

**PLANNING APPLICATIONS COMMITTEE**

4 May 2016

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Cartwright, Galletley, L Haszeldine, Johnson, Kelley, Knowles, Lee, Lyonette, Regan, Stenson and J Taylor. (12)

**APOLOGIES** – Councillor Cossins (1)

**ABSENT** –

**ALSO IN ATTENDANCE** – Councillors D Jones, T Richmond and York. (3)

**OFFICERS** – Dave Coates, Planning Development Manager, Paul Ibbertson, Engineer, within Services for Economic Growth and Andrew Errington, Planning Law Assistant, within the Neighbourhood Services and Resources Group. (3)

**PA89. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA90. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 6 April, 2016.

**RESOLVED** – That the Minutes be approved as a correct record.

**PA91. PROCEDURE** – The Assistant Director Law and Governance’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee and advised on pre-determination.

**RESOLVED** – That the procedure be noted.

**NOTE – APPLICATIONS FOR PLANNING PERMISSION** – The following standard condition is referred to in those Minutes granting permission :-

<b>Code No.</b>	<b>Conditions</b>
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> – To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B1	Detailed drawings showing the details of the following items shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development :- (i) the design, siting, height and internal planning of the

	<p>buildings;</p> <p>(ii) the external appearance of the buildings and the materials to be used on all external surfaces including colours and textures;</p> <p>(iii) means of access and service roads, including road widths, sight lines and space for loading, off-loading and manoeuvring and turning of vehicles;</p> <p>(iv) details of car-parking layout(s) and parking for people with disabilities;</p> <p>(v) refuse storage accommodation and access thereto;</p> <p>(vi) treatment of those parts of the site not covered by buildings, including planting, landscaping, surface treatment, walls, fences and gates; and</p> <p>(vii) preservation and planting of trees and shrubs.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development.</p>
B4	<p>Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
B4A	<p>The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.</p> <p><b>Reason</b> - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.</p>
B5	<p>The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.</p> <p><b>Reason</b> - To ensure the development is carried out in accordance with the planning permission.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p><b>Reason</b> - In the interests of the visual amenities of the area.</p>

## **PA92. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **(1) Planning Permission Granted**

**15/01006/OUT - Land off Yarm Road Middleton St George, Darlington.** Outline application to erect Doctors' Surgery, Pharmacy and up to 26 Dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant, the applicant's agent and three objectors, all of whom Members heard and the findings of a site visit which had taken place).

Members were informed that that an objector had contacted the Department of Communities and Local Government requesting that the application be 'called in' should Members be minded to approve the application. The application would then be referred to the Secretary of State to allow him the opportunity to determine the application if he so wished.

**RESOLVED** - That planning permission be granted subject to the following conditions :-

1. Application for approval of the reserved matters shall be made to the local planning Authority not later than eighteen months from the date of this permission.  
**Reason** To ensure the speedy provision of the site for the approved development.
2. The development hereby permitted shall be begun either before the expiration of:
  - (a) three years from the date of this permission, or
  - (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.
3. B1 – Detailed drawings.
4. Notwithstanding the above, the proposed housing mix shall reflect the identified housing needs and aspirations of the locality and Borough as a whole.  
**Reason** - To comply with Council Housing Policy.
5. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Master-plan, Implementation Strategy and Management Plan, demonstrating that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.  
**Reason** – In the interests of the character of the locality.
6. Prior to the commencement of the development precise details of the internal highway layout and site access junction including parking numbers and details shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason** – In the interests of highway safety.
7. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.  
**Reason** – In the interests of highway safety.
8. Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing

by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** – In the interests of highway safety.

9. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.

**Reason** – In the interests of residential amenity.

10. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

**Reason** – In the interests of highway safety.

11. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footways and associated crossing on Yarm Road to connect into the surrounding infrastructure and bus stop provision and improvements. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** – In the interests of highway safety.

12. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- (a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
- (b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Or

An off-site financial contribution be paid to the local planning authority through a Unilateral Undertaking.

Both the above to be subject to the results of a viability assessment of the proposed development.

**Reason** – To comply with Council Housing Policy.

13. No development shall take place until an archaeological mitigation strategy, has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- (a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- (b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- (c) Post-fieldwork methodologies for assessment and analyses.
- (d) Report content and arrangements for dissemination, and publication proposals.
- (e) Archive preparation and deposition with recognised repositories.
- (f) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- (g) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- (h) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- (i) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

**Reason** - To comply with Policy CS14 (E) (12) of Borough of Darlington Core Strategy Document (2011) as the site may potentially contain features of local archaeological importance and para. 135 and 141 of the NPPF.

14. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission.

**Reason** - To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

15. Before any development commences, detailed proposals for the incorporation of features into the scheme that are suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

**Reason** – In the interests of promoting the welfare of protected species.

16. No tree/shrub clearance works shall be carried out on the site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless the site is surveyed beforehand for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. If such a scheme is submitted and approved, the development shall thereafter only be carried out in accordance with the approved scheme.

**Reason** – In the interests of promoting the welfare of protected species.

17. J2 – Contaminated land.

**16/00032/FUL - Former Alderman Leach School Playing Field, School Street, Darlington.** Proposed residential development comprising of 34 No. dwellings, access road, car parking and drainage infrastructure (Amended Plans and Flood Risk Assessment Received 13 April 2016).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and two objectors both of whom Members heard).

