

Appendix 2: Conditions and Informatives

01 Approved Plans

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

Plan Reference Number	Date Received
112 D3	28 October 2021
D-1001 Rev B	28 October 2021

Reason: To define the consent.

02 Reserved Matters - Time Limits

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

03 Reserved Matters - Time Period for submission

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

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

04 Reserved Matters

Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

Reason: To ensure a satisfactory form of development

05 Phasing and Delivery Schedule

Notwithstanding the proposals detailed in the Design and Access Statement and submitted plans, prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, dwellings, landscaping, public open space, accesses and landscaping to the residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase

06 Discharge of Surface Water

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II.A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III.A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Local plan Policy ENV4 and the National Planning Policy Framework.

07 FRA and Drainage Strategy

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Surface Water Management Strategy Rev B dated 19th August 2020 and the following mitigation measures detailed within the FRA;

- Discharge to watercourse restricted to 43.82l/s
- 5197m³ storage volume included

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

08 Surface Water Management

The development hereby approved shall not be brought into use until:-

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building
- II. As built drawings of all Suds features have been submitted and approved in writing by the Local Planning Authority, the drawings should highlight all site levels, including the 30year and 100year+cc flood levels and confirmation of storage capacity
- III. Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development

Reason: To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

09 Highway Works

No more than 50 dwellings shall be occupied prior to:

- the “Highway Works” as defined in a section 106 agreement dated 27 January 2017 in relation to application 13/0342/EIS, having been secured in their entirety via a s278 Agreement and / or
- none repayable external funding having been secured to deliver the “Highway Works” as defined in a section 106 agreement dated 27 January 2017 in relation to application 13/0342/EIS in their entirety, and the works having commenced on site.

whichever is the sooner.

Reason: In the interest of highway safety and Policy H3 of the Local Plan

10 Bridge

No dwellings shall be occupied until:

•the “Bridge” as defined in a section 106 agreement dated 27 January 2017 in relation to application 13/0342/EIS, has been secured in its entirety via a s278 Agreement and / or

•none repayable external funding having been secured to deliver the “Bridge” as defined in a section 106 agreement dated 27 January 2017 in relation to application 13/0342/EIS in its entirety, and the works having commenced on site.

whichever is the sooner.

Reason: In the interest of highway safety, sustainability and Policy H3 of the Local Plan

11 Construction Management Plan

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- i. the site construction access(es)
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials including any restrictions on delivery times;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
 - i. measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
 - ii. measures to control and monitor the emission of dust and dirt during construction;
 - iii. a Site Waste Management Plan;
 - iv. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
 - v. measures to protect existing footpaths and verges; and
 - vi. a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and residential amenity

12 Travel Plan

Prior to the development being brought into use, an updated 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 with roles, responsibilities, timescales to be in place (minimum 5 years) and contact details
- (ii) Modal split targets and measures to achieve these targets, which must be SMART: Specific Measurable, Achievable, Realistic and Timebound;
- (iii) Details of when the Travel Plan is to be monitored and reviewed including timescales for when travel surveys are to be carried out.
- (iv) Details of an exit strategy of how the Travel Plan will be continued once the TPC has left the site (e.g. a community travel plan forum/group established) and a partnership approach to influence travel behaviour
- (v) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (vi) provision of up-to-date details of public transport services
- (vii) continual appraisal of travel patterns and measures provided through the travel plan
- (viii) improved safety for vulnerable road users
- (ix) a reduction in all vehicle trips and mileage
- (x) a programme for the implementation of such measures and any proposed physical works
- (xi) 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 and to ensure compliance with Local Plan Policy TI1.

13 Landscape Buffer

No development shall commence until full details of a soft landscape buffer have been submitted to and approved in writing by the Local Planning Authority. The buffer shall be a minimum width of 15m. This should 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.

All works shall be undertaken in accordance with the approved plans, and completed in the first planting season following commencement of the development and to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided to screen development early in the construction process, in the interests of visual amenity, and which contributes positively to local character and enhances bio diversity.

