

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 22 August 2018

**PRESENT** – Councillors Baldwin (Chair), Galletley, Johnson, Mrs D Jones, Lyonette, McEwan, Storr, C Taylor, J Taylor and Tostevin

**APOLOGIES** – Councillors Lister, Kelley, Knowles and Lee,

**ABSENT** –

**ALSO IN ATTENDANCE** –

**OFFICERS IN ATTENDANCE** –

### PA21 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA22 MINUTES

Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 25 July 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
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN; <b>Reason</b> - To define the consent.

### PA23 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

#### (1) Planning Permission Granted

**17/00237/FUL - Land Adjacent Cockerton Club, Woodland Road, Darlington.**  
Proposed redevelopment of the site for residential purposes, comprising 20 dwellings and associated car parking (additional and amended plans and information received 16 January 2018 and 17 April 2018).

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

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

#### **General**

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

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

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

- (a) Drawing Number SD-2-.01 Rev A Proposed Floor Plans and Elevations
- (b) Drawing Number SD.10.02 Rev N Site Plan as Proposed
- (c) Drawing Number SD.10.03 Rev N Proposed Colour Layout
- (d) Drawing Number SD.10.04 Rev D Proposed Boundary Treatments
- (e) Drawing Number SD.10.05 Rev N Proposed Surface Treatments
- (f) Drawing Number SD.10.06 Rev D Edge Study – Proposed Sections
- (g) Drawing Number SD.40.01 Rev A Street Scenes
- (h) Drawing Number 584-PAR Location Plan

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

#### **Affordable Housing**

3. Prior to the occupation of any unit within the development, a scheme for the provision of one affordable housing unit shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development 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) A plan to show the location of the affordable unit within the scheme;
- (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 is involved);
- (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- (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;
- (f) 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.

#### **Materials**

4. No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings 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.

### **Highway**

5. No dwellings hereby approved shall be erected above damp proof course level until precise details the offsite highway works including: footways at the entrance of the shared drive, forming the proposed access junction and any tie in works i.e. footway widening, creation of car parking spaces and access for existing cottages and resurfacing in front of the existing cottages, the provision of tactile paving to the existing crossing island to improve pedestrian facilities and white lining works on Woodland Road to create a ghost island right turn facility and reinstating of footway to remove redundant vehicle access points on Woodland Road have been submitted 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 and the works shall be completed prior to the occupation of the first dwelling.

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

6. Prior to occupation of the first dwelling, the parking restrictions on Woodlands Road should be upgraded to include "No waiting, No Loading" restrictions and extended into Deneside Road. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

### **Ecology**

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation and recommendations contained within the document entitled "A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington – Report No 5" dated January 2017 and produced by E3 Ecology Limited unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of biodiversity.

8. Notwithstanding the mitigation measures outlined in the document entitled "A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington – Report No 5" dated January 2017 and produced by E3 Ecology Limited, the precise details of the bat and bird boxes and the lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling.

**Reason** - In the interests of biodiversity.

9. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist has undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

**Reason** - For the avoidance of doubt and in the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

### **Trees**

10. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Impact Assessment for Trees on Land Adjacent to Woodland Road, Cockerton, Darlington – Revision E" dated March 2017 and produced by All About Trees. None of the following activities shall take place within the segregated protection zones in the area of any retained trees:

(a) The raising or lowering of levels in relation to the existing ground levels;

(b) Cutting of roots, digging of trenches or removal of soil;

(c) Erection of temporary buildings, roads or carrying out of any engineering

- operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

**Reason** - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

### **Landscaping**

11. No dwellings hereby approved shall be erected above damp proof course level until a landscaping scheme has been submitted to, and approved in writing by the Local Planning Authority and, upon approval of the 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. The landscaping scheme shall include three heavy standard trees along with trees, 16cm girth in containers and air potted and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

**Reason** - In the interests of the visual amenities of the area and to compensate for the removal of three trees covered by the County Borough of Darlington Tree Preservation Order (No 1) Order 1952.

### **Contamination**

12. Any contamination not considered in the FWS Revised Reclamation Method Statement 1835OR04/25 January 2017, 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.

13. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. 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.

### **Noise**

14. The mitigation measures (noise) outlined in the Noise Assessment Report by

Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202) submitted with this application shall be implemented in full prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development.

