

PLANNING APPLICATIONS COMMITTEE

27 September 2017

PRESENT – Councillor Baldwin (in the Chair); Councillors Galletley, Johnson, Kelley, Lee, Lister, Lyonette, J Taylor and Tostevin (9)

APOLOGIES – Councillors L Haszeldine and Knowles (2)

ABSENT – Councillors Cartwright, I Haszeldine and Regan. (3)

OFFICERS – Dave Coates, Planning Development Manager, Paul Ibbertson, Engineer within Services for Growth, Tim Crawshaw, Built and Natural Environment Manager and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (4)

PA20. DECLARATIONS OF INTEREST – Councillor Johnson declared in interest in Minute PA22 below (Ref No. 17/00282/FUL) as a member of Darlington Cricket Club. There were no other declarations of interest reported at the meeting.

PA21. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 23 August 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
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.
E2	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

	<p>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>
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>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^N;</p> <p>Reason - To define the consent.</p>

PA22. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

17/00282/FUL - Darlington Cricket Club, South Terrace, Darlington. Construction of all-weather cricket practice area incorporating 2 No. lanes contained within cages and nets (Retrospective application)(Additional information received 10 June 2017 and 1 August 2017).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of an objector and a representative of the Club, both of whom Members heard).

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

1. The practice area shall be used for cricket purposes only and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of residential amenity.
2. The practice area shall not operate outside of the following hours:
 - (a) 10:00 until 19:00 on a Monday
 - (b) 10:00 until 19:30 on a Tuesday
 - (c) 10:00 until 19:00 on a Wednesday
 - (d) 10:00 until 19:30 on a Thursday
 - (e) 10:00 until 17:00 on a Friday
 - (f) 10:00 until 12:00 on a Saturday
 - (g) 10:00 until 11:00 on a Sunday.**Reason** - In the interests of residential amenity.
3. The nets shall not be used for any purpose whilst a cricket match is taking place on a Saturday and/or Sunday.
Reason - In the interest of residential amenity.
4. There shall be no external floodlighting erected in association with the practice area.
Reason - In the interests of residential amenity and the visual appearance of the locality.
5. No means of amplification of sound associated with the use of the practice area shall be permitted including the use of loud speakers and public announcement systems without the prior written approval of the Local Planning Authority.
Reason - In the interests of residential amenity.
6. In the event of the installation of any plant or machinery associated with the practice area, prior consent in writing by the Local Planning Authority must be obtained.
Reason - In the interests of residential amenity.
7. The nets shall not be erected on site between 15th September and 15th April.
Reason - In the interest of residential amenity.
8. The artificial ground covering shall not be used for any purpose between 15th September and 15th April.
Reason - In the interest of residential amenity.

17/00604/FUL - 50 Abbey Road, Darlington. Demolition of single bungalow and erection of replacement dwelling.

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

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

1. A3 – Implementation Time.
2. The development shall be carried out in complete accordance with the plans noted below.
17-03 P201
17-03 P202
17-03 P203
17-03 P205

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. B4 Materials.
4. The existing roadside landscaping shall be retained in its entirety and shall not be removed or cut back without the prior written permission of the Local Planning Authority.
Reason - In the interests of visual amenity.
5. E2 - Landscaping.

17/00552/FUL - Former Darlington Equestrian Centre, McMullen Road Darlington. Erection of 81 dwellings including all associated landscaping and infrastructure and removal of trees to facilitate development.

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

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

1. The development hereby approved shall commence not later than eighteen months from the date of this permission.
Reason - To ensure the speedy provision of the site for the approved development.
2. PL (Accordance with Plans).
3. B4 Details of Materials (samples).
4. E2 Landscaping (Submission).
5. E5 Boundary Treatment (Submission).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order [2015] (or any order revoking and re-enacting that Order with or without modification) 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.

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.

7. 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 vehicles 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.

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

- (a) Dust Assessment Report, which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.

