

Planning Committee

A meeting of Planning Committee was held on Wednesday, 30th May, 2012.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr David Coleman (Vice Cllr Mick Stoker), Cllr Gillian Corr, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Ken Lupton (Vice Cllr John Gardner), Cllr Ray McCall (Vice Cllr Michael Smith), Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson and Cllr Steve Walmsley.

Officers: C Straughan, G Archer, R McGuckin, J Roberts, H Smith, P Showlin, R Poundford, J Hutchcraft (DNS); J Butcher, P K Bell (LD).

Also in attendance: Cllr Philip Dennis (Ward Cllr for Eaglecliffe), Cllr Mrs Maureen Rigg (Ward Cllr for Eaglescliffe), Cllr Ross Patterson (Ward Cllr for Ingleby Barwick West), Applicants, Agents, Supporters, Objectors, Members of the Public.

Apologies: Cllr John Gardner, Cllr Alan Lewis, Cllr Michael Smith and Cllr Mick Stoker.

P Declarations of Interest

10/12

Councillor Jean Kirby declared a personal non prejudicial interest in respect of agenda item 5 - 12/0067/FUL - Land South Of Coal Lane, East Of Wellington Drive, Wynyard Village -Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive as she had sold a house to one of the objectors that was present at the meeting.

P Minutes

11/12

The minutes of the meeting held on 9th May 2012 were confirmed and signed by the Chair as a correct record subject to the following corrections:-

Page 3, 4th paragraph, 4th line delete:-

"held in an exhibition trailer at the nearby Orchard Shopping Parade, a newsletter delivered to nearby households, a dedicated website, a questionnaire, media briefings and meetings with key groups and individuals"

and replace with:-

was held at the Security Centre on Allen's West on Thursday 20 October 2011 between 10am and 7pm. Feedback forms were made available to record comments and views. The Public Consultation event was published in the Evening Gazette and Northern Echo and a hand delivered invitation to 420 households. Occupiers of the commercial units presently operating on the site were also invited. Posters advertising the event were also handed to 12 businesses within the shopping parade on Durham Lane. The public exhibition display was also published on a website.

Page 6, 8th bullet point, delete:-

* The Allens West Level Crossing would be updated if the scheme is given approval.

and replace with:-

* The Allens West Level Crossing is to be updated to full barrier control in 2013 as part of Network Rail's capital works programme, however this development will enhance cyclist facilities at this location if approved.

P 11/2842/EIS
12/12 Allens West, Durham Lane, Eaglescliffe
Outline application for the erection of a residential development comprising 845 no dwellings (Class C3) and a 60 no. Bed Care Home (Class C2) with associated retail, creche and community facilities, landscaping, roads, parking and infrastructure.

At the 9th May 2012 Planning Committee Members resolved that they were minded to refuse planning permission for the above development based on concerns in respect of impact of traffic generation; loss of employment; impact on schools and the over provision of a Care Home facility.

As the decision would be contrary to the recommendation made to Committee by the Head of Planning, the Head of Planning and the Head of Legal Services agreed that the Protocol for Decisions Contrary to Officers Recommendation should be invoked to give further consideration to the concerns raised. The determination of the application was deferred and the Protocol required that the application be reported back to the next Planning Committee for Members to give consideration to any further advice from Officers before making a final determination.

A copy of the original Planning Committee report and update report were attached to the report.

The applicant had submitted correspondence in respect of the concerns expressed by Members in their recent consideration of the application and this was attached to the report.

With regard to highways issues a residential development of the size and nature as proposed at Allen's West would without appropriate mitigation have an adverse impact upon the local highway network. In considering the planning application the Local Authority had a duty to ensure that appropriate mitigation was offered that ensured that following development the highway capacity and free flowing conditions remained at the same level as before development commenced. The Local Authority could not insist on improvements to the highway that offers betterment to the existing conditions that prevailed at the time of the application. In other words the Local Authority was charged with ensuring that the highway network was no better but no worse than the conditions that prevailed prior to the new development. It was commented at Planning Committee that the existing highway network was under strain and could at times be unpredictable, however the mitigation proposed increased the highway capacity at specific locations so that it was a no worse situation, therefore development traffic was catered for. The congestion that can occur in this area was usually linked to Yarm High Street.

In considering the application the Local Authority must take into account that the

site benefits from an extant permission for 500 dwellings and the traffic movements associated with the existing industrial uses. In the current application the existing traffic movements were used to offset to an appropriate level that of the additional 345 dwellings. Any additional traffic must then be mitigated to ensure the 'status quo'. The Local Authority in assessing the application had required the applicant to undertake comprehensive traffic survey's that reflect local conditions and that the mitigation measures that were designed following the assessments were practical and not theoretical.

It was considered that the highway impact of the development could be mitigated to an acceptable level by the package of measures as set out in the main report and summarised in the report under protocol. The measures were wide ranging and included financial contributions to improve the local road and footway / cycleway network, improvements to Allen's West Railway Station, improve bus services and travel plan incentives that included financial contributions towards bus travel for future residents. Following assessment, it had been found that these additional trips could be accommodated on the highway network subject to mitigation.

