

Planning Committee

A meeting of Planning Committee was held on Wednesday, 16th December, 2009.

Present: Cllr Roy Rix (Chairman); Cllr Hilary Aggio, Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr Phillip Broughton, Cllr Robert Gibson, Cllr Jean Kirby, Cllr Miss Tina Large, Cllr Bill Noble, Cllr Mrs Maureen Rigg and Cllr Fred Salt.

Officers: B Jackson, G Archer, R McGuckin, R Richardson, P Shovlin, J Roberts, K Campbell (DNS); P K Bell, J Butcher (LD).

Also in attendance: Applicant, Agent and Member of the Public.

Apologies: Cllr Paul Kirton, Cllr Ross Patterson and Cllr Steve Walmsley.

P Declarations of Interest

105/09

There were no interests declared.

P Minutes

106/09

The minutes of the meeting held on 9th October 2009 were signed by the Chairman as a correct record.

P Minutes

107/09

The minutes of the meeting held on 14th October 2009 were signed by the Chairman as a correct record.

P Minutes

108/09

The minutes of the meeting held on 4th November 2009 were signed by the Chairman as a correct record.

P 09/2385/FUL

109/09

**British Polythene Industrial Plc, Yarm Road, Stockton-on-Tees
Redevelopment of the former Visqueen factory, Yarm Road, Stockton on
Tees, including provision of 474 dwellings with associated landscaping
and infrastructure work**

Consideration was given to a report on a planning application that sought for the erection of 474 dwellings on the former Visqueen site at Yarm Road, Stockton on Tees.

Supporting the application were a Planning Statement, Design and Access Statement, Statement of Community Involvement, Transport Assessment, Residential Travel Plan Framework, Flood Risk Assessment, Geo Environmental Appraisal, Noise and Vibration Assessment, Air Quality Assessment, Archaeological Assessment, Tree Assessment and Ecological and Habitat Survey.

The proposal would develop the 16 hectare site for residential development which would primarily be a mix of 2 and 2.5 storey houses but would also

include 2 blocks of apartments on Yarm Road. It was proposed that the scheme would proceed on a phased basis with the older industrial buildings on the site demolished first to facilitate the creation of an access way into the site. An existing warehouse building would remain on site and in use for storage and distribution during the first stages of the development thereby continuing to provide employment for a small workforce in the short term. Its relationship with the new housing would be controlled to prevent any houses around the warehouse from being occupied until the warehouse building was demolished.

The main considerations of the application related to whether it satisfied the requirements of National and Regional Guidance and Local Plan Policies, the impact of the proposed development on the locality in terms of residential amenity, flood risk, contamination, ecology and nature conservation and vehicular access and traffic impact and highway safety.

The report detailed the consultation that had taken place and listed the comments that had been received.

In conclusion to the consultation that had taken place the report outlined that the proposal conformed to most RSS policy objectives. However, the local authority needed to be satisfied that the capacity and effective running of local highways would not be adversely affected by the development; the local authority must make sure that conditions requiring renewable energy generation and energy efficiency measures would be incorporated into any planning permission; the local authority must be satisfied with the mitigation measures proposed to minimise any potential adverse ecological and impacts; the local authority must agree an appropriate level of affordable housing with the applicant; and the proposal needed to incorporate SUDS if ground conditions were found to be suitable for its implementation. This application was in general conformity with the RSS, provided the issues outlined were addressed.

Members noted that the applicant had undertaken consultation in accordance with the adopted Statement of Community Involvement. This involved a mail drop to local residents and businesses and a public exhibition. In addition to the leaflet, a pre-addressed reply card was included within the mail drop to facilitate comment from those not attending the exhibition. The proposal was also considered at a Design Panel Review, hosted by Ignite in July 2009.

Local residents/businesses had been individually notified of the application and it had also been advertised on site and in the local press. The comments that had been received following the consultation were detailed within the report.

The report outlined that where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required 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 Plans was the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RSS).

The planning policies that were considered to be relevant to the consideration of this application were detailed within the report.

