

PLANNING APPLICATIONS COMMITTEE

10 May 2017

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

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

ABSENT – Councillor Cartwright. (1)

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)

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

PA90. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meetings of this Committee held on 29 March and 5 April 2017.

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

PA91. PROCEDURE – The Assistant Director Law and Governance’s representative gave a short presentation which outlined the procedure to be followed during consideration of the 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
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.
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

	<p>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>
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>
CL2	<p>Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority 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 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. 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.</p> <p>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.</p>
CL3	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority 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.</p>

	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
CL4	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority 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.</p> <p>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.</p> <p>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</p>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but 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.</p> <p>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</p>
CL6	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

	<p>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>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</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>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>

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

(1) Planning Permission Granted

17/00166/OUT - Land at OSGR E436544 N521434 Cobby Castle Lane Bishopton.
Outline application for erection of up to nine residential dwellings (with all matters reserved except access).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection, the responses of a number of consultees, the objections of Bishopton Parish Council, and the views of the Applicant's Agent, whom the Committee heard.).

RESOLVED - That the Direct 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:

Public Transport Provision

that upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions and reasons: The agreement shall be signed within 3 months of the date of this Committee.

General

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.

- 3. E2 – Landscaping (Implementation)
- 4. E5 – Boundary Treatment (Submission)
- 5. B4 Details of Materials
- 6. B5 (Development in Accordance with Approved Plans)
- 7. C5 (Restriction of PD Rights – Residential)
- 8. CL2 (Phase 2 Site Investigation Strategy)
- 9. CL3 (Phase 2 Investigation Works)
- 10. CL4 (Phase 3 Remediation and Verification Strategy)
- 11. CL5 (Construction / Remediation Works)
- 12. CL6 (Phase 4 Verification and Completion Report)

13. Prior to the commencement of the development precise details of the internal highways layout, site access junction and external works to bring Cobby Castle Lane up to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall also include the provision of a footway along Cobby Castle Lane to link into the existing infrastructure. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – In the interests of highway safety

14. 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.

15. Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of highway safety.

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

Reason – In the interests of highway safety.

17. Prior to the commencement of the development, a Construction Management Plan shall be submitted to, 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.

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

Reason – In the interests of residential amenity

18. Construction work 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 of the Local Planning Authority.

Reason – In the interests of residential amenity.

19. 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 and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

20. Prior to the commencement of the development hereby permitted, details of the finished floor 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.

21. 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 Naturally Wild (November 2016) unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the protected Species and their habitats.

22. 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 the site and in the interests of the visual amenities of the area.

16/00989/OUT - Land To The Rear Of 21 Roundhill Road, Hurworth. Outline application for the erection of 3 No. detached dwellings (with all matters except access reserved) (Additional Ecological Appraisal; Arboricultural Impact Assessment; Odour Assessment; Ground Investigation Report and amended Layout Plan received 20 February 2017).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection, the views of a number of consultees, and the views of the Applicant's Agent and one objector, whom the Committee heard.).

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

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. The application made pursuant to condition 1) shall not propose more than three dwellings.

Reason - For the avoidance of doubt.

4. The landscaping scheme to be submitted in pursuance of Condition 1 shall include the planting of heavy standard trees (16cm – 18cm girth and containerised) and the scheme shall be fully implemented concurrently with carrying out 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.

5. The details to be submitted in pursuance of Condition 1 shall include in-curtilage parking and secure cycle parking and storage provision that fully accords with the the standards set out in the Tees Valley Design Guide and Specification: **Residential and** Industrial and Estate Development.

Reason - In the interests of highway safety.

6. The details to be submitted in pursuance of Condition 1 shall include details of any walls, fencing, gates or other means of enclosure. The approved means of enclosure shall be erected prior to the approved development being brought into use.

Reason - In the interests of visual and residential amenity

7. The development shall be carried out in complete accordance with the recommendations and mitigation measures contained within the approved Ecological Appraisal (Report Reference: BAS_Roundhill Road_Eco1.1) dated 31 October 2016 and produced by Dendra Consulting Ltd.

Reason - In the interests of the ecological value of the application site.

8. Notwithstanding the requirements of condition 7, the details to be submitted in pursuance of condition 1 (appearance) shall include the insertion of two swift boxes under the eaves and two bat bricks in the elevations of each dwelling.

Reason - In the interests of the ecological value of the application site.

9. Prior to the commencement of the development hereby approved (including demolition work). Protective fencing shall be erected in complete accordance with the details contained within the approved Arboricultural Impact Assessment (Report Reference BAS_Roundhill Road_AIA1.1) dated 28 October 2016 and produced by Dendra Consulting Ltd. 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 wellbeing of the trees on the site and in the interests of the visual amenities of the area.

10. Prior to the commencement of the development, precise details of the design and materials for the surface of the Public Footpath (No 14 in the Parish of Hurworth) shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the agreed scheme shall be fully implemented prior to the occupation of the development.

Reason - To achieve a satisfactory form of development.

11. Prior to the commencement of the development, including any demolition works, a scheme to ensure that the Public Footpath (No 14 in the Parish of Hurworth) is kept safe, open and unobstructed during the development period shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out otherwise than in complete accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the Public Footpath remains open in a safe manner in the interests of pedestrian and highway safety.

12. Prior to the commencement of the development a scheme for the disposal of foul and surface water 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 scheme.

Reason - In the interest of achieving a satisfactory form of development and to prevent flood risk outside of the site.

13. In the event that suspected contaminated material is found at any time when carrying out the proposed development, it must be reported to the Council's Contaminated Land Officer immediately and to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance.

Reason - To ensure the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

14. Prior to the commencement of the development precise details of the internal highways layout and specification, visibility splays, street lighting and site access junction tie in details shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interest of highway safety.

15. 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 access junction onto Roundhill Road, details of

which shall be submitted to and approved by the Local Planning Authority.

Reason - In the interest of highway safety.

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

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

17/00096FUL - 30 Hawthorne Drive School Aycliffe. Relocate boundary fence within front garden.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the views of the Highways Engineer.).

RESOLVED - that planning permission is granted subject to the following conditions: -

1. A3 - Implementation Limit.
2. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

17116/P001

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

PA93. SECTION 106 AGREEMENTS – POSITION STATEMENT APRIL 2017 - The Director of Economic Growth submitted a report (previously circulated) updating Members on the position with respect to Section 106 Agreements for its information and monitoring on a six monthly basis.

RESOLVED - That updates of the position with respect to Section 106 Agreements will be reported to the Planning Applications Committee for its information and monitoring on a six monthly basis.

(b) That the Director of Economic Growth is the designated senior responsible officer for S106 matters.

(c) That the Section 106 position statement will be made available on the Council's web site.

PA94. 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.

PA95. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 21 APRIL 2017 (EXCLUSION NO. 7) - Pursuant to Minute PA88/Apr/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 21 April 2017.

RESOLVED – That the report be noted.