Members had raised specific concerns regarding traffic issues. The report under protocol sought to address these issues under the following headings:-

- * A66/Elton Interchange
- * A67/Durham Lane/Tesco's roundabout
- * A67/South View junction
- * Yarm High Street
- * Allens West Level Crossing
- * Highway Safety
- * Sustainable Travel Measures
- * Cycling/Pedestrian facilities
- * Travel Plan
- * Access
- * S278 works
- * S106 Contributions
- * Travel Plan Measures

Given the proposal was considered to have demonstrated adequate mitigation against the impact of the proposed development, the Head of Technical Services had no objection subject to appropriate controlling conditions. Therefore it was considered that there would be no demonstrable harm to the highway network as a result of the proposed development.

In respect of loss of employment land Core Strategy Policy CS4 was considered to be relevant to the application. Although the site was not allocated within the Core Strategy or saved policies from the adopted local plan, Policy CS4.7 stated:-

‘Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.’

It was noted that this policy did not make a distinction between allocated and unallocated sites, therefore all losses of employment land or sites should be justified. In order to determine the application consideration was given to:-

The role of the site in the employment land portfolio;

The availability of alternative commercial floorspace, in terms of quantity and quality;

The ability of the site/premises to provide acceptable standards of commercial accommodation;

In assessing the application regard was given to paragraph 22 of the National Planning Policy Framework (NPPF), which stated:-

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose’.

The Council’s Employment Land Review (ELR) set out a balanced portfolio of employment sites to meet the economic development needs for the next 25-years.

The Allens West site was discussed in detail in paragraphs 4.49 to 4.52 of Stage 3 of the ELR. This document stated that the existing buildings, and a small area of expansion land at the site, should receive policy protection to support continuing employment use. This recommendation reflected the previous mixed use planning consent for the site.

It was noted that this section of the ELR also states:-

‘Other serviced land is available in the locality on an established industrial estate and would be available for immediate development. However, levels of development on serviced industrial estates in the surrounding area have been low. It is therefore likely that demand for Allens West which has limited infrastructure and would require upgrading to serve additional employment development would be limited.’

It was considered that the buildings on the Allens West site fall in to the Council’s general employment land supply. Other general employment sites in the area include Urray Nook (20ha) and Durham Lane Industrial Estate (40ha). These sites were consulted on as potential housing sites within the Council’s Core Strategy Review Issues and Options in summer 2011.

The applicant had submitted an Employment Land Assessment which considered the retention of the Allens West site for employment purposes.

In summary this identified, amongst other things, that:-

The holding company was in administration and the site had liabilities of about £17million;

The accommodation on the site was poor quality, with asbestos present in many buildings. The cost to refurbish buildings on the industrial estate was about £7.88million (excluding VAT). There was no prospect of funding from lending institutions, and this renovation would not improve rents for the buildings; vacancy of the estate had increased, and rents for the properties were low. There was sufficient employment premises within Stockton Borough to meet current and future requirements.

A detailed survey of the buildings on the site had been submitted which estimated that renovation of the buildings would cost £7.88m (excluding VAT) with cost estimates for renovation of individual buildings ranging between £85k - £1.7m.

The statement explained that these renovations would extend the life of each building, rather than make them more attractive to occupiers. Therefore the rents for the buildings were expected to remain the same, which created doubts that the renovations could be viable.

On face value the renovations could cost about £17per sq.ft of floorspace, based on the development having 475,000sq.ft of accommodation. Given the current rent this could prevent such a renovation being viable.

The statement also provided data on the stock of industrial floorspace within Stockton on Tees Borough, and the amount of units taken up in the last three years. The applicant stated that there was enough available floorspace for 7-years provision, based on current take up rates. It was stated that a 2-year supply was generally regarded as an appropriate level of supply. Using these figures the loss of employment floorspace would result in the floorspace provision reducing to a 5.5-year supply.

Even if a different method of calculating the vacancy rate of industrial premises across Stockton on Tees Borough was used it was considered that there was sufficient supply of alternative employment units, within Stockton Borough.

From the evidence submitted in the employment land assessment the buildings on the Allens West site required significant investment. It was unlikely that this investment would be recouped by the rent on the industrial floorspace alone. Without this investment the site would require public sector funding or subsidy from other more profitable parts of the mixed-use development. It was doubtful that this could realistically happen. Furthermore given the fall in demand for commercial units over recent years, the support from the Council's Regeneration and Economic Development section, and the problems with the quality of the buildings it was considered that the buildings could be released from employment use.

In simple terms the issues which had been raised concerning the dispute between the owners of the site and existing lessee's were civil matters between landlord and tenant. With relation to the material planning considerations on employment land these related to the material weight that could be given to the need to retain the employment land and its impact on the local economy against the benefits of allowing the development to proceed. Therefore as indicated above it was considered that there were no sound planning grounds to seek to retain the employment land and prevent the proposed development.

In terms of impact on schools, the Council had a statutory duty to ensure that sufficient school places were available to meet the needs of pupils resident in the Borough. If, as a result of a new housing development, pupil numbers in any part of the Borough were likely to rise beyond the capacity of schools in that area, the Council would be obliged to provide additional school places. This would require capital investment that was not fully supported by government allocations. In these circumstances it was reasonable to expect a developer to contribute to meeting those costs, and the Council would aim to secure an agreement that financial contributions would be made in accordance with Section 106 of the Town and Country Planning Act 1990.

