

PLANNING APPLICATIONS COMMITTEE

4 April 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Galletley, Johnson, Kelley, Knowles, Lee, Lister, Lyonette, McEwan, Storr and Tostevin. (11)

APOLOGIES – Councillors C Taylor and J Taylor (2)

ABSENT – Councillor Cartwright (1)

ALSO IN ATTENDANCE –

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. (4)

PA49. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA50. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 14 March 2018.

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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| 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. |
| PL | The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN; Reason - To define the consent. |
| CL3 | 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 |

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| | <p>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> <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> |
| 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 | <p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)",</p> |

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| | <p>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.</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> |
| E3 | <p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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 - In the interests of the visual amenities of the area.</p> |
| E11 | <p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels;</p> |

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| | <p>(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.</p> <p>Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</p> |
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PA51. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

17/00911/FUL - Land opposite Acorn Close, Middleton St George. Mixed use development comprising of A1 convenience store and residential development comprising erection of 10 dwellings (additional noise report received 6 October 2017, amended site plan, floor plans and elevations (retail unit) and sketch perspective received 31 October 2017, additional archaeological evaluation report received 23 November 2017, additional road safety audit received 11 December 2017, additional tracking information received 24 January 2018, additional tracking information and amended site plans received 14 February 2018, additional car parking accumulation figures received 1 March 2018, additional traffic calming measures received 8 March 2018 and amended site plans received 9 March 2018).

The Planning Development Manager emphasised to Members that the number of houses included within this application was factored in as part of the calculation of the five-year housing supply.

(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 objections of Middleton St George Parish Council, both of whom Members heard and some additional letters of objection and a letter of support that had been received from one of the local Ward Councillors).

RESOLVED – (a) That, subject to the completion of a Section 106 Agreement within six months to secure the following :-

- (a) a financial contribution of £30,160 towards education provision in Middleton St George;
- (b) a financial contribution of £12,000 towards traffic calming measures along Yarm Road to support a reduction in the speed limit from 40mph to 30mph; and
- (c) a financial contribution of £7,000 towards the improvement of the Acorn Close bus stop

planning permission be granted with the following conditions :-

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.
Reason - To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 (SK-)01 Location Plan
 (SK-)02 Existing Site Plan
 (SK-)03H Proposed Site Plan
 (SK-)04C Proposed Retail Unit
 (SK-)05 House type 1
 (SK-)06 House type 2
 (SK-)07 House type 3
 (SK-)08 House type 4
 (SK-)09 House type 5
 (SK-)10E Sketch Perspectives
 (SK-)11C Site Plan Proposed
 16-1051 002F Proposed Access and Traffic Calming Scheme
Reason – To ensure the development is carried out in accordance with the planning permission.
3. B4 (Details of external materials to be submitted).
4. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footway across the entire frontage of the site and associated crossings on Yarm Road to connect into the surrounding infrastructure, relocated speed limit and associated parking restrictions and a new bus stop. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason – In the interest of highway safety.
5. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.
Reason – In the interest of highway safety.
6. Prior to the first occupation of the convenience store hereby permitted, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the convenience store shall not be occupied until the approved details have been implemented in full and shall be retained for the duration of the development.
Reason – To encourage access to the site by sustainable modes of transport.
7. No development in connection with the convenience store hereby approved shall take place until a Servicing Management Plan, which shall limit the size of service vehicles visiting the site and make and providing for the management of the car park in connection with service vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter all vehicle servicing shall take place in accordance with the approved Servicing Management Plan.
Reason – In the interest of highway safety.
8. No external plant, equipment or machinery shall be installed as part of the convenience store of the proposed development without the prior written approval

of the Local Planning Authority. Where external plant, equipment or machinery is proposed details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local Planning Authority, appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

Reason – In the interest of residential amenity.

