

**Approval Notice**

[www.stockton.gov.uk](http://www.stockton.gov.uk)

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(ENGLAND) ORDER 2015**

**APPROVAL SUBJECT TO CONDITIONS**

Application Number: 15/3136/FUL

**Applicant :**

Build For You Ltd  
C/O 3 Vinovia Place  
Ingleby Barwick  
Stockton On Tees  
TS17 5LU

**Agent :**

Total Planning Solutions (UK) Ltd  
5 Roman Terrace  
Orchard View  
Linthorpe  
Middlesbrough  
TS5 5QF

This Council of Stockton on Tees as the Local Planning Authority **HEREBY PERMIT** the development proposed by you in your application registered on 18 December 2015 namely

**Application for the erection of 12no. commercial units consisting of Retail and Non-Retail (Use classes A1, A2, A3 and A5) uses, to include a cafe/bistro (A3/A4 use with associated access, car parking and landscaping at Land At Sandgate, The Rings, Ingleby Barwick**

and shown on the approved plan(s) subject to the compliance with the Building Regulations and general statutory provisions in force in the district and subject to the conditions and reasons specified hereunder:

- 1 The development hereby permitted shall be begun before the expiration of THREE years from the date of this permission.

Reason

By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Dated: 30 March 2016



Richard McGuckin  
Director of Economic Growth and Development

**This decision relates to planning consent only. Any other statutory decision e.g. Building Regulation and Improvement Grant must be obtained from the appropriate authority**

- 2 Approved Plans. The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
TPS005	18 December 2015
TPS004	18 December 2015
TPS003	18 December 2015
TPS002	18 December 2015
TPS006	18 March 2016
TPS001 REV C	18 March 2016

Reason: To define the consent.

03. Highway access arrangements/works;  
The commencement of the development authorised by this permission shall not begin until:

a. the local planning authority has approved in writing a full scheme of works and improvements to enable:

- (i) the widening of Bancroft Drive to 5.5m;
- (ii) the provision for the entrance and egress onto Bancroft Drive;
- (iii) Provision of the HGV loading and HGV exit only onto the Rings including control mechanisms to prevent regular usage
- (iv) the introduction of waiting restrictions on the Rings adjacent to the junction with Bancroft Drive.

and

- b. the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of development in the interests of Highway Safety.

04. Materials;  
The external walls and roofs of the building(s) shall be constructed of the following materials;

Walls;  
Marley Eternit Cedral Lap Cladding (Light Oak)  
Hathaway Brindle  
Equitone (tectiva) Mineral Black  
Anthracite grey or similar window/door frames

Roof;  
GRP membrane colour grey

Reason: To enable the Local Planning Authority to control details of the proposed development.

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

Reason: To define the consent and to ensure that the development does not adversely impact on the visual amenities of the area

06. Soft landscaping details;  
Notwithstanding the submitted information, a detailed planting scheme shall be submitted approved in writing by the Local Planning Authority prior to the completion of the hereby approved retail store. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

07. Landscape maintenance;  
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.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

08. Hard landscaping;  
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.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

09. Means of Enclosure;  
Notwithstanding the submitted information 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.

Reason: To ensure that the details do not adversely impact up the visual amenities of the locality and to ensure that the safety and security of the railway is maintained.

10. Cycle parking;  
Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

Reason: To ensure the provision of facilities to enable the use of sustainable forms of transport.

11. Lighting;  
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.

Reason: To avoid light pollution in the interests of the visual amenities of the area

12. Hours of demolition/construction Activity;  
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).

Reason: To avoid excessive noise and disturbance to the occupiers of nearby premises.

13. Foul and Surface water drainage;  
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.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. Opening times;  
The hereby approved premises shall not be open for business outside the hours of 08:00-22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays unless otherwise stated below;

- o Unit 10 (convenience store) - 06.00 to 23.00hrs Monday to Sunday
- o Unit 12 (Bistro) - 09.00 to 22.00hrs Monday to Thursday, 09.00 to 23.00hrs Friday and Saturdays and 09.00 - 20.00 on Sundays.

Reason: In the interests of the amenity of the neighbouring residential premises.

15. Loading/Delivery bay - no storage;  
Notwithstanding any details submitted as part of this application there shall be no storage of any materials, including any associated waste materials, within the delivery bay.

Reason: In the interests of the visual amenity of the surrounding area.

16. Servicing, refuse and recycling;  
Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of the servicing arrangements, refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future occupiers.

