

## PLANNING APPLICATIONS COMMITTEE

26 July 2017

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Cartwright, Galletley, L Haszeldine, Johnson, Kelley, Lee, Lister, Lyonette, J Taylor and Tostevin. (11)

**APOLOGIES** – Councillors I Haszeldine, Knowles and Regan (3)

**ABSENT** –

**OFFICERS** – Dave Coates, Planning Development Manager, Andy Casey, Head of Highway Network Management, with Economic Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (3)

**PA8. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA9. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 14 June 2017.

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

**NOTE - APPLICATIONS FOR PLANNING PERMISSION** – The following standard conditions are referred to in those Minutes granting permission or consent:-

Code No.	Conditions
A1	The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :- (a) access (b) appearance (c) landscaping (d) layout (e) scale Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including

	<p>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.</p> <p><b>Reason</b> - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
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><b>Reason</b> - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E8	<p>All work to trees shall be carried out to BS Specification 3998 (as amended).</p> <p><b>Reason</b> - To safeguard the health of the trees.</p>

## **PA10. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

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

**17/00312/OUT - Rear of Crown Street Car Park, Darlington.** Proposed Leisure Development to the rear of Crown Street Car Park, Darlington.

(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. A1 Implementation Limit.
2. The development shall be carried out in complete accordance with the approved plan(s) as detailed below :

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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.

3. Prior to the commencement of the development, precise details showing the rationalisation of the servicing and car park access off Priestgate shall be submitted

to, and approved in writing by, the Local Planning Authority.

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

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

5. Before development commences, a Framework Travel Plan shall be submitted for this development. This should include a package of actions to increase the travel choices for proposed staff/visitors in order to reduce the impact of single occupancy car travel.

**Reason** – In the interests of promoting sustainable transport.

6. No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.

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

7. 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.

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

8. The use hereby permitted shall not commence until details of the arrangements for storing of waste or refuse have been submitted to, and approved by, the local planning authority.

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

**17/00497/FUL - Land to North of Cobby Castle Lane, Bishopton.** Change of use of part of agricultural field to children's playground and erection of play equipment.

(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 (Standard 3 year time limit).
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Bishopton Parish Council Proposed Playground received 6 June 2017

Bishopton Play Area Proposal received 6 June 2017

**Reason** – To ensure the development is carried out in accordance with the planning permission.

3. Prior to the commencement of the development hereby permitted, or any such timescale to be agreed by the Local Planning Authority, details of the rubber matting to be used in the surfacing of the play area, including samples, 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 the interest of visual amenity.

**17/00398/FUL - Former Woodburn Nursery, Salutation Road, Darlington.** Variation of Condition 24 (approved plans) of planning permission 15/00513/FUL dated 20 October 2016 (Redevelopment of site including demolition of existing buildings and erection of 25 No dwellings and access improvements) to permit substitution of house types and minor amendments to site layout.

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

**RESOLVED** – (a) That the Director of Economic Growth be authorised to negotiate an agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following :

- off site contribution for affordable housing;
- a commuted sum for childrens' play equipment in the south west area of Darlington;
- a commuted sum for a contribution for primary school places in Darlington;
- a commuted sum for expanding, maintaining playing pitches in the south west area of Darlington;
- a commuted sum towards the cost of bus shelters at the Elm Ridge garden centre bus stops on Coniscliffe Road; and
- a commuted sum for a replacement tree

(b) that, subject to (a) above, planning permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years).
2. 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 enlargement, improvement or other alteration of the dwellings on Plots 20 to 25, 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.  
**Reason** - In order not to prejudice the amenities of the neighbouring properties on Stonehurst Drive and Stonecliffe Drive and in order that the Local Planning Authority is able to exercise control over future development of the site.
3. The proposed demolition works shall not be carried out otherwise than in complete accordance with the approved documents entitled "Demolition Management Plan – Revision 03" dated 16 September 2016 and produced by TM Ward (Darlington) Limited and "Method Statement – Revision 03" dated 16 September 2016 and produced by TM Ward (Darlington) Limited.  
**Reason:** In the interests of the amenity of the area.
4. Following the demolition of any existing buildings and 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.

5. 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.

6. 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.

7. 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

8. 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.

9. The development shall not be carried out otherwise than in complete accordance with the approved document entitled "Construction Environmental Management Plan" Revision C dated 2 August 2016 produced by Esh Property Management unless otherwise agreed in writing by the Local Planning Authority.

