

PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 5 July 2023.

Present: Cllr Mick Stoker (Chair), Cllr Pauline Beall, Cllr Carol Clark, Cllr John Coulson, Cllr Ian Dalgarno, Cllr Dan Fagan, Cllr Elsi Hampton, Cllr Eileen Johnson, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Hilary Vickers and Cllr Barry Woodhouse.

Officers: Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Joanne Roberts (DoCS,E&C), Julie Butcher and Sarah Whaley (DoCS).

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

Apologies: Cllr Michelle Bendelow (Vice-Chair), Cllr Tony Riordan, Cllr Andrew Sherris and Cllr Sylvia Walmsley.

P/7/23 Evacuation Procedure

The Evacuation Procedure was noted.

P/8/23 Declarations of Interest

There were no declarations of interest.

P/9/23 Minutes of the meeting which was held on 7th June 2023

Consideration was given to the Planning Committee minutes from the meeting which was held on 7 June 2023 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

P/10/23 Planning Protocol

The planning protocol was noted.

P/11/23 23/0061/REM Castlegate Shopping Centre, Multi Storey Car Park And Former Swallow Hotel, High Street, Stockton-on-Tees Reserved matters application for (access, appearance, landscaping, layout and scale) for phases 3-9 for the re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, vehicular access, highways alterations and servicing provision.

Consideration was given to reserved matters application for 23/0061/REM, Castlegate Shopping Centre, Multi Storey Car Park and Former Swallow Hotel, High Street, Stockton-on-Tees.

Outline planning permission with all matters reserved was approved by Planning

Committee on the 9 August 2021, for demolition of existing structures, including shopping centre, hotel and multi storey car park for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision (21/0786/OUT). Work had commenced on the demolition and work was ongoing.

The application sought reserved matters approval for phases 3-9 of the development which is generally the new urban park, bridge and road alignment changes.

The vision remained to deliver transformational change within Stockton Town Centre through the demolition of the Castlegate Shopping Centre and consolidation of Stockton Town Centre's retail offer to address the oversupply of retail floor space within the Town Centre, which had now already occurred. The park was designed to be a destination with multiple spaces for events and part of a wider strategy to reduce reliance on retail and address the unit vacancy rates. The layout of the park was informed by the historic burgage plots and the east west movement route from High Street to the Riverside. Overlaying this was the free flowing "cultural ribbon" that leads people through the park to the event spaces and link to areas of "cultural confetti" - features that told the heritage stories of Stockton. The 'ribbon' was a trail through the park and the 'confetti' were points with heritage interpretation along the way.

The application had been considered in full and there were no policy or consultation objections to the proposals subject to a number of conditions which had been recommended.

The application was recommended for approval with conditions.

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

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that overall, the submitted details had been considered and were broadly compliant with the approved parameters of the outline planning permission, therefore the application was recommended for approval with conditions as detailed within the main report.

A representative from the architects involved in developing the scheme gave Members a 5-minute presentation explaining the design approach. The main topics highlighted were as follows;

- The park would reflect the rich heritage of Stockton including the strong connection between the high street and the river, Stockton's rail heritage with rail routes mapped out in the park as well as great stories of the fascinating shops and amazing produce that was located in the area where the Castlegate Centre once stood.
- Finkle street was to be pedestrianised with cafes and bars, and Finkle Square would

be much greener with tactile materials used in its development for the public to enjoy with opportunities for markets to be held. Finkle Gardens would be a domestic space with planting and leisure space with a mini amphitheatre.

- There was a large play area currently being developed, an oval lawn and a big event space, family picnic areas as well as a bridge leading to the proposed amphitheatre which would hold large events.

- Further north would be an adventure play area with large swings as well as a sheltered area for food and beverages.

- The high street frontage would be very open attracting people to the park area and this was also where the local bus stops would be located.

- Members were presented with visuals of how the proposal would look including that of the urban park and waterfront.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows;

- This was a fine example of urban regeneration which had the wow factor and was extremely exciting.

- It was recommended that as the development was over various levels, appropriate handrails and seating must be included to accommodate all members of the public.

- Finkle Street was incredibly important to the Town and needed to be developed sensitively.