With regard material planning considerations the report highlighted the main considerations of the application that related to whether it satisfied the requirements of National and Regional Guidance and Local Plan Policies, the impact of the proposed development on the locality in terms of residential amenity, flood risk, contamination, ecology and nature conservation and vehicular access and traffic impact and highway safety.

Members were presented with an update report that outlined that a consultation response from the Highways Agency had been received. The comments received were:-

The Highways Agency confirmed that it had no objection to the application subject to the following condition relating to the now agreed Residential Travel Plan:-

Prior to first use or occupation of any part of the development, the agreed Residential Travel Plan (as set out in document JN0302 Rep-0004.4, Revision B, dated 15/12/ 2009 prepared by S.A.J Transport Consultants) shall be implemented to the reasonable satisfaction of the local planning authority.

It was recommended that the above condition be imposed should the application be approved.

An additional objection had been received from Mr R Young. The comments received were detailed within the update report.

With regard employment and training the update report outlined that in line with Supplementary Planning Document 6: Planning Obligations, the applicant had agreed to enter into a Section 106 Agreement in respect of new jobs to be created which required the employment of people not already employed by the Developer. For the avoidance of doubt this did not include the continued use and occupation of the Industrial Building for its authorised purposes until it was vacated and demolished. The following Heads of Terms were recommended:-

To use reasonable endeavours to ensure that thirty per cent (30%) of the Jobs on the Development are made available to residents of Stockton and the Tees Valley;

To use reasonable endeavours to ensure that thirty per cent (30%) of the total net value of the services and materials used in the Development are provided by Businesses within Stockton and the Tees Valley;

The First Developer shall take reasonable steps to procure that any contractor and/or sub-contractor nominate an individual to liase with the Labour Market Co-ordinator;

The First Developer shall liase with the Labour Market Co-ordinator in order to produce the Method Statement to be submitted to the Council prior to the Commencement Date. The Method Statement shall demonstrate the reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and Businesses within Stockton and the Tees Valley and shall include details regarding the provision of monitoring information to be provided to the Labour Market

Co-ordinator

The above Heads of Terms was acceptable to the Council's Labour Market Co-ordinator.

In conclusion the recommendation of the main report remained unchanged, which was that the application be approved with conditions and Heads of Terms along with the additional condition and Heads of Terms as set out above or such other terms to be negotiated and agreed by the Head of Planning.

The applicant and agent were in attendance at the meeting and were given the opportunity to state their case. The agent thanked the Officers from Stockton Council that had worked on the application. He also outlined that if the application was approved, work would start on site very quickly and this was not a land banking operation.

Members complimented the Planning Officer on his detailed report. Members discussed the various aspects of the detailed Section 106 Agreement that the applicant would be entering into. The Chairman reported that he would be meeting Officers in the near future to discuss future Member involvement in Section 106 Agreements. Members felt that the possibility of a building employment apprenticeship scheme should have been looked into when the Section 106 Agreement was drawn up.

Members considered that the principle of residential development was acceptable in the location. Overall the nature and scale of the development was acceptable and it was considered that the site could satisfactorily accommodate the proposal without any undue impact on ecological habitat and flooding. The proposed access and highway arrangements satisfied the requirements of the Acting Head of Technical Services and the proposal was in accordance with relevant planning policy and guidance and Members therefore recommended for approval with conditions and the Heads of Terms set out in the report.

RESOLVED that the application 09/2385/FUL be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or such other terms to be negotiated and agreed by the Head of Planning and the following conditions or such other conditions as may be deemed necessary by the Highways Agency:-

In the event of the legal agreement having not been signed, or there still being outstanding matters on the 23 December 2009 that the application be refused.

SECTION 106 AGREEMENT

Heads of Terms

Education

£500,000 payable as follows:

£50,000 payable on occupation of the 50th dwelling;

£100,000 payable on occupation of the 150th dwelling;

£100,000 payable on occupation of the 250th dwelling;

£100,000 payable on occupation of the 350th dwelling;

£100,000 payable on occupation of the 450th dwelling;
£80,000 payable on occupation of the final dwelling.