The applicant had agreed to enter into a Section 106 Agreement in accordance with the following Heads of Terms:-

A commuted lump sum of £1,560,000 indexed for the provision of additional school places within the Authority, payment of developer contributions should be made in five equal tranches at commencement of development, the occupation of the 200th dwelling, the occupation of the 400th dwelling, the occupation of the 600th dwelling and the occupation of the 800th dwelling.

The contribution identified for the application was based upon the formula to determine school places as a result of new build development. In addition the Council had completed an exercise to finalise future pupil number predictions across the Borough. This had identified a number of areas where a growth in pupil places would be required to support future demand. Eaglescliffe was identified as one of those areas notwithstanding the planning application. As a result an education capital programme had been developed to extend and refurbish a number of education facilities to cope with the anticipated growth. The Council's Cabinet would consider that proposed programme at its meeting in June 2012. The recommendations associated with the Eaglescliffe area considered both the anticipated new housing numbers and the natural background growth in pupil numbers. The recommendation would suggest that one of the existing facilities in Eaglescliffe be expanded to cope with the additional demand. If Cabinet accepted that principle then the practicalities of which establishments were grown would be considered and developed in consultation with appropriate Cabinet Members and Ward Councillors where appropriate. The Head of Technical Services in consultation with the Head of Schools, Children & Complex Needs and the Head of Finance & Assets remain satisfied that the contribution associated with this development would be sufficient to support the already identified need for investment through the Capital Programme to satisfy pupil place numbers. There was no identified need for a contribution towards secondary school provision.

With regard to the issue of over provision of Care Home Facilities, the applicant had confirmed that the proposed care home was to be built in the later phases of the development and therefore recognised that needs at that time would be different to those experienced. However having had further discussions with the Council's Special Housing Needs Advisor who had highlighted the greatest need was that of extra care facilities, the applicant had confirmed that they proposed to substitute an extra care facility in lieu of the care facility indicated on the master plan.

It was noted that both the care home and extra care home fell within the same Use Class and in planning terms were treated, as the same type of development and the details of the facility would be the subject of further discussions as part of any reserved matters submission.

In respect of crime prevention, the proposed development did not contain any unusual design feature or characteristics which gave rise to concerns of creating environments more susceptible to crime.

In terms of the overall levels of policing in the Community, this was a matter for the Police Authority and the future Police and Crime Commissioner.

The applicant had also confirmed that they were willing to enter into a Local Labour Agreement and indicated that based on current estimates, the number of direct jobs created should exceed 3,000 over the life of the development.

In conclusion the Officer's recommendation remained as previously set out in the report and update report made to Members at the Planning Committee on 9th May 2012 that the application be granted conditional approval subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms and the conditions as amended. An additional Heads of Terms would be included to require the developer to enter into a local labour agreement.

Members were presented with an update report that outlined that five further letters of objection had been received from local residents. The objections were summarised were summarised within the update report.

Councillor Dennis (Ward Councillor for Eaglescliffe), Councillor Mrs Rigg (Ward Councillor for Eaglescliffe), Councillor Patterson (Ward Councillor for Ingleby Barwick West), the agent for the applicant, representatives from Inbond Ltd, objectors and supporters were in attendance at the meeting and were given the opportunity to make representation.

Councillor Mrs Rigg as Ward Councillor for Eaglescliffe made the following points:-

- * Still concerned about the loss of employment lad.
- * There is other warehouse availability in the area but none of it is high bay low cost accommodation.
- * The site should be mixed use.
- * Approves of the extra care facility

Councillor Dennis as Ward Councillor for Eaglescliffe made the following points:-

- * There could some middle ground to work towards - less housing and retaining some employment land.
- * Traffic around the area at peak times is slow moving.
- * The traffic impact measures will not help the situation.
- * The financial contribution to local schools is not enough.

Neil Mather (Appointed Administrator for the site) made the following points:-

- * The site is operating at a loss of £150k a year.
- * Some of the sheds are unrentable.
- * Leases have been offered to current occupiers of sheds and help offered to them to help them find alternative accommodation.
- * Inbond has gone insolvent
- * The site could not be sold as per the previous application as it would have been a mixed use site.
- * Firm offers have been received from 2 housing developers.

Alan Hayes (Inbond Ltd) made the following points:-

- * The quality of the units is not important, it is the competitive rates and quality of workforce.
- * Asbestos is not an issue.
- * Other units have been viewed but none are suitable as Inbond Ltd have bespoke needs.
- * 2017 Leases have now been offered.

Chris Musgrave (Wynyard Park) made the following points:-

- * We are working with the applicant and we have developed Wynyard Park and other developments in the Tees Valley.
- * £8 to £11 million is needed to refurbish the existing sheds.
- * We can bring in 3 of the biggest house builders to the site.
- * Everything will be done to find tenants alternative accommodation.

Mark Winton (Inbond Ltd) made the following points:-

- * The site owner will receive more for the land if it is residential use only and not mixed use.
- * The site is strategically important for Inbond Ltd.
- * 550 houses would still be viable for the applicant.

Doug Binks (Nifco) made the following points:-

- * Supports the applicant on behalf of the Wynyard Park Team.
- * The Wynyard Park Team guided us through any problems when they relocated to Durham Lane.
- * This would be a flagship development for the area.

