

Planning Committee

A meeting of Planning Committee was held on Wednesday, 27th January, 2016.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Jean O'Donnell(Sub Cllr Michael Clark), Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Sally Ann Watson(Sub Cllr Philip Dennis), Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr Eileen Johnson(Sub Cllr Mick Stoker), Cllr Tracey Stott, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn

Officers: Greg Archer, Fiona Bage, Andrew Glossop, Barry Jackson, Joanne Roberts, Peter Shovlin, Colin Snowdon(DNS) Julie Butcher, Sarah Whaley(LD)

Also in attendance: Applicants, Agents, Members of the Public.

Apologies: Cllr Michael Clark, Cllr Philip Dennis, Cllr Mick Stoker

P **Evacuation Procedure**
84/15

The Evacuation Procedure was noted.

P **Recording of Council Meetings**
85/15

The Chair informed Members of the Committee and Members of the Public that the Planning Committee meeting was to be recorded as part of the Council's commitment to legislation permitting the public recording of public meetings, and in the interests of ensuring the Council conducted its business in an open and transparent manner. These recordings would be made available to the public via the Council's website. Members of the public present who preferred not to be filmed/recorded/photographed, were asked to make it known so that so far as reasonably possible, the appropriate arrangements could be made to ensure that they were not filmed, recorded or photographed.

P **Declarations of Interest**
86/15

There were no declarations of interest.

P **15/2605/VARY**
87/15 **Conyers School, Green Lane, Yarm**
Application under section 73 to vary condition no.2 (opening times) to 9:00am to 9:00pm weekdays, 10.00am and 5.00 pm Saturdays and 10:00am to 5:00pm on a Sunday of planning approval 01/1496/P - Provision of all-weather illuminated pitch surrounded by 5m high fence.

Consideration was given to planning application 15/2605/VARY
Conyers School, Green Lane, Yarm

The application sought to vary the Sunday hours of operation of the previously approved all-weather playing pitch facility at Conyers School, Green Lane in Yarm by an additional hour earlier in the morning and an additional hour later in the afternoon.

The planning approval was granted in 2001 for the provision of an all-weather playing pitch surrounded by a 5m high fence (01/1496/P). As part of the decision the hours/days of the use of the facility were conditioned to 09:00 am

to 9:00 pm Monday to Friday; 10:00 am - 5:00 pm Saturdays and 11:00 am - 4:00 pm on Sundays. The application sought to extend the Sunday opening hours by two hours to 10:00 am 5:00 pm.

The Highways Transport and Environment Manager had no objection to the proposal in terms of highway safety, vehicular traffic and car parking. The Environmental Health Unit had no objections to the revised Sunday hours having regard to background noise levels and light intrusion considerations.

Following the neighbour consultation there had been 12 letters of objection received. These objections principally related to concerns including the following matters: noise, disturbance and the use of foul language; Loss of privacy and a loss of leisure time within residents' gardens; light intrusion from increased use of flood lights; and the use not being suitable for the residential area.

In view of the material planning considerations and the existing use of the site, the proposed variation of Sunday hours was considered to contribute to the health and well-being of the community and would not have an unacceptable adverse impact on residential amenity due to the limited change to the existing hours of use and therefore the proposal would accord with the general principles of the National Planning Policy Framework and the Development Plan in all other regards.

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

Neighbours were notified and the comments 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 indicated 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 15 Jan 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 contained within the main report.

The Planning Officers report concluded that having regard to the existing use of the all-weather facility and the limited increase of the hours of use, subject to the imposition of the recommended planning conditions it was considered that this would not result in a significant adverse impact on the amenity of existing and future occupiers of the surrounding neighbouring properties in terms of

noise disturbance, loss of privacy and light intrusion considerations. The proposal was therefore considered to satisfy the provisions of the National Planning Policy Framework and the relevant Development Plan policy identified within the main report and the development plan as a whole.