9. At the request of the Local Planning Authority a noise impact assessment shall be carried out in connection with the convenience store hereby approved by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound’. The rating level ($L_{Ar,Tr}$), as defined in BS4142:2014, from external plant, machinery and equipment associated with the development (whether operating individually or when all plant is operating simultaneously) shall not exceed the day-time and night-time background noise level ($LA_{90,T}$) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority.

Reason – In the interest of residential amenity.

10. Prior to the commencement of 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 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 and highway safety.

11. 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 interest of residential amenity.

12. The use of the convenience store hereby permitted shall not commence until details of the arrangements for the storing of waste or refuse have been 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.

Reason – In the interest of residential amenity.

13. Deliveries to and the collection of waste from the convenience store hereby permitted shall only be permitted whilst the premises is open and in any event only between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on

Sundays and Bank Holidays.

Reason – In the interest of residential amenity.

14. CL3 (Phase 2 Site Investigation Works).
15. CL4 (Phase 3 Remediation and Verification Strategy).
16. CL5 (Any additional contamination).
17. CL6 (Verification and Completion Report).
18. Prior to the development being beneficially occupied, a copy of the analysis, reporting, publication or archiving agreed as part of the approved Written Scheme of Investigation for the evaluation of this site, shall be deposited at the County Durham Historic Environment Record.

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

19. 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:

- (i) Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- (ii) A detailed hydraulic assessment of existing overland flow paths and the watercourse including the culvert under the railway; the risk of blockage at the railway culvert; and existing overland flow paths should flows exceed the capacity of the watercourse and/or railway culvert;
- (iii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- (iv) Details of adoption responsibilities;
- (v) Management plan for the Surface Water Drainage scheme.

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

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

20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 1 September 2017 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 Appendix G stating a Qbar of 2.5l/s.

The mitigation measures shall be fully implemented prior to the occupation of the development hereby permitted 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.

21. 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 in writing by the Local Planning Authority.

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

22. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment' dated September 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

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

23. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

24. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

25. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

26. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary, prior to the commencement of the development hereby permitted a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. This should include an outline of the proposed method of construction, risk assessment in relating to the railway and construction traffic management plan. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

27. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved

in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

28. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, 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. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

Reason – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

29. The ecological enhancement measures set out in the Brooks Ecological 'Preliminary Ecological Appraisal' dated August 2017 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the mitigation of the loss of the northern boundary hedge, for the protection of hedgerow to be retained on site, and the provision for bird and bat nesting opportunities on the site, in accordance with the recommendation of that report has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site.

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

30. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason – In the interest of nesting birds.

(b) Should the Section 106 Agreement not be completed within the prescribed period without the written consent of the council to extend this time, the minded to approve status of the permission shall be considered to be a refusal without any further reference to the Planning Applications Committee

(2) Planning Permission (Outline) Granted

17/01194/OUT - Land at OSGR E430566 N510791 Roundhill Road Hurworth Moor Darlington. Outline application for residential development of up to 95 dwellings.

The Planning Development Manager emphasised to Members that the number of houses included within this application was factored in as part of the calculation of the five-year housing supply.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, a representative

from the Council for the Protection of Rural England and two objectors, all of whom Members' heard).

RESOLVED – (a) That the Director of Economic Growth be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations that are appropriate for the development covering :-

- i) sustainable transport improvements;
- ii) public transport provision;
- iii) education;
- iv) off-site recreational facility;
- v) general health improvements at Rockcliffe Surgery, Hurworth
- vi) affordable housing to be provided on site

(b) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

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. PL (Accordance with plans)
HJB/4001/21 Proposed detailed site access.
- 4. E3 – Landscaping (Implementation).
- 5. E11 - Tree Protection.
- 6. The development shall not begin until a scheme for the provision, on site, 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.

Highways

7. Prior to the commencement of the development precise details of the internal highways layout and site access junction shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the provision of a footway along Roundhill Road across the frontage of the development and to the south, connecting into the surrounding pedestrian infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of highway safety.

8. 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.

9. 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.