Councillor Patterson as Ward Councillor for Ingleby Barwick West made the following points:-

- * Listed pupil figures for Schools in Eaglescliffe / Yarm and Ingleby Barwick.

* Once the new secondary school is built at Ingleby Barwick and more primary school places are made available this will leave enough room at schools in Eaglescliffe and Yarm to cope with a development of this size.

Gareth Thomas (Owner of Icon Plastics) made the following points:-

- * The application should be approved with a managed closure of the site.
- * The sheds are in a poor state including roof leaks / asbestos is present and no heating.
- * The Wynyard Park Team can help relocate tenants.
- * There has always been congestion around the area and the traffic mitigation measures will help the situation.
- * The development will be a positive for local businesses and shops.

Members were then given the opportunity to ask questions and make comments on the application. Members spoke both in favour and against the application. Their comments / questions could be summarised as follows:-

- * The employment issues from the last meeting have now been resolved.
- * Pleased with exit strategy for tenants.
- * Professional advice from Officers regarding highway issues and school issues had to be accepted.
- * Access to the site could still be a problem.
- * Primary places could still be an issue.
- * Nothing has changed since the previous meeting.
- * Traffic will still be a problem.
- * People will not use public transport.
- * If the development is approved more open space should be provided.
- * Extra care home is welcomed.

A vote then took place and the application was approved.

RESOLVED that planning application 11/2842/EIS be approved subject to the following conditions:-

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

Plan Reference Number	Date on Plan
PL 107	9 November 2011
N81:1616 SK151 REV A	28TH march 2012

2. The approved Travel Plan as set out in the document - (JN0461-Rep-0003.4 Residential Travel Plan, Final Revision B, 5 May 2012 prepared by SAJ Transport Consultants) shall be implemented in full in accordance with the timetable and measures, advice and recommendations contained within the document.

3. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

4. The development hereby permitted shall be begun either before the

expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

5. Prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, landscaping, public open space, accesses and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme.

6. Approval of details of the access, appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details to be submitted to and approved by the Local Planning Authority before the development commences.

7. The development shall be implemented in general conformity with the approved Design and Access Statement and Indicative Masterplan submitted with the planning application.

8. Within each phase, details of all external finishing materials including roads and footpaths and all hard landscaped areas shall be agreed with the Local Planning Authority before the development is commenced. Thereafter the development shall be implemented in accordance with the approved detail.

9. Within each phase, all means of enclosure and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.

10. The total development hereby approved shall not exceed the following maxima:

Up to 845 Residential dwellings (C3 Use Class)

Up to 500 Sq.m. of Community facilities (D1 Use Class)

Up to 250 Sq.m. of Retail use (A1 Use Class)

11. The retail element of the proposal shall be restricted to 250 sq.m gross floor space for the sole use of convenience retailing and no other Use allowed within the A1 Use Class as defined by The Town and Country Planning (Use Classes) Order 2005.

12. Within each phase development shall not be commenced until details of the lighting columns, light colour and luminance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

13. Within each phase, no development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority

shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

14. Within each phase, no Development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space and play facilities by the developer, as part of the development, and such arrangements shall address and contain the following matters:

- A) The delineation and siting of the proposed public open space
- B) The type and nature of the facilities to be provided within the public open space
- C) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development
- D) The arrangements the developer shall make for the future maintenance of the Public Open Space
- E) The open space shall be completed in accordance with the approved scheme and phasing arrangements, including the provision of open space play provision for 4-8 year olds and 8-13 year olds as agreed by the local planning authority.

15. Within each phase, no Development shall occur until the design and layout of the road, footpaths and cycleways has been agreed with the Local Planning Authority. Thereafter the roads, footpaths and cycleways shall be implemented as agreed unless otherwise agreed with the Local Planning Authority

16. Within each phase, a detailed scheme for landscaping and tree and/or shrub planting and grass including planting and construction techniques for pits in hard surfacing and root barriers shall be submitted to and approved in writing by the Local Planning Authority before the commencement of that phase of the development . Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and 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 prior attained size and species unless the Local Planning Authority gives written consent to any variation.

17. Within each phase no development shall take place until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of that phase of the development, Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

18. Prior to commencement of development a scheme for the provision and future maintenance of 30 car parking spaces for the benefit of Allen's West station shall be agreed with the Local Planning Authority. This scheme shall be

completed prior to any dwellings being occupied.

19. For each phase, no development shall take place until details of the means for the storage and disposal of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

20. Prior to the commencement of each phase 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 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.

21. No construction / building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

22. For each phase of development a Road Safety Audit in line with national guidance should be undertaken in order to inform the Highway Authority on the safe operation of the proposed development, and shall be submitted to and agreed by the Local Planning Authority with each reserved matters application. The agreed findings will be implemented as approved.

23. A Dust Action 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 cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

24. 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.

