

Planning Committee

A meeting of Planning Committee was held on Wednesday, 11th September, 2013.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Carol Clark (Vice Cllr Norma Stephenson), Cllr Michael Clark (Vice Cllr Paul Kirton), Cllr Gillian Corr, Cllr Alan Lewis, Cllr Ken Lupton, Cllr David Rose, Cllr Andrew Sherris, Cllr Steve Walmsley and Cllr David Wilburn.

Officers: C Straughan, B Jackson, A Glossop, P, Shovlin, J Edmonds, J Hutchcraft (DNS), J Butcher, P K Bell (LD).

Also in attendance: Ward Cllr Paul Kirton, Ward Cllr Mrs Sylvia Walmsley, applicants, agents and members of the public.

Apologies: Cllr Mark Chatburn, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Norma Stephenson and Cllr Mick Stoker.

P 50/13 Evacuation Procedure

The evacuation procedure was noted.

P 51/13 Declarations of Interest

Councillor Walmsley declared a personal interest in respect of agenda item 5 - 13/0471/FUL - 38A Dukesway, Teesside Industrial Estate, Thornaby - Proposed change of use from vacant industrial unit (B1/B2/B8) to Indoor soft play (D2), laying out of car parking, amends to entrance and signage as he knew the owner of Richmond House, a property mentioned as an alternative location for the development.

Councillor Gibson declared a personal interest in respect of agenda item 7 - 13/1057/FUL Blenheim House, Trenchard Avenue, Thornaby - Application for erection of a two storey apartment building housing 15 apartment units with supporting ancillary accommodation and erection of 13 bungalows. The 15 apartment unit is dedicated to provide needs for learning disabilities with the 13 bungalows reserved for elderly and learning disability accommodation. Demolition of existing Blenheim House and surrounding buildings within application site due to being a board member of the applicant, Vela Homes. Councillor Gibson withdrew from the Chair and left the meeting during consideration of the item. Councillor Corr was in the Chair during consideration of the item.

Councillor Walmsley declared a personal interest in respect of agenda item 7 - 13/1057/FUL - Blenheim House, Trenchard Avenue, Thornaby - Application for erection of a two storey apartment building housing 15 apartment units with supporting ancillary accommodation and erection of 13 bungalows. The 15 apartment unit is dedicated to provide needs for learning disabilities with the 13 bungalows reserved for elderly and learning disability accommodation. Demolition of existing Blenheim House and surrounding buildings within application site as he was a member of Thornaby Town Council who had been consulted on the application.

P 52/13 Minutes

The minutes of the meeting held on 21st August 2013 were confirmed and signed by the Chair as a correct record.

P
53/13

13/0471/FUL

38A Dukesway, Teesside Industrial Estate, Thornaby

Proposed change of use from vacant industrial unit (B1/B2/B8) to Indoor soft play (D2), laying out of car parking, amends to entrance and signage.

Consideration was given to a report on planning application -13/0471/FUL - 38A Dukesway, Teesside Industrial Estate, Thornaby - Proposed change of use from vacant industrial unit (B1/B2/B8) to Indoor soft play (D2), laying out of car parking, amends to entrance and signage.

Members were reminded that the application was deferred at the last Planning Committee in order that the sequential assessment could be re-assessed in relation to a unit within the Mandale Triangle (Richmond House) following a request from Councillor Walmsley. The applicant had assessed the unit and considers that it was unsuitable as the floor space was too large (and split over two floors); had too low an eaves height at 3.6 metres and it could not provide for 70 dedicated parking spaces.

A petition containing 169 signatures had also been submitted which was against a 2nd soft play centre on Teesside Industrial Estate.

The application site was situated within the southern section of Teesside Industrial Estate and was located on the corner of Allison Avenue and Dukesway. The premises formed part of a larger building that had since been sub-divided. Various industrial / warehouse units surrounded the site with a large area of grass separating the units that encompassed this particular 'block'.

