

Planning Committee

A meeting of Planning Committee was held on Wednesday, 29th May, 2013.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Gillian Corr, Cllr Jean Kirby, Cllr Ken Lupton, Cllr David Rose, Cllr Andrew Sherris, Cllr Norma Stephenson O.B.E and Cllr Mick Stoker.

Officers: B Jackson, S Grundy, F Bage, P Showlin, J Hutchcraft, K Campbell, C Snowdon (DNS); J Butcher, P K Bell (LD).

Also in attendance: Applicants, agents and members of the public.

Apologies: Cllr Paul Kirton, Cllr Alan Lewis, Cllr Steve Walmsley and Cllr David Wilburn.

P Evacuation Plan

9/13

The evacuation plan was noted.

P Declarations of Interest

10/13

Cllr Clark advised that he had passed comment of agenda item 5 - 13/0522/FUL - Ian Ramsey Church Of England Comprehensive School, Fairfield Road, Stockton-on-Tees - Application for erection of two storey secondary school with associated play spaces, sports pitches and associated parking for pupils and staff (Demolition of the existing school buildings) already but he would listen to the debate and had an open mind in relation to his decision on the application.

Cllr Mrs Kirby advised that she had made comments on agenda items 6 - 13/0453/REM

Field North Of 23 To 43 Bronaber Close, Barwick Lane, Ingleby Barwick
Application for reserved matters for 138 dwellings detailing layout, scale and design of buildings, means of access and landscaping of the site and agenda item 9 - 13/0534/VARY

Roseville Nursing Home, Blair Avenue, Ingleby Barwick
Application to vary condition No.1 (Approved Plans), No.2 (Soft Landscaping Works), No.5 (Boundary Treatment) and No.6 (Cycle and Refuse) of planning approval 10/1778/FUL - Part retrospective application for mixed use development comprising 81no. bedroom residential care home, 2no. sheltered accommodation units containing 24no. apartments and associated access, parking and landscaping

Cllr Mrs Corr advised that she was the Chair of Ingleby Barwick Town Council who had made comments on agenda items 6 - 13/0453/REM

Field North Of 23 To 43 Bronaber Close, Barwick Lane, Ingleby Barwick
Application for reserved matters for 138 dwellings detailing layout, scale and design of buildings, means of access and landscaping of the site and agenda item 9 - 13/0534/VARY - Roseville Nursing Home, Blair Avenue, Ingleby Barwick

Application to vary condition No.1 (Approved Plans), No.2 (Soft Landscaping Works), No.5 (Boundary Treatment) and No.6 (Cycle and Refuse) of planning approval 10/1778/FUL - Part retrospective application for mixed use development comprising 81no. bedroom residential care home, 2no. sheltered accommodation units containing 24no. apartments and associated access,

parking and landscaping.

The Legal Adviser advised that if the Councillors retained an open mind to the applications they were able to take part in the debate and vote.

P
11/13 **Minutes**

The minutes of the meetings held on 30th April 2013 and 8th May 2013 were confirmed and signed by the Chair as correct record.

P
12/13 **13/0522/FUL**
Ian Ramsey Church Of England Comprehensive School, Fairfield Road, Stockton-on-Tees
Application for erection of two storey secondary school with associated play spaces, sports pitches and associated parking for pupils and staff (Demolition of the existing school buildings).

Consideration was given to a report on planning application 13/0522/FUL - Ian Ramsey Church Of England Comprehensive School, Fairfield Road, Stockton - on - Tees - Application for erection of two storey secondary school with associated play spaces, sports pitches and associated parking for pupils and staff (Demolition of the existing school buildings).

The application sought full planning permission for the erection of a new secondary school and associated play spaces, sports pitches and associated parking at Ian Ramsey Church of England Comprehensive School, Fairfield Road, Stockton on Tees. The school was part of the Priority School Building programme and the project was being developed in association with the Education Funding Agency (EFA) on behalf of the Department for Education.

The proposed development would provide a new 1200 place secondary school for pupils aged 11-16 within the site of the existing Ian Ramsey Church of England Comprehensive School. The new building would replace the existing school and would contain learning, community and leisure facilities. The new school building would be located to the rear of the existing North site and would provide approximately 8600 sqm metres of accommodation within a two storey building. There was no proposed increase in staff or pupil numbers.

The site was accessed from Greens Lane and Fairfield Road and it was proposed that the access on Fairfield Road would become the main site entrance and works to this access would be required to facilitate this and would be the subject of a Section 278 agreement. The Head of Technical Services did not object subject to travel plan and car park management details being submitted and agreed and final landscape details being agreed. No objections had been received from other statutory consultees.

Nine representations had been received from neighbouring occupiers and concerns were raised regarding the impact on traffic congestion and highway safety and the impact on the amenity of local residents.

The proposal was considered to be in line with general planning policies set out in the Development Plan and the National Planning Policy Framework and it

was considered that due to the size and location of the development there would not be a significant detrimental impact on the amenity of neighbouring occupiers and there would not be a detrimental impact on visual amenity of the area.

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

With regard to publicity neighbours had been notified and the comments that had been received were detailed within the report.

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 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15th 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 Officers report concluded that the overall the nature and scale of the development was considered acceptable and subject to the updated travel plan, car park management plan and off site highway works the parking provision and access was satisfactory. It was considered the site could satisfactorily accommodate the proposal without any significant undue impact on the amenity of surrounding occupiers and the application was therefore recommended for approval subject to the conditions.