It was therefore recommended that the application be approved with conditions for the reasons specified within the report.

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

- It was highlighted that the last light assessment was undertaken in 2004 which concluded that there was no undue impact on neighbouring properties. On page 9 paragraph 5 of the main report it was noticed that there were no on-going complaints to the light intrusion. Members sought clarity that an assessment could be instigated by the statutory nuisance legislation should there be future issues in relation to the angle or the extended use of the floodlights on neighbouring properties.

- Members expressed that it should be seen as a positive move that a request to extend hours at been applied for as it highlighted a demand to use the facility.

Officers were given the opportunity to address the Committee and respond to some of the concerns which had been raised. Their points could be summarised as follows:

- Should a complaint be received in relation to light intrusion then it would be looked at via the statutory nuisance legislation. Timings would also be taken into account which would need to be looked at via planning legislation.

A vote then took place and the application was approved.

RESOLVED that planning application 15/2605/VARY be approved subject to the following conditions and Informative;

Hours of operation – Monday to Sunday

01 The facility to which this permission relates shall not be open for use outside the hours of 9:00 am to 9:00 pm Monday to Friday and 10:00 am to 5:00 pm on Saturdays and Sundays and excludes use of the site on Bank Holidays.

02 The use of the property shall be restricted to use only by pupils of the School or to members of teams or organisations which are affiliated to their restrictive sports bodies and are also members of a Conyers Sports Association.

03 All activities and sports on the property shall be supervised at all times.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive

and proactive manner in dealing with the planning application.

P **14/2019/FUL**
88/15 **12 Teesbank Avenue, Eaglescliffe, Stockton-on-Tees**
Part retrospective application for works to rear garden to provide H
section steel uprights with wooden sleepers and living wall planting and
placing of soil from house extension foundations to be placed to rear of
sleepers

Consideration was given to planning application 14/2019/FUL
12 Teesbank Avenue, Eaglescliffe, Stockton-On-Tees.

This proposal was considered at Planning Committee on the 14th October 2015 and due to an on-going planning Enforcement appeal at the site at the time, members resolved to defer the determination of this application until the outcome of the appeal. The full committee report from the 14th October was detailed at appendix 1 and 2 of the report.

The appeal decision relative to the enforcement notice was issued on the 8th December 2015 and was detailed at appendix. 3. of the report. The planning Inspector overturned the councils Enforcement Notice and in doing so, allowed the development which was the subject of this application.

Officers had invited the applicant to withdraw the application in view of the appeal decision having granted permission for the content of this application. The invitation had been declined. As such, in view of planning committee seeking to determine the application post appeal decision, the application was being reported back to committee for determination. In view of the appeal decision already having granted permission for the works which were the subject of this application, the determination of the application was now a formality and would not alter the outcome or allowances granted by the appeal decision.

In line with the previous recommendation, officers remained to recommend approval of the development. The planning Inspector, in reaching his decision, determined that no conditions were required other than one which limited the height of the fence between 11 and 12 Teesbank Avenue to 2m for a stretch of that boundary. The fence did not form part of this application and in any event, permitted development rights only allowed for such a fence to be 2m in height. As such, a condition controlling the fence was not required. In view of these matters, this application was now being put to committee with only a single condition relating to the approved plans.

The Planning Officers report concluded that the proposed works, in their revised form, were considered to have a reduced impact from the works which were in place at the time of issuing the Enforcement Notice and although they would have an urbanising and formalising impact on the semi natural riverbank which was part of a 'Special Landscape Area' designated under saved Local Plan Policy EN7, it was considered that the extent of works detailed within the application were adequately in line with this and other relevant policies. It was recommended that the application be Approved with Condition for the reasons specified above.

A vote then took place and the application was approved.

