

PLANNING APPLICATIONS COMMITTEE

Wednesday, 4 December 2019

PRESENT – Councillors Mrs D Jones (Chair), Allen, Baldwin, Clarke, Johnson, Keir, Lee, Lister, Marshall, McCollom, Tostevin and Wallis.

APOLOGIES – Councillors Heslop and Tait.

ABSENT – Councillors Howarth

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

PA54 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA55 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 16 OCTOBER 2019

RESOLVED – That the Minutes of this Committee held on 16 October 2019 be approved as a correct record.

PA56 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
E11	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

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

PA57 RESERVOIR (DISUSED), DARLINGTON ROAD, SADBERGE

19/00339/OUT – Outline planning permission for redevelopment of former reservoir site for residential purposes of up to 46 dwellings with all matters reserved apart from access (amended ecological appraisal received 23 May 2019 and additional Transport Technical Note received 19 June 2019)

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), three letters of objection, the objections raised by the Campaign to Protect Rural England, and the views of the Applicant’s Agent, whom the Committee heard. It was noted that the objections from the Parish Council outlined within the submitted report had been withdrawn ahead of the meeting).

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

(a) Sustainable Transport Contribution of £46,800 towards the Service 20 bus service;

(b) A contribution of £15,000 towards the improvement/provision of play equipment within Sadberge village.

Should the Section 106 Agreement not be completed within this prescribed period without the written consent of the Council to extend this time, the minded to approved status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to

provide a satisfactory form of development in accordance with the requirements of core strategy policy CS4 (Developer Contributions), without any further reference to the Planning Committee.

That upon satisfactory competition and signing of that agreement, planning permission be granted subject to the following conditions and reasons:

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 out 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.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

3. PL00 (Approved Plans)

(a) Proposed Parameters Plan, drawing number 200-04, Revision 03

4. The development shall not begin until a scheme for the provision of affordable housing on the site 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

5. No development 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 the development 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 interest of visual amenity.

6. Prior to the commencement of development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Internal highways layout and site access junction;
- b) Provision of a new footway along the frontage of the site and associated crossings on Darlington Road;
- c) In-curtilage car parking, to include the number, location and dimensions of all driveways and garages;
- d) Secure cycle parking and storage, to include the number, location and design of cycle stands;
- e) Swept path analysis 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.

Thereafter the development shall be carried out in accordance with the details as approved and shall be maintained for the lifetime of the development.

REASON – In the interest of highway safety

7. Prior to the commencement of the development, a Demolition and 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 assess 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 demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014.

- b) Methods for controlling noise and vibration during the demolition and 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 contractors' compound location and 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 plan.

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

8. Prior to the commencement of development hereby permitted a road condition survey of the adopted highway shall be undertaken, the requirements of which shall first be agreed in writing by the Local Planning Authority. The survey shall ensure that no further damage is caused to the adopted highway as a result of the construction phase of the development.

REASON – In the interest of highway safety

9. A Road Safety Audit shall be carried out for all 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 unless otherwise in complete accordance with the approved Audit.

REASON – In the interest of highway safety

10. Habitable rooms in the facades of properties fronting onto Darlington Road and along the southern boundary of the site backing onto the A66 shall be fitted with suitable acoustic ventilation systems and glazing which meets or exceeds the requirements set out in the Wardell Armstrong noise report (ref. NT13535001) submitted with the application. The exact specification of the acoustic mitigation measures shall be agreed in writing with the Local Planning Authority prior to any of the dwellings hereby approved being erected about the damp proof course level. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained thereafter for the lifetime of the development.

REASON – To protect occupants of the proposed dwellings from excessive road traffic noise.

11. At a time agreed in writing by the Local Planning Authority, a Phase 2 Site Investigation (Sampling and Analysis Plan) shall be designed and documented by

a suitably competent person(s) in accordance with the published technical guidance (e.g. BS10175 and Land Contamination: Risk Management LCRM)) 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 and assess pollutant linkages. 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

12. 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 by 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

13. 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 no unacceptable risks remain, 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without

unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. CL5 (Unexpected contamination)

15. CL6 (Phase 4 Verification and Completion Report)

16. The development hereby approve shall not be commenced on site until a scheme for the implementation, maintenance and management of a Sustainable Surface Water 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;
- ii. A build programme and timetable for the provision of a 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

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 Development Plan Policy CS16 and the National Planning Policy Framework.