Planning Permission was sought for the 'change of use' of the existing industrial unit to an indoor soft play area (use class D2) and would result in the creation of approximately 1400 sq.m of D2 floor space. Minor external changes are proposed to the western elevation in the form of a new glazed entrance to the premise.

Although the proposal was for a 'town centre use' within an out-of-centre location, the applicants had provided a sequential assessment along with update information in respect of Richmond House, which satisfactorily demonstrated that there were no other sequentially preferable sites either within or on the edge of the defined retail centres. The site was also located within close proximity to areas of residential populations (Thornaby and Ingleby Barwick). The proposed development was therefore considered to be broadly in accordance with guidance with the NPPF and relevant policies of the Core Strategy and Local Plan.

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

With regard to publicity neighbouring properties were notified of the application and a total of 27 objections and 2 letters of support had been received, these were detailed within the report. A petition containing 169 signatures had also been submitted which was against a 2nd soft play centre on Teesside Industrial

Estate.

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 although the proposal was for a 'town centre use' within an out-of-centre location, the applicants had provided a sequential assessment that satisfactorily demonstrated that there were no other sequentially preferable sites either within or on the edge of the defined retail centres. The site was located within close proximity to large area of residential populations and consequently any shortcomings over the sites sustainability in terms of modes of transport other than the car were given reduced weight.

The proposed development was therefore considered to be broadly in accordance with guidance with the NPPF and policies CS2, CS3 and CS5 of the adopted Core Strategy and saved policy S2 of the Stockton on Tees Local Plan. The proposed development was therefore recommended for approval subject to the conditions set out within the report.

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

- * The applicant and agent didn't visit the Richmond House site it was only one person
- * Richmond House ticks all the boxes for this type of development
- * Does the applicant need a business case to define sustainability of a business
- * On purely planning grounds the application should be supported

The Planning Officer responded that a business case to define sustainability was not needed.

The agent for the applicant responded that he and the applicant had visited the Richmond House site and it was double the size that they needed.

A vote then took place and the application was approved.

RESOLVED that planning application 13/0471/FUL be approved subject to the

following conditions and informative:-

Approved Plans;

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

Plan Reference Number	Date on Plan
SI-101	26 February 2013
SI-102	26 February 2013
EL-202	26 February 2013
EL-201	26 February 2013
SI-103	26 February 2013
SE-302	26 February 2013
SE-301	26 February 2013
GA-122	26 February 2013
GA-121	26 February 2013
GA-120	26 February 2013

Control of use - Indoor Soft Play Centre only;

2. The premises shall be used for a 'Soft Play Centre' and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Travel Plan;

3. Prior to the occupation of the development, a detailed travel plan shall be submitted to and approved by the Local Planning Authority. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.

Car parking facilities;

4. Notwithstanding the information submitted as part of this application, the proposed car parking as shown of drawing SI-103 (total of 70 no. spaces) shall be provided prior to the occupation of the hereby approved use. The car parking shall be retained in accordance with drawing SI-103 for the life of the development.

Soft landscaping works;

5. A detailed scheme for landscaping and tree and / or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the building and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Landscape Maintenance;

6. Prior to occupation of the hereby approved development a schedule of

landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Hard landscape details;

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

Details of external lighting;

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

Cycle parking facilities;

9. Prior to the occupation of the building, secure and covered cycle storage shall be provided for staff use. Such details shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the hereby approved use and be retained in accordance with the agreed details for the life of the development.

The Local Planning Authority have implemented the requirements of the National Planning Policy Framework (NPPF)

**P
54/13**

13/1629/FUL

**1 - 43 Tarring Street, Stockton-on-Tees,
Construction of 6.no infill dwellings between 15 and 29 Tarring Street and
2.no new dwellings to the west of 22 Worthing Street and first floor rear
extensions and window alterations to 17.no dwellings (from 3 - 43 Tarring
Street and 22 Worthing Street)**

Consideration was given to a report on planning application - 13/1629/FUL 1 - 43 Tarring Street, Stockton-on-Tees - Construction of 6.no infill dwellings between 15 and 29 Tarring Street and 2.no new dwellings to the west of 22 Worthing Street and first floor rear extensions and window alterations to 17.no dwellings (from 3 - 43 Tarring Street and 22 Worthing Street).