RESOLVED that planning application 14/2019/FUL be approved subject to the following condition and informative;

Approved Plans

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

Plan Reference Number	Date on Plan
SBC0001	14th October 2015
1425/L/100	2nd October 2015
1427.2.2.100F	2nd February 2015

Approved plan 1427.2.2.100F as detailed above is only approved in relation to the extent of earthworks and any details of the retaining structure as shown in section on that plan are not part of the approved details. The approved heights and details of the retaining structure are shown on approved plan 1425/L/100 as received on the 2nd October 2015.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working practice

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

**P
89/15**

15/2447/FUL

**Nifco UK Limited, Yarm Road, Stockton-on-Tees
Erection of a foodstore (Use Class A1) and associated works including parking and landscaping.**

Consideration was given to planning application 15/2447/FUL
Nifco UK Limited, Yarm Road, Stockton-On-Tees.

The application site was the former Nifco factory which was situated off Yarm Road. The surrounding area contained a mix of uses which include commercial and residential premises, which were lying to the north and east of the application site. To the immediate south of the site was an existing Abattoir and Council's own storage yard/depot.

Planning permission was sought for the demolition of the existing Nifco premise and for the erection of a new food store (Use Class A1) for the discount retailer Lidl. The associated works would include the provision of parking spaces and landscaping. The building would provide a total of 2,470sqm of internal floor space of which 1,424sqm would form the 'shop floor', the supporting information indicated that approximately 20% of the floor space (or 285sqm) would be for comparison goods.

A total of 18 comments had been received making supporting comments,

representations and objections. Those comments received included a range of views from support for the regeneration of the site and new shopping facility through to an objection based around the impact on/loss of the existing Wellington Square store and associated impacts such as traffic and its visual impacts. All of which were summarised within the report, although the objections from the owners of Wellington Square were set out in full within the appendices.

Despite the concerns raised by the owners of Wellington Square, it was considered that given the nature of the proposal and the business model that the proposed development satisfied the requirements of planning policy, in that there was currently no sequential preferable site available and that there was no evidence that the associated impacts would have any significant detrimental impacts on the vitality and viability of Stockton Town Centre. The proposed development was also considered to be acceptable in all other regards.

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

Neighbours were notified and the comments 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 indicated 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 15 Jan 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 contained within the main report.

The Planning Officers report concluded that in view of the above considerations and despite the concerns raised by the owners of Wellington Square, it was considered that given the nature of the proposal and the business model, the proposed development satisfied the requirements of planning policy in that there was currently no sequential preferable site available and that there was no demonstrable evidence that the associated impacts would have any significant detrimental impacts on the vitality and viability of the Borough's retail centres, in particular Stockton Town Centre. In addition the proposal was also considered to have some social and economic benefits which would weigh in its favour

In planning terms, the proposed development was considered to be acceptable in all other regards. The proposed development was therefore recommended for approval subject to those planning conditions set out within the report.

The Applicants Agent was in attendance and given the opportunity to make representation. His Comments could be summarised as follows:

- The proposed store was in line with Lidl's current specification providing a customer focussed store.
- The proposal would secure the redevelopment of the former Nifco site which was currently derelict.
- The new store would provide its own level of parking which would be designed to enable customers to easily manoeuvre around the car park with disabled car parking spaces compliant to the latest DDA regulations.
- The disabled and parent and child spaces would be positioned near to the store entrance in order to provide shorter walking distances from cars to the store.
- The proposal had been designed in a sustainable manner and would deliver a modern facility of high quality design and landscape.
- The development constituted a significant investment in South Stockton by Lidl which would boost local economy and provide 40 local jobs.
- The new store would provide discounted convenient shopping within South Stockton and the wider area whilst also delivering a dedicated in-store bakery and new customer toilets.
- The proposal fully accorded with the key aims of the NPPF which promoted a presumption in favour of sustainable development and encouraged bodies involved in granting planning permission to prioritise economic growth and jobs.
- With regard to consultation responses, it was highlighted that no objections had been raised by any of the statutory consultees.
- There had been public interest in the rumoured loss of Lidl in Wellington Square, Stockton, however it was noted that the proposal on Yarm Road was part of Lidl's wider aspirations across the Borough to expand their existing portfolio of 7 stores within the next few years. In terms of the current Wellington Square store, Lidl's concept store had moved on significantly, and currently the store on Wellington Square failed to meet Lidl's requirements. Lidl did however have an ambition to upgrade the Wellington Square store.
- There was currently discussion with Planning Officers and Lidl on 2 potential Town Centre sites to bring one of the sites forward, which would not only replace the current Wellington Square store with an improved new concept model but would also retain Lidl's presence within Stockton Town Centre through regeneration benefits of a multimillion pound investment.
- The Agent informed the Committee that Lidl had been served a notice stipulating that their tenancy at Wellington Square would expire.
- The Applicants Agent concluded that the proposed development was deemed