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

- i. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building
- ii. The drawings of all SuDS features have been submitted and approved in writing by the Local Planning Authority, the drawings should highlight all site levels, including the 30 year and 100 year+cc flood levels and confirmation of storage capacity
- iii. 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 area in place for the lifetime of the development

18. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment' dated March 2019. The drainage scheme shall ensure that foul flows discharge to the foul

sewer at manhole 9801 and ensure that surface water discharges to the 225mm surface water sewer downstream of manhole 3705. The surface water discharge rate shall not exceed the available capacity of 10.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

19. The ecological enhancement and mitigation measures set out in the Barrett Environmental Ltd 'Sadberge Reservoir Ecological Appraisal' dated April 2019 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the provision of bird and bat nesting opportunities on the site, 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 the site.

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

20. No vegetation 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.

21. E11 (Tree Protection)

22. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interest of visual and residential amenity.

PA58 27 CORPORATION ROAD, DARLINGTON (19/00982/FUL)

19/00982/FUL– Erection of canopy to front elevation; the installation of four condensing units on the flat roof; installation of roller shutters (Part Retrospective) (amended plans and additional information received 14 November 2019 and 20 November 2019).

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

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years)

2. The four condenser units that have been installed on the premises shall fully comply with the manufacturer details and specifications supplied by J & E Hall on 14 November 2019 and 20 November 2019. The units shall be maintained in accordance with the specifications thereafter

REASON - In the interests of the amenity of the area

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a. Drawing Number 02A Proposed Roof Plan of Canopy
 - b. Drawing Number 06 Proposed Ground Floor
 - c. Drawing Number 07 Proposed Part Roof Plan

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

PA59 27 CORPORATION ROAD, DARLINGTON (19/00981/FUL)

19/00981/FUL – Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (open hours and deliveries) attached to planning permission 17/00878/CU dated 07 November 2017 - to permit changes to deliveries 08.00am - 17.50pm Monday to Friday and 08.00am - 16.00pm Saturday, with no deliveries on Sundays or Bank Holidays and to permit change to opening hours to 07.30am - 21.00pm Monday to Saturday, and 08.00am - 21.00pm Sunday and Bank Holidays (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection, and the views of an objector, whom the Committee heard).

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

1. No deliveries shall occur outside the hours of 08.00am - 17.50pm Monday to Friday and 08.00am - 16.00pm Saturday, with no deliveries on Sundays or Bank Holidays.

REASON: In the interest of the amenity of the local area

2. All deliveries to the premises shall take place via the entrance in the east elevation of the building

REASON: In the interest of the amenity of the local area

3. The premises shall not operate outside the hours of 07:30am - 21.00pm Monday to Saturday and 08.00am - 21.00pm Sunday and Bank Holidays.

REASON: In the interest of the amenity of the local area

PA60 LAND ADJACENT TO THE LODGE, DINSDALE SPA HOUSE, CHURCH LANE, MIDDLETON ST. GEORGE, DARLINGTON

Land Adjacent to The Lodge, Dinsdale Spa, Church Lane, Middleton St. George, Darlington – The Head of Planning Development and Environmental Health submitted a report (previously circulated) to advise Members of an objection received in respect of Tree Preservation Order (TPO) Number 2019 No. 11, which covers one Mature Willow Tree (*Salix* spp) growing on land adjacent to The Lodge, Dinsdale Spa, Church Lane, Middleton St. George.

The submitted report stated that Tree Preservation Order (TPO) 2019 No. 11, had been made on 25 September 2019 on one mature Willow Tree on land adjacent to The Lodge, Dinsdale Spa House, Church Lane, Middleton St. George, as a result of a request to the Local Planning Authority as the tree was thought to be at risk of being felled.

(In reaching its decision, the Committee took into consideration the report of the Head of Planning Development and Environmental Health, the objections received from three directors of Dinsdale Spa (Management) Limited (Woodview, Kingfisher House and The Octagon), the support of the directors who represent The Lodge and River View, and the observations of the Council's Senior Arboricultural Officer).

RESOLVED – That the Tree Preservation Order (TPO) be confirmed without modification.

PA61 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.

PA62 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 20 NOVEMBER 2019 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA53/Oct/19, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20 November 2019.

RESOLVED - That the report be noted.