

## PLANNING APPLICATIONS COMMITTEE

1 July 2016

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Galletley, I Haszeldine, Johnson, Kelley, Knowles, Lee, Lyonette, Stenson and J Taylor.(10)

**APOLOGIES** – Councillors L Haszeldine, Lister and Regan. (3)

**ABSENT** – Councillors Cartwright.

**ALSO IN ATTENDANCE** –

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

**PA9. DECLARATIONS OF INTEREST** – Councillor Kelley declared an interest in Minute PA12(1) below (Ref No. 16/00382/FUL) as his children had previously attended the nursery and Councillor Stenson also declared an interest in that item as a nearby resident. Councillor Stenson addressed the Committee as an objector and then left the meeting during the discussion of that item. There were no other declarations of interest reported at the meeting.

**PA10. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 1 June 2016.

**RESOLVED** – That, with the insertion of ‘Councillor Kelley’ in the list of those Members present at the meeting and the deletion of ‘Councillor Kelley’ in the list of those Members absent, the Minutes be approved as a correct record.

**PA11. 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 :-

Code No.	Conditions
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.
B4	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

	<p>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><b>Reason</b> - 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>
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>
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p><b>Reason</b> - In the interests of visual and/or residential amenity.</p>

**PA12. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**15/00584/FUL - Land North West of Heron Drive, Darlington.** Change of use of vacant land to park home use (amended plan received 9 November 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated) and the views of the applicant’s agent, one objector and information provided by Councillor I Haszeldine, one of the Ward Councillors for the area, on behalf of the residents, all of whom Members heard).

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

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.  
**Reason** - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
2. Unless otherwise agreed in writing by the Local Planning Authority, the use hereby approved shall not be implemented except in complete accordance with the details shown on the submitted plan No. SK100 Rev E (Sketch Site Layout).  
**Reason** - In the interests of visual amenity.
3. The development shall not commence until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning

authority. Thereafter these works shall only be carried out as approved.

**Reason** - In the interests of visual amenity.

4. The details of the size, form, layout and external finish of all park homes (including replacement park homes) shall be submitted to and approved by the Local Planning Authority prior to any park home being installed on the site.

**Reason** - In the interests of visual amenity.

5. The site shall not be used other than as a site for mobile homes (park homes) each of which is occupied by their occupiers as their sole or main residence throughout the year on a "protected site" within the meaning of the Mobile Homes Acts 1983 and 2013.

**Reason** - To ensure that the site is occupied in accordance with the permission.

6. Prior to development being commenced, details of the increase in height (to at least 3 metres in accordance with the recommendations of the Wardell Armstrong Noise Assessment dated May 2015) of the existing intervening boundary wall between the application site and the retail premises on Yarm Road, shall be submitted to and approved by the Local Planning Authority. Thereafter the use of the site shall not be carried out other than in accordance with the approved details.

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

7. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no walls, fences, gates, garages, outbuildings, sheds, porches, verandas or areas of hard standing other than those shown on drawing No. SK100 Rev E (Sketch Site Layout) or expressly authorised by the Local Planning Authority shall be constructed on the site.

**Reason** - In the interests of visual amenity and in order to ensure that adequate measures are taken with regard to contamination issues.

8. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

- (b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

- (c) Construction Traffic Routes, including parking areas for staff and visitors.

- (d) Details of wheel washing.

- (e) Road Maintenance.

- (f) Warning signage.

Development shall not be carried out on site otherwise in complete accordance with the approved plan.

**Reason** - In the interests of highway and pedestrian safety.

9. Construction work shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays and no deliveries of park homes shall take place outside the hours of 9.00 a.m and 3.00 p.m with the prior written permission of the Local Planning Authority.

