

PLANNING APPLICATIONS COMMITTEE

5 April 2017

PRESENT – Councillor Baldwin (in the Chair); Councillors Johnson, Kelley, Knowles, Lee, Lister, Lyonette and J. Taylor. (8)

APOLOGIES – Councillors Galletley, L. Haszeldine, Regan and Stenson. (4)

ABSENT – Councillors Cartwright and I. Haszeldine. (2)

OFFICERS – Dave Coates, Planning Development Manager, and Paul Ibbertson, Engineer within Services for Growth. (2)

PA83. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA84. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 8 March 2017.

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

PA85. PROCEDURE – The Chair 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 conditions are referred to in those Minutes granting permission or consent :-

Code No.	Conditions
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 with any such approved details. 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.
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. Reason - To ensure the development is carried out in accordance with the planning permission.
B9	Prior to the commencement of development, or such other

	<p>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>Reason - In the interests of visual and/or residential amenity.</p>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p>Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
E2	<p>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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. 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:</p>

	<p>(a) The raising or lowering of levels in relation to the existing ground levels;</p> <p>(b) Cutting of roots, digging of trenches or removal of soil;</p> <p>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</p> <p>(d) Lighting of fires;</p> <p>(e) Driving of vehicles or storage of materials and equipment.</p> <p>Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</p>
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PA86. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

16/01020/OUT - Former M Wood and Co, New Lane, Neasham. Outline application for erection of 10 no. residential dwellings (with all matters reserved except access) (amended Flood Risk Assessment and Surface Water Strategy received 4 January 2017 and additional swept path analysis received 13 January 2017).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), thirteen letters of objection, together with a subsequent letter of objection, the views of the Highway Engineer, the Sustainable Transport Officer, the Countryside Access Officer, the Environmental Health Officer (Contaminated Land), Environmental Health Officer (Pollution), Durham County Council Archaeology, the Environment Agency, the Lead Local Flood Authority, Northumbrian Water Limited, Northern Powergrid, Northern Gas Network, the Campaign for the Protection of Rural England, Neasham Parish Council; and the views of the applicant’s agent and Parish Councillor Crute, whom Members heard.)

Members entered into discussion on the application, and much of the discussion centred on the measures required to mitigate for surface water and flooding. The Planning Development Manager stated that many of the measures regarding flooding and the appearance of the development would be specified within any future detailed application for Planning Permission. On the understanding that any future detailed application for Planning Permission be submitted to this Committee, the Chair moved the recommendations outlined within the submitted report, and the Motion was seconded.

Councillor Kelley moved an Amendment to refuse the application, however the Amendment was not seconded.

A vote was then taken on the Substantive Motion, and the Substantive Motion was carried.

RESOLVED – That, subject to any future detailed application for Planning Permission being submitted to this Committee, 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) affordable housing
- (ii) education
- (iii) sustainable transport improvements

and that upon satisfactory completion and signing of that agreement, outline planning permission be granted subject to the following conditions and reasons:

1. Approval of the following details (the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:

- (a) layout
- (b) scale
- (c) appearance
- (d) 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 eighteen months from the date of this permission.

Reason – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

2. The development hereby permitted shall be begun either before the expiration of:

- (a) three years from the date of this permission, or
- (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.

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

3. B4 (Details of Materials).

4. B5 (Development in Accordance with Approved Plans).

5. B9 (Fencing, Walls, Enclosures).

6. C5 (Restriction of PD Rights – Residential).

7. E2 (Landscaping – submission).

8. E11 (Tree Protection).

9. Prior to the commencement of the development hereby permitted precise details of the internal highways layout, to include details of a separate surface for public footpath no. 8 running through the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the internal highway layout shall be implemented in accordance with the details as approved.

Reason – In the interests of highway safety.

10. Precise details of the off-site highway works required to mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include a new footway on the south side of New Lane linking the development to the existing pedestrian infrastructure with dropped crossings where required. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of highway safety.

11. Prior to the commencement of the development hereby permitted precise details of car parking and secure cycle parking and storage details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and siting 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.

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

- (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of dust control measures to be put in place during the demolition and construction phases 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 demolition and 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) Measures for the identification and removal of Hazardous Materials including asbestos, fuel tanks, agrochemicals, glass fragments,
- (d) Construction Traffic Routes, including parking areas for staff and visitors;
- (e) Details of wheel washing;
- (f) Road Maintenance;
- (g) Warning Signage;
- (h) Condition survey of New Lane should also be carried out in conjunction with Darlington Borough Council's Highway Inspector to highlight any issues arising from the demolition of the existing buildings and construction of the new development site.