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

10. Construction and demolition 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.

11. The development shall not be carried out otherwise than in complete accordance with the Dust Mitigation Measures outlined in the document entitled "Dunelm Property Services. Esh Property Services. Site Address – Salutation Road, Darlington" unless otherwise agreed in writing by the Local Planning Authority

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

12. The proposed development shall not be carried out otherwise than in complete accordance with the following documents entitled unless otherwise agreed in writing by the Local Planning Authority:

- (a) Structural Damages – Particle Velocity Criterion produced by Balfour Beatty Ground Engineering
- (b) Procedural Steps. GE – Dry Bottom Feed Vibro Stone Columns produced by Balfour Beatty Ground Engineering. Ref No BBGE-PC-4301 dated 13 October 2014
- (c) Reference Materials. GE – GIMP Noise and Vibration Control on Construction Sites produced by Balfour Beatty Ground Engineering. Ref No BBGE-RM-4305 dated 9 December 2015.

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

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the following approved plans:

- (a) Exceedance Flood Route Plan 100yrs - QD1073-03-02 Revision P3
- (b) Section 104 Plan - QD1073-17-01 Revision P2
- (c) Engineering Layout - QD1073-04-01 Revision P19
- (d) External Works - QD1073-03-01 Revision P19
- (e) Land Conveyance Plan – LCP/Man Revision B
- (f) Maintenance Agreement: ESH-G 23/01/17 Rev D

**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.

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Flood Risk Assessment" dated May 2025 and produced by Queensberry Design Limited. The

drainage scheme shall ensure that foul flows discharge to the foul sewer at Manhole 2602 and ensure that surface water discharges to the surface water sewer at manhole 2603. The surface water discharge rate shall not exceed the available capacity of 8.21l/sec that has been identified in this sewer.

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

15. Prior to the demolition of the building (known as Building 1 in the document entitled Bat Roost Surveys dated July 2015 and produced by Penn Associates), the developer must have a European Protected Species bat mitigation licence in place. The licence must be obtained prior to any works being undertaken which could impact on bats or their roost.

**Reason** - In the interests of protected species and their habitats.

16. The dwellings on the north and west boundaries of the site (Plots 1 to 8 and 13 to 16) shall incorporate an integrated bat roost within their design, as recommended in Bat Roost Survey Report (e.g. Habibat type). The habitat bat roosts shall be positioned in an optimum location within the dwelling, as informed by a Suitably Qualified Ecologist and the details of the roosts shall be submitted to and approved by the Local Planning Authority prior to the completion of the first dwelling on the aforementioned plots.

**Reason** - In the interests of protected species and their habitats.

17. Prior to the completion of the first dwelling, an ecological lighting strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the street lighting and external floodlighting on the dwellings and the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed within the prior consent of the Local Planning Authority.

**Reason** - In the interests of protected species and their habitats.

18. Prior to the occupation of the development, precise details of a piece of art or craft work shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include an agreed timescale for the erection of the piece of art or craft work and the development shall not be completed otherwise than in complete accordance with the approved details.

**Reason** - In the interests of the appearance and character of the site.

19. Prior to the development being occupied, a copy of the reports entitled "A Photographic Recording of the Former Stables Building at Woodburn Nursery, Salutation Road, Darlington" dated May 2015 and produced by Sarah Dyer and "Heritage Statement - Impact of the Proposed Housing Development at Woodburn Nursery, Salutation Road" dated May 2015 and produced by Dunelm Homes shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

**Reason** - To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

20. The development shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Method Statement For Trees at the Former Council Nursery, Salutation Road, Darlington" - Revision B produced by All About Trees dated 9<sup>th</sup> May 2016 unless otherwise agreed in writing by the Local

Planning Authority.

**Reason** - In the interests of the visual amenity of the site and surrounding areas.

21. The development hereby approved shall be carried out in complete accordance with submitted landscaping scheme (Drawing Nos 2197 01 Rev K and 2197 02 Rev K dated May 2015). All new trees within the landscaping scheme shall be containerised or air potted and any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping maintained for a period of five years following the completion of the planting scheme 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.

22. E8 Tree Surgery (TPO Trees).

23. No planting shall take place within 0.5m of the boundary walls of Nos. 296 and 298 Coniscliffe Road unless otherwise agreed in writing the Local Planning Authority.