to be acceptable in terms as reflected within the Planning Committee report.

- No objections had been received from statutory consultees.
- The proposal satisfied the requirements of the planning policy in that there were no other sequential preferable sites available. There was no demonstrable evidence that associated impacts would have on significantly detrimental vitality and viability of the Boroughs retail centres.
- Lidl's aspirations were to maintain a representation within the Town Centre and they were obviously looking to keep the store open, however there were other factors to be considered such as the notice which had been served on Lidl to cease their tenancy.

An objector representing M&M, the owners of Wellington Square shopping centre was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- The owners of Wellington Square shopping centre were very concerned with the application proposals as it would mean that the Town Centre Lidl food store would close leaving another vacant unit in the Town Centre which already had high vacancy rates.
- The owners were also of the view that Lidl had not taken a full sequential assessment and had not demonstrated a flexible approach when considering the alternative sequentially preferable sites, namely land at the Wellington Square shopping centre.
- In order to demonstrate that a larger food store could be provided in the Town Centre, M&M had submitted a planning application to extend the existing Lidl at Wellington Square to provide a larger food store. The proposals had been developed with Lidl's requirements in mind, matching the layout and store format as submitted as part of the Yarm Road proposal. There was also an offer of 128 dedicated car parking spaces for the food store in the Town Centre location.
- M&M were aware that Rapleys on behalf of Lidl had written to Members of the Planning Committee on the 25th January 2016 stating that they had met with M&M and that M&M wished to terminate Lidl's tenancy. This was not true. M&M had tried extensively to meet with Lidl to find a solution to accommodate a new fit for purpose food store which would meet Lidl's requirements with Lidl refusing to enter into discussions on a number of occasions. M&M clearly concerned with the lack of response served notice on Lidl to act as a prompt to renew its lease not end it as stated by Rapleys.
- It was clear that Lidl had not properly considered the Wellington Square site as part of its sequential assessment and that the misinformation had been provided to Officer and Members of the Committee. Given the set of circumstances it was requested that Members considered the following:

1) either refuse planning permission on the basis that a sequentially preferable suitable and available site had been identified at Wellington Square in a town centre location

2) defer the decision of the application so that M&M had time to discuss its extended food store proposal with Lidl for a town centre store. Ideally the Yarm Road application should be debated by the same Committee as M&M's proposals.

3) alternatively if Members were minded to grant the proposals M&M requested that the Council place a restriction that required Lidl to retain its Wellington Square Town Centre Food Store for a minimum period such as ten years so that the impact on the vitality and viability of the Town Centre was protected.

M&M was clear that the right location for a new or extended Lidl store in Stockton was in the Town Centre which was consistent with local and national policy. Given that Lidl had not wished to enter into discussion to renew the lease on its Wellington Square unit, it was clear that Lidl intended to close its Town Centre store and pursue the Yarm Road site. Members now had the opportunity to protect Stockton Town Centre from the threat of out-of-centre development.

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

- There had been a very similar application many years ago beside Carter Steel. The application was refused. What were the differences between this application and the one which had been refused previously?