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

15. Notwithstanding the mitigation measures outlined within the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202), no dwellings hereby approved shall be erected above damp proof course level until precise details of the acoustic fence to be installed have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the fence shall be fully installed prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development.

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

16. Notwithstanding the mitigation measures outlined within the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202), no dwellings hereby approved shall be erected above damp proof course level until precise details of the glazing specifications (including sound reduction performance) and acoustic trickle vents (including their acoustic performance (Dn,e,w) for all windows for habitable rooms on all dwellings have been 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 and the measures shall be implemented prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development.

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

#### **Construction Management Plan**

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

- (a) Dust Assessment report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of 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 Plan

**Reason** - In the interest of the highway safety and residential amenity.

### **Amenity**

18. Construction work shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

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

19. If piled foundations are proposed, prior to the commencement of the development details of the piling method 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 residential amenity.

### **Drainage**

20. The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Local Lead Flood Authority. Thereafter, the development shall take place in accordance with the approved details.

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

### **Street Lighting**

21. Notwithstanding condition 8, no dwellings hereby approved shall be erected above damp proof course level until precise details of the street lighting for the development has been 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 and the works shall be completed prior to the occupation of the first dwelling.

**Reason** - In the interests of protecting the amenities of the neighbouring dwellings.

**18/00482/FUL - 15 Lakeside, Darlington.** Insertion of balcony to roof slope on front elevation, erection of single storey extension and dormer window to rear elevation, hipped roof extension to the side providing extension over garage with balcony to front elevation (As amended by plans received 06/08/18).

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

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

1. A3 Implementation Limit (Three years).
2. The window formed in a wc/bathroom/shower room on the rear elevation hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

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

3. PL (Accordance with Plans)
  - Proposed details Drwg NO. 03 dated Apr 2018
  - Proposed details Drwg NO. 04 dated Apr 2018
  - Proposed details Drwg NO. 06 dated Apr 2018

## **(2) Change of Use Refused**

**18/00420/CU Castle Farm, Walworth Road, Walworth.** Change of Use of ground floor of existing domestic garage to Commercial Kennels for up to 8 dogs (Use Class Sui Generis) and creation of parking area for 4 No. vehicles and new vehicular access from Walworth Road (amended plans and additional information received 19 June 2018, 21 June 2018 and 25 July 2018).

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

**RESOLVED** – That planning be refused for the following reason :

In the opinion of the Local Planning Authority, the proposed commercial dog kennels, when operational, would generate unacceptable noise levels and would have an adverse impact on the amenities of the occupiers of the existing neighbouring residential properties. The proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011 and the core principles of the National Planning Policy Framework 2018

## **(3) Planning Consent Approved**

**18/00435/TF - Land At Former Croft House, Hurworth Place, Darlington.** Works to various trees protected under Tree Preservation Orders 2004 (No 12) and 1995 (No 3) Crown clean of 1 No. Lime tree (T751) to remove deadwood over public footpath, epicormic growth to 3m from ground level, crossing branches and cut back branches to give 2m clearance to lamphead, Crown lift 1 No. Weeping Beech tree (T764) to 4m (south and east), Crown lift 1 No. Beech tree (T757) to 5.5m over road, Remove epicormic growth up to 4m from ground level and deadwood from 1 No. Lime tree (T761) and remove deadwood from 4 No. Lime trees (T753, T754, T752, T756) (amended description 18 July 2018).

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

**RESOLVED** – That planning permission be approved subject to the following conditions :

All work to trees shall be carried out to BS Specification 3998 (as amended).

**Reason** - To safeguard the health of the trees.

## **PA24 NOTIFICATION OF DECISION ON APPEALS - THE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES WILL REPORT THAT**

The Director of Economic Growth and Neighbourhood Services reported that the appeal by Darlington Cricket Club against this Authority's conditions Nos 2 (hours of operation) and 7 (time period for the erection of the cricket nets) attached to planning

application Ref. No. 17/00282/FUL at Darlington Cricket Club, South Terrace, Darlington for construction of all-weather cricket practice incorporating 2 no lanes contained within cages and nets (retrospective application) (additional information received 10 June 2017 and 1 August 2017) has been part approved. The appeal against condition 2 has been dismissed and the appeal against condition 7 has been approved and the condition reworded. (Copy of Inspector's decision letter enclosed).

**RESOLVED** - That the report be received.

**PA25 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS**

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.

**PA26 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 8 AUGUST 2018 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA20/Jul/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 8 August 2018.

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