Planning permission was sought for the development of six infill houses between 15 and 29 tarring Street, extensions to existing terraced properties between 1-43 Tarring Street and two semi-detached dwellings on Worthington Street. The proposal would not involve any alterations to the access roads or footpaths. The principle of development was considered to accord with policy as the site was a brownfield site and was located within the core area and within the limits of development defined within the Stockton on Tees Local Plan. Both the in-fill terraced properties and the two semi-detached properties proposed on

Worthington Street were on areas of land which were previously used for housing.

There had been 7 individual letters of objection to the scheme with a petition objecting to the proposal with 79 signatures.

In summary, the main objection comments related to the impact of the development in terms of overlooking and loss of light, the design of the development and the impact on the character of the street scene, the fact the development would divide communities, the impact in terms of the parking and emergency vehicle access to the street within the vicinity of the development, the fact the development was not what was originally proposed a number of years ago to the residents for the site.

The design of the six in-fill properties on Tarring Street was to compliment the existing design of the terraces within Tarring Street and the terraced properties that existed in the immediate vicinity. Since the original submission the applicant had amended the design of the in-fill terraced properties to reflect the design and character of the adjacent terraces on Tarring Street by raising the ridgeline roof height to be in-line with the adjacent terraces, incorporate sash style windows on the front elevation, provide the brick work detailing above the doors and windows, continue the distinctive brick work detailing under the eaves on the front elevation with the proposed brick work and roof tiles matching the original terraces. The in-fill properties and the two new build properties would be three bedroomed properties with an amenity yard area to the rear of the terraced properties and an individual garden space to the rear of the two semi-detached properties on Worthing Street.

The design and scale of the proposed in-fill properties, two semi-detached properties and the extensions to the existing terraces at 1-43 Tarring Street were considered to generally fit in with the existing properties within the street scene. The proposal would be located to the west of the 117 dwellings which have been recently approved (13/0299/FUL) as part of the Parkfield Regeneration Scheme which included a mixture of detached, semi-detached and terraced properties.

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

Neighbours had been notified by letter and Site Notice 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

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 proposal was considered to be in accordance with the provisions of the Core Strategy in relation to the principle of new housing development within the core urban area, being on a brownfield site and being within the limits of development.

While concerns had been raised by local residents in relation to the location of the dwellings and the design of the dwellings, the development was on previously developed land and provided a density and scale which was in keeping with the surroundings. The development was of a design and appearance which accorded with the character and appearance of the existing street scene. Sufficient amenity space would be provided for the residents of the terraced properties with the new semi-detached properties having separate rear gardens. Adequate access was provided from the existing road network as detailed within the report. It was considered that therefore that there would be no undue impacts in terms of the privacy and amenity of the nearby residents and that the future occupants of the properties will have adequate privacy and amenity.

It was recommended that the application be approved with conditions for the reasons specified above.

Members were presented with an update report that outlined that in addition to the background section of the main report, and in the interests of transparency, the Council owned 14 of the 17 existing properties within the scheme and was seeking to acquire a further property. The Council was negotiating terms for the transfer of these to the applicant along with two areas of land (where the new properties were proposed). This transfer was intended to be subject to the Council being given 3 properties within the larger Parkfield regeneration scheme area which were owned by the applicant and subject to suitable conditions being imposed which required the properties to be redeveloped within an acceptable time frame.

Additional comments had also been received from the Head of Technical Services and these were detailed within the update report.

The update report outlined that the details did not affect the material planning considerations of the application as detailed within the main report as they provided background information only to the overall consideration of the scheme.