- The development was a full Borough project which the people of Stockton deserved.

- A request was made that in terms of greenery, bushes were low lying and maintained so they did not overgrow and take over.

- Brief discussion was had relating to the long narrow pieces of land which were rented out to people and businesses known as Burges and how this would be represented.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows;

- Officers explained that the ethos of the development was to reinforce the link back to Stockton's history, allowing linkage through visual interpretation.

- In terms of the request for low lying bushes, conditions would be in place to control final landscaping and maintenance.

A vote took place, and the application was approved.

RESOLVED that planning application 23/0061/REM be approved subject to the following conditions and informatives;

01 Approved Plans

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

| Plan Reference Number | Date Received |
|--|-----------------|
| SUPW-RWD-00-XX-DR-L-2105 REV P6 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2000 REV P8 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2001 REV P6 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2101 REV P5 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2102 REV P6 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2103 REV P5 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2104 REV P5 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2108 REV P5 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2109 REV P6 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2700 REV P5 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2701 REV P4 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2702 REV P4 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2703 REV P4 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2704 REV P4 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-2710 REV P4 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L-7000 REV P5 | 17 May 2023 |
| SUPW-RYD-00-XX-DR-L_2106 REV P5 | 17 May 2023 |
| STCMP-RYD-00-ZZ-DR-A-01000-S2-P5 | 12 January 2023 |
| SUPW-RYD-00-XX-DR-L-0100-S2-P1 | 12 January 2023 |
| SUPW-RYD-XX-XX-DR-A-4001-S2-P2 | 12 January 2023 |
| SUPW-RYD-XX-XX-DR-A-4002 -S2-P2 | 12 January 2023 |
| SUPW-RYD-XX-XX-DR-A-4003-S2-P2 | 12 January 2023 |
| SUPW-RYD-XX-XX-DR-A-4004-S2-P2 | 12 January 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01122_P05 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01123 REV P02 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01190 REV P06 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01191 REV P06 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01192 REV P06 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01197_P04 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01900 REV P07 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01901 REV P07 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01902 REV P09 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01903 REV P06 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01904 REV P05 | 17 May 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01119 P03 | 12 January 2023 |
| SUPW-BGP-01-ZZ-DR-C-52-01001 P02 | 12 January 2023 |
| SUPW-BGP-01-ZZ-DR-C-52-01002 P01 | 12 January 2023 |
| SUPW-BGP-01-ZZ-DR-C-90.4-01193 P03 | 12 January 2023 |
| SUPW-BGP-01-ZZ-DR-A-16-01922 PO2 | 18 January 2023 |
| SUPW-BGP-01-ZZ-DR-S-16-01924 PO2 | 18 January 2023 |
| SUPW-BGP-01-ZZ-DR-S-16-01923 PO2 | 18 January 2023 |

02 Landscaping – Softworks

Notwithstanding the submitted plans, full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or

proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed prior to the opening to the public of any part of the development or over an alternative timetable to be agreed with the local planning authority.

03 Soft Landscape Management and Maintenance

Full details of proposed soft landscape management shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with 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 Local Planning Authority 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

04 Landscaping – Hardworks (Tactile Paving)

Full details of proposed tactile paving shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. This shall include all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority. 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. 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

05 Street Furniture

Details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. This shall include seating, litter bins, bollards and cycle stands and skate stops. Such street furniture as agreed shall be erected before the development hereby approved is open to the public.

06 Signage, Artworks and Heritage Details

Details of all artworks, heritage details and interpretation signage and all other site signage locations materials and dimensions shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. Such street furniture as agreed shall be erected

before the development hereby approved is open to the public.

07 Enclosures

Details of all balustrades, railings, pedestrian guardrails, fencing and walls shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. All enclosures as agreed shall be erected before the development hereby approved is open to the public.

08 Water Feature

Details of the design, appearance and function of any water features shall be submitted to and approved in writing in accordance with a timetable to be agreed with the local planning authority.

09 Play Equipment and Future Management

Details of all play equipment including safety surfacing shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority.