A local resident was in attendance at the meeting and made the following comments:-

- * There should be more parking for parents for when they drop their children off
- * The south side of the site should have been built on
- * Fairfield Road has other schools on it that cause parking problems
- * Parents often use the Fairfield Pub car park

Members were then given the opportunity to ask questions / make comment on the application and these could be summarised as follows:-

- * The car parking arrangements in the area should be looked at as a whole
- * If the Fairfield Pub stops parents using the car park there will be more parking problems
- * Was a loop system considered?

- * What are the fencing proposals?
- * The swimming pool is a loss
- * Worried about the number of loose ends in the application
- * Hope the traffic management plan will be scrutinised

The Urban Design Manager reported that the overall parking arrangements would be an improvement to the school and that a parent drop off area was being looked at. A loop system was looked at but the applicant did not put it in the scheme before Members. With regard to fencing this would be part of the reserved matters but it was considered it would be similar to the previous fencing.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0522/FUL be approved subject to the following conditions and informatives below:-

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

Plan Reference Number	Date on Plan
IR-L-G(90)X99-008 P1	1 March 2013
IR-L-G(90)X99-012 P1	1 March 2013
IR-L-G(90)X99-011 P1	8 April 2013
IR-L-G(90)X99-013 P1	1 March 2013
IR-AG(-2)X00-001 P1	1 March 2013
IR-AG(-2)X02-003 P1	1 March 2013
IR-AG(-2)X01-002 P1	1 March 2013
IR-AG(-2)X99-020 P1	1 March 2013
IR-AN(-1)X99-001 P1	1 March 2013
IR-L-G(90)X99-001 P1	1 March 2013
IR-L-G(90)X99-002 P1	1 March 2013
IR-L-G(90)X99-023 P1	1 March 2013
IR-AG(-2)X99-021 P1A	16 May 2013
IR-L-G(90)-X99-007 REV P2	8 April 2013

2. 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.

3. Prior to the commencement of development the site waste management plan shall be updated and submitted to and approved in writing by the Local Planning Authority. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme

4. Use of the new school building shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing pitches MUGA, sports hall and associated changing accommodation and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a

mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

5. Notwithstanding the proposals detailed within the submitted information and/or plans 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.

6. Notwithstanding the proposals detailed within the submitted information and/or plans prior to the commencement development of soft landscaping works full details of the 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.

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

8. Notwithstanding the proposals detailed within the submitted information and/or plans prior to the commencement of the erection of any permanent fencing, details of the 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.

9. Notwithstanding the proposals detailed within the submitted information and/or plans 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.

10. Notwithstanding the proposals detailed within the submitted information and/or plans full details of the method of external illumination, siting, angle of alignment; light colour, 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. No development shall commence until a scheme for the protection of trees BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations Section 5.5 and 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.

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. 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 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

13. The school shall not be brought into use until a scheme for widening of the primary access and associated offsite highway work has been submitted to and approved in writing by the Local Planning Authority and the work shall be implemented in accordance with the submitted details prior to occupation.

14. Notwithstanding the submitted information an updated Project Environmental Management Plan / 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.

15. Prior to the occupation of the development an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures identified and associated works shall be implemented in accordance with the approved strategy.

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

17. The development must obtain at least a very good Building Research Establishment Environment Assessment Method (BREEAM) or equivalent rating within 6 months of occupation.

18. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) in Sec. 9 of the Design and Access Statement and the following mitigation measures detailed within the FRA:-

1. Routing surface water runoff to a public sewer at an allowable discharge rate agreed with Northumbrian Water (NWL). Any existing flood risk concerns associated with the sewer in question need discussing with NWL when agreeing discharge rates.
2. Provision of a surface water attenuation storage facility if required by NWL.
3. Finished floor levels are set no lower than 22.96 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

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

20. The new school building hereby approved shall not be brought into use until the following documents have been submitted to and approved in writing by the Local Planning Authority:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

21. Prior to occupation of the development hereby approved 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.

22. Development shall not commence until a detailed scheme for the disposal of surface and foul 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.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1 -General Policy Conformity

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the overall nature and scale of the development is acceptable and it is considered that the site could satisfactorily accommodate the proposal without any significant undue impact on the amenity of any adjacent neighbours and is acceptable in terms of highway safety and there are no other material considerations, which indicate a decision, should be otherwise.

Stockton on Tees Local Plan Policy REC1- Outdoor Playing Space
Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel
Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change
Core Strategy Policy 6 (CS6) - Community Facilities
Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement
Supplementary Planning Document 3: Parking Provision for New Developments
National Planning Policy Framework

Informative 2 - Tree Protection

The following works are not allowed under any circumstances:

No work shall commence until the approved Tree Protection Barriers are erected.

No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.

No fires shall be lit or allowed to burn within 10 metres of the canopy spread of

a tree or within the Root Protection Zone.

No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.

No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.

No unauthorised trenches shall be dug within the Root Protection Zone.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Informative 3 - Construction Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and measuring that may be required so as to mitigate the effect of the obstruction to the general public.

Informative 4 - Highway Works

The developer is reminded that it is an offence to cause damage to the Highway or to deposit any item on the Highway that causes a nuisance or danger. Any damage to the Highway caused by the development must be repaired at the developer's expense. The Highway Authority will seek, wherever possible, to recover any expenses incurred repairing the Highway surfaces and prosecute persistent offenders. (Highways Act 1980 sections 131, 148, 149).