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

- * Previous landlords have invested nothing in these properties
- * People aspire to live in houses with drives and gardens
- * Residents will be devastated if these properties stay up
- * Pleased that the overall area is being redeveloped
- * No hint of any landscaping
- * Parking is horrendous
- * The development will be a nail in the Parkfield coffin
- * Residents have been betrayed
- * Natural light will be blocked out
- * Privacy will be lost

- * Residents were promised a nice estate and that current houses would be knocked down
- * Local residents have been to talk to Alex Cunningham MP
- * The houses should face the other direction

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

- * Object to the proposal
- * Taxpayers money will be wasted
- * Residents were promised the houses would be knocked down
- * Ward Councillor Coleman had asked for a site visit
- * The extensions will affect light and amenity

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

- * The objectors concerns should be listened too
- * The situation has arisen because of government funding cuts
- * The houses should be knocked down
- * This is the best that can be done for the area because of government funding cuts
- * The houses should not be extended into 3 bedroom properties
- * Every empathy with local residents but the application should be approved
- * There is no landscaping
- * There is serious concerns over parking and quality of life
- * The applicant should go back to the drawing board
- * The Council has done well to bring in the money for the wider development

Officers responded to some of the comments / questions that had been raised and these could be summarised as follows:-

- * Officers have tried their best to make the situation work after central government funding cuts
- * The wider regeneration project will have landscaping
- * The developer is not receiving any money directly
- * The application for 3 bedroom properties has to be considered as that is the application that was submitted
- * The scheme will bring the properties back into use

A vote then took place and the application was refused.

The Head of Planning Services and the Principal Solicitor reported that if Members were minded to refuse the application then the Planning Protocol for Decisions Contrary to Officers Recommendations would be invoked to give further consideration to those reasons for refusal. The application was therefore deferred as the Protocol required the application be reported back to the Planning Committee for Members to give due consideration to any further advice from Officers on the soundness and reasonableness of the reasons for refusal before making a final determination.

RESOLVED that Members be minded to refuse planning application

13/1629/FUL for the following reasons:-

In the opinion of the Local Planning Authority the proposed development would result in an unacceptable form of development by virtue of:-

1. Contravening guidance on privacy distances giving rise to unacceptable living conditions.
2. Lack of car parking leading to congestion on the highway.
3. Overdevelopment of the site cramming in too many dwellings.
4. Not building with regard to the need to properly address sustainability of the development of the site and the resulting poor design.

P
55/13

13/1057/FUL

Blenheim House, Trenchard Avenue, Thornaby

Application for erection of a two storey apartment building housing 15 apartment units with supporting ancillary accommodation and erection of 13 bungalows. The 15 apartment unit is dedicated to provide needs for learning disabilities with the 13 bungalows reserved for elderly and learning disability accommodation. Demolition of existing Blenheim House and surrounding buildings within application site.

Consideration was given to a report on planning application 13/1057/FUL - Blenheim House, Trenchard Avenue, Thornaby - Application for erection of a two storey apartment building housing 15 apartment units with supporting ancillary accommodation and erection of 13 bungalows. The 15 apartment unit was dedicated to provide needs for learning disabilities with the 13 bungalows reserved for elderly and learning disability accommodation. Demolition of existing Blenheim House and surrounding buildings within application site.

Planning permission was sought for the redevelopment of the Blenheim House site in Thornaby and some adjoining bungalows as well as the development of a small area of existing open space. The scheme would result in the demolition of Blenheim House and the bungalows and would replace them with a new apartment block providing 15 units and a further 13 bungalows. The accommodation was intended to provide accommodation for persons with learning difficulties and the elderly.

Several objections had been raised in respect to the scheme, mainly in respect to the development on the existing open space and also on the potential impacts of the development such as privacy and amenity.

The Head of Technical Services had raised no objections to the proposals subject to the imposition of controlling conditions whilst the Head of Housing has highlighted the need for this type of accommodation and detailed their support for the scheme.