**Reason** - In the interests of residential amenity and highway safety.

10. Prior to the development commencing, a road condition survey of Heron Drive and Teal Road should be carried out (in conjunction with Darlington Borough Council officers) to document any existing damage and to review further damage caused by construction traffic. Damage caused by construction traffic shall be rectified, prior to the first occupation of the site, to the satisfaction of the Local Planning Authority.  
**Reason** - In the interests of highway safety.
11. No development shall commence until precise details of the works required on Heron Drive to provide a pedestrian linkage to the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.  
**Reason** - In the interests of highway and pedestrian safety.
12. Once operational, no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.  
**Reason** - In the interests of highway and pedestrian safety.
13. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.  
**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.
14. No works shall commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
**Reason** - to ensure that the details of foul water disposal are acceptable.
15. The site shall be developed in full accordance with the remediation proposals, soil capping layer design specifications and ground-gas protection measures proposed in the Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 and additional information provided in correspondence from EPG dated 21 December 2015 Ref: EPG/2015/DHD//Q004/L1 and e-mail correspondence from Nathaniel Lichfield & Partners dated 14 March 2016. No alterations to the Implementation Plan or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The soil capping layer and ground-gas protection measures shall thereafter be retained and maintained for the duration of the development.  
**Reason** - The site is a former landfill site and known to be generating landfill gas 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.
16. Prior to commencement of the development a Verification Plan is required to be submitted to and agreed in writing with the Local Planning Authority. The Verification Plan shall detail how the gas protection measures as detailed in

Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 will be inspected/validated in accordance with CIRIA 735 "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" and "Verification Requirements for Gas Protection Systems" (YAHPAC, 2016). The Verification Plan shall include details of the gas membrane installer and verifier and evidence of their competency/qualifications, frequency of inspection/verification, manufacturer's material(s) specification, infiltration tests, methodology for the integrity testing, records to be kept and the verification checklist template. Thereafter the ground gas protection system shall be implemented and verified in accordance with the Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 and the agreed Verification Plan.

**Reason** - The site is a former landfill site and known to be generating landfill gas 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.

17. The soil capping layer proposed in Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 shall be installed and independently verified by a "suitably competent person(s)", in accordance with the Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 and the provisions of "Verification Requirements for Cover Systems" (YAHPAC, 2014 as amended).

**Reason** - The site is a former landfill site 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.

18. A Verification and Completion Report, shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, gas-protection and soil capping layer and verification results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Verification and Completion Report 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 site, or any agreed phase of the site, shall NOT be occupied until all of the 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 is a former landfill site 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.

19. Any contamination not considered in the Geo-environmental Appraisal Report ENCIA March 2007 reference 8199/02A, Supplementary Geo-environmental Appraisal Report ENCIA September 2007 reference 8199/04A and Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1, 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 is a former landfill site 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.

20. Park homes shall not be delivered to the site outside of the hours of 09:00 and 15:00.

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

21. Each park home unit shall only be occupied by persons of 50 years of age or older.  
**Reason** – the proposal has been considered on the basis that the park homes will be occupied by people of 50 years of age or older.

**16/00382/FUL - Flora House, 180 Coniscliffe Road, Darlington.** Variation of condition 2 (Use of first floor) and 3 (maximum number of children) of planning permission 96/00406/DM allowed on appeal T/APP/T1350/A/97/278482/P8 dated 8 August 1997 - to permit the use of first floor as nursery accommodation and second floor for storage and up to 60 children to be accommodated at any one time (additional information received 23 May 2016 and 13 June 2016).

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

(NOTE – Councillor Stenson left the table for the above item 16/00382/FUL and after speaking as Councillor, objecting to the application, left the room, whilst the application was discussed).