On and off-site play contribution

£170,000 payable on occupation of the 300th dwelling;
The above sum to be payable only upon the Developer not wishing to make acceptable provision for on-site play facilities itself.
In the event of the Developer making a determination not to make acceptable provision on site the above sums to be paid by the Developer may be expended by SBC for either on-site or off-site play provision.

Off site contribution for sports facilities

£346,000 payable on occupation of the 350th dwelling of the Development.

Affordable housing

10% (47) of the total dwellings to be constructed on the site will be affordable housing units.
Of the 10% affordable housing – 8% to be provided in the form of socially rented dwellings and 2% intermediate tenure (the form of tenure to be agreed with the Local Planning Authority prior the commencement of the development).
SBC will work with the Developer with regard to the potential for additional affordable housing units on the site and were 'additionality' has been mutually agreed, support an application for National Affordable Housing Programme (grant) monies made by the Developer to the Homes and Communities Agency (for the additional affordable housing units).

Highway contribution

Section 278 Highways Act 1980

The Developer will enter into a S278 Highways Act Agreement for off-site highway works to improve the two accesses into the site notated as Junctions 1 and 2 on the plan attached to these Heads of Terms

Section 106 Contribution

The Developer will enter into a S278 Highways Act Agreement for off-site highway works to the A66/Yarm Road (North) junction (Junction 3 on the plan attached). The estimated cost for these works is £154 000 excluding any necessary service diversion costs, and the developer will pay £120 000 (78%) towards this cost as well as 78% of the overall service diversion costs.

This contribution will be paid upon SBC entering into a works agreement with a contractor to carry out such works.

In the alternative, if SBC determine not to carry out such works then this contribution shall be payable to SBC upon occupation of the 100th dwelling and shall be treated as an additional contribution to the education contribution.

It is agreed that there are no improvements required to Junction 4 (Hartburn Lane/Yarm Road) on the plan attached, therefore a further £30,000 contribution to be paid towards service diversions and any surplus shall be added to the education contribution which will be paid as set out above.

£10,000 to be payable for any traffic signal alterations at Junction 5 on the plan attached or towards any further alterations and/or improvements to Yarm Road payable upon SBC entering into an appropriate works contract for such works.

In the event that such works are not implemented then the sum shall be payable to SBC by the Developer upon occupation of the final dwelling in the Development and shall be treated as an additional contribution to the education contribution.

The Developer shall pay £60,000 in respect of a contribution to the Riverside Route works payable by the Developer on occupation of the 50th dwelling.

The Developer shall pay £40,000 in respect of the provision of new bus shelters including real time displays for existing bus stops on Yarm Road.

Green travel plan

The Developer will agree with SBC the details of a site wide green travel plan (to be annexed to the S106 planning obligation) and will enter into an obligation to implement it and to pay all sums agreed under its terms.

Street trees in the adopted highway

A commuted lump sum based on calculation for the maintenance of trees, street furniture and soft landscaping in the adopted highway shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. In the event that trees furniture and soft landscaping are not adopted details of future maintenance shall be approved by the Council.

Unexpended balances

In the event that any sums paid by the Developer to SBC set out in paragraphs 1-5 above remain unexpended at the expiry of 5 years from the dates they are paid, such unexpended sums shall be repaid to the Developer together with any accrued interest.

Employment and Training

To use reasonable endeavours to ensure that thirty per cent (30%) of the Jobs on the Development are made available to residents of Stockton and the Tees Valley;

To use reasonable endeavours to ensure that thirty per cent (30%) of the total net value of the services and materials used in the Development are provided by Businesses within Stockton and the Tees Valley;

The First Developer shall take reasonable steps to procure that any contractor and/or sub-contractor nominate an individual to liaise with the Labour Market Co-ordinator;

The First Developer shall liaise with the Labour Market Co-ordinator in order to produce the Method Statement to be submitted to the Council prior to the Commencement Date. The Method Statement shall demonstrate the reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and Businesses within Stockton and the Tees Valley and shall include details regarding the provision of monitoring information to be provided to the Labour Market Co-ordinator

