appeal - Mr Steven Thornton - 6 Forget-Me-Not Grove Stockton - 10/1127/REV - DISMISSED**
- 3. Appeal - Hide Bars Ltd - Hide Cafe Bar and Grill 32 High Street Yarm - 10/0279/RET - DISMISSED AND COSTS DECISION REFUSED**
- 4. Appeal - Mrs J Majid - 5 High Street Yarm - 09/2958/VARY - DISMISSED**
- 5. High Hedge Appeal - Mrs Eileen Hewitt - 26A Durham Road Wolviston Village Billingham - 09/0510/EULT - DISMISSED**

RESOLVED that the appeals be noted.