The developer should contact the Care For Your Area Highway technicians prior to any works on site to arrange an inspection of the Highway surfaces fronting the development.

Informative 5: Northern Gas Networks

Northern Gas Networks have advised that there may be gas apparatus in the area and that the developer contact them to discuss this. Contact details given are as follows;

Sandra Collett
Network Records Assistant
0845 6340508 (option 6)

P **13/0453/REM**
13/13 **Field North Of 23 To 43 Bronaber Close, Barwick Lane, Ingleby Barwick**
Application for reserved matters for 138 dwellings detailing layout, scale
and design of buildings, means of access and landscaping of the site.

Consideration was given to planning application 13/0453/REM -
Field North Of 23 To 43 Bronaber Close, Barwick Lane, Ingleby Barwick -
Application for reserved matters for 138 dwellings detailing layout, scale and
design of buildings, means of access and landscaping of the site.

Planning permission was sought for reserved matters approval for a residential development of 138 dwellings in the Sandhill area of Ingleby Barwick. The development was for executive detached two-storey dwellings with a mixture of house types to include properties with detached and integral garages.

The layout of the proposed scheme followed the principles set out in the development brief and included an area of public open space located towards the north of the development. The scheme followed the principles set out in Government Guidance 'Manual For Streets' (MfS) which included providing active frontages on roads, provision of build outs, varying surface treatments and the inclusion of trees along the highway.

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

Publicity had been given to the application by neighbour letters, a press advert and site notices. The comments that had been received were detailed (in summary) within the report. A total of 19 objections had been received.

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.

Section 143 of the Localism Act came into force on the 15th 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 requires in dealing with such an 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 Officers report concluded that the proposed development was not considered to have any significant impacts on the character of the area, levels of residential amenity and highway safety.

It was recommended that planning consent be granted with conditions.

Members were presented with an update report that outlined that one additional comment had been received from a resident, which was summarised as follows:-

A neighbour was unable to attend the planning committee meeting but requested that the committee considers the natural hedgerow that exists between the development and the side of 8 Rhinog Drive. The neighbour understands this hedgerow is to be retained as part of the development.

In response to the above comments, the applicant had submitted a revised site layout plan drawing number SH-001 Rev C which confirmed that the existing hedgerow between the development and 8 Rhinog Drive be retained.

The initial comments from the Head of Technical Services raised concerns over the layout of the driveways and the garages at plots 55 and 57. The previous site layout plans had been altered with alternate house types within this cul-de-sac which improved the position of the garages for plots 55 and 57. The revised site layout plans were drawing number SH-001 REV C and an enlarged extract plan to show the previous site layout for plots 55 and 57 and the proposed site layouts for plots 55 and 57. The applicant had provided a further revised extract plan drawing for the revised housing layout drawing SH-001 Extract SH-001 REV C.

The Head of Technical Services had commented on the revised site layout plans, SH-001 Rev C that proposed car parking within the development should not be remote from the dwelling as this reduces the likelihood of it being used and increases on-street parking. The revised plan shows Plot 55 as an Oakhurst house type with integral garage and Plot 57 as Calvert house type with attached garage which was considered to be acceptable.

A request was made for an additional plan to show an extract of the western boundary of the site in relation to the existing housing. The plan was attached to the report.

It was considered that no new issues had arisen and therefore the recommendation and material planning considerations remained as set out in the original report subject to an amended list of approved plans.

Two objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:-

- * Further details are needed of the new road that will affect the access road at Barwick Farm

- * Concerns over the height of the mound where the new houses will be built

Officers reported that they would meet with the owner of Barwick Farm to discuss the new road. With regard to the mound it was confirmed that there would be a mound to the rear of the new houses.

Members were then given the opportunity to ask questions and make comment on the application.

A Member asked for clarification of the affordable housing for the development. The Planning Officer reported that both the affordable housing and the discount for sale housing formed part of the section 106 agreement that was signed as part of the 2009 outline approval. Although this site provided for executive housing the wider Ingleby Barwick area allowed for and provided a suitable mix of housing types and tenure.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0453/REM be approved subject to the following conditions and informatives:-

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

Plan Reference Number Date on Plan

CV-WD01 22 February 2013
GGD-WD01 22 February 2013
GGQ-WD-01 22 February 2013
GHD-WD01 22 February 2013
GHQ-WD01 22 February 2013
HG-WD01 22 February 2013
HL-WD01 22 February 2013
HO-WD01 22 February 2013
LW-WD01 22 February 2013
OK-WD01 22 February 2013
PT-WD01 22 February 2013
SP-WD01 22 February 2013
SX-WD01 22 February 2013
TU-WD01 22 February 2013
EL-01 22 February 2013
IB-A-LP-01 REV D 22 February 2013
SH-001 REV C 28 May 2013
SH-001 EXTRACT REV C 29 May 2013
WSX2-WD011 March 2013
WX-WD01 1 March 2013

2. Surface Water Drainage

The commencement of the development authorised by this permission shall not begin until ;

- a) The Local Authority has approved in writing a full scheme of works for the sustainable surface water drainage methods for the development and
- b) the approved works have been completed in accordance with the Local Authority's written approval and have certified in writing as being complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local planning authority.