Conditions:-

01. 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
001 REV C	23 September 2009
101	23 September 2009
102	23 September 2009
103	23 September 2009
104	23 September 2009
105	23 September 2009
106	23 September 2009
107	23 September 2009
108	23 September 2009
110	23 September 2009
112	23 September 2009
113	23 September 2009
115	23 September 2009
116	23 September 2009
117	23 September 2009
118	23 September 2009
119	23 September 2009
121	23 September 2009
122	23 September 2009
135	23 September 2009
136	23 September 2009
138	23 September 2009
139	23 September 2009
140	23 September 2009
150	23 September 2009
151	23 September 2009
152	23 September 2009
153	23 September 2009
154	23 September 2009
155	23 September 2009
156	23 September 2009
109 REV A	4 December 2009
111 REV A	4 December 2009
114 REV A	4 December 2009
123	4 December 2009
06 REV C	4 December 2009
157 REV A	4 December 2009
158	4 December 2009
05 REV T	4 December 2009
130 REV A	4 December 2009
131 REV A	4 December 2009
132 REV A	4 December 2009
133 REV A	4 December 2009
11 REV A	4 December 2009
09A	4 December 2009

02. Prior to the occupation of the first dwelling of the development an agreement under section 278 of the Highways Act 1980 shall be entered into for offsite highway works to improve the two accesses into the site

03. Prior to commencement a phased programme for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include for the demolition of the existing industrial building by the end of June 2015 or such other period as may be agreed and the written consent of the Local Planning Authority obtained.

In order that the Local Planning Authority retains control over the development to prevent incompatible uses adversely affecting the amenities of the occupiers of this residential development

04. Before development commences a scheme for the provision of affordable housing shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed scheme. The scheme shall include:-

- i) The delineation of the area or areas of the site upon which the affordable dwellings will be constructed;
- ii) The type and size of affordable dwellings to be provided;
- iii) The arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iv) The phasing of the affordable housing provision in relation to the provision of open market housing on the site;
- v) Occupancy criteria and nomination rights in relation to identified housing need.

To ensure the appropriate provision of affordable housing to meet local housing needs in accordance with policy 30 of the Regional Spatial Strategy

05. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

All previous uses

Potential contaminants associated with those uses

A conceptual model of the site indicating sources, pathways and receptors

Potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

06. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

07. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

08. 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, changes of gradient levels on roads and footpaths within the development 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 LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

09. The detailed design and materials of the pumping station shall be agreed with the Local planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

10. Details of all external finishing materials and gradient changes including roads and footpaths shall be agreed with the Local Planning Authority before the development is commenced.

11. Notwithstanding the provisions of classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

12. Notwithstanding the submitted plans all means of enclosure and street furniture associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure and street furniture as agreed shall be erected before the development hereby approved is occupied.

13. No construction/building works shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 8.00am and 1.00pm on Saturdays. No Sunday working and Bank Holidays.

14. Development shall not be commenced until the Local Planning Authority has approved in writing the details of the lighting columns, lighting and colour and luminance, including the arrangements for the parking courts. Such means of lighting as agreed shall be erected before the development hereby approved is occupied.

15. The development shall secure at least 10% of its energy supply from renewable energy or low carbon sources, unless otherwise agreed in writing by the Local Planning Authority. No development shall take place until an energy strategy has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented in complete accordance with the details of the scheme unless otherwise agreed in writing by the Local Planning Authority.

16. No development shall commence on site until full details of hard surfacing materials for the provision of car parking both within and without residential curtilages within the site have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

17. No development shall take place until details of the means and location for the storage and disposal of refuse for each unit has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

18. No development shall commence until a detailed scheme for landscaping and tree and/or shrub planting and grass has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify stock types, stock sizes and species, planting densities, layout contouring, drainage and surfacing of all open space areas. The works shall be completed in accordance with a phasing scheme to be agreed in writing with the Local Planning Authority. Should any trees or plants, excluding those within privately owned domestic gardens, within a period of five years from the date of planting die, be removed, become seriously damaged or diseased, these shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.