The proposed development was considered to be of a scale and appearance suitable for the area, provided adequate access and parking to serve the scheme and allowed for informal and formal landscaping throughout. The

scheme had been amended slightly to reduce the impact on the closest residents and it was considered that adequate privacy and amenity would be provided for both existing and future residents. The proposal requires the development of a small area of open space, which while being contrary to planning policy, was considered acceptable in this instance given the weight that must be attributed to the significant need for the type of accommodation that was being proposed and taking into account the area of open space had a limited function and there was a large area of amenity open space to the north of the site.

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

With regard to publicity neighbours had been notified and 10 letters were received. 6 of objection, 3 of support and 1 indicating no objection to the scheme. The comments that had received were summarised 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 the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

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

The Planning Officer's report concluded that the proposed redevelopment of the site was considered to generally be in accordance with relevant policies due to it being of a scale and type of development suitable for its position within the defined limits of development, on a brown field site and within a residential area. Adequate privacy and amenity would be achieved for existing and future occupiers due to the layout and spacing of properties whilst adequate access and parking was provided to the satisfaction to the Head of technical Services. The development of a small area of open space was accepted based on the significant need within the borough for the type of housing provision and the open space having no formal function and their being an adequate quantity of open space within the area for this type of open space. It was recommended that the application be approved with conditions for the reasons specified above.

Ward Councillor Mrs Walmsley was in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:-

- * Confirm support
- * State of the art facility
- * Much needed accommodation
- * Space must be utilised
- * Initially upset about the loss of green space but the benefits outweigh this
- * The roof line has been moved
- * Ask the application be approved

Members were given the opportunity to make representation. Their comments could be summarised as follows:-

- * Quality development
- * Benefits massively outweigh the loss of space
- * Fully support
- * Pleased Ward Councillor concerns have been addressed

A vote then took place and the application was approved.

RESOLVED that planning application 13/1057/FUL be approved subject to the following conditions and informative;

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

Plan Reference Number	Date on Plan
SBC0001	
3369/P/04	
3369/P/06	
3369/P/09	1 May 2013
2 May 2013	
2 May 2013	
9 May 2013	
3369/30/01b	29th August 2013
3369/30/02a	29th August 2013
3369/30/03e	29th August 2013

2. 10% Renewables

Unless agreed in writing by the local Planning Authority as making the scheme unviable, prior to the above ground commencement of any of the development hereby approved, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The scheme shall provide only for the increased units beyond those that already exist on site. The approved scheme shall be maintained in perpetuity thereafter.

3. Code Construction

Unless a viability statement has been submitted to and agreed in writing by the local Planning Authority indicating that the development is unviable if built to Level 4 of the Code for sustainable homes, a number of properties shall be built to achieve a minimum of Code Level 4 of the Code for Sustainable Homes or any other equivalent Building Regulation rating at the time of construction as first agreed in writing with the Local Planning Authority before development commences and implemented in accordance with the approved details. The number of properties shall first be agreed in writing with the Local Planning Authority prior to commencement of development on site and shall take into account the extent of existing properties on site.

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, 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.

5. Existing and Proposed Levels

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

6. Enclosure

Notwithstanding the details hereby approved, prior to the occupation of the development, details of the boundary enclosures for the site shall have first been 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.

7. 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 include 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.

8. Tree Protection

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

9. Soft Landscaping - Maintenance

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

10. Construction Management Plan

The construction phase of the development hereby approved shall be undertaken in accordance with a Construction Management Plan (CMP) which has first been submitted to and approved in writing by the Local Planning Authority. The CMP shall detail HGV Routes and trip profiles, staff parking areas during construction and any mitigation measures required.

11. Construction Noise

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

12. Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to

the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

13. Site Waste management Plans

No development hereby approved shall commence on site 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 the development shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

14. Affordable Housing

Prior to the occupation of any dwellings on the site, a scheme of affordable housing shall be submitted to and approved in writing by the local planning authority detailing the provision of 5 affordable dwellings. The scheme shall detail the following,

- i) the precise units which will provide the affordable housing;
- ii) the arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;
- iii) Occupancy criteria and nomination rights in relation to identified housing need.