- (b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.

- (c) Construction Traffic Routes, including parking areas for staff and visitors.

- (d) Details of wheel washing.

- (e) Road Maintenance.

- (f) Warning signage.

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 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. The development hereby approved shall not be commenced on site, until a scheme of ‘Surface Water Drainage and Management’ for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details:

- (a) Detailed design of the surface water management system

- (b) A build program and timetable for the provision of the critical surface water drainage infrastructure

- (c) A management plan detailing how surface water runoff from the site will be managed during construction Phase

- (d) Details of adoption responsibilities;

- (e) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement.

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.

11. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained for the lifetime of the development must also be submitted and approved in writing by the Local Planning Authority.

Reason - To reduce flood risk during construction / development of the site.

12. 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 recovering of archaeological remains including artefacts and ecofacts;
- (c) Post-field work 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-contractor and specialists, their responsibilities and qualifications.

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

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

13. Prior to the development being beneficially occupied, a copy of any analysis, reporting, 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 that ensures information gathered becomes publicly accessible.

14. Prior to first occupation of the homes in the development hereby approved the applicant must: -

A. Install ground gas protection measures in accordance with the conclusions of the Patrick Parsons ground gas assessment REF: AC/TD/N17137 submitted with the application. The installation of protection measures must be documented in a Verification and Completion Report which 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 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.

OR

B. Use a suitably competent person(s) to further investigate the site for

landfill/ground gas and carry out a further gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details, including any proposals for reporting on the verification of membrane installation, shall be submitted to, and approved 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.

15. The noise mitigation measures in the Wardell Armstrong Acoustic Report dated June 2017 submitted with the application shall be completed in full prior to the first occupation of the homes hereby approved. These mitigation measures must include:

A the installation of a 2m high close boarded acoustic fence of a density not less than 10kg/m² or similar equally effective measures must be constructed in the gardens of the properties facing onto McMullen Road in the position specified in the report;

B acoustic vents of an equal or better standard to those proposed in the report must be installed in the facades of bedrooms in dwellings facing onto McMullen Road to allow future occupiers to ventilate their rooms without having to open a window.

Reason – In the interests of residential amenity.

16. E11 (Tree Protection).

17. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Preliminary Ecology Appraisal (E3 Ecology Ltd) (August 2017), Bat Survey (E3 Ecology) (September 2017) and Breeding Bird Survey (August 2017).

Reason – In the interests of ecology.

18. Notwithstanding the recommendation contained in the Bat Survey (E3 Ecology) (September 2017) prior to works commencing on site, details of the specification and number of bat boxes and their precise locations on the site, shall be submitted to and approved in writing by, the Local Planning Authority. The details shall include integral bat boxes in 50% of the perimeter housing facing tree line or green space (24 No. houses). The approved bat boxes and position shall be erected before the development hereby approved is brought into use and retained in perpetuity.

Reason – In the interests of ecology.

PA23. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment had :-

- (a) dismissed the appeal by Mr Rupert Ainsworth of Rontec Watford against this Authority's decision to refuse planning permission for variation of condition (viii) of planning permission Ref No. 8/89/554/DM dated 10 January 1990 for redevelopment of petrol filling station and car wash facility – to permit an extension of operation of the petrol filling station (including sales kiosk) on Sundays and Bank Holidays between 0700 and 2200 hours at Grange Service Station, 66-76 Grange Road, Blackwell, Darlington (Ref. No. 16/01156/FUL);

and

- (b) dismissed the appeal by Argon Properties against this Authority's decision to refuse permission for outline application with all matters reserved for the development of up to 40 no dwellings (amended indicative housing layout received 15 December 2015, additional Phase 1 Habitat Survey received 14 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.

PA24. 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.

PA25. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 13 AUGUST 2017 (EXCLUSION NO. 7) - Pursuant to Minute PA19/Aug/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 13 August 2017.

RESOLVED – That the report be noted.