The developer shall also provide a management and maintenance plan for the play area and equipment, to guide the future management of the play facility. The management details shall be prepared for a minimum period of 20 years from completion of the works.

10 Scheme for Illumination

Full details of the method of any external illumination including siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority and the lighting shall be implemented wholly in accordance with the agreed scheme prior to the park opening to the public.

11 Drainage:

Development shall be implemented in broad accordance with the drainage scheme contained within the submitted document entitled "Indicative Drainage Schematic" dated "21st December 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6902 and ensure that surface water discharges to the existing watercourse.

12 Archaeology

(A) Prior to works commencing on the built development a programme of works and associated archaeological strategy, has been submitted to and approved by the local planning authority in writing. A Written Scheme of Investigation must also be submitted to, and approved by, the local planning authority in writing prior to starting any programme of archaeological work. The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site

investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the programme of works and associated archaeological strategy approved under condition (A).

C) The development shall not be open to the public until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological strategy approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Canal and River Trust

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust.

Informative: Landscaping

The following British Standards should be referred to:

BS: 3882:2015 Specification for topsoil

BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations

BS: 8601:2013 Specification for subsoil and requirements for use

BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations

BS: 3998:2010 Tree work – Recommendations

BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).

BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs

BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)

BS: 4043:1989 Recommendations for Transplanting root-balled trees

P/12/23 22/2517/VARY Playing Field, Aislaby Road, Eaglescliffe Section 73 application to remove condition no1 and no2 of planning approval 268/79 and creation of extended car parking area.

Consideration was given to an application to vary for 22/2517/VARY, Playing Field, Aislaby Road, Eaglescliffe. Stockton-on-Tees.

Planning permission was sought to remove conditions no1 and no2 of planning approval S268/79 to allow community use of the playing pitches at the Yarm School Playing Field, Aislaby Road, Eaglescliffe.

The proposal also included the creation of an extended car parking area to facilitate 97 car parking spaces. Planning permission was approved in 1979 for the use of the land as school playing pitches with restrictive conditions for use by Yarm School only.

The applicant sought consent to allow Yarm School along with their associated partners/community groups and facilitate wider community use and participation in sport at the site.

There had been 34 letters of support and 11 letters of objection which the main cause for concern relating to on street and indiscriminate parking. To overcome this the applicant had proposed the provision of a 97-space car park.

The proposed extended community use would be supported by national and local planning policy and with conditions to control the operation and use of the site it was considered that there were no sustainable planning reasons to refuse the application and the application was therefore recommended for approval subject to planning conditions.

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

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that overall, it was considered that the benefits from allowing the community use of the playing fields was significant and the site could be sufficiently controlled through conditions to manage the site so as not to adversely affect residents, therefore the application was recommended for approval with conditions as detailed within the main report.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows: -

- Concerns were raised relating to parking due to the very narrow road which was frequently used and whether there would be any modifications to the entrance.
- It was suggested that a condition be added so the playing fields could be used by the local community.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- Officers explained that should there be any issues around parking then enforcement would deal with any issues identified and if required traffic regulations orders could be introduced such as double yellow lines.
- In terms of community use Officers explained that condition 3 'Community Use Agreement' within the officers' report covered this.

A vote then took place, and the application was approved.

RESOLVED that planning application 22/2517/VARY 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 Received

2819 AL(0)100 YS 18 May 2023

SBC0001 9 December 2022

Car Parking

02 Prior to the community use being brought into operation, the car park as shown on plan 2819 AL(0)100 YS received 18 May 2023 shall be provided and available for the parking of vehicles when the playing pitches are in use. The car park shall be retained for the life of the development.

Community Use Agreement

03 Within three months of the commencement of the use of the development by any person other than Yarm School pupils a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Yarm School's Aislaby Road Playing Field and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Community Use

04 The use of the facility for organisations other than Yarm School shall be capped at of a total of 125 uses per year and a maximum of 10 senior league matches per year, by non-Yarm school organisations.

Hours of operation

05 The playing pitches shall not be used outside the hours of 9.00 am – 8.30pm. After 6pm, where there is only one game taking place, the southern pitch shall be used.