3. Highway Works

No development shall proceed until a scheme for highway improvement works at the proposed access road to the development and the road junction at Barwick Lane, Ingleby Barwick has been submitted and approved in writing with the local planning authority. No dwelling within the hereby approved development shall be occupied until the scheme has been carried out in accordance with the agreed details.

4. Bat Survey

Prior to the commencement of the development an up to date Bat survey should

be submitted to the Local Authority for consideration. Should bat roosts be present within the site, details of proposed mitigation works should be submitted in writing to the Local Authority for prior approval. Any mitigation shall be carried out in full accordance with the agreed details.

5. Archaeological Survey

No 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.

No development shall take place other than in accordance with the agreed Written Scheme of Investigation

6. Site Waste Management

No development shall commence until a site waste management plan 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.

7. Public Open Space

No development shall commence until the Local Planning Authority has approved in writing details of the Public Open Space provision within the site including:-

- a) The type and nature of the facilities to be provided within the POS
- b) The open space shall be completed in accordance with the approved scheme and any phasing arrangements as agreed
- c) The arrangements the developer shall make for the future management of the POS. Where the title transfer (refer to informative) is not proposed the management scheme details shall be prepared for a minimum of 20 years from practical completion of the the POS works.

8. Hard Landscaping

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.

9. Materials

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

10. Means of Enclosure

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 is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

11. Existing and Proposed Site Levels

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

12. Archaeological Survey

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 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

13. Construction Activity

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.

14. Access

Notwithstanding any description contained as part of this application all construction traffic associated with this development shall utilise the southern access to The Rings.

15. Land Contamination

If potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning

Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

16. Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

17. Western Buffer Planting

Prior to the commencement of soft landscaping works full details of the buffer planting 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.

18. Softworks Landscaping

Notwithstanding the submitted information, 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.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

General Policy Conformity

The development has been considered against the policies below and it is considered that the site is suitable for residential development and will not have an adverse impact on the neighbouring occupiers, the character of the area or pose any significant impact on highway safety and there are no other material planning considerations that indicate a decision should be otherwise.

Core Strategy policies

Core Strategy Policy 2 (CS2) Sustainable Transport and Travel ; Core Strategy Policy 3 (CS3) Sustainable Living and Climate Change; Core Strategy Policy 6 (CS6) - Community Facilities; Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing; Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision; Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement; Core Strategy Policy 11 (CS11) - Planning Obligations

Saved Local Plan Policies

Policy HO1 of the adopted Stockton on Tees Local Plan ; Saved Policy HO3 of the adopted Stockton on Tees Local Plan ; Saved Policy EN30 of the adopted Stockton on Tees Local Plan

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

Construction Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and any mitigation that may be required so as to mitigate the effect of the obstruction to the general public.

Damage to Highway Verge

The developer is reminded that it is an offence to cause damage to the Highway or to deposit any item on the Highway that causes a nuisance or danger. Any damage to the Highway caused by the development must be repaired at the developer's expense. The Highway Authority will seek, wherever possible, to recover any expenses incurred repairing the Highway surfaces and prosecute persistent offenders. (Highways Act 1980 sections 131, 148, 149).

The developer should contact the Care For Your Area Highway technicians prior to any works on site to arrange an inspection of the Highway surfaces fronting the development.

Construction of highways for new development

The works require alterations and extensions to the existing adopted highway.

Where a development involves works requiring either improvement or alteration

to the existing highway, the Developer may be required to enter into an agreement with the Council as Highway Authority under Section 278 of the Highways Act 1980. This requirement often occurs as a condition on the grant of planning permission.

As part of the new Development you may wish the Council to adopt highways (including carriageways, footways, verges, cycleways, highway drainage and street lighting) which would then be maintainable at public expense. In order to achieve this you would be required to enter into an agreement with the Council as Highway Authority under Section 38 of the Highways Act 1980.

The Council would only consider adoption provided any highways are designed and constructed in accordance with the 'Design Guide and Specification for Residential and Industrial Estates' which can be downloaded from the Stockton Council website at the following link:-
www.stockton.gov.uk/urbandesign/designguide/

It is important for Developers to appreciate that obtaining a planning consent does not imply that a layout is suitable for adoption or give permission to work on an adopted Highway.

It is recommended that the Council is consulted about any of the above at an early stage as the Council are unlikely to adopt the highway without the Developer entering into a Bond with the Council for inspecting the construction and short term maintenance of the proposed highway at regular intervals.

P 13/0440/FUL
14/13 Wynyard Hall, The Avenue, Wynyard
Erection of cookery school including visitor accommodation and provision of associated car parking

Consideration was given to planning application 13/0440/FUL - Wynyard Hall, The Avenue, Wynyard - Erection of cookery school including visitor accommodation and provision of associated car parking.

The cookery school consisted of teaching rooms and accommodation for up to 12 people.

There was an outstanding objection from the Environment Agency however additional information had been submitted by the applicant to address the concerns which was being considered.

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

With regard to publicity neighbours had been notified and the comments that had been received were detailed within the report.

With regard to planning policy the national Planning Policy Framework (NPPF) adopted in march 2012 set out the governments planning policies for England and how these were expected to be applied:-

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:-

approving development proposals that accord with the development without delay; and
where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

The most relevant elements of the NPPF to the application were detailed within the report.