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

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.  
**Reason** - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
2. The second floor rooms shall be used for storage purposes only.  
**Reason** - In order for the Local Planning Authority to retain effective control over the development.
3. The day nursery in the premises shall accommodate a maximum of 60 children at any one time.  
**Reason** - In order for the Local Planning Authority to retain effective control over the development
4. Prior to the commencement of the development, a scheme for double yellow lines being provided at the junction of Flora Avenue and Coniscliffe Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall also be fully implemented prior to the any increases in the number of children at the premises beyond that which have been previously approved.  
**Reason** - In the interests of highway safety.
5. 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.  
**Reason** - To ensure the development is carried out in accordance with the planning permission.
6. Prior to the commencement of the use hereby approved, precise details of a scheme for disabled access to the first floor of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the disabled access arrangements shall be fully implemented prior to the use commencing.

**Reason** - To ensure that the proposed use has a safe, convenient and attractive access for disabled persons.

**16/00108/FUL - Land South Of Woodlands Hospital, Morton Park Way, Darlington.**  
Erection of a non-food retail store with car parking, access and landscaping.

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

**RESOLVED** - That Members are minded to grant planning permission and instruct that the Director of Economic Growth be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of highways contributions subject to the following conditions and that the application be referred to the Secretary of State for consideration under the Town and Country (consolidation) (England) Direction 2009 :-

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

**Reason** - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as 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.

**Reason** - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

3. If piled foundations are proposed, prior to the development 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.

4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) and unless otherwise agreed in writing by the Local Planning Authority, no more than 10% of the floor space of the retail unit hereby approved shall comprise the sale of convenience goods.

**Reason** - In the interests of retail planning policy as the approved development is not a foodstore.

5. Construction work shall not take place outside the hours of 8.00 am and 6.00 pm Mondays to Fridays, 8.00 am and 1.30 pm Saturdays with no working on a Sundays and Public Holidays.

**Reason** - To safeguard the amenities of the area.

6. Prior to any part of the development being first used or occupied, details of the arrangements for storing of refuse or waste shall be submitted to, and approved by, the Local Planning Authority and the use shall not take place other than in

accordance with the approved details.

**Reason** - To safeguard the amenities of the area.

7. The development shall not be carried out otherwise than in accordance with the Travel Plan by Bryan G Hall (January 2016).

**Reason** - To encourage the reduction of journeys made to and from development by private motor vehicles by promotion of more sustainable forms of transport.

8. Prior to the commencement of the development, or in such extended time as may be agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Local Planning Authority for the implementation, maintenance and management of the sustainable drainage scheme, in accordance with the information contained with the Flood Risk Assessment prepared by GHD LIVIGUNN dated December 2015 update C 7th April 2016.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, information required includes the following:-

(a) Detailed design of the surface water management system.

**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.

9. Unless otherwise agreed in writing, the works hereby permitted shall be carried out in accordance with the following approved plans:

(a) Proposed Elevations (PL 01 Rev G)

(b) Proposed Elevations (PL 02 Rev F)

(c) Proposed Sections (PL 03 Rev D)

(d) Proposed Building Plan (PL 04 Rev E)

(e) Proposed Roof Plan (PL 05 Rev E)

(f) Proposed Site Plan (PL 08 Rev G)

**Reason** - For the avoidance of doubt and in the interests of proper planning.

**15/00450/OUT - Site at Mount Pleasant Farm and Stag House Farm, Newton Lane, Darlington.** Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields.

**RESOLVED** – That the Director of Economic Growth be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations that are appropriate for the development and that, upon satisfactory completion and signing of that Agreement, planning permission be granted subject to the following conditions :-

**1. General**

Approval of the following details ("the reserved matters ") in respect of each building/s or phase of the development shall be obtained from the local planning authority in writing before development of the building/s or phase of the development is commenced:

(a) access

(b) layout

(c) scale

(d) appearance

(e) landscaping

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of



development shall be made to the local planning authority before the expiration of thirteen years from the date of this permission.

**Reason** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2. The development of any building/s and phase of development hereby permitted must be commenced before the expiry of fifteen years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990.

3. **Masterplan**

Excluding the detailed matters to be covered in the Reserved Matters, the proposed development shall be carried out in accordance with the Indicative Development Masterplan 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.