25. Any part of the development which is to be used for residential purposes shall achieve a minimum of Level 3 of the Code for Sustainable Homes if commenced before 1 January 2013 and thereafter a minimum of Code Level 4 unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

26. Prior to commencement of development, the habitat creation measures approved for the translocation of Great Crested Newts under planning

application reference 11/2946/FUL (and detailed within the 'Method Statement for Creation of Great Crested Newt Reserves') shall be delivered in full together with a detailed management plan which shall be submitted to and agreed in writing with the Local Planning Authority and which clearly demonstrates the mechanism by which the long term management and monitoring of the receptor site will be implemented. The approved measures shall be implemented in full.

27. Prior to commencement of development, the habitat creation measures required for the Dingy Skipper shall be submitted to and agreed in writing with the Local Planning Authority together with a detailed management plan which shall be submitted to and agreed in writing with the Local Planning Authority and which clearly demonstrates the mechanism by which the long term management and monitoring of the identified sites will be implemented. The approved measures shall be implemented in full.

28. All ecological mitigation measures within the 'Bat Survey Report & Mitigation Plan, Allen's West, Eaglescliffe' Naturally Wild 10/1/2012. shall be implemented in full in accordance with the advice and recommendations contained within the document.

29. .A) No demolition / development shall take place / commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

30. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

31. There must be no ground raising in flood zone 3.

32. Only water compatible uses will be located in flood zones 2 and 3.

33. 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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.

34. 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

35. 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. The development shall be carried out in accordance with the approved details.

36. 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 cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

37. No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

38. Prior to first occupation a scheme for the provision of off-site recreation to address the impact of the proposed development shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with a phased programme.

INFORMATIVES

The proposal has been considered against the policies below and it is considered that there are no material considerations that indicate a decision should be otherwise.

National Planning Policy Framework

Core Strategy Policies CS1, CS2, CS3, CS4, CS7, CS8, CS10 and CS11 and Local Plan Saved Policies EN4, EN28, EN38, HO3 and S15.

Play Provision

The play provision for the development should be in broad accordance with the Allen's West Play Strategy and Northern Fields Concept Sketch and the provision based on the following triggers.

From the start of occupation of first dwelling a temporary kick about area should be provided.

On completion of 200th dwelling the primary play area (toddlers and juniors combined site, with the temporary kick about site still available) should be provided. At no time should the site of the play area or open spaces be used for storage of materials or as a compound site.

On completion of 300th dwelling the secondary smaller play space should be completed and the northern field made accessible from the main site (a route abutting or utilising that of the existing PRW) and usable as a permanent kick about area and the Formal Landscape Gardens (indicated by the Purple Squares and Arrowed Blocks on the concept plan).

On completion of 400th dwelling the teen facilities including the MUGA shall be in place along with a minimum of 50% of the incidental /natural Play facilities/ POS/ informal footways and linkages in place and fully functional.

On completion of 700th dwelling the remaining areas of incidental /natural Play facilities/ POS/ informal footways and linkages shall be in place and fully functional.

Natural England

Planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences the applicant may need to obtain from Natural England prior to the commencement of works.

Airport

As the site is within 6km of the airport, the developer should inform DTVA of any crane activity at the site. This is so DTVA can inform aircraft of any possible high structures as they approach the runway.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Level Crossings

With regard to residential developments close to level crossings it is a lawful

requirement that the crossing is supplied with flashing road lights and audible warning units, and these can be considerably noisy. Adequate soundproofing may be required for the occupants of the dwellings closest to the crossings and you should be satisfied that this is the case, as NR cannot be held responsible as a statutory nuisance where safety and operation of the railway is concerned. As a result it is essential that, during and after construction, no part of the development shall cause the level crossing sight lines, road traffic signs and markings, or the crossing itself to be obstructed. This includes the parking of caravans, machines and equipment etc. together with the erection of signs, fences and the planting of trees/hedges

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site; abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Engineer to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer would incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat "Zebrina"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with

facilitating these works.

The submitted environmental information set out in the Environmental Statement has been taken into consideration in the permission hereby granted.

P 2/0067/FUL
13/12 Land South Of Coal Lane, East Of Wellington Drive, Wynyard Village
Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive.

Consideration was given to a report on planning application 12/0067/FUL - Land South Of Coal Lane, East Of Wellington Drive, Wynyard Village - Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive.

The application sought full planning permission for the construction of a new replacement school for the existing Red House School, including pre-nursery to sixth form with associated playing fields, ancillary parking, new access, supporting infrastructure and landscaping.

It was proposed that the development be facilitated by the disposal of the existing school sites for residential development and separate applications had been submitted for residential development on the existing school sites.

The applicant stated that the current site and buildings were constraining the ability of the school to provide up to date facilities for teaching and other extra curricular activities and expanding and modernising the existing school had proved expensive and unfeasible and had therefore identified a requirement to relocate its operations to a purpose built education facility.

To facilitate the relocation a capital receipt was required for the redevelopment of the existing Red House School sites in Norton which would subsequently become surplus to requirements and available for development.

The applicant stated that the location for the new school had been chosen on the basis that it was centrally located within the School's catchment area and Wynyard was the settlement that contained the highest concentration of pupils (25% of pupils lived at Wynyard). Additionally, 60% of pupils pass by the A689/A19 junction when travelling to the existing school at Norton. The site was also of a sufficient size to enable the provision of modern facilities and sports pitches and was sequentially preferable within Wynyard.

The application had generated a significant number of comments highlighting concerns over traffic as well as impact on the open countryside alongside other concerns set out in the report.