The development hereby approved shall be occupied in accordance with the approved scheme of affordable housing.

15. Cycle Parking

The development hereby approved shall not be occupied until a scheme of cycle parking (3 spaces) has been implemented on site in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

16. Access Arrangements

The access hereby approved shall be constructed in precise accordance with design details to be first submitted to and approved in writing by the Local Planning Authority.

17. Provision of footway

Notwithstanding the details hereby approved, prior to any occupation on the site, there shall be a footway provided to both sides of the main internal highway in accordance with a scheme which has first been submitted to and approved in

writing by the Local Planning Authority.

18. Turning head

The turning head shall be constructed in accordance with details to be first submitted to and approved in writing with the Local Planning Authority.

19. Lighting Scheme

No development hereby approved shall be commenced on site until a scheme of external lighting has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail the position, type, direction and intensity of the lighting being proposed. The development shall be undertaken in accordance with the approved scheme and there shall be no occupation of properties until lighting for that phase of development has been made operational in accordance with the agreed scheme.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: National Planning Policy Framework

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

Informative 2: Construction of highways for new developments

The works require alterations or 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.

If you require any further information please do not hesitate to contact:

Highway Asset Manager
Highway Network Management
Stockton-on-Tees Borough Council
Technical Services
PO Box 229
Kingsway House
Billingham, TS23 2YL
Telephone: (01642) 526739
Fax Number: (01642) 361690
Email: technicalservices@stockton.gov.uk

Informative 3: 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.

Informative 4: Northern Gas Networks – Contact

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 13/1793/FUL
56/13 The Stables, Kirk Hill, Redmarshall
Proposed erection of detached double garage

Consideration was given to a report on planning application 13/1793/FUL - The Stables, Kirk Hill, Redmarshall - Proposed erection of detached double garage.

Planning permission was sought for the erection of a detached double garage within the curtilage of an existing residential property. Planning permission had previously been refused for a larger garage to the front of the property in a similar position which was previously out-with the curtilage of the dwelling, on agricultural land. Since that refusal, approval had been granted on appeal for the change of use of the land on which the garage was proposed to residential curtilage and for the extension of the dwelling.

Objections had been raised to the scheme from Redmarshall and Carlton Parish Councils as well as several local residents. The main objections that had been raised were that the proposed garage was in front of the building line of the property, that there was a piecemeal increase of built development on the site

and that it would significantly overdevelop the site.

The extension was within a lawful residential curtilage and as such, the principle of the erection of a garage was accepted. The scale of the garage was reduced to that of an earlier application which was refused due to it being out of keeping with the existing development on the site and on being outside the approved village limits. In view of the overall site layout, the amount of development on the site and the amount of residential curtilage, it was considered that the proposed garage would not result in the over development of the site, thereby according with saved Local Plan Policy HO12. Whilst the garage was set in front of the properties building line, this was not a strong characteristic of the area. The garage was set away from nearby properties and as such it was considered that it would have limited or no detrimental impacts on the privacy or amenity of the occupiers of surrounding properties.

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

With publicity neighbours had been notified and the comments that had been received were summarised 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 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 garage was considered to be of a scale and appearance which was generally in keeping with the host property. The proposed garage was in front of the building line associated with both the host property and the adjacent property and whilst this formed part of the reason for refusal of an earlier application, the building line of this immediate surroundings was not a strong characteristic of the area and given the changes in National Planning Policy and the planning appeal decision this was not considered to be a matter in its own right which would justify the refusal of the application.

In view of all of the above, it was recommended that the application be approved with conditions.

A vote took place and the application was approved.

RESOLVED that planning application 13/1793/FUL be approved subject to the following conditions and informatives;

1. Time Period For Commencement

The development hereby permitted shall begin not later than three years from the date of this decision.