The Planning Officers report concluded that the impacts of the proposal had been considered against national and local planning policy. The development as proposed was considered to be in line with general planning policies set out in the development plan, was acceptable in highway safety, did not adversely impact on the neighbouring properties, the registered Historic parkland of the Wynyard Estate and associated heritage assets, ecological habitat or flooding.

It was recommended that the application be approved with conditions subject to no outstanding objection from the Environment Agency.

Members were presented with an update report that outlined that further correspondence had taken place with the Environment Agency and they had no objection to the application and their comments were detailed within the report.

The recommendation of the main report remained unchanged, there was no outstanding objection from the Environment Agency. It was recommended that the application be approved with the additional condition 13 requested by the Environment Agency as detailed within the update report.

The agent for the applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- * Support the officer recommendations for this application
- * This application will bring a derelict building back into use
- * The application will benefit the Borough
- * There is a clear benefit in heritage terms
- * There will be 40 full time jobs
- * There will be construction jobs
- * It will increase tourism for the area
- * Local goods will be needed
- * This application will increase the draw of a premier hotel destination

An objector was in attendance at the meeting and was given the opportunity to

make representation. Her comments could be summarised as follows:-

- * This application and the next one on the agenda will be a major catastrophe for her and the cottage that she lives in
- * There will be a disco in the marquee every night
- * There will be food smells from the building everyday
- * The marquee and hotel bedrooms will cause noise nuisance
- * There will be traffic management issues for this application and the next one on the agenda

It was noted that some of the objectors comments were with reference to the next application on the agenda (13/0438/REV).

The Urban Design Manager reported that as the cookery school only had 12 guests and there would low impact with regard to traffic and there was lots of car parking nearby.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0440/FUL be approved subject to no outstanding objection from the Environment Agency and subject to the following conditions and informatives below:-

Approved Plans

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

Plan Reference Number	Date on Plan
PL02	21 February 2013
PL11	21 February 2013
PL12	21 February 2013
PL13	21 February 2013
PL08 REV B	9 May 2013

2. Highway Works

No development shall proceed until a scheme for offsite highway improvement works at the Golden Gates junction has been submitted and approved in writing with the local planning authority. The development hereby approved shall not be occupied until the scheme has been carried out in accordance with the agreed details.

3. Archaeological works

A) No development shall take place 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 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.

4. Landscaping Hardworks

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans 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.

5. Means of Enclosure

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans, prior to the commencement of the erection of any permanent fencing, details of the 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.

6. Street Furniture

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans, 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.

7. 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, 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.

8. Landscaping Softworks

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans, prior to the commencement of 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. Construction Noise

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.

10. Use of premises

The use of the premises hereby approved shall be for cookery school / events space with ancillary residential accommodation associated with the main hotel use of Wynyard Hall and no other use class without the prior written consent of the local planning authority

11. Construction Management Plan

Prior to works commencing on site a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- Access proposals (including HGV routes) and HGV trip profile;
- Details of parking proposals during construction;
- Hours of construction; and
- Appropriate mitigation measures that minimise the highway impact during construction.

The works shall be carried out in accordance with the agreed details

12. Tree protection

All the recommendations stipulated in the Arboricultural Method Statement Ref:ARB/CP/724/AMS by Elliot Consultancy Limited must be fully adhered to during all construction works near existing trees that are to be retained.

13. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Dec

2012/3773/FRA1 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

2. Proposed Drainage Strategy (section 10)

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The proposal has been considered against National and Local Planning Policies listed below and it is considered that there are no other material planning considerations which indicate that a decision should be otherwise. The council has had regard to all of the relevant information submitted, consultee and consultation responses. The impacts of the development that the Local Planning Authority has considered in that context include: the principle of development, impact on landscape & heritage including the registered historic parkland, neighbouring residential properties, archaeology, ecology, highway safety, noise and disturbance and the cumulative impacts of the scheme.

Core Strategy Policies CS1,CS3,CS10,CS11

Saved Local Plan Policies EN7, EN9 EN28,EN26,EN30

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

Construction Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and measuring that may be required so as to mitigate the effect of the obstruction to the general public.

**P
15/13**

13/0438/REV

Wynyard Hall, The Avenue, Wynyard

Revised application for the creation of Rose Garden within the former walled kitchen garden and on the former Italian garden terrace, construction of visitor centre and formation of a new point of pedestrian access into the walled garden through the eastern wall of the walled garden and erection of a Marquee for functions, events and exhibitions.

Consideration was given to a report on planning application 13/0438/REV -

Wynyard Hall, The Avenue, Wynyard - Revised application for the creation of Rose Garden within the former walled kitchen garden and on the former Italian garden terrace, construction of visitor centre and formation of a new point of pedestrian access into the walled garden through the eastern wall of the walled garden and erection of a Marquee for functions, events and exhibitions.

The application sought planning permission for the creation of a Rose Garden and Visitor Centre within the former walled kitchen garden of Wynyard Hall with associated landscaping and parking.

The application involved the construction of visitor centre within the walled garden and formation of a new point of pedestrian access into the walled garden through the eastern wall of the walled garden.

The existing zebra house would be converted to provide ancillary accommodation for the visitors centre.

The application also proposed the erection of a marquee (approximately 2,000m sq. m) on the Italian garden terrace and conversion of an existing squash building into a management suite.