10. 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.

11. A Road Safety Audit shall be carried out for all of the works within the public highway and the scope of the audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved audit.

Reason – In the interests of highway safety.

Sustainable Transport

12. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

Reason - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

Archaeology

13. 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:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- iii) Post-fieldwork methodologies for assessment and analyses;
- iv) Report content and arrangements for dissemination, and publication proposals;
- v) Archive preparation and deposition with recognised repositories;
- vi) 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;
- vii) 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;
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

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

14. 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 para 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

Flood Risk and surface water drainage

15. 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:

- i) Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- ii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- iii) A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- iv) Details of adoption responsibilities;
- v) Management plan for the Surface Water Drainage Scheme.

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.

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Drainage Strategy dated 18th December 2017, 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 7.3 stating a Q_{bar} of 22.84 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 be subsequently 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 occupiers.

17. The building hereby approved shall not be brought into use until:

- i) Requisite elements of the approved surface water management system for the development, or any phase of the development are in place and fully operational to serve said building;
- ii) A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

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

Ecology

18. Prior to the commencement of any works, a detailed mitigation plan for species identified in the Extended Phase 1 Habitat Survey dated November 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 & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

Construction Management Plan

19. 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;
- (g) A condition survey of Roundhill Road should also be carried out before and after construction in conjunction with Darlington Borough Council's Highway Inspector to highlight any issues arising from the development.

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

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

20. Construction work, including the delivery of material to the site and removal of wastes, 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 prior written permission from the Local Planning Authority.

Reason – In the interests of residential amenity.

- (c) Should the 106 Agreement not be completed within this prescribed period without written consent of the Council to extend this time, the intended to approve status of the permission shall be considered to be a refusal without any further reference to the Planning Committee.

15/00804/OUT - Land At Berrymead Farm, Durham Road, Coatham Mundeville.

Outline planning permission for the erection of 370 No dwelling houses (Use Class C3) and land reserved for a primary school and nursery (D1) (Additional Information received 8th September 2016) (Additional information and amended plans received 3 July 2017 , 6th July 2017 and 1 November 2017). (Additional and amended plans received 23 January 2018).

The Planning Development Manager emphasised to Members that the number of houses included within this application was factored in as part of the calculation of the five-year housing supply.

(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 objections of Whessoe Parish Council, both of whom Members heard).

RESOLVED – (a) That planning permission be granted subject to the completion of a Section 106 Agreement within six months to secure the following :-

- Improving sport provision in the locality of the planning application site;

- Improving the walking and cycling network in the locality of the planning application site; and
- Off site highway works at the A167/North junction and Thompson Street Roundabout
- Open Space and Play Area Maintenance and Management Plans

(b) That upon completion of the Section 106 Agreement, Planning Permission be granted with the following conditions :-

General

1. Details of the appearance, landscaping, layout, scale of any development hereby permitted (hereinafter called "the reserved matters") for the whole development, or phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.

Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission or the conclusion of any Judicial Review process.

Reason - In the interests of achieving an improved rate of housing delivery in the Borough.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The planning application(s) made pursuant to condition 1 shall not propose more than 370 dwellings.

Reason - For the avoidance of doubt.

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

- (a) Drawing Number 100 Revision B – Site Location Plan
- (b) Drawing Number 14017/TK06A – Refuse Vehicle Swept Path Analysis at Site Access/Beaumont Hill
- (c) Drawing Number 14017/TK07A – Articulated Lorry Swept Path Analysis at Site Access Beaumont Hill
- (d) Drawing Number 14017/TK11 – Max Legal Artic Swept Path Analysis- Burtree Lane/Site Access Roundabout
- (e) Drawing Number 14017/16 Rev A – Proposed Site Access and Off Site Highway Mitigation (1 of 2)
- (f) Drawing Number 14017/17 Rev E – Proposed Site Access and Off Site Highway Mitigation (2 of 2)

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

Phasing

6. No development (except for site preparation works and the formation of a site compound) shall take place until a scheme of phasing for the dwellings, highways, and drainage infrastructure and associated open space/green infrastructure has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good planning.