19. No development shall be occupied until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas, other than privately owned domestic gardens, has been submitted to and approved by the Local Planning Authority. Soft landscape maintenance shall be detailed for the initial 5 year establishment period. A long-term management plan for all landscape and public realm areas for a period of 20 years should be submitted to and approved in writing with the Local Planning Authority. The landscape management plan shall be carried out as approved, unless the Local

Planning Authority gives written consent to any variation.

20. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with a scheme to be submitted to and approved in writing by 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 within a period of five years from the date of planting must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

21. No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) 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). 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.

22. Development shall not be commenced until the Local Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space within the site by the developer, as part of the development, and such arrangements shall address and contain the following matters:

A) The type and nature of the facilities to be provided within the Public Open Space

B) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development

The arrangements the developer shall make for the future maintenance of the Public Open Space

The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed under part B) above.

23. No development shall commence until a scheme for public art has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

24. A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to effectively control dust emissions from the site remediation works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel washing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

23. Development shall not commence until a detailed scheme for the supply of potable water for 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.

24. 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.

25. Before the use commences the mitigation scheme referred to in section 6 of the Wardell Armstrong Report [reference NT10447 report number 003] shall be implemented in full to protect dwellings from the impact of road traffic noise.

26. The detailed design and materials of the garden sheds shall be agreed with the Local Planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

P 09/2506/LA
110/09 Fairfield Primary School, Glenfield Road, Stockton-on-Tees
Extension to provide new foundation and key stage 1 blocks and external works including new car park and play areas (demolition of existing infant's block and nursery mobile unit).

Consideration was given to a report on a planning application for the demolition of the existing infant school block and mobile nursery unit in connection with the provision of an extension to the existing key stage 2 Block to the west of the site. The proposed extension would provide key stage 1 and foundation facilities which were to be demolished. The proposal also included a new car park which would utilise the existing access to the east of the site, from Glenfield Road. The proposed redevelopment also included the provision of a tarmac playground adjacent to the western boundary of the site.

The application was reported for determination by the Planning Committee due to the floor area of the proposed school extension being above the threshold for determination under delegated powers.

One letter of concern had been received from a neighbouring resident, largely concerning additional traffic and impact upon light to the resident's property.

The imposition of appropriate planning conditions had been recommended by the Councils Urban Design Section, Sport England and Northumbrian Water.

Members felt that the proposed school extension would not result in a detrimental impact upon the amenity of the neighbouring properties or upon the character of the surrounding area. Furthermore it was considered that the proposal would not result in an adverse impact upon highway safety. The proposal therefore accorded with saved policy GP1 of the adopted Stockton on Tees Local Plan and as such was considered to be acceptable.

RESOLVED that planning application 09/2506/LA be approved subject to the

following conditions:-

01. 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
0024-ARC1146/106	9 October 2009
0024-ARC1146/102 REV A	13 November 2009
0024-ARC1146/103 REV A	13 November 2009
0024-ARC1146/104 REV A	13 November 2009

02. 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 have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

03. 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, finishes 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.

04. 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 LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

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

06. 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.

07. Notwithstanding the proposals detailed in the submitted plans Full details of the method of external illumination

- a) siting,
- b) Angle of alignment;
- c) light colour
- d) Illuminance

of buildings facades and external areas of the site, including parking courts, 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.

08. Notwithstanding the proposals detailed in 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 LPA 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.

09. Notwithstanding the proposals detailed in the submitted plans all trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The assessment should concur with the latest site plans and include for the following information:-

- a) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.
- b) A tree schedule as detailed in Ref. 4.2.6 BS5837:2005;
- c) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- d) Details of any ground level changes or excavations within 5 metres of the Root Protection Area (Para 5.2.2. of BS5837) of any tree to be retained including those on adjacent land.
- e) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.
- f) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation and Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007

10. Notwithstanding the proposals detailed in the submitted plans

No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, 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.

11. 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.

12. 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 LPA 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

13. Prior to the commencement of development details of the phasing of development, including the provision of a new area of playing field, shall be submitted to and approved in writing by the Local Planning Authority after consultation with sport England. The development shall then be carried out in accordance with the approved details.