There was an outstanding objection from the Environment Agency however additional information had been submitted by the applicant to address the concerns which was being considered. Subject to no outstanding objection from the Environment Agency the application was recommended for approval with conditions.

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

With regard to publicity neighbours had been notified by means of letter, site notice and press advert and the comments that had been received were detailed within the report.

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.

Section 143 of the Localism Act came into force on the 15th 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 requires 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 Officers report concluded that the impacts of the proposal had been considered against national and local planning policy. The development as proposed was considered to be in line with general planning policies set out in the development plan, was acceptable in highway safety, did not adversely impact on the neighbouring properties, the registered historic park and garden of Wynyard, heritage assets, ecological habitat or flooding.

It was recommended that the application be approved with conditions subject to no outstanding objection from the Environment Agency.

Members were presented with an update report that outlined that further correspondence had taken place with the Environment Agency and they had no objection to the application and their comments were detailed within the report.

The recommendation of the main report remained unchanged as there was no objection from the Environment Agency. It was recommended that the application be approved with the proposed changes to condition number 1 and 18 and an additional condition 20 requested by the Environment Agency.

The Chair requested that Members consider the comments that related to this application made by the objector who spoke at the previous item when making their decision.

The applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:-

- * A management plan would be put in place to ensure the smooth running of the marquee
- * Work would be done with neighbours with regard to any noise issues
- * The marquee would be a walled marquee with an air bubble which would ensure noise is kept to a minimum

A vote then took place and the application was approved.

RESOLVED that planning application 13/0438/REV be approved subject to the following conditions and informatives below:-

1. Approved Plans

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

Plan Reference Number	Date on Plan
N52-308 PL19 REVA	(dated 23rd May)
N52-308 PL14 REV A	(dated 23rd May)

PL01	21 February 2013
PL04	21 February 2013
PL05	21 February 2013
PL06	21 February 2013
PL07	21 February 2013
PL16	21 February 2013
PL17	21 February 2013

PL19 21 February 2013
PL18 REV B 18 March 2013
PL08 REV B 9 May 2013

2. Time Limit Marquee

The marquee hereby approved shall be removed on or before 5 years from the date of erection unless the prior written consent of the Local Planning Authority has been obtained to an extension of the period of validity.

3. Highway Works

No development shall proceed until a scheme for offsite highway improvement works at the Golden Gates junction has been submitted and approved in writing with the local planning authority. The development hereby approved shall not be occupied until the scheme has been carried out in accordance with the agreed details.

4. Use of Management Suite and Visitor Centre

The management suite and visitor centre hereby approved shall be used for hotel purposes (use class C1) in connection with the main operation of Wynyard Hall and for no other purposes without the prior written consent of the local planning authority.

5. Materials Zebra House

Prior to the commencement of any works to the zebra house or glazed link connecting to the walled garden a schedule of works shall be provided detailing the full scope of intended works to that building. The schedule of works shall include full details of the proposed glazed link to the visitors centre, and details of the proposed wall opening and making good including the method of support during construction. The details shall be agreed in writing with local planning authority and the scheme carried out in accordance with the approved details.

6. Materials Visitor Centre

Prior to the commencement of the construction of the visitor centre details of all external materials, joinery details, profile sections of the construction materials for the new building and colour finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

7. Landscaping Hardworks

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans 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. Enclosure

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans, prior to the commencement of the erection of any permanent fencing, details of the 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.

9. Street Furniture

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans, 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.

10. 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, 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. Landscaping softworks

Notwithstanding the proposals detailed in the Design and Access Statement / submitted plans, prior to the commencement of 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.

12. Maintenance soft works

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, 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

13. Archaeology

A) No development shall take place 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 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.

14. Live Music

All live music played externally shall finish at 23.30pm and any music played after such time shall only be played at background level only with all music finishing at 00.30am and not starting again until after 09.00am.

15. Construction management plan

Prior to works commencing on site a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a

scheme shall include:-

- Access proposals (including HGV routes) and HGV trip profile;
- Details of parking proposals during construction;
- Hours of construction; and
- Appropriate mitigation measures that minimise the highway impact during construction.

The works shall be carried out in accordance with the agreed details

16. Tree protection

All the recommendations stipulated in the Arboricultural Method Statement Ref:ARB/CP/724/AMS by Elliot Consultancy Limited must be fully adhered to during all construction works near existing trees that are to be retained.

17. Food and drink sales

Food and drink sales from the visitor centre shall be restricted to the defined outdoor terrace area and inside the visitor centre hereby approved and to no other part of the walled garden

18. Defined café and retail area

The defined café and retail floor sales area of the visitors centre will be restricted to those areas identified on plan number PL14 REV A.

19. Range of goods

Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 and amendments, the range and type of goods to be sold from the visitor centre hereby permitted, shall be restricted to the sale of the following:-

Wynyard Hall / Estate branded products
Heritage related products
Books
Stationary
Jarred and bottled food stuffs only
Gifts and ancillary goods
Confectionary
Food stuffs grown and produced on site
Products produced on site

There shall be no retailing of additional food stuffs from the site, except for the ancillary sale of food and drink for consumption on the premises and food produce and convenience goods relating to the approved gift shop and café use only.

20. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Dec 2012/3773/FRA1 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Proposed Drainage Strategy (section 10)

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The proposal has been considered against National and Local Planning Policies listed below and it is considered that there are no other material planning considerations which indicate that a decision should be otherwise. The council has had regard to all of the relevant information submitted, consultee and consultation responses. The impacts of the development that the Local Planning Authority has considered in that context include: the principle of development, impact on landscape & heritage including the registered historic parkland, neighbouring residential properties, archaeology, ecology, highway safety, flooding, noise and disturbance and the cumulative impacts of the scheme.

Core Strategy Policies CS1,CS3,CS6,CS10,CS11
Saved Local Plan Policies EN7, EN9, EN EN13, EN26, EN28,EN30, S15

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Construction Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and measuring that may be required so as to mitigate the effect of the obstruction to the general public.

**P
16/13**

13/0534/VARY

**Roseville Nursing Home, Blair Avenue, Ingleby Barwick
Application to vary condition No.1 (Approved Plans), No.2 (Soft Landscaping Works), No.5 (Boundary Treatment) and No.6 (Cycle and Refuse) of planning approval 10/1778/FUL - Part retrospective application for mixed use development comprising 81no. bedroom residential care home, 2no. sheltered accommodation units containing 24no. apartments and associated access, parking and landscaping**

Consideration was given to planning application 13/0534/VARY - Roseville Nursing Home, Blair Avenue, Ingleby Barwick - Application to vary condition No.1 (Approved Plans), No.2 (Soft Landscaping Works), No.5 (Boundary Treatment) and No.6 (Cycle and Refuse) of planning approval 10/1778/FUL - Part retrospective application for mixed use development comprising 81no. bedroom residential care home, 2no. sheltered accommodation units containing 24no. apartments and associated access, parking and landscaping.

The application site had been subject to a number of planning applications. Development was first approved on the site in outline, for a community centre and children's day nursery with associated car parking. Various applications had since been submitted for a variety of mixed use schemes many of which had been granted permission on appeal, with the latest appeal decision establishing planning permission for an 81 bed care home and 2 blocks of sheltered housing accommodation (totalling 24 beds) and a later application amending one of the sheltered housing buildings (Block B) to a 22 bedroom 'Luxury' care home.

The application site formed part of a larger site to the north of Blair Avenue and to the north west of the Ingleby Barwick local centre. To the west of the site was an area of open space that had been fenced off and had been granted planning permission for 48 retirement apartments. Beyond this area lay the residential streets of Rowen Close and Snowdon Grove. To the north was also an area of open grassland, this land had the benefit of an outline planning consent for residential development.

The application sought under section 73 of the Town and Country Planning Act to vary conditions on a previously approved application. The proposed changes related to the approved plans, soft landscaping works, boundary treatments and cycle and refuse storage.

Largely as a result of the applicant seeking to retain the existing tarmac areas, the scheme resulted in a site dominated by hard surfacing. As a consequence the proposal results in insufficient space for appropriate landscaping, to not only soften the overall development but to also provide a high quality design and environment. Furthermore it was considered that insufficient and unsuitable open space areas were provided. The unjustified and excessive parking provision also undermined the effectiveness of any Travel Plan that would seek to minimise access to the site by the private car, while the loss of cycle parking and changes to the pedestrian layouts were considered to further discourage people accessing the site by alternative modes of transport.

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

With regard publicity neighbours had been notified and no comments had been received.

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.

Section 143 of the Localism Act came into force on the 15th 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 Officers report concluded that largely as a result on the applicant seeking to retain the existing tarmac areas, the scheme results in a site dominated by hard surfacing. As a consequence the proposal results in insufficient space for appropriate landscaping, to not only soften the overall development but too also provide a high quality design and environment. Furthermore it was considered that insufficient and unsuitable open space areas were provided, resulting in substandard levels of residential amenity for the residents of blocks B and C of the development.

The unjustified and excessive parking provision also undermined the effectiveness of any Travel Plan that would seek to minimise access to the site by the private car, while the loss of cycle parking and changes to the pedestrian layouts were considered to further discourage people accessing the site by alternative modes of transport.

The application was considered to be contrary to Policies CS2 and CS3 of the Core Strategy, Saved policy HO3 of the Local Plan, Guidance within the National Planning Policy Framework and SPD no.3. It was therefore recommended that the application be refused and that the Director of Law and Democracy be authorised to take all appropriate and necessary enforcement action to provide a satisfactory form of development.

Members fully supported the Planning Officers recommendations as they felt to take away another two communal garden areas was totally unacceptable.

RESOLVED that planning application 13/0534/VARY be Refused for the following reasons and the Director of Law and Democracy be authorised to take all necessary enforcement action against the unlawful development:-

Visual Impact;

1. In the opinion of the Local Planning Authority the proposed development would fail to make a positive contribution to the visual amenity of the area and provide high standards of inclusive design and integration into the surrounding environment as required by policy CS3(8) and paragraphs 17, 56, 57, 58 & 61 of the National Planning Policy Framework.

Inadequate amenity provision;

2. In the opinion of the Local Planning Authority the proposed development would not provide sufficient or suitable outdoor open space for the residents of the site, thereby resulting in adequate levels of residential amenity contrary to Core Strategy policy CS3(8), Saved policy HO3 and paragraph 17 of the National Planning Policy Framework.