Materials

7. No dwellings hereby approved shall be erected above damp proof course level in each phase until samples and details of the external materials to be used in the construction of those dwellings in that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of residential amenity.

Affordable Housing

8. Prior to the occupation of any unit within the development as a whole or within each phase, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units – of which 50% is social housing and 50% intermediate housing) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:

- (a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
- (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- (d) 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;
- (e) 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.

Unless otherwise agreed by the Local Planning Authority

Reason - To comply with Council Housing Policy.

Highways

9. Prior to the commencement of the development as a whole, or in each phase of development precise details of the internal highways layout including new footway/cycle links as required to connect into the surrounding infrastructure 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 details.

Reason - In the interest of achieving a satisfactory form of development in the interests of highway safety.

10. No development or no phase of development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, buses 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 interest of achieving a satisfactory form of development in the interests of highway safety.

11. Prior to the commencement of the development as a whole or each phase, 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 interest of achieving a satisfactory form of development in the interests of highway safety.

12. A Road Safety Audit shall be carried out for the development as a whole or for each phase, for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

Reason - In the interest of achieving a satisfactory form of development in the interests of highway safety.

Land Contamination

13. In the event that suspected contaminated material is found at any time when carrying out the approved development, it must be reported in writing immediately 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 that the development can be implemented and occupied with adequate regard for environmental and public safety.

Open Space and Childrens Play Areas

14. The details to be submitted in pursuance of Condition 1 shall include details on the precise number, design and location of children's play areas within the application site and details of the play equipment that would be provided within the areas. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of the character and appearance of the proposed development.

15. The details to be submitted in pursuance of Condition 1 shall include the provision of open space based on the formula contained within the Supplementary Planning Document – Planning Obligations. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of the character and appearance of the proposed development.

Trees

16. The details to be submitted in pursuance of Condition 1 shall include shall include an Arboricultural Method Statement and a Tree Protection Plan for the whole development or each phase. The submitted details for the Tree Protection Plan 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:

- (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 - In the interests of the visual appearance of the site and surrounding area.

Ecology

17. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications and have first been submitted to and approved in writing by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing that no active nests are present.

Reason - In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

18. Notwithstanding the approved recommendations and mitigation measures contained within documents entitled "Ecological Scoping Survey – Berrymead Farm, Darlington" dated August 2015, "A Bird Breeding Survey of Berrymead Farm, Darlington – Report No 3" dated August 2015 and "Great Crested Newt Survey, Berrymead Farm" dated August 2015, all produced by E3 Ecology Limited, any Reserved Matters applications for a phase or sub-phase of the development shall be accompanied by an Ecological Masterplan. The Masterplan shall include but not restricted to details of method statements to minimise impacts on Great Crested Newts, ecological enhancements (for example nesting boxes) and an ecological lighting scheme within the development site. The development thereafter should only be carried out in accordance with the approved scheme and all agreed mitigation measures shall be in place prior to the completion of the development.

Reason - In the interests of promoting the ecology of the site.

School Site Allocation

19. Notwithstanding the details within the approved planning application, land within the application site shall be allocated for education purposes (1.45 hectares). The position of the land within the site shall be agreed with the Local Planning Authority and thereafter shall be retained for such purposes for a time period of ten years from the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that land is allocated for such purposes in the event of a school with associated playing fields being required.