2. Approved Plans

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

Plan Reference Number	Date on Plan
SBC0001	19 July 2013

3. Limitation of Construction Working Hours

Construction works shall not take place outside the hours of 08:00 to 18:00 on Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: National Planning Policy Framework

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

**P
57/13**

13/1777/ADV

Morley Carr, Allerton Balk, Yarm

Retrospective Application for the erection of 2no. non-illuminated fascia signs

Consideration was given to a report on advertisement consent 13/1777/ADV - Morley Carr, Allerton Balk, Yarm - Retrospective Application for the erection of 2no. non-illuminated fascia signs.

Retrospective approval was sought for the erection to 2No. advertisement boards located within the north-east and north-west corners of the application site. The signs were located adjacent to the highway in order to promote the recently approved development of the site under planning reference 12/0980/OUT for outline planning consent, with all matters reserved save for means of access, for residential development, community hall, public open space, outdoor recreational facilities and associated access arrangements and landscaping.

Fifteen objections had been received from neighbouring residents largely on the grounds that the signage had been erected without permission resulting in a distraction to drivers and impact upon highway safety. Objectors also stated that the proposal would result in a detrimental impact upon the openness of the countryside, devalue properties and attract anti-social behaviour.

Paragraph 67 of the NPPF stated that advertisements should be subject to

control only in the interests of amenity and public safety, taking account of cumulative impacts. Therefore only the impact upon the amenity of neighbouring land users, the impact upon the character of the surrounding area and the implications for highway safety were relevant when assessing this application.

The Head of Technical Services had raised no objections in terms of visual impact or highway safety. Taking into account the principle of residential development had been approved for the site and given the distance to neighbouring residential properties, the signs were considered to be of an appropriate scale and design and would be viewed against the existing boundary treatments which consisted of a mature hedgerow. As such the signs were considered to be in accordance with policy CS3 of the adopted Core Strategy. Given the temporary nature of the signs the application was recommended for approval subject to a condition limiting the consent to a period of two years from the date of the decision.

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 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 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 it was recommended that advertisement consent be approved with conditions.

A vote took place and the application was approved.

RESOLVED that advertisement consent 13/1777/ADV be approved subject to the following conditions and informatives:-

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

Plan Reference Number Date on Plan
MCF:Y:SD 18 July 2013
MCF:Y:ADV 18 July 2013

2. The advertisement signs hereby permitted shall be removed and the land reinstated to its former condition, within two years of the date of this decision notice unless a further approval has been obtained from the Local Planning Authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority have implemented the requirements of the NPPF.

P **13/1763/LAF**
58/13 **Site of Former Dodshons Fountain, High Street, Stockton-on-Tees**
Installation of The Stockton Flyer automated train sculpture

Consideration was given to planning application 13/1763/LAF Site of Former Dodshons Fountain, High Street, Stockton-on-Tees - Installation of The Stockton Flyer automated train sculpture

The application sought planning permission for the erection of the Stockton Flyer, Automaton and associated plinth.

The applicant stated that the daily movement of the automaton would become a real feature of the newly regenerated High Street, a talking point for visitors and a familiar fun event for locals.

It was not considered that the proposals would adversely impact on the Stockton Town Centre conservation area and the application was recommended for approval.

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 by means of letter, site notice and press advert and no comments were 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 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 this application were detailed within the report.

The Planning Officers report concluded that the proposal would support the wider objectives of regeneration of Stockton High Street. It was not considered that the Automaton would have an adverse impact on the significance of the conservation area or the general amenities of the area or have an adverse impact on any neighbouring properties.

It was recommended that planning permission be approved with conditions.

A vote took place and the application was approved.

RESOLVED that planning application 13/1763/LAF 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
SBC0001	17 July 2013
TS-D1-295	17 July 2013
TS-D1-295-SK001	17 July 2013

2. Notwithstanding the submitted information full details of the proposed finishing materials to be used in the construction of the plinth shall be submitted to and approved in writing with the Local Planning Authority

3. Details of any lighting to be installed on the structure shall be submitted to and approved in writing by the Local Planning Authority before being installed on the structure. The lighting shall be implemented in accordance with the agreed details.

