

## PLANNING APPLICATIONS COMMITTEE

21 September 2016

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Cartwright, Galletley, I Haszeldine, L Haszeldine, Johnson, Kelley, Knowles, Lee, Lister, Lyonette, Regan, Stenson and J Taylor. (14)

**APOLOGIES** –

**ABSENT** –

**ALSO IN ATTENDANCE** – Councillors Mills and S Richmond. (2)

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

**PA29. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA30. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 24 August 2016.

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

**PA31. 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.

**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.
B5	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. <b>Reason</b> – To ensure the development is carried out in accordance with the planning permission.
CL5	Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent

	<p>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.</p> <p><b>Reason</b> - 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.</p>
CL6	<p>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.</p> <p>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.</p> <p><b>Reason</b> - 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.</p>

## **PA32. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

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

**16/00650/FUL - Bellburn Lane, Darlington.** Erection of 40 dwellings plus internal roads, car parking and landscaping.

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

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

1. A3 - Implementation Limit.
2. B5 - Accordance with plans.
3. Construction work, including deliveries to and the removal of material from the site, 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 without the prior written permission from the Local Planning Authority.

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

4. 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 complete accordance with the approved details.

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

5. The development shall be carried out in accordance with the submitted Flood Risk Assessment document ensuring that foul sewage flows to manhole 0011 and that surface water discharges to manhole 1001 at 5 litres per second.

**Reason** – To prevent an increase in flooding.

6. Concurrent with the development of this site, the diverted footpath shall be provided in accordance with the details shown on the submitted Order map, MT2/Bellburn Lane to the satisfaction of the Local Planning Authority.

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

**16/00686/FUL - Alexander Street, Darlington.** Erection of 66 affordable dwellings plus internal roads, car parking 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 planning permission be granted subject to the following conditions :-

1. A3 - Implementation Limit.
2. B5 – Accordance with plans.
3. The noise mitigation measures outlined in Environoise Report Ref: 20481R02PKmdw submitted in support of the application, or equally effective measures agreed in advance with the LPA, shall be completed prior to any part of the development hereby permitted being first occupied. These mitigation measures include an acoustic barrier between the proposed houses and the B6279, a further acoustic barrier between the proposed houses and the concrete batching plant, and glazing specifications for windows in dwellings which conform to or exceed the standards set out in Table 8.1 and Figure 8.1 of the report.

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

4. 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 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.
- (g) Contact details for a site manager who can be contacted by residents in the event of complaints.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

5. Construction work, including the delivery of materials and the removal of waste from the site shall not take place outside the hours of 08.00 - 17.00 Monday - Friday, 08.00 - 13.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.”

6. 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 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.

7. Before development takes place details shall be submitted to and approved in writing by the Local Planning Authority relating to the following :

- Details of works to be carried out within the public highway along Alexander Street.
- Details of dwelling driveway spaces in accordance with the Tees Valley Design Guidance.

8. 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 program 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 buildings 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.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment & Surface Water Management Strategy dated April 2016 report no 4175/FRA01,

**Reason** - To prevent flooding by ensuring the satisfactory storage of / disposal of

surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

10. There shall be no direct vehicular access created between the properties shown as plots 1 - 13 on the submitted site plan and the lane directly to the North West of those properties.

**Reason** - In the interests of road safety and the free flow of traffic.

11. 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 shall each be submitted to and approved, in writing, by the local planning authority:

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

**Reason** - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. a fuel depot and backfilled clay pits associated with a brick works. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring

and maintenance plan shall be implemented as approved.

**Reason** - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. a fuel depot and backfilled clay pits associated with a brick works. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason** - Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

14. Prior to the commencement of development a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health risks associated with soil, ground gas and vapour 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.

15. Any soil, ground gas and vapour contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent the construction/remediation works shall be subject to further human health 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.

16. 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 soil, ground gas and vapour contamination 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.

**16/00449/FUL - Site of Eastbourne School, Darlington.** Erection of 60 dwellings plus internal roads, car parking and landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

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

1. A3 - Implementation Limit.
2. B5 - Accordance with plans.
3. CL5 - Remediation Works.
4. CL6 - Remediation Works.
5. Construction work, including delivery of material to the site and the removal of wastes, 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 without the prior written permission from the Local Planning Authority.  
**Reason** – In the interests of residential amenity.
6. The development shall be carried out in accordance with the drainage scheme contained within the submitted document "Engineering Layout" with foul flows discharging to manhole 1511 and surface water discharging to the existing watercourse via surface water sewers as for Phase 1 of the development.  
**Reason** – To prevent an increase in flooding.
7. No more than 10 dwellings hereby approved shall be occupied until the replacement playing field provision detailed in planning application number 16/00870/FUL has been completed and is capable of being used for sport.  
**Reason** - To ensure the displaced sports pitches are available for use in accordance with the National Planning Policy Framework.
8. The diverted cycle route shall be created as shown on the submitted plan and shall be adequately signposted as indicated on the plan before development commences.  
**Reason** - In the interests of road safety.
9. CLGG - Ground Gas Protection.
10. 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;
  - (i) Detailed design of the surface water management system to include mdx file and Digital Terrain Map
  - (ii) A build program and timetable for the provision of the critical surface water drainage infrastructure
  - (iii) A management plan detailing how surface water runoff from the site will be managed during construction Phase
  - (iv) Details of adoption responsibilities;
  - (v) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building 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.

**PA33. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment had dismissed the appeal by Mr C G Robinson against this Authority's decision to refuse Planning Permission and Listed Building Consent for Demolition of restaurant building to Kings Arms Public House and erection of 3 No dwellings (amended plans received 20/08/15, amended Heritage Statement received 11/09/15, amended Site Location Plan received 02/10/15 and amended Application Forms received 02/10/15) at Kings Arms, Glebe Road, Great Stainton, Stockton on Tees (Reference Number 15/00410/FUL and 15/00411/LBC).

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

**PA34. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA35. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA28/Aug/16, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 9 September 2016.

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