14. Within one month of the demolition of the former infant school building:
i) a detailed assessment of ground conditions of the land proposed for the new playing field area shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in

writing by the Local Planning Authority. The approved scheme shall be complied with.

15. 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.

16. 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.

17. 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 in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

P 09/2540/FPD
1111/09 5 Linshiels Grove, Ingleby Barwick, Stockton-on-Tees
Conservatory to rear

Consideration was given to a report on a planning application for the erection of a conservatory to the rear (east) of No 5 Linshiels Grove, Ingleby Barwick.

The application site was a two storey, end terrace dwelling, located within Linshiels Grove, Ingleby Barwick, Stockton on Tees. To the north were the attached properties of No's 1 and 3 Linshiels Grove, to the south was No 7 Linshiels Grove and to the east (rear) were No's 12 and 14 Ingram Grove.

No letters of objection had been received from neighbouring properties following written consultation.

The application was reported to the Planning Committee for determination as the planning application had been submitted by the applicant, who was employed by Stockton Council.

Members considered that the scheme accorded with Saved Policies GP1 and HO12, and SPG2 as the proposal would not have an adverse impact on the existing dwelling and street scene, and the proposal would not lead to a loss of amenity for neighbouring residents.

RESOLVED that planning application 09/2540/FPD be approved subject to the following conditions:-

01. 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

E09/031/06 13 October 2009
E09/031/07 13 October 2009
E09/031/08 13 October 2009
E09/031/10 13 October 2009
E09/031/01 13 October 2009
E09/031/02 13 October 2009
E09/031/03 13 October 2009
E09/031/04 13 October 2009
E09/031/05 13 October 2009
SBC0001 3 November 2009

Fixed and obscurely glazed windows in side

02. The windows located within the side elevation (north) of the conservatory to the rear shall be fixed and obscurely glazed using type 4 opaque glass before the conservatory is brought into use and shall remain during the life of the building unless otherwise agreed in writing with the Local Planning Authority.

P 09/2566/FUL
112/09 2 Stainsby Gate, Thornaby, Stockton-on-Tees
Erection of garden shed to the rear.

Consideration was given to a report on a planning application for the erection of a garden shed to be located within the rear garden serving the application site. In connection with this application the existing 2 metre high fence would be moved out towards the highway, under permitted development rights and as such no part of the fence would be within two metres of the highway.

A letter of objection had been received from the Ward Councillor and a further six letters of objection had been received from surrounding neighbouring residents.

Members considered that as the proposed fence would provide a significant amount of screening for the shed, and as the shed would be located away from the boundary with the highway, within the rear garden of the application site, the proposal was acceptable.

RESOLVED that planning application 09/2566/FUL be approved subject to the following conditions:-

01. 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
4062/5	15 October 2009
SBC0001	5 November 2009
SBC0002	5 November 2009

02. Prior to the development hereby approved being constructed 2 metre high boundary fence shall be constructed and maintained during the life of the shed in accordance with details to be submitted to and approved in writing by the

Local Planning Authority.

**P
113/09 Planning Committee Report on the Open Space, Recreation and
Landscaping Supplementary Planning Document**

Consideration was given to a report on the Open Space, Recreation and Landscaping Supplementary Planning Document. The document would be taken to Cabinet to seek Member agreement on its adoption. The document was intended to improve clarity and efficiency when requesting planning obligation contributions to open space and recreation facilities on new development.

The Planning Obligations Supplementary Planning Document outlined the process for requesting planning obligations toward open space and sport. It stated that contributions toward open space would be sought on a case-by-case basis until further evidence and guidance on open space provision was produced. Contributions were only requested for open space and were based on the area within the planning application boundary.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (PPG17) outlined that planning for open space and sport should be led by local assessments. The required PPG17 Assessment was outlined in the Companion Guide to PPG17: Assessing Needs and Opportunities. These assessments could be used to provide evidence to request planning obligations toward open space and sport.