14 Tree Removals

Notwithstanding the proposals detailed in the submitted plans no vegetation or tree removals shall be undertaken anywhere on site until a detailed scheme has been agreed in writing with the Local Authority

Reason: To control the removal of vegetation and trees on site.

15 Tree Protection

Notwithstanding the proposals detailed in the submitted plans an Arboricultural Survey, Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Must be provided as part of any Reserved Matters application. 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

The report should cover all trees within 10m of the centre line of 'The Racecourse' with a diameter greater than 250mm DBH unless otherwise agreed with the Principal Tree and Woodlands Officer.

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.

Reason: To protect the all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

16 Site Levels

Prior to the commencement of the school development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats.

17 Soil Management

No development shall be commenced until the Local Planning Authority has approved in writing the details of a soil management plan. The plan shall indicate how and where soils will be stripped, and their temporary storage during the works. Details shall describe the height, width, length and location on site of all such mounding together with any temporary seeding.

Reason: To enable the Local Planning Authority to satisfactorily control the development and to ensure satisfactory residential amenity

18 Contaminated Land Risk Assessment

No 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), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:

- A risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources,

pathways and receptors and potentially unacceptable risks arising from contamination at the site.

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

This must be undertaken in accordance with the Environment Agencies 'Land Contamination Risk Management' guidance (2020), CIRIA C665 and BS87576: Guidance in investigations for ground gases.

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

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water and land pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

19 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: To ensure any unknown contaminative features encountered during the development are investigated and remediated to an acceptable standard.

20 Air Quality Report

Prior to commencement of any phase of development hereby approved, an assessment of the impact on air quality on receptors and the local area should be undertaken during all stages of the development in accordance with Technical Guidance (16) and guidance on local use and development control :planning for air quality (LAQM, Jan 2017). The Report should include a baseline of the existing air quality using agreed monitoring locations, predict the future air quality without the development in place, and predict the future air quality with the development in place. The second phase of the development ought to describe the construction phase impacts, which relate to dust emissions, and the cumulative impacts and effects. The Report should detail the mitigation measures required, and shall be agreed (in writing) by the Local Planning Authority. The agreed measures shall be implemented prior to use of the site, and upon completion of the work a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: To safeguard the health of residents by ensuring the development does not cause air quality issues.

21 Construction Hours

No construction/demolition 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.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties

22 Dust Emissions

A scheme should be provided to control dust emissions, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection.

Reason: To protect the amenities of nearby residents

23 Odour nuisance – Commercial Units

Before development commences details of a ventilation and fume extraction system, including 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 odour treatment which shall be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the development is brought into use and thereafter be retained in full accordance with the approved details. The approved ventilation and extract system shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Reason: To protect the amenities of nearby residents

24 Noise disturbance from vehicles - Commercial Units

No deliveries shall be taken at or dispatched from the site outside the hours of 07:00Hrs and 19:00Hrs.

Reason: To protect the amenities of nearby residents

25 Waste Collection - Commercial Units

There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

Reason: To protect the amenities of nearby residents

26 Noise

A noise report shall be submitted prior to any dwellings or commercial units becoming occupied. The noise report is to protect the future occupants of the residential properties from noise from the commercial units. Condition titled 'Sound proofing Noise Condition' relates to any residential property situated above the commercial units.

Reason: To protect the amenities of nearby residents

- 27 Noise disturbance from New Plant - Commercial Units
The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.
Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.
Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

- 28 Noise disturbance between living accommodation and commercial premises
A noise report shall be submitted by a suitably qualified Noise Consultant. The Report shall detail a scheme for the protection of noise from the commercial units (including any music/ airborne noise breakout and structure noises). The Report shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied.

Reason: To protect the amenities of nearby residents

- 29 Sound Proofing Noise Condition
A soundproofing scheme shall be submitted to the local authority which complies with document Part E: Resistance to the Passage of Sound of The Building Regulations (2010). This requires that converted properties meet certain acoustic requirements to protect against other parts of the building.