Lighting

06 No floodlights or other methods of illuminating the site shall be erected site without the prior written consent of the Local Planning Authority.

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 information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Community Use Agreement

Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>

21/0345/FUL Erection of local centre comprising of eight commercial units and associated infrastructure work. Land East Of Hanzard Drive, South Of Bloomfield Drive/Applecross And North Of Glenarm Drive, Wynyard.

Consideration was given to application 21/0345/FUL, Erection of local centre comprising of eight, commercial units and associated infrastructure work. Land East of Hanzard Drive, South of Bloomfield Drive/Applecross and North of Glenarm Drive, Wynyard, Stockton-on-Tees.

The application site extended to approx. 0.7 ha and was currently undeveloped land, formerly in agricultural use, situated between the existing Bloomfield Drive residential development to the north, various commercial units served from Glenarm Road to the east and south and Hanzard Drive spine road to the west.

The site was within defined development limits and was identified as a local centre within the Wynyard Masterplan. The principle of development within the location had therefore been established.

The application was also previously heard and approved subject to the applicant entering into a Section 106 agreement by planning committee in January 2022, which at the time consisted of a mixed commercial and residential development with a total number of 20 flats and c.1,300 square metres of commercial floorspace. However, the S.106 agreement had not been signed and following a review of the scheme with regards to build costs, the applicant had resolved to remove the apartments to bring forward the delivery of the commercial units and local centre.

The overall footprint remained largely the same although the removal of the apartments saw an overall reduction in the bulk of the development which was now a series of single and two storey buildings forming a total of eight commercial units (as opposed to 6 previously). Given the nature of the changes along with the consequences for planning conditions and heads of terms, the item was referred back to planning committee for determination.

One additional representation had been received, although the original 11 letters of objection, 9 letters of support and 1 letter of representation also remained on the file and had been considered in the re-assessment of the proposals.

The principle of a commercial local centre development had already been established within the adopted Wynyard Masterplan and the overall scale of the development was considered to be appropriate and could be accommodated on the site within any significant resultant impacts on the character of the area, amenity of neighbouring properties/residents or highway safety.

For the avoidance of doubt as the residential element had been removed from the proposals, the requirement for planning obligations no longer applied to the scheme.

The application was recommended for approval with conditions.

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

Neighbours were notified and the comments received were detailed within the main

report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the principle of the development had been accepted. The proposed development was also considered to be visually acceptable and would not have any significant adverse impacts on the amenity of the neighbouring occupiers to justify a refusal of the application. The proposed access and parking arrangements were also considered to be satisfactory and consequently the proposed development was recommended for approval subject to those conditions detailed within the report. It was therefore recommended that the application be approved with conditions for the reasons as detailed within the main report.

An objector attended the meeting and given the opportunity to make representation. His comments could be summarised as follows;

- The objector stated that the proposed application would impact him personally in terms of noise, being overlooked and loss of light.
- Unit 3 on the plans was to be a bar / restaurant and there were to be male toilets situated on the second floor of the building which the objector claimed would overlook his garden.
- The bins for the units were next to a residential area which would be noisy and could attract vermin.
- The land behind the units had overgrown and had been reported, however no one had taken responsibility.
- The 90-space car park was not in keeping with the area.
- There would be an impact on wildlife.
- There was no proposed community centre for children only bars and shops with the potential to become an area of Anti-Social Behaviour.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- Officers explained that in terms of the impact on residents regarding noise and disturbance, this had been covered within the conditions.
- Where the objector had stated unit 3 from the gents toilets would overlook his garden, due to the peak and no windows in the roof there would be no overlooking.
- In terms of maintenance of the area, Officers agreed to pick this up with planning enforcement.
- Where concerns had been raised relating to ecology and impact on wildlife, it was explained there was no impact as detailed within the officers' report and although there was no evidence of protected species on the site there was a walkover survey conditioned to ensure no impact on protected species.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows: -

- Questions were raised as to whether there was any provision for a pharmacy or medical facilities.
- The original plans were proposed with apartments which were to be on the 2nd or 3rd level, had these been removed?
- Questions were raised relating to the overshadowing the objector had highlighted to the front of his property.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- It was highlighted that on the other side of the A69 there was a pharmacist and medical facility which was within the Wynyard development.
- The apartments had been completely removed and therefore left with single storey buildings.
- Officers explained that the overshadowing to the objectors property would be less than the original approved plans submitted as the units were smaller and less in height.