A PPG17 Assessment had been produced based on a robust local evidence base that included the Open Space Audit (2005) and update (2008) and the Built Facilities Audit. The Sport, Recreation and Leisure Survey (2008) and a survey of sports teams, environment groups and community groups was also used. The assessment used this information to identify standards for open space and built sports facilities.

Standards identified in the assessment related to the quantity, quality and proximity of open space and built facilities. These standards were contained within the Open Space, Recreation and Landscaping Supplementary Planning Document, which was supported by the evidence in the PPG17 Assessment. The standards contained within the SPD and in the Assessment would be used to provide evidence for Local Development Framework policies. The PPG 17 Assessment and SPD were also intended to support the emerging Green Infrastructure Strategy and the emerging Sport and Active Leisure Strategy, and there had been close working with the teams producing these documents.

The Open Space, Recreation and Landscaping Supplementary Planning Document was intended to improve the Council's ability to negotiate planning obligations toward open space and built sports facilities and to provide clarity and certainty to developers about what would be expected. This was achieved through quantity, quality and proximity standards. The Supplementary Planning Document was attached to the report.

Standards for quantity would be used to identify the need for open space and built facilities, generated by the population of the development. It was also used to identify the standard charge and areas of deficiency. The proximity standard

would be used to identify how far away from a development a contribution could be used, and would also be used to identify deficiencies. The standards were detailed within the report.

Quality would be enhanced on a 'plus one' basis where spaces were improved to meet the next level of quality. Poor and satisfactory spaces were to be prioritised but no space or facility should be excluded from qualitative improvement, which may help it cope with increased demand caused by new development.

A minimum acceptable size standard was also included, this identified the size at which a space becomes usable and efficient to maintain. This would then be used to identify the point at which a space should be provided on site based on the development's size.

Onsite space would always be preferred if the demand caused by the development reached the minimum acceptable size standard. If not a contribution to offsite provision or enhancement of existing provision would be requested. Where space was provided on site a charge for 25 years maintenance would be required as part of the Title Transfer. Built facilities were not expected to be provided on site, so a standard charge would be used for offsite provision or enhancement.

The Borough wide standard charge had been derived using a typical example to avoid it having to be recalculated for each development. However, the charge would be spent to remedy deficiencies in its area rather than to correspond with the make up of this charge. The standards contained in the document would be used to identify priorities for the use of contributions toward offsite provision and enhancement.

The statutory six-week consultation period for the document was undertaken between 18 May and 29 June 2009. Responses were received from 23 organisations and individuals that resulted in 119 individual comments. These comments were used to amend and improve the SPD, Assessment and Sustainability Appraisal. Significant changes included further work to the Assessment requested by Sport England, removal of some of the landscaping section to the Sustainable Design SPD where it would be expanded upon, and the introduction of a provision hierarchy for the built sports facilities proximity standard.

Following consideration by Planning Committee it was anticipated that the Supplementary Planning Document would be referred to Cabinet on 14 January 2009 for Members agreement for the document to be adopted so it can be used in the determination of future planning applications.

RESOLVED that:-

1. The contents of the report be noted.
2. Prior to submission to Cabinet the Planning Officer be advised of any amendments.

114/09

RESOLVED that the Local Development Framework Steering Group minutes from the meeting held on 25th August 2009 be noted.

- P**
115/09
- 1. Appeal - Mr Nasser Din - Former Supreme Knitwear Thornaby - 09/0074/OUT - DISMISSED**
 - 2. Appeal - Mrs Cheryl Barber - 35 Dovecot Street Stockton - 09/0521/COU - ALLOWED WITH CONDITIONS**
 - 3. Appeal - Mr Darren Peckitt - Ruff and Tumble Adventure World Land 90 metres to north of Faraday House Sopwith Close Stockton - 09/0239/OUT - DISMISSED**
 - 4. Appeal - Miss A Dobinson (MD Equine) - Stables Shed 2 Ouston Moor Farm Darlington Back Lane Stockton - 08/3621/FUL - ALLOWED WITH CONDITIONS AND APPLICATION FOR COSTS FAILED.**

RESOLVED that the Appeals Decisions be noted.