

PLANNING APPLICATIONS COMMITTEE

8 February 2017

PRESENT – Councillor Baldwin (in the Chair); Councillors Galletley, I. Haszeldine, L. Haszeldine, Johnson, Kelley, Lister, Lyonette, and J. Taylor.(9)

APOLOGIES – Councillors Knowles, Lee, Regan and Stenson. (4)

ABSENT – Councillor Cartwright. (1)

ALSO IN ATTENDANCE – Councillor D Jones

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

PA68. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA69. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 11 January 2017.

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

PA70. PROCEDURE – The Assistant Director Law and Governance’s representative gave a short presentation which outlined the procedure to be followed during consideration of the application 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. Reason – To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
A5	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 18(1) of the Planning (Listed Building and Conservation Areas) 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 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

	<p>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>
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>Reason - To ensure the development is carried out in accordance with the planning permission.</p>
B7	<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>Reason - To ensure the development is carried out in accordance with the Listed Building Consent.</p>
B11	<p>Notwithstanding any description of the design and fitting of any windows in the application, precise details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The details shall incorporate at least a 12cm external brickwork reveal.</p> <p>Reason - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity.</p>
D18	<p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the residential amenities of the area.</p>
D19	<p>The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.</p>

PA71. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

16/00972/FUL - Field at OSGR E434495 N513028 Middleton Lane Middleton St George Darlington. Residential development comprising 27 No. dwellings (Revised application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's representatives, which included Dr James Gordon (Heritage North), Peter Carne, Durham University and Emma Speight (Executive Director of Assets and Growth, North Star Housing Association) who spoke in favour of the application. Members also heard the objections of Kath Gilson of Middleton St. George Parish Council and the objections of one of the Ward Councillors, Councillor Doris Jones).

Members paid particular regard to the special duty to preserve or enhance Conservation Areas. In this particular case, Members acknowledged that, despite the effects of the development within the Conservation Area, they considered that the provision of affordable housing, which is required in the locality and would accrue local benefit, and would be provided within the first phase of development within a foreshortened time-scale, was particularly important, having received assurances from the developers of timely delivery. This consideration should be reflected within an appropriate condition attached to any approval and was to be a key element of the balance Members applied in reaching their decision. Members also mentioned the lack of a five year supply within the Borough. It was also noted that information regarding the management of surface water had been submitted to the Authority subsequent to the report being prepared and would form part of a condition on any approval. Consequently, Members considered that there were material benefits (as outlined above) that would outweigh the moderate harm to the Conservation Area.

RESOLVED – (a) 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 covering :-

- (i) Education;
- (ii) Sustainable transport; and
- (iii) Green infrastructure.

(b) That, upon satisfactory completion and signing of that Agreement, planning permission be granted subject to the following conditions and reasons :-

1. A3 Implementation Limit (18 months)
2. B5 Detailed Drawings (Accordance with Plan)
3. B4 Details of Materials (Samples)
4. E2 Landscaping (Implementation)
5. E5 Boundary Treatment (Submission)
6. Notwithstanding condition (2) above, detailed working drawings at a minimum of 1:20 scale to include verge, eaves and window details shall be submitted to and

approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development within the Middleton One Row Conservation area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of the Order shall take place without the prior written consent of the Local Planning Authority to whom a planning application must be made.

Reason – To safeguard the character and appearance of the Middleton One Row Conservation Area and the amenities of adjoining residents.

8. Prior to the commencement of the development, a revised 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 assessing the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place. 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.

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

Reason – In the interests of highway safety and residential amenity.

9. Construction work including deliveries and any waste removal 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.

10. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. 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) details of adoption responsibilities
- (c) 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.

12. The development shall not begin until a scheme for the provision of the six affordable dwellings 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 the first phase of the development and 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, tenure of the affordable housing provision to be made;
- (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 Registered Social Landlord 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.

Reason – To comply with the Council's Planning Policy to meet affordable housing needs.

13. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

Reason – To safeguard the amenities of the area and in the interests of highway safety.

14. Prior to the commencement of the development precise details showing the new footway along the frontage of the site on Middleton Lane including drop crossings to link into the surrounding infrastructure, relocation of the existing northbound bus stop and improvements to the southbound bus stop on Middleton Lane shall be submitted to and approved in writing by the Local Planning Authority. The occupation of the development shall not begin until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

Reason – In the interests of highway safety.

15. No development shall begin until the Local Planning Authority has approved in writing a full scheme for works to provide off-road parking provision on Neasham Road for safety reasons. The occupation of the development shall not begin until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf

of the Local Planning Authority.

Reason – In the interest of highway safety.

16. An appropriate street lighting scheme and design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interest of highway safety.

17. Prior to the commencement of the development, precise details of 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.

18. Prior to the commencement 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.

19. Prior to the commencement of any site investigate 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 LPA 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.

20. A 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.

21. Following the completion of the works required by condition 6 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.
22. 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.
23. 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.
24. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations set out in the Ecological Appraisal undertaken by E3 Ecology Limited (December 2015) unless otherwise agreed in writing by the Local Planning Authority.
- Reason** – In the interest of the protected Species and their habitats.
25. Prior to the commencement of the development hereby approved, a Method Statement and Tree Protection Plan (to include hedgerows) shall be submitted and agreed in writing by the Local Planning Authority, to ensure that adequate tree protection measures are in place during construction.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees :-

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

Reason – To ensure that a maximum level of protection in order to safeguard the well being of the trees on site and in the interests of the visual amenities of the area.