It was noted that the development was an unallocated site located outside the established urban limits and as such development would normally be resisted unless material considerations indicated otherwise. However it was considered that there were important material benefits arising from the proposed

development and the economic and education benefits to the Borough and the wider area. As such it was considered they outweighed the policy objections, which would otherwise apply to the scheme.

The consultees that had been notified and the comments that had been received were detailed within the report.

With regard to publicity it was noted that the applicant had undertaken consultation in accordance with the adopted Statement of Community Involvement. This involved a public consultation event held at Wynyard Golf Club.

Local residents had been individually notified of the application and it had also been advertised on site and in the local press.

80 individual letters of objection had been received.

Red House School had forwarded a letter with 30 letters of support attached and a letter with a 74 signature petition from staff and parents.

In addition 10 individual letters of support and 2 letters with General Comments/Queries had been received.

The report detailed the main reasons for objection and support.

With regard to planning policy 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 should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan (STLP)

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

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

The Planning Officer's report concluded by outlining that the development plan policies emphasised the need to protect the countryside and encourage a sequential approach towards the location of development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations. Whilst it was recognised that the majority of new development should be directed to these areas, it was also accepted that it would not always be possible to find suitable sites in the preferred areas.

The school had identified its own spatial requirements and undertaken a sequential test taking into account matters of site suitability; accessibility, policy constraints and the availability of other sites, which concluded that the application site was most suitable to accommodate the proposed development.

The Head of Technical Services had considered the transport implications and was satisfied that the proposed development was acceptable in highway safety terms and impact on the Highway network.

The importance of meeting educational needs was a recognised material planning consideration and the NPPF provided support for education facilities. This stated:-

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:-

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.”

The statement in the NPPF clearly promoted the widening of choice in education provision. These benefits therefore had significant weight. The proposals to provide new accommodation for the school would therefore be consistent with this objective of the NPPF.

The applicant made a strong case that the development would result in significant benefit to the local economy by providing a high quality educational campus in the Borough, which would provide jobs, and educational opportunities in the borough. The applicant also stated that the development would also provide extensive sports facilities which would be made available to the wider community. It was proposed to secure this through a condition.

The proposal would provide an educational facility accessible to a significant number of the school’s likely catchment population and a travel plan was conditioned to promote sustainable travel.

It was therefore considered that notwithstanding that the development was an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicated otherwise, that there were important material benefits arising from the high quality development and the economic benefits to the Borough and the wider area. As such it was considered they outweighed the policy objections, which would otherwise apply to the scheme.

On balance it was considered that, the exceptional nature of the development could be supported and the application was therefore recommended for conditional approval.

The additional responses related to issues addressed in the main report and therefore did not alter the recommendation of the main report.

The Clerk for Grindon Parish Council had submitted correspondence and this was detailed within the update report. The Head of Technical Services had also made further comments and these were also detailed within the update report.

It was recommended that the following additional conditions be agreed should the application be approved:-

i) Notwithstanding the submitted details on plan JN0549-DWG-0024 precise details of the car park areas shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed in accordance with the approved details prior to the School being brought into use and the layout thereafter maintained for the duration of the operation of the school.

ii) No development of the School buildings shall commence until a scheme for the offsite highway works to create the primary and secondary accesses into the site from the A689 and Wellington Drive respectively has been agreed with the local planning authority and the school shall not be brought into use until those off site works have been constructed in accordance with the approved details.

7. Condition 9 had also been amended to include 'operational timings of street and flood lighting'.

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans full details of the method of external illumination, siting, angle of alignment; light colour and precise operational timings of street and floodlighting, luminance 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 prior to commencement of external lighting and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation and thereafter operated in full accordance with the scheme.

The recommendation of the main report remained unchanged, which was that the application be approved with conditions along with the additional conditions as set out above.

The applicant, agent and objectors were in attendance at the meeting and were given the opportunity to make representation.

Mr Maxwell (Resident at Wynyard and Chair of Grindon Parish Council) made the following points:-

* 80 letters of objection and 10 letters of support represent the views of the people of Wynyard.

* There will be issues with traffic, highway safety and parking.

* Pupils will be coming from all over the Tees valley.

* There are no public transport links.

* Large numbers of pupils will arrive by car.

* There will 2240 vehicle movements a day at the school site.

* There will be rat runs through Wynyard.

* Car drivers already speed in Wynyard.

* There is no continuous footpath in Wynyard.

Alex Taylor (Headteacher of Red House School) made the following points:-

- * Red House School currently has 430 pupils on 3 different sites in small rooms and cramped conditions.
- * Exam results are some of the best in the country.
- * Red House School is a none profit organisation.
- * Some pupils at Red House attend on a bursary.
- * The schools works with the local community.
- * There will be excellent sports facilities at the new site.
- * The school will create lots of new jobs.
- * Schools like Red House encourage growth and attract business to the area.

Chris Harrison (Agent Nathaniel and Lichfield) made the following points:-

- * 20 other sites were looked at before this site was agreed.
- * 25% of pupils live at Wynyard and 60% of pupils pass by the A689/A19 junction.
- * A school travel plan has been submitted.
- * Pathways and Cycleways will be enhanced.