A vote took place, and the application was approved.

RESOLVED that planning application 21/0345/FUL be approved subject to the following conditions and informatives;

01 Time period for commencement

The development to which this permission relates shall begin no later than the expiration of three years beginning with the date of this decision.

02 Approved Plans

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

Plan Reference Number Date Received

201 31 March 2022

202 31 March 2022

203 31 March 2022

204 31 March 2022

403 31 March 2022

404 31 March 2022

JCM001 001 8 February 2021

03 Materials

Notwithstanding any description of the materials in the application no above ground construction shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the new façade and extension to the building(s) have been approved in writing by the Local Planning Authority. The development shall proceed in accordance with those agreed details.

04 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).

05 No subdivision/ Amalgamation

With the exception of unit 4, 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).

06 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.

07 Delivery hours

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

08 Waste Collection

The hereby approved commercial units shall be provided containers for the storage and disposal of waste foods and other refuse from the premises within the identified locations on plan ref JCM001 403 received 31 March 2023. 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.

9 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.

10 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.

11 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.

12 Soft Landscaping

No above ground construction shall commence until full details of a Soft Landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

The scheme shall be completed prior to first occupation or in the first planting season following occupation of any part of the development.

13 Soft Landscape Management and Maintenance

No above ground development shall commence until full details of a proposed soft landscape management and maintenance plan has been submitted to and been approved in writing by the Local Planning Authority. The soft landscape maintenance and management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, 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.

14 Protection of the Highway

Prior to the planting of any trees within 2m of the adopted highway, precise details of arrangements for the protection of the adopted highway, from tree root damage shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15 Hard landscaping and street furniture

No above ground construction shall take place until full details of proposed hard landscaping including street furniture have 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.

16 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.

17 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. II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;

III. III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;

IV. IV. Details of adoption responsibilities

18 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. 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

19 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, 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. 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.

20 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.

21 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) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (v) provision of up-to-date details of public transport services

- (vi) continual appraisal of travel patterns and measures provided through the travel plan
- (vii) improved safety for vulnerable road users
- (viii) a reduction in all vehicle trips and mileage
- (ix) a programme for the implementation of such measures and any proposed physical works
- (x) 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.

22 EV charging

Notwithstanding the submitted information, full details of the type, number and location of all electric charging points shall be submitted to and be agreed in writing with the Local Planning Authority. The charging points shall be provided prior in accordance with the agreed details and installed prior to any part of the development, hereby approved, becoming operational. Thereafter these shall be maintained for the lifetime of the development.

23 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:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

24 New Air Conditioning/Plant Equipment/Odour control

Prior to the installation of any air conditioning units/ plant equipment / means of mechanical ventilation and/or a ventilation and fume extraction system, full details shall first be submitted to and be agreed in writing by the Local planning Authority. Such details shall including a full technical specification by a suitably qualified technical professional person, details of the position of any A/C unit, plant and/or ventilation, fume or flue outlet points and the type of filtration or other odour treatment which shall be installed and used at the premises.

Thereafter the equipment shall be installed in accordance with the agreed details prior to the development being brought into use and shall be maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters, 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.

25 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.

26 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.

27 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.

28 Ecological Checking Survey

Prior to the commencement of any site works, a checking survey for the presence of protected species and suitable habitat shall be undertaken and appropriate mitigation measures, if different from the original survey, shall be submitted to and approved in writing by the local planning authority. Site works shall be carried out in complete accordance with the updated survey unless otherwise agreed in writing by the local planning authority.

29 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.

30 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.

INFORMATIVE

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.

P/14/23 **1. Appeal - CK Hutchison Networks (UK) Ltd - Bishopton Avenue, Stockton-on-Tees 22/2041/TEL - DISMISSED 2. Appeal - Mr Cresswell Welch - Land At Leven Bank 21/2169/FUL - DISMISSED**

The Appeals were noted.

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