Accessibility/Sustainable modes of Transport;

3. The applicant has failed to satisfactorily demonstrate that there is a requirement to increase the level of car parking provision above the Councils adopted parking standards. In the opinion of the Local Planning Authority, this

along with reductions in cycle parking and pedestrian access will reduce the sustainability of the site, contrary to Core Strategy Policy CS2(1&3), paragraphs 29 and 34 of the National Planning Policy Framework and guidance with the Council's adopted Supplementary Planning Document (SPD) No. 3: Parking Provision for new developments.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

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17/13** **ALTERATION TO THE SCHEME OF DELEGATION**

Consideration was given to a report on an alteration to the scheme of delegation.

The Government had introduced new permitted development rights for a 3 year period which required prior notification to the Local Planning Authority and notification to neighbours to make representations resulting in a deemed approval if the applicant had not been formally notified of a decision by the last day of the statutory period for determination.

The Council's scheme of delegation authorised the Head of Planning to determine applications which did not generate more than 5 individual letters contrary to the officer recommendation. There was genuine concern that there may be situations arising under the new prior notification process where more than 5 individual letters of objection were received but officers informally were not opposed to the proposal but the application could not be reported for determination by the Planning Committee before the expiry of the statutory period for determination and the deemed approval provisions would take effect.

The report therefore examined the new prior approval process and proposed alterations to the scheme of delegation to make it possible for prior notification applications to be determined lawfully within the statutory time period and prevent prior approval being obtained via the deemed approval provisions.

The issue for consideration was that one of the current criteria for determining whether an application was delegated to officers was:-

d) Those cases where there are more than 5 letters/emails by way of response which are contrary to the recommendation of the case officer, with the exception of mobile phone mast applications where they remain delegated regardless of the number of objections received;

The Government had introduced new permitted development rights for a 3 year period which required prior notification to the Local Planning Authority and notification to neighbours to make representations resulting in a deemed approval if the applicant had not been formally notified of a decision by the last day of the statutory period for determination. In particular these were:-

- Class A extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse,

Subject to:-

(c) the expiry of 42 days following the date on which prescribed information referred to in the Order was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

- Class J Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule

Subject to

(the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

- Class K . Development consisting of a change of use of a building and any land within its curtilage to use as a state-funded school, from a use falling within Classes B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order

Subject to

the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused

- Class M where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit exceeds 150 square metres and does not exceed 500 square metres, Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

Subject to

the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The local planning authority was required to notify the owners and occupiers of adjoining properties about the submission of the proposed development and provide 21 days for representations to be received. The prior approval of the local planning authority was only required if an objection to the proposed development was received. If no objections were received or only letters of support were received the local planning authority's prior approval was not required but notice of that must still be given within the statutory period.

The Council's scheme of delegation authorised the Head of Planning to determine applications which did not generate more than 5 individual letters of contrary to the officer recommendation. There may be situations arising under the new prior notification process where more than 5 individual letters of

objection were received but officers informally were not opposed to the proposal but the application could not be reported for determination by the Planning Committee before the expiry of the statutory period for determination and the deemed approval provisions take effect.

This situation would be clearly contrary to the rules of natural justice if the Local Planning Authority were unable to decide a prior notification application within the statutory time period. This would be totally unsatisfactory for neighbours if their representations could not be properly considered.

The Secretary of State for Communities and Local Government had indicated that it was up to the Local Planning Authority to determine how it wished to determine prior notification applications.

The proposed change would still result in the scrutiny applied under the existing scheme of Determination of applications under delegated powers

Each application required the signature of the case officer, and the Area Team Leader / Major Projects Officer from one of the other teams. During the course of a prior notification application, case officers would liaise with their own line manager to discuss the case and recommendation. Therefore to ensure consistency in decision making and for an independent view, another team leader must act as signatory on the delegated decision, i.e. they cannot sign off their own team members' decisions.

Applications recommended for refusal, in addition to the 2 signatures above, would require to have a third signature, that of the Development Services Manager to ensure consistent decision making across the teams and as a way of monitoring performance with regards to appeals. As with the existing scheme, there would be other signatories in place in the absence of the above staff including the Corporate Director, Head of Planning and Spatial Planning Manager.

Members therefore agreed that the Head of Planning be authorised to determine all applications for prior notification.

RESOLVED that Members views be incorporated into a report to be considered by the Executive Scrutiny Committee.

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PLANNING PERFORMANCE

Consideration was given to a report on the performance of the planning department for the final quarter of 2012/2013.

DCLG 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 therefore proposed to continue reporting performance to Committee in 2012/13 along the lines that was done already, as CLG had indicated that they wished this particular reporting criteria to remain. The performance level for this year therefore remained at 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 2013.

Performance results achieved for the fourth quarter were 93.75% for major applications, 84.31% for minor and 95.45% for others, achieving above performance in all categories. The annual performance, which would be reported to DCLG, was 87.69% for majors, 88.03% for minors and 95.62% for others.

15 out of 16 major applications were determined within the 13 week target. The one major application which went over the target (12/2517/OUT) was for land at Low Lane, High Leven on the outskirts of Ingleby Barwick and was the application for outline planning consent for the erection of Ingleby Manor Free School and Sixth Form and residential development (350 dwellings) including means of access. This application was refused by committee on 5th February 2013 and was the subject of a Public Inquiry starting on 14th May as the application was called in for determination by the Secretary of State.

RESOLVED that:-

1. The performance report be noted.
2. The hard work and dedication of Planning Staff and colleagues within other service areas to determine applications within the target periods and improve performance and the reputation of the Council be acknowledged.