

PLANNING APPLICATIONS COMMITTEE

14 March 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Cartwright, Galletley, Johnson, Kelley, Knowles, Lee, Lister, Lyonette, McEwan, Storr and Tostevin.(12)

APOLOGIES – Councillors J Taylor and Regan. (2)

ABSENT -

ALSO IN ATTENDANCE – Councillors B Jones, D Jones and Wallis. (3)

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)

PA42. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA43. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 13 December 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 |
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| 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 agreed in writing by, the Local Planning Authority, and |

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

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| | 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 |
| CL6 | <p>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 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> |
| | <p>INFORMATIVE – The LPA provides further advice and information to assist in complying with the requirements of the land contamination planning condition(s) in Technical Guidance for Developers, Landowners and Consultants,</p> <ul style="list-style-type: none"> • YAHPAC "Development of Land Affected by Contamination • YAHPAC "Verification Requirements for Cover Systems" • YAHPAC "Verification Requirements for Gas Protection Systems" <p>The latest editions of each guidance can be found on the Council's website at the following link: http://www.darlington.gov.uk/contlandplanningguidance</p> |

PA44. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

17/01151/RM1 - Land off High Stell Middleton St George, Darlington. Erection of 198 dwellings including landscaping, open space, highway improvements and

associated works – access via High Stell and Grendon Gardens.

In addition to the submitted report, the Committee also took into consideration an additional report (circulated at the meeting) outlining the current position in relation to two public rights of way (footpath No. 4 and No.1) across the development site.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, three objectors, a representative of Middleton St George Parish Council and the local Ward Councillors, all of whom Members heard).

RESOLVED – That planning permission be granted, subject to the making and confirmation of a footpath diversion order pursuant to section 257 of the Town and Country Planning Act 1990 prior to any development on or over the public footpaths crossing the site and with the following conditions :-

1. The development shall be carried out in complete accordance with the approved plans and documents as detailed below :-

House types :-

- The Abbey
- The Amble
- The Ascot
- The Brocklehurst
- The Chestnut
- The Croft
- The Damson
- The Eleanor
- The Epsom
- The Fairfax
- The Galloway
- The Hamilton
- The Juniper
- Site Layout Plan
- Proposed Phasing Plan
- Proposed Parking Plan
- Ecological Condition Discharge Document
- Ecological Impact Assessment
- Flood Risk Assessment and Surface Water Management Strategy
- Proposed Planting Scheme Masterplan

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.

2. Before development commences, a plan showing the phasing of development and the route of construction shall be submitted to and approved in writing by the Local Planning Authority. This plan will include details of the house build trigger point for

the creation of the access point off High Stell.

Reason – In order that the Local Planning Authority can ensure that the development will be carried out in a manner that will minimise the impact of the construction of the development on local residents, and minimise the impact of traffic generated by the new development on local residents.

3. 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 interest of residential amenity

17/01183/FUL - 122 Coniscliffe Road Darlington. Extension to the rear of 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 the objector's agent, both of whom Members heard).

RESOLVED – That planning permission be granted, subject to the completion of a Section 106 Agreement and an undertaking to complete work to the roof terrace and with the following conditions :-

The flat roofed terraced area as part of the development hereby approved shall not be used for domestic or other amenity purposes and only for maintenance or other similar purposes as may be agreed with the Local Planning Authority.

Reason – In the interests of the amenities of neighbouring residents.

17/01191/FUL - Site of Former Springfield Primary School, Salters Lane South, Darlington. Proposed residential development consisting of 80 dwellings, access and landscaping.

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

RESOLVED - Subject to the S106 financial contributions being collected through the land sale arrangements planning permission be granted subject to the following conditions :-

General

1. A3 Implementation Limit (3 years).
2. B4 Details of Materials (Samples).
3. E2 Landscaping (Submission).
4. PL (Accordance with Plans)
 - (00)304 House Type T4
 - (00)320 House Type T3(S)
 - (00)325 House Type T5
 - (00)330 House Type T7
 - (00)335 House Type T9

(00)340 House Type T14

(00)345 House Type 12

(00)350 Rev A Proposed Site Layout/Landscape Plan

5. Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those approved details.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development.