Noise

20. For each phase of the development, prior to or at the same time as any reserved matters application relating to appearance, landscaping, layout, scale, a detailed noise impact assessment and scheme for the protection of proposed residential properties from road traffic noise from the A167 and Burtree Lane shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment and the noise sensitive properties to be used shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment shall consider the following points;

- (a) It shall be shown that the development has been designed to achieve a noise level of below 50 dB $L_{Aeq, T}$ in garden areas of representative dwellings, which are to be agreed in advance with the Local Planning Authority. However, if 50 dB $L_{Aeq, T}$ is not practically achievable, the reason for this shall be provided to the Local Planning Authority, and in any case the level shall not exceed 55 dB $L_{Aeq, T}$ unless agreed in writing by the Local Planning Authority. The noise impact assessment shall contain calculations to show the noise levels to be achieved.
- (b) It shall be shown, via appropriate calculations, that the internal noise levels in habitable rooms of representative dwellings, which are to be agreed in advance with the Local Planning Authority, comply with the limits given in Table 4 contained in BS 8233:2014. In addition, calculations shall be submitted to show that maximum noise levels in bedrooms of representative dwellings do not exceed 45 dB, L_{Amax} , during the night time period of between 23.00 and 07.00.
- (c) Prior to the commencement of each Phase of the development the details, design and location of any works which form part of the scheme for the protection of the proposed residential properties from road traffic noise shall be submitted and approved in writing by the Local Planning Authority and completed in accordance with the approved scheme prior to the occupation of the affected dwellings. Any acoustic barrier installed as part of the scheme shall be thereafter retained and maintained for the duration of the development.
- (d) The requirements of this condition or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the LPA that no adverse noise impacts from the phase of development will arise.

Reason - In order to protect the amenities of the future occupants of the development.

Amenity

21. Prior to the commencement of the development as a whole or each phase 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 dust control measures to be put in place. The Dust Assessment report should follow 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 should follow guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
 - (c) Construction Traffic Routes.
 - (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 Construction Management Plan throughout the construction period in that phase.

Reason - In the interests of highway safety and the general amenity of the surrounding area.

22. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no working on a Sunday

and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

Reason - In the interests of the general amenity of the surrounding area.

23. If piled foundations are proposed, prior to the commencement of any phase (except for site preparation works and the formation of a site compound) details of the piling method for that phase including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In the interests of the general amenity of the surrounding area.

Archaeology

24. Prior to submission of the reserved matters (Condition 1) the developer must secure the implementation of and undertake an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. 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 within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason - The site is in an area of archaeological potential. The results of the evaluation will be needed to help determine the future reserved matters/full planning application.

Travel Plan

25. Prior to the occupation of the first dwelling within the development as a whole or in each phase of development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The proposed development in each phase shall not be carried out otherwise than in complete accordance with the approved Plan.

Reason - In order to encourage the use of sustainable means of transport and to reduce the impact of the development on the Strategic Road Network and to be in accordance with Part 4 of the national Planning Policy Framework 2012.

Drainage

26. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development, as a whole or each phase commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus 30% climate change should also be provided.

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.

27. No development as a whole, or in each phase, shall commence until a construction management program has been provided to and approved by the Local Planning Authority, for the installation of the surface water infrastructure, the plan should include the following;
- (a) Timetable for the construction of the key elements of the surface water management scheme these are
 - (i) The outfall structure
 - (ii) The control structure
 - (iii) The storage structure
 - (b) The measures to be taken to control silt levels entering the water course during construction.

Reason - To ensure surface water runoff is controlled and does not increase flood risk during the construction phase.

28. None of the dwellings in each phase shall be occupied until a Management/Maintenance Plan for surface water solution has been provided to and approved by the Local Planning Authority. The plan should include details of the following;
- (a) A plan clearly identifying the sections of the surface water system that are to be adopted by NWL
 - (b) The arrangements for the short and long term maintenance of the SuDS elements of the surface water system
 - (c) Funding arrangements for the long term maintenance of the SuDS components.

Reason - To ensure that all elements of the SUDS are maintained satisfactory.

29. The development permitted by the planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated July 2015 and produced by ID Civils Design Limited and the following mitigation measures detailed in the Flood Risk Assessment. 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.