**Reason** - In order to achieve a satisfactory form of development.

4. **Design and Access Statement**

Excluding the detailed matters to be covered in the Reserved Matters, the proposed development shall be carried out in accordance with the broad principles outlined in the Design and Access Statement Design Code entitled "West Park Garden Village" produced by Niven Architects contained in the application or shall have otherwise been agreed in writing by the Local Planning Authority.

**Reason** - In order to achieve a satisfactory form of development.

5. **Highways**

Prior to the commencement of any phase of the development precise details of the internal highways layout and site access junction for that phase shall be submitted to and approved in writing by the Local Planning Authority.

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

6. Prior to the commencement of the link road from Edward Pease Way to Newton lane, precise details of the road shall be submitted and approved in writing by the Local Planning Authority. No more than 150 dwellings constructed under this permission shall be occupied until the link road has been constructed and brought into use.

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

7. Prior to the commencement of each phase of the development, a vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles, buses 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 any phase of the development, precise details of car parking and secure cycle parking and storage details for that phase 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** - To ensure the car parking and secure cycle parking provision accords with the Tees Valley Design Guide and Specification – Residential and Industrial Estates Development.

9. Precise details of the highway works required to access the site 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 roundabout on Newton Lane with improvements to Newton Lane from the new access junction southwards to the junction of Jedburgh Drive including localised widening of the running carriageway and new footway/cycle links as required to connect into the surrounding infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - In the interests of highway safety.
10. A Road Safety Audit for each phase of the development 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. Prior to the commencement of each phase of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall be monitored and updated in accordance with recommendations to be agreed with the Local Planning Authority.  
**Reason** - In order to encourage sustainable modes of travel.
12. **Highways England**  
Not more than 600 dwellings constructed under this permission shall be occupied until works to improve the junction of the A68 West Auckland Road and Edward Pease Way (as shown indicatively on Darlington Borough Council Drawing No 2015\_001\_CD01 entitled "A68 Rotary Way Roundabout, General Improvement") have been constructed and brought into use.  
**Reason** - To ensure the continued safe and effective operation of the local and strategic road networks.
13. **Construction Management Plan**  
Prior to the commencement of each phase the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the methods for controlling dust and vibration during the demolition and construction phases, for wheel washing, the proposed hours of deliveries and construction, construction vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - In the interests of highway safety and residential amenity.
14. **Flood Risk**  
The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable 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:
- (a) Detailed design of the surface water management system.
  - (b) A build programme and timetable for the provision of the critical surface water drainage infrastructure.
  - (c) A management plan detailing how surface water runoff from the site will be managed during construction Phase.
  - (d) Details of adoption responsibilities.

(e) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement.

The development hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

**Reason** - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

15. Prior to the commencement of the development a landscaping scheme for the SuDs shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a 5m wide buffer zone around any watercourses, ponds, and wetland areas unless otherwise agreed by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the visual appearance of the development and in the interest of the ecological value of the site.

16. Prior to the commencement of each phase of the development, precise details of a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012.

17. Prior to the submission of reserved matters the applicant must secure the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters;
- (ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- (iii) proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase; and to include methodologies for a Level 2 - 4 building recording exercise;
- (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- (v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

**Reason** - To comply with para 135 and 141 of the NPPF because the site is of archaeological interest.

18. 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.

**Reason** - To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

19. **Tree Works**

Any tree works shall not be carried out otherwise than in complete accordance with the conclusions contained within the approved documents entitled "Arboricultural Survey Report. Stag House Farm, Darlington" produced by Ecosurv Limited dated March 2014 and "Arboricultural Survey Report. West Park Garden Village, Darlington" produced by Ecosurv Limited dated March 2014 unless otherwise agreed in writing by the Local Planning Authority and any such requests would need to be supported by updated Survey Reports.