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

Reason – In the interest of highway safety and the general amenity of the surrounding area.

13. Construction and demolition work including the delivery of materials and the removal of waste from the site shall not take place outside the hours of 08.00 – 18.00 Monday to 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 – To safeguard the amenities of the surrounding area.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- (a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- (b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- (c) Post-fieldwork methodologies for assessment and analyses;
- (d) Report content and arrangements for dissemination, and publication proposals;
- (e) Archive preparation and deposition with recognised repositories;

- (f) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (g) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
- (h) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason – To comply with paragraphs 135 and 141 of the NPPF because the site is of archaeological interest.

15. Prior to the development being beneficially occupied, a copy of any analysis, reporting or publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason – To comply with paragraph 141 of the NPPF which ensures information gathered becomes publicly accessible.

16. Following the demolition of any existing buildings and prior to the commencement of 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 LP 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 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.

17. 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 a 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.

18. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but not identified during subsequent 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.

19. 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 shall be submitted and agreed in writing with the Local Planning Authority within 2 months of completion of the development unless the LPA 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.

20. The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by iD Civils Design Ltd dated February 2016 (amended plans) and the following mitigation measures detailed within the FRA:

- (a) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as highlighted in 8.19 of the FRA;
- (b) Finished floor levels are set no lower than 23.96 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason – To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

21. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment and Surface Water Management Strategy'. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5202 and ensure that surface water discharges to the surface water sewer at manhole 5301 at a restricted rate of 5 l/sec if it is proven that there is no other option for the disposal of surface water.

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

22. The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of the sustainable draining 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) Details of adoption responsibilities;
- (d) 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 the site or surrounding area, in accordance with the guidance within Core Strategy Policy CS10 and the National Planning Policy Framework.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Surface Water Management Strategy, Report no. 4483/FRA01E, dated February 2016 and the following mitigation measures:

- (a) Surface water discharge rates will be limited to 5l/sec;
- (b) Finished Floor Levels will be set a minimum level of 23.96m AOD;
- (c) Access routes within the site should be set to provide a link to the flood bund which lies at a higher level than the site, to allow a means of escape to the east should there be an extreme storm event. Householders should register with the Environment Agency's flood warning service and be made aware of the flood evacuation procedures as part of a new homeowners pack.

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.

24. No development shall commence until a market appraisal of the dwellings hereby approved has been undertaken to inform the amount of financial contribution to be secured by Section 106 Agreement, in accordance with the formula set out in paragraphs 7.1.15 and 7.1.16 of Darlington Borough Council's Planning Obligations SPD dated January 2013. Thereafter the market appraisal shall be submitted to and approved in writing by the Local Planning Authority, and referred to the District Valuer in the event of any dispute, and the monies paid in accordance with the timescales set out in the Section 106 Agreement accompanying this permission.

Reason – To comply with the Council's Housing Policy.

25. The demolition of building 7, as identified in the Naturally Wild Preliminary Ecological Appraisal dated 21 July 2016, shall take place in strict accordance with the mitigation measures set out in Section 6 of that report.

Reason – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) as the building is suitable nesting birds.

26. No development shall take place until precise details of a scheme for compensatory nesting opportunities on the site, in accordance with the mitigation measures set out in Section 6 of the Naturally Wild Preliminary Ecological Appraisal dated 21 July 2016, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site.

Reason – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

27. Prior to the commencement of the development hereby permitted, details of the finished flood levels of the dwellings and gardens hereby approved in relation to

existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

Reason – In the interest of visual and residential amenity.

(2) Planning Permission Withdrawn

17/00106/FUL - Oakwood Learning Centre, Jubilee Wood Farm, Newbiggin Lane, Heighington. Variation of condition 3 (maximum number of children educated and living within the site at any one time shall not exceed 14) attached to planning permission 13/00855/FUL dated 14 February 2014 to increase the maximum number of children educated and living within the site at any one time to 15.

(NOTE – This application was withdrawn at the meeting).

PA87. 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.

PA88. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 24 MARCH 2017 (EXCLUSION NO. 7) - Pursuant to Minute PA82/Mar/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 24 March 2017.

RESOLVED – That the report be noted.