

DELEGATED

AGENDA NO 6

PLANNING COMMITTEE

19 January 2022

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/0345/FUL

Land East of Hanzard Drive, South Of Bloomfield Drive/Applecross And North Of Glenarm Drive, Wynyard,

Erection of local centre comprising of commercial use and 20no residential apartments to include associated infrastructure works.

Consultation

An additional letter of support has been received from Mr Daniel Whyte, 30 Mulberry Way, Wynyard;

“This is an absolutely essential development. As Wynyard grows it is imperative the local amenities do. All residents within this side of the estate are required to drive to or have delivered shopping. This is not sustainable or good for the environment. This was within the master plan. If this is not granted this will be a significant step back for the area and future development of Wynyard”.

Service Plan

A service plan was submitted following the request from the Highways Transport and Design Manager however, upon review it is not considered that the service plan, which only considers unit 1, is sufficient and therefore it is recommended that this is conditioned to be submitted and agreed prior to any of the commercial units being occupied.

Conditions

The recommended conditions have been included within Appendix 1 of this update report.

**DIRECTOR OF FINANCE, DEVELOPMENT AND BUSINESS SERVICES
Contact Officer Helen Boston Telephone No 01642 526080**

WARD AND WARD COUNCILLORS

**Ward Northern Parishes
Ward Councillor Councillor John Gardner**

IMPLICATIONS

Financial Implications: The application is subject to S.106 contributions

Environmental Implications: The proposal relates to a residential development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance. These are considered and addressed within the report although in this instance are not considered to have any significant impacts. The development is not considered to be EIA development.

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

National Planning Policy Framework, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance.

Appendix One: Conditions

Time Limit

Standard 3 year

Approved Plans

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

Plan Reference Number	Date Received
JCM001 SK303C	1 November 2021
JCM001 101C	4 October 2021
JCM001 102B	4 October 2021
SK2000 A	4 October 2021
JCM001 104A	8 February 2021
JCM001 105	8 February 2021
JCM001 106A	8 February 2021
JCM001 001A	8 March 2021
JCM001 103B	8 February 2021
PWP 572 001	19 July 2021
JCM001 103 D	07 January 2022

Reason: To define the consent.

Use

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.

No subdivision/ Amalgamation

With the exception of unit 5, 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.

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

Secure by Design

Prior to the above ground construction 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

Construction Phase

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

Site Levels

Prior to the commencement of the 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.

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

Drainage

Sustainable Surface Water Drainage Scheme

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 Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

Surface Water Management

The building 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. A Management and maintenance plan of the approved 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.

Highways

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,
- vi. 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;
- vii. measures to control and monitor the emission of dust and dirt during construction;
- viii. a Site Waste Management Plan;
- ix. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- x. measures to protect existing footpaths and verges; and
- xi. 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

Servicing Plan

Notwithstanding the submitted Servicing Plan, final details of servicing arrangements for the commercial units shall be submitted to and approved in writing by the Local Planning Authority, prior to first use of any of the commercial units. The Servicing Plan shall include details of deliveries, refuse collection, and measures to mitigate noise arising from, and not limited to, vehicle movements. The development thereafter shall be operated in accordance with the approved Servicing Plan.

Reason: In the interests of highway safety and residential amenity

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.

EV charging

As shown on plan ref JCM001 SK303C received by the Local Planning Authority on the 1 November 2021 rapid charging points shall be provided prior to any part of the development, hereby approved, becoming operational. Thereafter these shall be maintained for the lifetime of the development.

Reason: To future proof the development and to aid in the reduction of CO2 emissions in accordance with the NPPF.

Landscape

Soft Landscaping

The soft landscaping as submitted on plan ref PWP 572 001 received by the local planning authority on the 6 July 2021 shall be implemented prior to the occupation of the development or within the first planting season following the substantial completion of the development, whichever is sooner.

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

Soft Landscape Management and Maintenance

No above ground development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

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

Street Furniture

Prior to the above ground construction, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenity of the locality.

Tree within and adjacent to the adopted highway

No above ground construction shall take place until the Local Planning Authority has approved in writing the details of arrangements for the planting of Street Trees and protection of the adopted highway from tree root damage. Root barriers will be required where trees are planted within 2m of the adopted highway.

Reason: To protect the adopted highway from damage by tree roots

Landscaping - Hardworks

No above ground construction shall take place until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority.

This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA 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.

EHU

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. Gas monitoring must be carried out based on the guidance CIRIA C665: "Assessing Risks Posed By Hazardous Ground Gases To Buildings" with a minimum of at least two sets of readings as low and falling atmospheric pressure.

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).

Noise disturbance from New Air Conditioning/Plant Equipment

Prior to the installation of any air conditioning units/ plant equipment / means of mechanical ventilation the details shall first be submitted to and agreed in writing by the Local planning Authority. There after the equipment shall be installed in accordance with the agreed details and maintained as such for the lifetime of the development.

The rating level of sound emitted from [any fixed plant and/or machinery associated with the development] [industrial activities at the use hereby approved] 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: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

Odour Nuisance

Prior to the installation of any air conditioning units/ plant equipment / means of mechanical ventilation 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 for the life time of the development,

Reason: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

Acoustic Fence

Prior to the occupation of any parts of units 1,2 and 3 the acoustic fence as per the agreed details set within Noise Assessment (Revision 3) received by the Local Planning Authority on the 6 July 2021 shall be erected. Thereafter the fence shall be maintained as such for the lifetime of the development.

Reason: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

Internal Noise

Prior to the commencement of units 1,2, 3, 5 and 6 the sound insulation of the floor/ ceiling/ walls separating the commercial and communal part(s) of the premises from dwellings shall be submitted to and approved in writing by the LPA. Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 10-15dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial/ communal noise the commercial/communal areas and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained;

Reason: In the interest of protecting future occupiers amenity in accordance with local plan policy SD8 and the NPPF.

Noise disturbance from vehicles - Commercial Units

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

Reason: To protect the amenities of nearby residents

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 within the identified locations on plan ref JCM001 SK303C received by the Local Planning Authority on the 1 November 2021. 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. The waste collection shall not be outside of the hours of 07:00 – 19:00hrs.

Reason: To protect the amenities of nearby residents

Environmental

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.

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

Ecology mitigation

All ecological mitigation measures contained within the Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021 shall be implemented throughout the development in full accordance with the advice and recommendations.

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

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 Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021, 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.

Residual

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

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 within the identified areas on drawing ref JCM001 SK303C received by the Local Planning Authority on the 1 November 2021.

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

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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