16/01154/FUL - Raby Hunt Inn, Summerhouse. Erection of single storey extensions to side and rear, removal of window from side elevation, addition of window to rear and demolition of external staircase.

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

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

1. A3 (Standard 3 year time limit).
2. B4 (Details of external materials to be submitted).
3. B11 (Details of windows).
4. Prior to the commencement of development hereby permitted, a method statement for the making good of the side and rear elevations following the removal of the existing window and door from the respective elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement should also include large scale details of the proposed replacement windows including details of the stonework reveal. The alterations shall thereafter be carried out in accordance with the details as approved.
Reason – In the interest of visual amenity.
5. The flat roof above the rear kitchen extension hereby approved shall not at any time be used as a roof terrace, garden or viewing area and no alteration shall be carried out to the main building giving access to that area without the prior written permission of the Local Planning Authority.
Reason – To protect the amenity and privacy of nearby residents.
6. Notwithstanding the details shown on the approved plans, the restaurant shall cater for a maximum number of covers as set out in the document entitled '2016-109-The Raby Hunt – Dining/Covers Schedule' received on 23 January 2017.
Reason – In the interests of residential amenity.
7. D18 (Scheme for the control of fumes and odours).
8. D19 (Scheme for the ventilation of the premises).

9. No fans, louvres, ducts or other external plant shall be installed without the prior written approval of the Local Planning Authority.
Reason – To protect the visual amenities of the area.
10. The refuse storage arrangements, shown on the drawing entitled ‘Ground Floor – Sketch Proposal 2016-109 Drawing No. 011 Rev. C) shall be completed prior to any part of the development hereby permitted being occupied.
Reason – To safeguard the amenities of the area.
11. B5 (Development in accordance with the approved plans).

16/01158/FUL - 303 North Road, Darlington. Variation of condition 3 (opening hours 8.00 am - 6.00 pm Monday - Saturdays) of planning permission 02/00599/CU dated 27 August 2002 for change of use from Computer Shop (A1 Retail) to Cafe/Takeaway (Class A3) to permit opening hours of 0800 to 2100 Monday to Saturday and 0800 to 2000 on a Sunday (as amended by letter received 21 December 2016).

(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 the variation of planning permission be granted subject to the following condition :-

The cafe/takeaway use shall not be open to customers outside the hours of 0800 to 2100 Monday to Saturday and 0800 to 2000 on a Sunday.

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

(2) Planning permission Deferred

16/01208/FUL - Mown Meadow 64 Middleton Lane Middleton St George Darlington. Variation of condition 3 (approved plans) of planning permission 09/00836/FUL dated 24 August 2011 for the erection of 2 No. detached dwellings with associated car parking, access and landscaping works - to permit construction of an attached garage and garden room to each dwelling and improved front door location and amended location of internal boundary fence and parking.

RESOLVED – That the application be deferred to enable Officers to further investigate with the applicants the tree situation on site.

(3) Listed Building Granted

16/01155/LBC - Raby Hunt Inn, Summerhouse. Listed building consent for single storey extensions to side and rear, removal of window from side elevation, addition of window to rear, demolition of existing staircase and internal alterations including removal of stairs, construction of new staircase and creation of new openings and partitions.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated) and the views of the applicant, his agent and the objections of Summerhouse Parish Meeting, all of whom Members heard).

RESOLVED - That Listed Building Consent be granted subject to the following conditions:

1. A5 (Standard 3 year time limit).
2. B4 (Details of external materials to be submitted).
3. B11 (Details of windows).
4. Prior to the commencement of development hereby permitted, a method statement for the making good of the side and rear elevations following the removal of the existing window and door from the respective elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement should also include large scale details of the proposed replacement windows including details of the stonework reveal. The alterations shall thereafter be carried out in accordance with the details as approved.

Reason – In the interest of visual amenity.

5. Prior to the commencement of development hereby permitted, an internal wall plan showing a nib to be retained in the internal wall to be partially removed to form the new opening between the prep-area and kitchen, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details as approved and thereafter be so maintained.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development, in the interest of sustaining the significance of this Grade II listed building.

6. B7 (Development in accordance with the approved plans).

PA72. APPLICATION FOR PLANNING CONSENT

(1) Planning Consent Granted

16/01225/TF - Mown Meadows 64 Middleton Lane Middleton St George Darlington.
Works to trees protected under Tree Preservation Order (No 1) 2007 - Pruning of 1 No. Yew tree (T3) (Amended Description).

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

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

1. All work to trees shall be carried out to BS Specification 3998 (as amended).
Reason - To safeguard the health of the trees.
2. E8B Tree Protection (The pruning hereby granted consent shall not be carried out until the exact points of severance have been agreed on site with a representative of the Local Planning Authority and other than under the supervision of a competent forester).
Reason – To safeguard the life of the preserved tree in the interests of visual amenity.

PA73. 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.

PA74. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA67/Jan/16, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 27 January 2017.

RESOLVED – That the report be noted.