30. The development shall be implemented in line with the foul water scheme contained within the submitted document entitled "Flood Risk Assessment (FRA) and Drainage Strategy" dated July 2015 and produced by ID Civils Design Limited. The foul water scheme shall ensure that foul flows discharges to manhole 2101.

Reason - To prevent the increased risk of flooding from any sources in accordance with part 10 of the National Planning Policy Framework.

31. Prior to the commencement of the first dwelling within the development as a whole or within each phase, details of the finished floor levels for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity and in respect to flood risk, in accordance with Part 10 of the National Planning Policy Framework.

- (c) Should the 106 Agreement not be completed within this prescribed period without written consent of the Council to extend this time, the minded to approve status of the

permission shall be considered to be a refusal without any further reference to the Planning Committee.

15/01050/OUT - Field At OSGR E428827 N517935, Burtree Lane. Outline planning permission for residential development for up to 380 residential dwellings, with access arrangements, open space and landscaping with all matters reserved except for access (Amended Description) (Additional information received 8th September 2016) (Amended plans and information received 27th, 30 June 2017, 3 November 2017 and 31 January 2018).

The Planning Development Manager emphasised to Members that the number of houses included within this application was factored in as part of the calculation of the five-year housing supply.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, whom Members heard and some additional comments that had been received).

RESOLVED – (a) That planning permission be granted subject to the completion of a Section 106 Agreement within six months to secure financial contributions towards the following :-

- Improving sport provision in the locality of the planning application site;
- Extending the existing 3A bus service;
- Improving the walking and cycling network in the locality of the planning application site; and
- Off site highway works at the A167/North junction and Thompson Street Roundabout
- Open Space and Play Area Maintenance and Management Plans

(b) That upon completion of the Section 106 Agreement, Planning Permission be granted subject to the following conditions :-

General

1. Details of the appearance, landscaping, layout, scale of any development hereby permitted (hereinafter called "the reserved matters") for the whole development, or phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.

Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission or the conclusion of any Judicial Review process.

Reason - In the interests of achieving an improved rate of housing delivery in the Borough.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The planning application(s) made pursuant to condition 1 shall not propose more than 380 dwellings.

Reason - For the avoidance of doubt.

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

- (a) Drawing Number 434-THE 001 Rev A – Site Location Plan
- (b) Drawing Number 2051-100-P-003 Rev I (Proposed Site Access Form Burtree Lane (Four- Arm Roundabout Option)
- (c) Drawing Number 2051-100-P -004 Rev I – Proposed Site Access from Burtree Lane (Three Arm Roundabout Option)
- (d) Drawing Number 2051-100-P-005 - Proposed Site Access from Whessoe Road
- (e) Drawing Number 2051-100-P-006 Rev A Proposed Off Site Highway Improvement Works – Whessoe Road/Burtree Lane Junction
- (f) Drawing Number 2015-200-P-010 – Proposed Site Access from Whessoe Road Swept Path Analysis for 16.5m Articulated Lorry

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

Phasing

6. No development (except for site preparation works and the formation of a site compound) shall take place until a scheme of phasing for the dwellings, highways, and drainage infrastructure and associated open space/green infrastructure has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good planning.

Materials

7. No dwellings hereby approved shall be erected above damp proof course level in each phase until samples and details of the external materials to be used in the construction of those dwellings in that phase have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of residential amenity.

Affordable Housing

8. Prior to the occupation of any unit within each phase, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units – of which 50% is social housing and 50% intermediate housing) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for each phase shall include:

- (a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
- (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

- (d) 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;
- (e) 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.

Unless otherwise agreed by the Local Planning Authority

Reason - To comply with Council Housing Policy.

Highways

9. Prior to the commencement of the development as a whole or in each phase of development precise details of the internal highways layout including new footway/cycle links as required to connect into the surrounding infrastructure 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 details.

Reason - In the interest of achieving a satisfactory form of development in the interests of highway safety.

10. No development or phase of development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse, buses 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 interest of achieving a satisfactory form of development in the interests of highway safety.