**Reason** - In order to ensure that access to the boundary walls for repairs and maintenance is provided.

24. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- (a) Drawing Number SAL-SS-01 Revision B – Street Scene
- (b) Drawing Number SAL-SS-02 Revision D- Street Scene
- (c) Drawing Number 15001 – 04 – AG – Proposed Site and Block Plan
- (d) Drawing Number BALM-02 – Balmoral House Type Elevations
- (e) Drawing Number BALM-01 Revision B – Balmoral House Type Floor Plans
- (f) Drawing Number CLAR-02 – Clarence House Type Elevations
- (g) Drawing Number CLAR-01 Revision B – Clarence House Type Floor Plans
- (h) Drawing Number HAMP-02 Hampton House Type Elevations
- (i) Drawing Number HAMP-01 Revision B Hampton House Type Floor Plans
- (j) Drawing Number KENS-02 – Kensington House Type Elevations
- (k) Drawing Number KENS-01 Revision B – Kensington House Type Floor Plans
- (l) Drawing Number SAND-02 Sandringham House Type Elevations
- (m) Drawing Number SAND-01 Revision B – Sandringham House Type Floor Plans
- (n) Drawing Number WIN- 02 Windsor House Type Elevations
- (o) Drawing Number WIN-01 Revision B – Windsor House Types Floor Plans
- (p) Drawing Number 01 K – Landscape Layout
- (q) Drawing Number 02 K – Landscape Layout
- (r) Drawing Number QD1073-03-01 Revision P19 – Engineering Layout
- (s) Drawing Number QD1073-40-01 Revision P4 – Refuse Vehicle Tracking
- (t) Drawing Number QD1073-04-01 P19 – External Works
- (u) Drawing Number 1073 – Wall Rebuild Detail
- (v) Drawing Number 15001 06 Revision B – Enclosure Details
- (w) Drawing Number QD1073-17-01 Revision P2 – Section 104 Plan
- (x) Drawing Number LCP/Man Revision B – Land Conveyance Plan
- (y) Drawing Number ED-Misc SRD Revision F Fence to Southern Boundary
- (z) Drawing Number ED-Misc SRD2 Revision E Fence of Southern Boundary

**Reason** – To ensure the development is carried out in accordance with the planning permission.



## **(2) Planning Permission Deferred**

**17/00283/OUT - Land off School Aycliffe Lane, School Aycliffe, Darlington.** Erection of 101 dwellings with associated infrastructure, parking, boundary details and landscaping.

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

**RESOLVED** - That planning permission be deferred to enable further information to be obtained.

## **(3) Change of Use Granted**

**17/00311/CU - Crown Street Priestgate, Darlington.** Change of use of former TK Maxx ground floor retail unit to four individual units to include use classes A1, A3, A5 and D2.

(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. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:  
P 103 and P104  
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.
3. No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.  
**Reason** – In the interests of residential amenity.
4. 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.  
**Reason** – In the interests of residential amenity.
5. The use hereby permitted shall not commence until details of the arrangements for storing of waste or refuse have been submitted to, and approved by, the local planning authority.  
**Reason** – In the interests of residential amenity.
6. Prior to the commencement of the development, precise details showing the rationalization of the servicing and car park access off Priestgate shall be submitted

to, and approved in writing by, the Local Planning Authority.

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

7. 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.

8. Before development commences, a Framework Travel Plan shall be submitted for this development. This should include a package of actions to increase the travel choices for proposed staff/visitors in order to reduce the impact of single occupancy car travel.

**Reason** – In the interests of promoting sustainable transport.

9. Before development commences, full details of the means of disabled access to the development shall be submitted to and approved in writing by the Local planning Authority.

**Reason** – No such information has been submitted.

**PA11. NOTIFICATION OF APPEALS** – The Director of Economic Growth reported that Argos properties had appealed against this Authority’s decision to refuse permission for outline application with all matters reserved for the development of up to 40 dwellings (amended indicative housing layout received 15 December 2015, additional phase 1 Habitat survey received 24 January, 2016, amended noise assessments received 14 January, 2016 and 25 May, 2016, additional noise information received 3 August 2016 and 7 November 2016) at land adjoining Faverdale West, Darlington (Ref. No. 15/01043/OUT).

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

**PA12. 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.

**PA13. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL’S APPROVED CODE OF PRACTICE AS OF 12 JULY 2017 (EXCLUSION NO. 7)** - Pursuant to Minute PA7/Jun/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 12 July 2017.

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