**Reason** - In the interests of the visual appearance of the site.

20. **Traffic Noise**

Prior to the commencement of each phase of the development, a noise impact assessment and detailed scheme of noise mitigation for the protection of proposed residential properties from road traffic noise from the A1(M), Newton Lane and the A68, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:

- (a) Internal noise levels for bedrooms (with windows closed) shall not exceed 30dB LAeq(8 hour)\* and 45dB LAFmax.
- (b) Internal noise levels for living rooms (with windows closed) shall not exceed 35dB LAeq(16 hour)\*.
- (c) External noise levels within garden areas shall not exceed 55 dB LAeq(16 hour)\* unless otherwise agreed in writing with the Local Planning Authority.
- (d) LAeq(8 hour) night-time 8 hours between 23:00 and 07:00 and LAeq(16 hour) day-time 16 hours between 07:00 and 23:00.

The detailed scheme of noise mitigation shall include the following:

- (a) Details of the sound insulation, alternative forms of ventilation and any other works to be provided to the proposed residential properties to achieve the internal and external noise levels as specified above.
- (b) The details, design and location of any acoustic barrier to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.
- (c) A plan identifying the proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise impact assessment and scheme of noise mitigation relates shall not be carried out other than in complete accordance with the details so approved and thereafter retained and maintained for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

**Reason** - In the interests of the amenity of the development and surrounding area.

## 2. **Noise from School development**

Prior to the commencement of the school development, a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the layout, orientation and design of the school development and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed sound insulation and mitigation in respect of:

- (a) Protecting external areas of the school from excessive road traffic noise (having regard to Section 2.2 of Building Bulletin 93 (2003)).
- (b) The impact of noise on the proposed residential development from external plant, machinery and equipment associated with the school development. The rating level of noise emitted from external plant, machinery or equipment whether operating individually or when all plant is operating simultaneously, shall not exceed the daytime and night time background noise level at any residential property when measured and assessed in accordance with BS4142:2014 unless otherwise agreed in writing by the Local Planning Authority. The background noise level to be used in the BS4142 Assessment shall be agreed in writing with the Local Planning Authority.
- (c) Minimising the impact of noise on the proposed residential development from the use of music rooms, halls or equivalent noise-generating facilities associated with the school development.
- (d) Minimising the impact of noise from playgrounds, playing fields and/or sport pitches (having regard to intended frequency and pattern of usage).

The approved details, findings and noise mitigation measures shall be implemented prior to occupation of the school development and thereafter retained and maintained for the duration of the development.

**Reason** - In the interests of the amenity of the development and surrounding area.

## 3. **Noise from West Park Hospital**

Prior to the commencement of the development of residential properties adjacent to West Park Hospital a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, and approved by, the Local Planning Authority. The scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment shall assess the following:

- (a) The impact of noise on the proposed residential development from external plant, machinery and equipment associated with West Park Hospital.
- (b) The impact of noise on the proposed residential development from vehicular noise associated with the use of West Park Hospital car park.
- (c) The detailed scheme of noise mitigation measures shall include the following:
- (d) Details of the design, height and location of the acoustic barrier to be erected to protect residential properties from vehicular noise associated with the car park.
- (e) Details of any sound insulation, alternative forms of ventilation and any other works to be provided to the proposed residential properties to protect against noise from West Park Hospital.
- (f) A plan identifying any proposed residential properties which require noise mitigation and the noise mitigation measures to be installed.

The scheme of noise mitigation measures shall be carried out in complete accordance with the details so approved prior to occupation of the particular residential properties and thereafter retained and maintained for the duration of the development.

**Reason:** In the interests of the amenity of the development and the surrounding area.

4. **Noise from Construction**

If piled foundations are proposed, 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 details.

**Reason** - In the interests of the amenity of the development and the surrounding area.

5. **Waste**

The final design of the school premises shall include details of the arrangements for waste storage.