- Statements had been made by Lidl with excuses as to why they would not be staying in the Town Centre. This would be a disaster for the Town Centre and all those people who used the store if the store at Wellington Square was withdrawn.

- It was highlighted that Members would be severely disappointed if a supermarket was lost from the Town Centre, however the Committee were advised to bear in mind that the application being considered was for a store on the Nifco site.

- Members expressed that they were pleased to hear of Lidl's wishes to continue to trade within Stockton Town Centre.

- It was not seen that the proposal for a store on the Nifco site would be detrimental to Stockton Town Centre. There had been significant growth and development in the South of the Borough and the proposed application would offer a facility which would be used by many people from that area. The site would be easily accessible via Yarm Road and the A66 and there was no reason to vote against the proposal.

- Members were willing to accept the assurances which had been given by Lidl stating that they would continue to have a town centre presence; however it was felt that they were not committed to Wellington Square. Members expressed that they hoped Lidl were being honest in giving their commitment to stay in Stockton Town Centre.

- In relation to access to the site clarity was sought as to how the site would be accessed from Yarm Road.

Officers were given the opportunity to address the Committee and respond to some of the concerns which had been raised. Their points could be summarised as follows:

- In relation to a previous application for a supermarket beside Carter Steel close to the Nifco site, it was felt at the time that the application would have had an impact. The current proposal was a different type of operation in terms of the scale and limited range that Lidl offered. In terms of impact, Officers had looked closely at planning appeal decisions in terms of impact and the business model.
- Officers explained that the request which M&M had asked the committee to consider relating to a condition being imposed so that Lidl stay in Wellington Square for a period of ten years was completely ultra vires.
- In terms of impact, there was a difference in the site referred to as Carter Steel as that was an application for a Supermarket which had a different business model to the likes of Lidl. Lidl was a store which operated with a limited range of goods and was regarded as a top up shop rather than a destination to go for the whole weekly shopping, therefore the impact would be less.
- Lidl were looking to expand and operate in the South of Stockton, There was currently a large site at Thornaby Town Centre which showed that Lidl were happy to operate within town centres, however the business model required that it was easy for the customer and one of the requirements was surface level car parking immediately in front of the building.
- Officers explained to the Committee that it was a main priority to retain the vitality and viability of the Town Centre as the authority had made large investments into the High Street. The business model and degree of flexibility proposed by Lidl had been scrutinised by Officers to ensure that it was compliant with policy.
- Where Members were seeking clarity in relation to accessing the proposed site from Yarm Road, Officers explained that there was current access to the site however it was proposed that the junction would be signalised should the application be approved.

A vote took place and the application was approved.

Following approval of the application and although not the remit of the Committee the Chair expressed that she hoped M&M and Lidl would take on-board the concerns of the committee and do their utmost to ensure that they did continue to have a presence within Stockton High Street.

RESOLVED that planning application 15/2447/FUL be approved subject to the following conditions and informatives;

Approved Plans

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

Plan Reference Number Date on Plan

A(90)EXP010 REV 3	2 October 2015
A(00)GAE001 REV 4	2 October 2015
A(00)GAP001 REV 4	2 October 2015
A(00)GAP002 REV 3	2 October 2015
A(90)EXP001 REV 3	2 October 2015
1301 REV C	2 October 2015
A(90)GAP003 REV 15	23 December 2015
A(90)GAP002 REV 20	23 December 2015

Materials;

02 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).

Existing and Proposed Site levels;

03 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.

Soft landscaping and car parking details;

04 Notwithstanding the submitted information, a detailed car parking and planting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the car park to serve the hereby approved retail store. Such a scheme shall include details of the car parking layout and any trees to be retained and specify final tree/shrub types and species, stock size, numbers and densities. The approved car parking layout shall be constructed and completed to the reasonable satisfaction of the Local Planning Authority before the store is brought into use. The soft landscaping works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

05 Tree Assessment:

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

- a) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.
- b) A tree schedule as detailed in Ref. 4.2.6 BS5837:2005;
- c) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.