4. Details of any safety rail/railings to be installed to the plinth shall be submitted to and approved in writing by the Local Planning Authority before any such apparatus on installed on the structure. The works shall be implemented in accordance with the agreed details.

5. Full details of the final positioning of the automaton sculpture on the plinth, shall be submitted to and agreed in writing with the Local Planning Authority before that element of the planning approval is implemented on site. The automaton shall be sited in accordance with the agreed details.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the NPPF

P **13/1853/VARY**
59/13 **Allensway/Tedder Avenue/Trenchard Avenue, Thornaby, Stockton On**
Tees

Section 73 application to vary condition no.5 (Hours of Construction) of planning approval 12/2800/FUL - Extension of the existing Allensway road to the south to link in with Tedder Avenue to provide a second access to Thornaby Town Centre. The work will also include the widening of Tedder Avenue on the approach to Trenchard Avenue and incorporate a revised signalised junction arrangement. Construction of a cycleway link between Trenchard Avenue and the existing route adjacent to the Adult Training Centre.

Consideration was given to a report on planning application 13/1853/VARY - Allensway/Tedder Avenue/Trenchard Avenue, Thornaby, Stockton On Tees - Section 73 application to vary condition no.5 (Hours of Construction) of planning approval 12/2800/FUL - Extension of the existing Allensway road to the south to link in with Tedder Avenue to provide a second access to Thornaby Town Centre. The work will also include the widening of Tedder Avenue on the approach to Trenchard Avenue and incorporate a revised signalised junction arrangement. Construction of a cycleway link between Trenchard Avenue and the existing route adjacent to the Adult Training Centre.

The application sought permission to vary condition 05 (Hours of Construction) of approval 12/2800/FUL (approved by Planning Committee Members in February 2013) for the extension of the existing Allensway Road to the south to link in with Tedder Avenue to provide a second access to Thornaby Town Centre. The applicant had submitted a plan illustrating the siting of the works that are required to be undertaken outside of the stipulated/controlled hours;

The stretch of footpath along the north eastern boundary to Northumbrian Water Limited's offices and to the west of Asda's car park related to a temporary footway closure during weekday night time working (2100 hours - 0600 hours). The applicant had confirmed in writing that such works were likely to last for two weeks (providing there are no unforeseen circumstances encountered on site) and the works would involve:-

- taking up the existing pre-cast concrete paving slabs;
- excavating 320mm for the combined footway / cycleway construction;
- constructing the new bituminous footway

Under the Council's Scheme of Delegation, the application was put forward for determination by the Planning Committee as it did not constitute minor development.

The application site related to an area of land to the south of Thornaby town centre. Tedder Avenue was served / accessed by Trenchard Avenue. To the south of Tedder Avenue were residential properties with Northumbrian Water Limited (NWL) to the west and the Adult Training Centre to the north east. Residential properties within Leahope Court were present to the north east, adjacent to Allensway, with Asda supermarket beyond.

Planning permission had already been granted for the proposed development and associated works and as such the main considerations of the application related to the impact of varying the hours of construction and deliveries to the

site and any resultant impact on the amenity of neighbouring properties in terms of overlooking and noise disturbance, and any impact on highway safety.

The Environmental Health Unit Manager had raised no objections in principle to the scheme. No objections had been received from the Head of Technical Services.

1 objection had been received from the occupier of No 7 Havilland Road, commenting that the works have increased general disturbance for residents in the area.

The proposal satisfied the principles of the NPPF, and Core Strategy Policy CS3 and therefore the proposal was considered to be acceptable. The application was therefore recommended for approval.

RESOLVED that planning application 13/1853/VARY 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
TS-D2-26-2-9	26 July 2013

2. This consent relates solely to the variation of condition no. 5 of planning permission 12/2800/FUL and does not in any way discharge any other conditions of planning permission 12/2800/FUL which still apply.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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