6. Construction work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 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.

7. E5 (Boundary Treatment Submission).

Contaminated land

8. CL4 Phase 3 Remediation and Verification Strategy.

9. CL5 Construction / Remediation Works.

10. CL6 Phase 4 Verification and Completion Report.

Trees

11. Prior to the commencement of the development a detailed survey of trees to be affected by the development (both within the site and adjoining its boundary) shall be carried out. The survey shall include the identification of measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. 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 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 a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

Affordable Housing

12. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- (a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
- (b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- (c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason – To comply with Council Housing Policy.

Flood Risk and Drainage

13. 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 including design water levels and finished floor levels demonstrating a suitable freeboard;
- (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 the construction phase;
- (d) Details of adoption responsibilities;

The buildings hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 23rd January 2018 and the following mitigation measures detailed in the FRA.

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Section 5.02 stating a Qbar of 12.0 l/s.

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

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.

15. 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 during the construction phase must also be submitted and approved by the Local Planning Authority prior to the commencement of the development.

Reason – To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

16. Development shall not commence until a detailed scheme for the disposal of foul 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 the increased risk of flooding from any sources in accordance with the NPPF.

Highways

17. 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 residential amenity and highway safety.

18. 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.

19. Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:

- (a) The realignment of the footway on Salters Lane South to reflect the above;
- (b) Internal highways layout;
- (c) A scheme to provide for the introduction of a 20mph traffic-calming zone;
- (d) Car parking;

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use or in such other time as may be agreed by the Local Planning Authority.

Reason – In the interests of highway safety.

20. Details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place and Alnick Place) shall be submitted following the completion of the 20th house, and agreed in writing by the Local Planning Authority. The

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

Reason – To enable a consultation exercise to be undertaken with local residents, by local Members to establish the need for footpath provision within the area.

21. 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.

Ecology

22. Prior to the commencement of any works, a detailed mitigation plan for species identified in the Preliminary Ecological Appraisal (E3 Ecology December 2017) shall be submitted to and approved in writing by, the Local Planning Authority.

The measures as detailed in the approved mitigation plan shall also include details of measures to enhance the ecology and biodiversity of the site through appropriate landscape planting and long-term management. The development shall not be implemented otherwise than in accordance with the agreed specified details and timetable and thereafter shall be permanently maintained in accordance with the approved details.

Reason - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife and Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

(2) Listed Building Consent Granted

17/01184/LBC - 122 Coniscliffe Road Darlington. Extension to the rear of 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 the objector's agent, both of whom Members heard).

RESOLVED - That Listed Building Consent be granted.

PA45. NOTIFICATION OF APPEALS – The Director of Economic Growth reported that :-

- (a) Mr J King and N Thompson had appealed against this Authority's decision to refuse planning permission for erection of a dwelling to replace existing caravan (re-submission) at Oaklands Meadows, Oaklands Farm, Middleton St George (17/00444/FUL); and
- (b) Mr R H Morritt had appealed against this Authority's decision to refuse permission for alterations and extensions of existing building to form 7 No. individual lock-up garages (Amended and additional plans received 19 November 2017, 16 March, 2017 and 28 June, 2017) at garage at rear of The Coachman Hotel, Huntley Street, Darlington (16/01013/FUL).

RESOLVED - That the report be received.

PA46. 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.

PA47. UNAUTHORISED ALTERATIONS TO GRADE II LISTED BUILDING AT 30 THE GREEN, HURWORTH (EXCLUSION NO. 7) – The Director of Economic Growth submitted a report (previously circulated) updating Members on an enforcement case at 30 The Green, Hurworth in relation to unauthorised works to a Grade II listed building.

RESOLVED – (a) That, in view of the considerations, set out in the submitted report, no alterations to the fascia are necessary and no further action in respect of the unauthorised alterations to the landing window be taken.

(b) That the owners be invited to submit a revised Planning Application and Listed Building Consent application to regularise the works as set out in paragraph 3.8 of the submitted report.

PA48. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28 FEBRUARY 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA41/Dec/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28 February 2018.

RESOLVED – That the report be noted.