- d) Details of any ground level changes or excavations within 5 metres of the Root Protection Area (Para 5.2.2. of BS5837) of any tree to be retained including those on adjacent land.
- e) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.
- f) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007

06 Tree Protection

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority. Such protection shall comply with (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Landscape Maintenance;

07 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 Landscaping;

08 Prior to the occupation of the hereby approved store a scheme for all hard landscaping works shall be submitted to and be approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme and implemented in full prior to the development being brought into use.

Boundary treatments;

09 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 prior to the occupation of the hereby approved store. Such means of enclosure as agreed shall be erected before the hereby approved store is brought into use.

Lighting;

10 Details of the external appearance of any lighting to the building and car park area, along with the colour and luminance level shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation of the hereby approved car park.

Lighting;

11 Within 24 months of the completion and commencement of operations of the development hereby approved in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the local planning authority, the applicant or operator shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Demolition and Construction method Statements;

12 Prior to the commencement of any demolition or development, a method statement for both demolition of the existing buildings and construction of the retail store shall be submitted to and be approved in writing by the Local Planning Authority. Such a scheme shall include provisions for details of the methods of demolition; any excavations and earthworks to be carried out near the railway undertaker's boundary; provision for cranes or other mechanical plant working to be carried out in a "fail safe" manner or other suitable arrangements to secure the safety of the railway; and, the storage and security of materials. The hereby approved development shall be carried out in strict accordance with those agreed details during the demolition and construction of the building.

Armco Safety Barriers

13 A detailed scheme for the provision of Armco or similar barriers shall be submitted to and be approved in writing by the Local Planning Authority prior to the occupation of the hereby approved retail store. Such barriers shall be provided in turning area/roadway/car parking areas adjacent to the railway. The barriers shall be provided in accordance with those agreed details and be in situ ahead of the first use of those vehicle circulation areas.

Hours of demolition/construction Activity;

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

Construction Management Plan;

15 A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development. The construction plan shall detail the routing of all HGVs movements associated with the construction phases; set out how dust emissions and dirt from the site works will be controlled including earth moving activities, control and treatment of stock piles, wheel cleansing and sheeting of vehicles; show parking areas for use during construction; including measures to protect any existing footpaths and verges; and, offsite dust/odour monitoring and communication with local residents.

10% Renewables;

16 No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings

which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Travel Plan;

17 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Foul and Surface water drainage;

18 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any surface water drainage scheme shall include details of discharge rates with sufficient storage within the system to accommodate a 1 in 30 year and a 1 in 100 year event without surcharging the drainage system or a watercourse; micro Drainage design files; and, any flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event. Thereafter the development shall take place in accordance with the approved details.

Opening times;

19 The hereby approved retail store shall not be open for business outside the hours 08:00- 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

Servicing Arrangements;

20 Before the development hereby approved is completed and occupied, details of a scheme for the servicing and receiving of deliveries including hours of operation shall be submitted to and approved in writing with the Local Planning Authority. Thereafter all servicing or deliveries to the store shall be in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.

Retail restriction:

21 The hereby approved premise shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class revoking or enacting that Order. The hereby approved premises shall have a maximum net retail floor space (net sales area) of 1,424sqm. In addition no more than 20% of the permitted retail floor area shall be used for the sale of comparison goods and the number of lines that shall be available for sale in the store at any one time shall not exceed 1,800. The hereby approved store shall also not include any post office, pharmacy, butcher or bakery other than the heating of pre-prepared products. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

No subdivision:

22 The premises shall not be sub-divided into independent units without the prior written consent of the Local Planning Authority.

Contaminated Land;

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

- 1) A site investigation scheme, based on the submitted Dunelm preliminary investigation report (January 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Ecology

24 All ecological mitigation measures within the Phase 1 Habitat Survey and Protected Species Assessment and Bat Survey, August 2015 shall be implemented in full in accordance with the advice and recommendations contained within the document.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices;

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application

by gaining additional and revised information to assess the scheme and by the identification and imposition of appropriate planning condition.