2 objectors made the following points:-

- * There are already traffic problems on the A689.
- * There are already new developments planned for sites near Wynyard.
- * There are no continuous footpaths to the school site.
- * The road leading to the school is not wide enough.

Members then spoke both in favour and against the application. Their comments could be summarised as follows:-

- * The development will be a high quality educational school in the Borough and provide educational opportunities in the Borough.
- * The development will have excellent sports facilities that can be used by the local community.
- * The school will create new jobs.
- * Red House will help growth and new businesses to the area.
- * The Council should stick to its development plans.

A vote then took place and the application was approved.

RESOLVED that planning application 12/0067/FUL be approved subject to the following conditions:-

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);
Plan Reference Number Date on Plan
2481-CP-100-01 REVO2 16 January 2012
2481-SP-100-01-REV10 3 April 2012
2481-SP-100-04-REVO4 3Apr11 2012
2481-SP-100-02-REVO4 3 April 2012

2481 -SP-1 00-03-REVO3 3 April 2012
2481-100-02-REV 07 3Apr11 2012
2481-100-01-REVO8 3 April 2012
2481-1 10-04-REVO2 3Apr11 2012
2481 -100-04-REVO9 3 April 2012
2481-100-05-REVO4 3 April 2012
2481-100-06-REVO3 3 April 2012
2481-100-03-REVO4 3 April 2012
2481-150-01-REV 04 16 January 2012
2481-SP-100-06 REV 01 9 January 2012
2481-100-07 REV 01 9 January 2012
2481-100-08 REV 01 9 January 2012
2481-SP-100-05 REV 03 3 April 2012
2481-SP-1 10-01 REV 02 3Apr11 2012
2481-110-03 REV 03 23 May 2012
SA 740002 D08 29 May 2012

3. Notwithstanding the provisions of Article 3 and Schedule 2, Part 32, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or re-enacting that order with or without modification) no extensions or additions to the school, or the provision of any additional building, shall be constructed without the prior written permission of the local planning authority.

4. No development of the School buildings shall commence until a scheme for the offsite highway works to create the primary and secondary accesses into the site from the A689 and Wellington Drive respectively has been agreed with the local planning authority and the school shall not be brought into use until those off site works have been constructed in accordance with the approved details.

5. Notwithstanding the submitted plans, prior to the commencement of the development, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated by the development is managed appropriately. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:-

1. Confirmation the whole drainage network can operate without flooding up the 30 year peak storm event.
2. Confirmation the network can operate up to the 100 year peak storm event without flooding property while retaining all storm water on site.
3. Climate change is considered in the peak rainfall calculations.
4. Details of watercourse realignments and the proposed method of works.
5. Details of how the scheme shall be maintained and managed after completion
6. Confirmation that the pond was not designed to accept drainage from any

other future development.

7. No hard landscaping works (excluding base course for access roads and car park) 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.

8. Notwithstanding the proposals detailed in the Design and Access Statement submitted plans, prior to the commencement of any soft landscaping works, full details of Soft Landscaping shall be 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: commencement of the development or agreed phases 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.

9. Notwithstanding the submitted plans all means of enclosure 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 as agreed shall be erected before the development hereby approved is occupied.

10. Notwithstanding the proposals detailed in the Design and Access Statement submitted plans full details of the method of external illumination, siting, angle of alignment; light colour and precise operational timings of street and floodlighting, luminance 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 prior to commencement of external lighting and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

11. All trees indicated for retention shall be retained and maintained for a minimum period of 25 years from practical completion of the development. 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.

12. 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 I (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.

13. Notwithstanding the proposals detailed in the Design and Access Statement submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas retained vegetation, other than small privately owned domestic garden delete as required shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development 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

14. Prior to the occupation of the development a Community Use Scheme for the school's sports facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non- school users/non-members including Wynyard Village Youth FC, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development unless otherwise agreed in writing with the local planning authority and shall be effective during the life of the school unless otherwise agreed in writing.

15. The Artificial Grass Pitch hereby approved shall be constructed using methods and materials in accordance with FIFA I star standards and to the optimum physical dimensions as noted in Sport England Technical Guidance Part I (of 3)- General Guidance and Design Considerations; Dimensions and Layouts and shall not be changed unless agreed in writing by the Local Planning Authority.

16. Prior to the bringing into use of the development a Management and Maintenance Scheme for a period of 10 years to include measures to ensure the replacement of all artificial surface/s within the next 10 years and,

management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development.

17. All construction operations including delivery of materials on site shall be restricted to 8.00 a.m and 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing by the Local Planning Authority.

18. 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.

19. The development must obtain at least a very good Building Research Establishment Environment Assessment Method (BREEAM) rating if commenced before 1 January 2013 and a minimum rating of excellent if commenced after that date.

20. A minimum of 10% of the available jobs during the construction of the Development; and 20% of the available operational jobs once the Development is operational shall be made available to residents of Stockton and the Tees Valley and a minimum of 10% of total net value of the services and materials used in the construction of the Development is to be provided by businesses within Stockton and the Tees Valley unless otherwise agreed in writing by the local planning authority.

21. All ecological mitigation measures within the 'Red House School, Land at Wynyard, Ecology June 2011, Penn Associates' document shall be implemented in full in accordance with the advice and recommendations contained within the document.