**Reason** - In the interests of the amenity of the development and the surrounding area.

6. **Lighting**

A full lighting impact assessment relating to any proposed external lighting relating to the sports pitches and the school development, undertaken by an independent qualified assessor, shall take place and be agreed in writing with the Local Planning Authority prior to installation. This should include:

- (a) A description of the proposed lighting units including height, type, angling and power output for all lighting.
- (b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no excess light falls into the curtilage of sensitive neighbouring properties.
- (c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- (d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- (e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

**Reason** - In the interests of the amenity of the surrounding area.

7. **Air Quality**

The development shall not be carried out otherwise than in complete accordance with the dust mitigation measures contained in section 9 of the report entitled "West Park Garden Village, Air Quality Assessment" produced by ARUP dated 24 September 2014 unless other agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the amenity of the development.

8. In the event that it is proposed to locate any residential units within 50m of the edge of the A1 (M), an air quality assessment, carried out by a suitably qualified and experienced consultant, shall be undertaken and submitted to the Local Planning

Authority. Prior to undertaking the assessment, the scope of the assessment shall be agreed in writing with the Local Planning Authority. Dwellings, including garden areas shall only be located in areas where it has been shown in the air quality assessment that there is no risk of an exceedance of any of the relevant air quality objectives/standards which have been agreed as part of the scope of the assessment.

**Reason** - In the interests of the amenity of the development.

9. **Contaminated Land**

Prior to the commencement of each phase of the development and any site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

**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.

10. 29 Prior to the commencement of each phase of the development and any site investigative works a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of 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.

11. Prior to the commencement of each phase of the development and any remediation works the Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

**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.

12. Prior to the commencement of each phase 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 Local Planning Authority 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. **Ecology**

Prior to the commencement of each phase of the development the protection and enhancement measures for the medium and high risk hot spot areas and quality areas for enhanced bird and bat presence highlighted in the approved Ecological Appraisal Report for West Garden Park Village. Ecological Baseline Report" dated July 2014 and produced by Ecosurv Ecological Consultants shall be submitted to and approved in writing by the Local Planning Authority and each phase shall be carried out in complete accordance with the approved schemes.

**Reason** - In the interests of the ecological interest of the site.

16. **Landscaping**

Excluding the detailed matters to be covered in the Reserved Matters for the landscaping of each phase, the landscaping schemes to be submitted and approved by the Local Planning Authority shall include a 10 year maintenance and



management plan of the landscaped areas which will cover the development time and 10 years after the final phase of development.

**Reason** - In the interests of the visual appearance of the site.

**17. Education**

The land allocated for education purposes (5 hectares) and the associated playing fields (8.2 hectares) as shown on the Indicative Development Masterplan shall be retained for such purposes for a time period of ten years from the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - To ensure that land is allocated for such purposes in the event of a school with associated playing fields being required.

**18. Sport England**

Prior to the commencement of the playing fields, precise construction details of the playing fields, including drainage and changing facilities shall be submitted to and agreed in writing with the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In order to ensure that the playing fields are constructed to an acceptable standard with appropriate facilities.

**(2) Planning Permission - Darlington Borough Council - Deferred**

**16/00087/DC - Allington Way, Darlington.** Erection of 62 dwellings, comprising 42 apartments and 20 houses plus internal roads, car parking and landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two objectors and information provided by Councillor I Haszeldine, one of the Ward Councillors for the area, on behalf of the residents, all of whom Members heard).

**RESOLVED** - That planning permission be deferred to enable a site visit to take place.

**PA13. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment had allowed the appeal by Mr D Pinnegar against this Authority's decision to refuse permission for the erection of two-storey (dormer) extension to side partly over existing garage, single-storey vestibule to front, single-storey conservatory to the rear and single-storey utility room extension to rear (amended description) (amended plans received 15 January, 2015) at 22 The Chase, Hurworth, Darlington (Ref No. 15/01211/FUL).

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

**PA14. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA8/Jun/16, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 17 June 2016.

**RESOLVED** – That consideration of this item be deferred.