The scheme should ensure that the noise criteria outlined in the World Health Organization (WHO) Guidelines on night time noise is achieved which are 30 dB in bedrooms between 23.00-07.00 hrs, and 35 dB during the daytime and evening. The scheme may include internal acoustic insulation, acoustic double-glazing and mechanical ventilation bedrooms. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue noise transference where there is insufficient information within the submitted application.

- 30 Energy Efficiency
No above ground construction on the residential and commercial buildings shall take place until details of how they will contribute to the greenhouse gas emission reduction, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Local Plan Policy ENV1.

- 31 BREEAM Very Good

The commercial units hereby approved shall be built to achieve a minimum of BREEAM rating 'very good' or other equivalent alternative rating criteria which meets with the general sustainable construction aims and principles of BREEAM very good', such details shall be approved in writing by the Local Planning Authority prior to commencement of above ground construction the commercial building (s). Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Local Plan Policy ENV1

32 ESPL License

Prior to the commencement of any works on site a copy of the Natural England License shall be submitted to the Local planning Authority. There after the works shall be carried out in full compliance with the license.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

33 Ecology mitigation

All ecological mitigation measures within the submitted contained within the Ecological Appraisal and Great Crested Newt Survey received by the Local Planning Authority on the 28 October 2020 shall be implemented throughout the development in full accordance with the advice and recommendations. Should the Reserved Matters application be received after 3 years of the date of this decision, a new Preliminary Ecology Survey shall be submitted in support of the Reserved Matters application.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

34 Biodiversity Gain

Notwithstanding the submitted plans prior to the commencement of the development hereby permitted the developer shall submit to and approved in writing by the Local Planning Authority a Biodiversity Gain Plan. The Biodiversity Gain Plan must contain, including information about the steps that will be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and the site's pre- and post-development biodiversity value and how these gains will be incorporated within the landscaping scheme (a reserved matter). The agreed works shall be implemented in accordance with the agreed details and be retained thereafter for the lifetime of the development.

Reason: To preserve, protect and enhance the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

35 Walkover Survey

A maximum of three months before works commencing on site for each phase of development a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority and any identified additional or revised mitigation measures required shall be implemented wholly in accordance with the approved details prior to the commencement of the respective phase.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

36 Construction Environment Management Plan

Prior to the commencement of the development hereby approved, a detailed site-specific Construction Environmental Management Plan for each phase is to be submitted and agreed in writing by the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997. This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development identified in the submitted Ecological Appraisal and Great Crested Newt Survey received by the Local Planning Authority on the 28 October 2020, or any superseding report. Once approved the CEMP Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to protect habitats and wildlife.

37 Bins/refuse

Prior to the occupation of the dwellings hereby approved each plot should be provided with the appropriate means of waste and recycling provision in accordance with the applicable Council standards

Reason: To ensure a satisfactory form of development in accordance with Policy SD8.

38 Open Access

Open access ducting to facilitate fibre and internet connectivity shall be provided from the homes to the public highway

Reason: To ensure that infrastructure is provided to facilitate fibre connections to all new development in accordance with Policy TI3 of the Stockton on Tees Local Plan

39 Use Classes

Prior to the above ground construction, the exact mix of uses of the hereby approved commercial units shall be submitted to and agreed in writing by the local planning Authority and shall therefore be retained as such, notwithstanding, the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

40 No subdivision/ Amalgamation

The premises shall not be sub-divided or combined into independent units. without the prior written consent of Local Planning Authority and shall therefore be retained as such notwithstanding, the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

41 Opening Hours

The hereby approved units shall not be open for business outside the hours 08:00 - 22:00 Monday to Saturday including Bank Holidays and 10:00 -18:00 on Sunday.

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

42 Secure by Design

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention & Architectural Liaison. Once approved, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of ensuring a suitable level of amenity

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.