Environment Agency;

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. Drainage to soakaway from car parking areas for greater than 50 spaces should be passed through an oil interceptor before discharging to ground

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground and/or surface waters.

Network Rail;

Drainage

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

1. There should be no increase to average or peak flows of surface water run off leading towards

Network Rail assets, including earthworks, bridges and culverts.

2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

3. Attenuation should be included as necessary to protect the existing surface water drainage

systems from any increase in average or peak loadings due to normal and extreme rainfall events.

4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer

and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network

Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of

mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the

nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead

electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/

structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

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

Fencing

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

Method Statements/Fail Safe/Possessions

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

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the

development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

- P 15/2921/LAF**
90/15 Yarm Library, 41 - 43 High Street, Yarm
Proposed part change of use of ground floor of Yarm Library to A2 use.
Refurbishment of existing Library to include a single storey side extension and alterations to entrance doors and windows.

Consideration was given to planning application 15/2921/LAF
Yarm Library, 41 - 43 High Street, Yarm.

The application sought part change of use of the ground floor of Yarm library to be used as A2 office use, for use by Newcastle Building Society. The works also included external alterations of refurbishment to the existing library and a minor

side extension for an accessible toilet.

The application had been considered in accordance with consultee comments, national and local planning policy.

The proposal was considered to be acceptable and would not have an adverse impact on the amenities of the Yarm Conservation Area, neighbouring properties or the vitality and viability of Yarm District Centre.

The application was recommended for approval with conditions as set out within the main report.

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

Neighbours were notified and the comments 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 indicated 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 15 Jan 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 contained within the main report.

The Planning Officers report concluded that the proposal was considered to be acceptable in that it would not adversely impact on the vitality or viability of Yarm District Centre.

Additionally it was considered to be acceptable in regards to the impact on the visual amenities of the area including the Yarm Conservation Area and the amenities of neighbouring properties and was considered to be in accordance with development plan policies CS3 and saved policy EN24. Furthermore, the proposal raised no adverse issues in regards to highway safety, landscaping or flooding. The application was therefore considered to be in accordance with the provisions of the development plan as a whole.

It was recommended that the application be Approved with Conditions for the reasons as specified within the main report.

Members were given the opportunity to ask questions/make comments on the

application and these could be summarised as follows:

- This was a much welcomed proposal and more of these changes would possibly be needed in the future if services were to be maintained during such austere times.

A vote then took place and the application was approved.

RESOLVED that planning application 15/2921/LAF be approved subject to the following conditions and informative below;

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

Plan Reference Number	Date on Plan
TS10317.0502.14	23 November 2015
TS10317.0502.00	23 November 2015
TS10317.0502.01	23 November 2015
TS10317.0502.08	20 November 2015
TS10317.0502.02	23 November 2015
TS10317.0502.03	20 November 2015
TS10317.0502.04	20 November 2015

02 Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction - Recommendations
2. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007

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.

3. Window and Door colours

Notwithstanding the submitted information, the finished colours of the windows and doors hereby approved shall be agreed in writing with the local planning authority before that part of the development is implemented.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive

and proactive manner in dealing with the planning application

**P
91/15**

- 1. Enforcement Appeal - Gary Munro -12 Teesbank Avenue Eaglescliffe - ALLOWED**
- 2. Mr G A Pearson - Land off Wynyard Road Wolviston - 15/0542/OUT - DISMISSED AND COSTS DISMISSED**
- 3. Appeal - Mr Paul Leng - 82 Darlington Road Stockton - 15/0373/FUL - DISMISSED**
- 4. Appeal - Mr Neil Kerr - Land off Mill Lane Wolviston - 15/1296/OUT - DISMISSED AND COSTS DISMISSED**

The Appeals were noted.