17. Fat/grease trap;  
Prior to the commencement of any food uses hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.

Reason: To ensure a satisfactory form of development.

18. Odour nuisance;  
Notwithstanding any of the submitted details, before any hot food use(s) commence, details of a ventilation and fume extraction system shall be submitted to and agreed in writing with the Local Planning Authority for approval. Such details shall include a full technical

specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises. Such a scheme shall also detail that any flue is provided no less than 1 metre above the eaves of the main building and positioned at least 2 metres away from any window that is able to be opened. The agreed extraction system shall be installed before the development is brought into use and be in full accordance with the agreed details. Thereafter the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Reason: To ensure a satisfactory form of development and to ensure that the neighbouring premises do not suffer from odour nuisance.

19. Noise disturbance from plant/machinery  
Prior to any plant or machinery being installed and being brought into use, details shall first be submitted to and be approved in writing by the Local Planning Authority. Where any plant is expected to increase background noise levels, it shall be enclosed with insulation or other appropriate sound control measures which must also first be agreed in writing with the Local Planning Authority. Thereafter the plant and agreed sound control measures shall be maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any acoustic screening or vibration mounts.

Reason: In the interests of controlling noise disturbance to protect the amenity of the occupiers of the neighbouring properties.

20. Construction Management Plan;  
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.

Reason: In the interests of both highway safety and the occupiers of adjacent and nearby premises.

21. Travel Plan;  
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.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

22. External roller shutters

Notwithstanding the submitted details, the full details of any external security shutters or grilles shall be submitted to and be approved in writing by the Local Planning Authority prior to any installation. Such a scheme shall include and make allowance for any shutters and grilles being of a perforated, punched or open mesh style and the shutters roller mechanism and casement box shall be colour powder coated. Any security shutters or grilles shall be installed in strict accordance with those agreed details and the shutters, mechanism and any casement box shall be retained in the agreed style and colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the design and colour of the roller shutter in order to protect the visual amenity of the area within which the site is located.

23. 10% Renewables;

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.

Reason: To limit the energy requirements of the development

24. Retail floor space restriction:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order the hereby approved development shall have a maximum net retail floorspace (net sales area) of 1,233sqm.

Reason: To define the extent of retailing and for the avoidance of doubt.

25. No subdivision:

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

Reason: To define the extent of retailing and for the avoidance of doubt.

26. Control over extent of convenience shop;

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, the convenience store (unit 10) hereby approved shall not exceed a net retail sales area of 280sqm.

Reason: To define the extent of the retail unit to ensure that its scale remains appropriate within the development limiting impact on the vitality and viability of defined retail centres

27. Control over uses;

Upon implementation of the hereby approved development, no more than a total of five units shall fall within use classes (A2, A3, A4 or A5) with a maximum of two uses falling within use class A5 as defined by the Town and Country Planning Use Classes order 2015 with the remaining seven units falling within use Class A1.

Reason: To define the consent and in the interests of controlling the extent of retailing provision.

**INFORMATIVES**

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 by seeking amendments to address concerns.

**Appeals to the Secretary of State**

**Important Note: The applicant's attention is drawn to the appeal time limits indicated below and the need to adhere to the specific time limit for appeal in relation to the application/appeal type**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land to grant it subject to conditions, the owner may claim that the land has become incapable of reasonable beneficial use in its existing state and in a case where planning permission was granted subject to condition, that the land cannot be rendered capable of reasonable beneficial use by the carrying out of the permitted development in accordance with these conditions, and in any case that the land cannot be rendered capable of reasonably beneficial use for the carrying out of any other development for which planning permission has been granted or for which the Local Planning Authority or the Secretary of State has undertaken to grant planning permission.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated requiring the council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Compensation**

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Part VI of the Town and country Planning Act 1990. By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and Article 7(1) of the Town and country Planning General Development Order 1988, where outline planning permission is granted on or after the 1<sup>st</sup> April 1969 of this section it shall be granted subject to the condition that in the case of any reserved matter, application for the approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission and that the development to which the permission relates must be begun not later than whichever is the later of the follow dates:-
  - (i) the expiration of three years from the date of the grant of outline planning permission;
  - Or
  - (ii) the expiration of two years from the final approval of the reserved matters or in case of approval on different dates, the final approval of the last such matter to be approved.

The attention of developers is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to the consent constitutes a contravention of the provisions of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.