**RESOLVED** - That planning permission be granted subject to the following conditions :-

1. A3 – Statutory Time limit (3 Years).
2. B5 – Detailed Drawings (Accordance with Plan).
3. E3 – Landscaping (Implementation).
4. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Extended Phase 1 Habitat Survey report (Innovation Group Environmental Services October 2015).  
**Reason** – In the interests of ecology.
5. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations (including tree protection measures) contained within the Arboricultural Impact Assessment report (Innovation Group Environmental Services October 2015).  
**Reason** – In the interests of visual amenity.
6. The development hereby permitted shall not be carried out other than in accordance with a scheme for the provision of affordable housing which shall be submitted to and, improved in writing by, the Local Planning Authority prior to the first occupation of any dwelling on site.  
**Reason** – In order to meet the requirement to provide suitable affordable housing as part of the development.
7. If piled foundations are to be used on any plot, prior to foundation work commencing, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved plan.  
**Reason** – In the interests of amenity.
8. No construction activities including the use of plant, equipment and deliveries shall take place outside the hours of 8.00 am and 6.00 pm Mondays to Fridays, 8.00am and 1.00pm on Saturdays with no activities to take place on a Sundays or Public Holidays.  
**Reason** – In the interests of amenity.
9. Notwithstanding the Construction Management Plan Revision B (Keepmoat April 2016) submitted as part of the application, no development shall take place until details of an alternative location for the builder's compound have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter construction work shall be only carried out in all respects in accordance with the approved details.  
**Reason** – In the interests of amenity.
10. Unless otherwise agreed in writing by the Local Planning Authority, only "Powersafe" diesel generator unit(s) will be used during the construction phase.  
**Reason** – In the interests of amenity.
11. Prior to the completion of building works on any approved dwelling, details of street lighting shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the

approved details unless otherwise agreed in writing.

**Reason** – In the interests highway safety.

12. Prior to the commencement of the development, a Phase 3 Remediation and Verification Strategy shall be prepared by a “suitably competent person(s)” to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the LPA dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a “suitably competent person(s)” and in accordance with the approved Phase 3 Remediation and Verification Strategy.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

13. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

14. A Phase 4 Verification and Completion Report shall be compiled and reported by a “suitably competent person(s)”, documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall NOT be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

15. Prior to the commencement of the development, or in such extended time as may be agreed, in writing by, the Local Planning Authority, details shall be submitted to and approved in writing by the Local Authority for the implementation, maintenance and management of the sustainable drainage scheme, in accordance with the information contained within the Flood Risk Assessment QD916/FRA Revision B dated April 2016. The Scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, information required includes

the following :-

- (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 run-off from the site will be managed during the construction phase.

**Reason** – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site of surrounding area.

16. None of the dwellings shall be occupied until a management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority, the plan shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The Plan should also include the following :

- (i) a plan clearly identifying the sections of the surface water system that are to be adopted by NWL
- (ii) the arrangements for the short and long term maintenance of the SuDS elements of the surface water system
- (iii) funding arrangements for the long term maintenance of the SuDS components

**Reason** – To ensure that all elements of the SuDS are maintained satisfactorily

17. Prior to the commencement of the development hereby approved, details of a survey of all properties immediately adjoining the site shall be submitted to the Local Planning Authority.

**Reason** – In the interests of noting the condition of neighbouring properties prior to the development taking place.

**16/00113/FUL - 26 Muirkirk Grove, Darlington.** First Floor extension to detached dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of an objector, whom Members heard).

**RESOLVED** - That planning permission be granted with the following conditions :-

- 1. A3 – Implementation period.
- 2. B4A – Matching materials.
- 3. B5 – In accordance with the submitted plans.

## **(2) Planning Permission Refused**

**15/01216/FUL - Garages and Garden to Rear of 38 Langholm Crescent.** Demolition of existing garages and erection of detached dwelling with single garage to rear (as amended by plans received 9 March 2016 and additional plans received 18 March 2016).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant, the applicant's agent and three objectors, all of whom Members heard).

**RESOLVED** - That planning permission be refused as, in the opinion of the Local Planning Authority, the proposed development would have an adverse impact on the



significance and distinctiveness of the West End Conservation Area by reason of its scale and location. The development would be contrary to the requirements of Chapter 12 of the National Planning Policy Framework 2012 and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan 2011.

### **(3) Planning Permission Withdrawn**

**15/01223/FUL - Field At OSGR E434495 N513028, Middleton Lane, Middleton St George, Darlington.** Residential development comprising 27 No dwellings.

(NOTE – This application was withdrawn from the Committee).

**PA93. NOTIFICATION OF APPEAL –** The Director of Economic Growth reported that Mr C Taylor had appealed against this Authority's decision to refuse planning permission for the erection of 4 dwellings (with all matters reserved) at land OSGR E422805 N515303 Mill Lane, High Coniscliffe (Ref No. 15/00984/OUT).

**RESOLVED –** That the report be noted.

**PA94. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) -** Pursuant to Minute PA88/Apr/16, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22 April 2016.

**RESOLVED –** That the report be received.