22. No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

23. A Construction Method Statement shall be submitted and agreed in writing, prior to the commencement of the development with the Local Planning Authority to effectively control any potential adverse impact of the development on the amenity of the public and nearby occupiers. This shall address off adopted highway road parking of vehicles of site personnel and visitors; Delivery and storage of plant and materials; Siting and design of temporary buildings; Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; Details of disposal of waste arising from the construction programme, including final disposal points. The

burning of waste on the site at any time is specifically precluded. Scheme to control mud on roads.

24. The development shall not be occupied until such time as the following works and processes have been completed to the written satisfaction of the Local Planning Authority.

1. The slabbing of a section of the pipeline to the north of Coal Lane, adjacent to the proposed school site, between the X's on the map accompanying this condition (dated 27th March 2012) has been installed in accordance with National Grid Gas document T/SP/CE/12 - "Specification for the design, construction and testing of civil and structural works - Part twelve: Pipeline protection slabs" (J559, dated December 2008, Rev 12/08) including the undertaking of the following processes and works

i. A Close Interval Protection Survey (CIPS) or Coating Defect Survey (CDS) shall be carried out before installation of the slabs

ii. The process of In Line Inspection (ILI) to minimise the potential for pipeline damage by the Pipeline Operator whilst removing slabbing and exposing the pipeline, and

iii. The introduction of reference cells and coupons below the slab to aid the ongoing management of the Cathodic Protection (CP) system

25. Prior to the commencement of the installation of street furniture, 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.

26. Prior to occupation a Car Park Management Strategy shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved strategy.

27. Prior to occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved strategy.

28. Prior to the commencement of the development, details of secure cycle storage facilities to be located within the site shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first use of the school.

29. Notwithstanding the submitted details on plan JN0549-DWG-0024 precise details of the car park areas shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed in accordance with the approved details prior to the School being brought into use and the layout thereafter maintained for the duration of the operation of the school

30. 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.

INFORMATIVES

The Proposal has been considered against the policies below and it is considered that there are important material benefits arising from the high quality development and the economic benefits to the Borough and the wider area. As such it is considered they outweigh the policy objections, which would otherwise apply to the scheme.

National Planning Policy Framework

Regional Spatial Strategy (RSS) for the North East of England

Core Strategy Policies CSI, CS2, CS3, CS4, CS6, CS7, CS8, CSIO and CSII and Local

Plan Saved Policy ENI3 and EN38.

P 14/12 **PLANNING PERFORMANCE**

Consideration was given to a report on the performance of the planning department for the final quarter of 2011/2012.

DCLG had published a draft version of the Single Data List (SDL), which was intended to replace the previous performance management systems – National Indicators, etc. The SDL was a basic catalogue of all the data collections (existing and proposed) that central government departments required from local authorities. There were 152 separate data collection topics within this Single Data List, with 64 of these relating directly to Development and Neighbourhood Services. The large majority of these data collections were already undertaken within services, with only a small number of new data collections proposed.

Within the SDL, the data collections that would be required from Planning remained much the same as reported already, and revolved around the performance of managing planning applications, enforcement, green belt land data, previously developed land data and the Annual Monitoring Report for the LDF. There would be 5 data collections and then 41 data topics within the 5 broad collection areas.

It was proposed to continue reporting performance to the Planning Committee in 2011/12 along the lines that was already done, as CLG had indicated that they wished this particular reporting criteria to remain. The performance level for this year therefore remained at the same level as that set for 2010/11, which was 75% for majors, 80% for minors and 88% for other applications.

The reporting timeframe ran from 1st April - 31st March each year. The report presented the performance of the final quarter in that period, 1st January to 31st March 2012.

Performance results achieved for the final period were 88.89% for major applications, 96% for minor and 97.22% for others, achieving above performance in all categories. This resulted in an annual performance figure of 84.44% for majors, 89.88% for minors and 94.38% for others.

Tables with the quarter / annual results and a chart with the cumulative performance was detailed within the report.

8 out of 9 major applications were determined within the 13 week target. The

application which went over the target was application number 11/2648 the former Prosser site - Erection of 19 affordable residential dwellings (Use Class C3) and associated infrastructure which was due to the need to undertake an open book assessment of the schemes ability to make the Section 106 contributions.

The Planning Committee noted this performance report and acknowledged the hard work and dedication of Planning Staff and colleagues within other service areas to continuously improve performance and the reputation of the Council against the background of the current difficult economic circumstances, staff restructure and the office move from Gloucester House to Municipal Buildings.

RESOLVED that the quarterly report be noted.

- P
15/12**
- 1. Appeal - Mr K Amin - 373 Thornaby Road Thornaby - 11/0650/FUL - ALLOWED WITH CONDITIONS AND AWARD FOR COSTS ALLOWED**
 - 2. Appeal - Mr David Broadbent - Springfield Stables Wynyard Road Thorpe Thewles - 11/1734/COU - ALLOWED WITH CONDITIONS**
 - 3. Appeal - Bankmachine - 2-4 Shannon Crescent Stockton on Tees - 11/3056/RET AND 11/3057/ADV - ALLOWED WITH CONDITIONS**

RESOLVED that the appeals be noted.