11. Prior to the commencement of the development as a whole or each phase, 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 interest of achieving a satisfactory form of development in the interests of highway safety.

12. A Road Safety Audit shall be carried out for the development as a whole for each phase, all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

Reason - In the interest of achieving a satisfactory form of development in the interests of highway safety.

Contaminated Land

13. Prior to the commencement of each phase of the development and any related site investigation works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

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.

14. Prior to the commencement of each phase 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.

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. Prior to the commencement of each phase 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.

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.

16. Prior to the commencement of each phase 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. 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.

17. 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.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

18. 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 (or phase 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.

Open Space and Childrens Play Areas

19. The details to be submitted in pursuance of Condition 1 shall include details on the precise number, design and location of children's play areas within the application site and details of the play equipment that would be provided within the areas. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of the character and appearance of the proposed development.

20. The details to be submitted in pursuance of Condition 1 shall include the provision of open space based on the formula contained within the Supplementary Planning Document – Planning Obligations. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of the character and appearance of the proposed development.

Trees

21. The details to be submitted in pursuance of Condition 1 shall include shall include an Arboricultural Method Statement and a Tree Protection Plan for the whole development or each phase. The submitted details for the Tree Protection Plan 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:

- (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 - In the interests of the visual appearance of the site and surrounding area

Ecology

22. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist, whose professional details and qualifications and have first been submitted to and approved in writing by the local planning authority, has first undertaken a checking survey immediately prior to the clearance and confirms in writing that no active nests are present.

Reason - In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

23. Notwithstanding the recommendations and mitigation measures contained within documents entitled "Preliminary Ecological Appraisal, Burtree Lane, Darlington" dated October 2015, "Bat Survey, Burtree Lane, Darlington" dated October 2015, "A Bird Breeding Survey of Burtree Lane – Report No 1" dated 2015 and "Great Crested Newt Survey, Burtree Lane" dated October 2015, all produced by E3 Ecology Limited, any Reserved Matters applications for the development as a whole or for a phase of the development shall be accompanied by an Ecological Masterplan. The Masterplan shall include but not restricted to details of method statements to minimise impacts on Great Crested Newts, ecological enhancements (for example nesting boxes) and an ecological lighting scheme within the development site. The development thereafter should only be carried out in accordance with the approved scheme and all agreed mitigation measures shall be in place prior to the completion of the development.

Reason - In the interests of promoting the ecology of the site.

Noise

24. For each phase of the development, prior to or at the same time as any reserved matters application relating to appearance, landscaping, layout, scale a detailed noise impact assessment and scheme for the protection of proposed residential properties from rail traffic noise, road traffic noise from Whessoe Road and Burtree Lane and noise from the industrial/commercial premises to the south shall be submitted to, and approved by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings and the scope of the assessment and the noise sensitive properties to be used shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment shall consider the following points:

- (a) It shall be shown that the development has been designed to achieve a noise level of below 50 dB $L_{Aeq, T}$ in garden areas of representative dwellings, which are to be agreed in advance with the Local Planning Authority. However, if 50 dB $L_{Aeq, T}$ is not practically achievable, the reason for this shall be provided to the Local Planning Authority, and in any case the level shall not exceed 55 dB $L_{Aeq, T}$ unless agreed in writing by the Local Planning Authority. The noise impact assessment shall contain calculations to show the noise levels to be achieved.
- (b) It shall be shown, via appropriate calculations, that the internal noise levels in habitable rooms of representative dwellings, which are to be agreed in advance with the Local Planning Authority, comply with the limits given in Table 4 contained in BS 8233:2014. In addition, calculations shall be submitted to show

that maximum noise levels in bedrooms of representative dwellings do not exceed 45 dB, LAMax, during the night time period of between 23.00 and 07.00.

- (c) Prior to the commencement of each Phase of the development the details, design and location of any works which form part of the scheme for the protection of the proposed residential properties from adverse impacts from noise shall be submitted and approved in writing by the Local Planning Authority and completed in accordance with the approved scheme prior to the occupation of the affected dwellings. Any acoustic barrier installed as part of the scheme shall be thereafter retained and maintained for the duration of the development.
- (d) The requirements of this condition or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the LPA that no adverse noise impacts from the phase of development will arise.

Reason - In order to protect the amenities of the future occupants of the development

Amenity

25. Prior to the commencement of each phase 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 dust control measures to be put in place. The Dust Assessment report should follow 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 should follow guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- (c) Construction Traffic Routes.
- (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 Construction Management Plan throughout the construction period in that phase.

Reason - In the interests of highway safety and the general amenity of the surrounding area.

26. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

Reason - In the interests of the general amenity of the surrounding area.

27. If piled foundations are proposed, prior to the commencement of any phase (except for site preparation works and the formation of a site compound) details of the piling method for that phase including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In the interests of the general amenity of the surrounding area.

Archaeology

28. No development shall take place in each phase until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- (a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - (b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - (c) Post-fieldwork methodologies for assessment and analyses.
 - (d) Report content and arrangements for dissemination, and publication proposals.
 - (e) Archive preparation and deposition with recognised repositories.
 - (f) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - (g) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - (h) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

Reason - To comply with para 135 & 141 of the National Planning Policy Framework 2012 because the site is of archaeological interest.

29. 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 para. 141 of the National Planning Policy Framework 2012 which ensures information gathered becomes publicly accessible.

Travel Plan

30. Prior to the occupation of the first dwelling in each phase of development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The proposed development in each phase shall not be carried out otherwise than in complete accordance with the approved Plan.

Reason - In order to encourage the use of sustainable means of transport and to reduce the impact of the development on the Strategic Road Network and to be in accordance with Part 4 of the national Planning Policy Framework 2012.

Drainage

31. The development, as a whole or in each phase, hereby approved shall not be commenced on site (except for site preparation works and the formation of a site compound), until a scheme of "Surface Water Drainage and Management" for the implementation, maintenance and management of the sustainable drainage system 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 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
- (e) Management plan for the Surface Water Drainage scheme

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

Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area in accordance with Policy CS16 of the Darlington Core Strategy Development Plan Document 2011 and the National Planning Policy Framework 2012.

32. The development permitted by the planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 26th September 2017 and the following mitigation measures detailed in the Flood Risk Assessment:

- (a) Limiting the surface water runoff generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off site. This will be achieved in accordance with the calculations within Section 8 stating a post development discharge limit of 31 l/s
- (b) 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.

33. No dwellings shall be occupied in each phase 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 and the development shall not be carried out otherwise than in complete accordance with the approved plan.

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

34. The development shall not commence until a detailed scheme for the disposal of 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. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

35. The development shall be implemented in line with the foul water scheme contained within the submitted document entitled "Flood Risk & Drainage Strategy". The foul water scheme shall ensure that foul flows discharge to manhole 4502.

Reason - To prevent the increased risk of flooding from any sources in accordance with part 10 of the National Planning Policy Framework.

36. Prior to the commencement of the first dwelling within each phase, details of the finished floor levels for that phase shall be submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity and in respect to flood risk, in accordance with Part 10 of the National Planning Policy Framework.

(c) Should the 106 Agreement not be completed within the prescribed period without written consent of the Council to extend this time, the minded to approve status of the permission shall be considered to be a refusal without any further reference to the Planning Committee.

PA52. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had allowed the appeal by Mr J King and N Thompson and granted planning permission for a replacement dwelling at Oaklands Meadows, Middleton St George (copy of Inspector’s decision letter previously circulated).

RESOLVED - That the report be received.

PA53. 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.

PA54. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL’S APPROVED CODE OF PRACTICE AS OF 21 MARCH 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA48/Mar/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 21 March 2018.

RESOLVED – That the report be noted.