

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 5 June 2019

**PRESENT** – Councillor Mrs. D. Jones (Chair), Councillors Allen, Clarke, Heslop, Howarth, Johnson, Mrs D Jones, Keir, Lee, Lister, Marshall, McCollom, Tait and Wallis.

**APOLOGIES** – Councillors Baldwin and Tostevin.

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Lisa Hutchinson (Principal Planning Officer), Arthur Howson (Engineer (Traffic Management)), Paul Ibbertson (Traffic Manager), Andrew Errington (Lawyer (Planning)) and Shirley Burton (Democratic Manager)

### PA12 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA1 3 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
CL1	<p>Prior to the commencement of the development and any site investigative 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.</p> <p><b>Reason</b> - 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>
CL2	<p>Prior to the commencement 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</p>

	<p>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.</p> <p><b>Reason</b> - 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>
CL3	<p>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 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><b>Reason</b> - 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><b>Reason</b> - The site may be contaminated as a result of past or</p>

	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
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><b>Reason</b> - 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><b>Reason</b> - 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>

**PA14 FIELD AT OSGR E425124 N514093, GATE LANE, LOW CONISCLIFFE**

**18/01151/FUL** – Pursuant to Min PA6/JUN/19, the Committee considered an Application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 24 (Restriction of Permitted Development Rights); condition 35 (accordance with plans) and removal of condition 11 (visibility splays) of planning permission reference number

16/01231/FUL dated 22 February 2018 (residential development comprising of 37 No. detached dwellings (including seven affordable units) and associated access road, car parking and landscaping) to permit the substitution of house types and revisions to the layout, open space, vehicular access arrangements and landscaping scheme (amended plan received 14 February 2019).

In light of the letter received by Parish Councillor Ellerton from the landowners' solicitor, and the subsequent deferral of proceedings, Members were advised of the opinion received by Counsel. During further discussion, the landowners' solicitor addressed this Committee and advised that he had been instructed to withdraw the letter for the purposes of the meeting.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), 119 letters of objection received, a letter received from Maria Ferguson Planning Consultancy on behalf of the Low Coniscliffe and Merrybent Parish Council and the Low Coniscliffe Action Committee, a submission from the Campaign to Protect Rural England, and the views of the applicant, the applicant's agent, Parish Councillor Peter Ellerton and the Ward Councillor, whom Members heard).

Members also heard that, since the drafting of the report, the referendum in respect of the Low Coniscliffe and Merrybent Neighbourhood Plan took place on 23 May and the vote was in favour of the Neighbourhood Plan being made. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved by the referendum. This site is not allocated for housing in the Neighbourhood Plan.

As discussed within the report, applications for planning permission must be determined in accordance with the development plan, unless material planning considerations indicate otherwise. It is important to note that, when assessing Section 73 applications, the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. As the original permission had not yet expired, the applicant may proceed and complete the original approved scheme if they wish. As discussed within the report the changes proposed through the Section 73 application are considered to be minor but are improvements to the original scheme. For this reason (and for those set out within the report), it was considered that, on balance, the material considerations still indicate that the revised development is acceptable and is recommended for approval.

**RESOLVED** – That the Planning Permission be granted subject to the variation of the existing Section 106 Agreement within six months. To secure Planning obligations that are appropriate for the development covering:

- a) A financial contribution towards improving and maintaining walking routes, the wider Public Right of Way network and cycle paths within the vicinity of the application site.
- b) A financial contribution towards improving and maintaining open space/green infrastructure within the vicinity of the application site.
- c) A financial improvement to improve and maintain existing playing fields in the vicinity of the application site.

- d) Details of a private management company to maintain open space, the Public Right of Way and retained field boundaries.

AND THE FOLLOWING PLANNING CONDITIONS:

1. The development hereby permitted shall be commenced not later than 22 February 2020  
REASON; Due to the planning application being submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and in the interests of achieving an improved rate of housing delivery in the Borough
2. 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 visual amenity
3. Prior to the occupation of any unit, a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme 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 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 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.

REASON: To comply with local development plan policy

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

- a) Detailed design of the surface water management system
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure
- c) A management plan detailing how surface water runoff from the site will be managed during construction Phase
- d) Details of adoption responsibilities;
- e) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

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 site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) 2017 Reference: H76116/FRA/001 previously approved under planning permission reference number 16/01231/FUL dated 22 February 2019. 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 by limiting surface water discharge from the development to 13.6l/sec. 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.
6. 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 during construction / development of the site
7. The development hereby approved should not be carried out otherwise than in complete accordance with the drainage scheme contained within the Drawing Number H76116-D-001 Rev C "Drainage Strategy" produced by JNP Group approved under planning permission reference number 16/01231/FUL dated 22 February 2019. The drainage scheme shall ensure that foul flows discharge into the foul sewer at manhole 0901 and ensure that surface water discharges to the existing watercourse  
REASON: To prevent increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2019

8. The development hereby approved shall be carried out in complete accordance with the Flood Risk Assessment dated June 2017 approved under planning permission reference number 16/01231/FUL dated 22 February 2019 and the following mitigation measures detailed within the Flood Risk Assessment and Drawing Number L015046-103 Rev C:
  - a) No dwellings shall be built within Flood Zones 2 or 3.
  
9. 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 other period as may subsequently be agreed, in writing, by the Local Planning Authority  
REASON: To reduce the risk of flooding to the proposed development and future occupants.
  
10. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) approved under planning permission reference number 16/01231/FUL dated 22 February 2018 and the following mitigation measures detailed within the FRA and site plan drawing L05046-103:
  - 1) No dwellings shall be built within flood zones 2 or 3.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.  
REASON: To reduce the risk of flooding to the proposed development and future occupants.
  
11. No dwellings hereby approved shall be erected above damp proof course level until precise details of a bin storage facilities and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.  
REASON: in the interests of highway safety
  
12. Notwithstanding the details shown on the approved plans, precise details of the offsite highway works required to access the site and mitigate the development impact shall be submitted and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of Gate Lane to 5.5m up to the new access junction, the provision of a new 2.0m wide footway along the frontage of the development on Gate Lane connecting into the surrounding infrastructure and the new site access junction. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON: In the interests of highway safety
  
13. No dwellings hereby approved shall be erected above damp proof course level until precise details of secure, covered cycle parking provision shall be

submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In order to encourage the use of sustainable transport

14. The mitigation measures outlined in the Noise Impact Assessment produced by Environmental Noise Solutions Ltd dated 8 April 2016 (reference NIA/6572/16/6505 v1) approved under planning permission reference number 16/01231/FUL dated 22 February 2018 shall be fully implemented prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development.

REASON: In the interests of the amenities of the occupiers of the development

15. Notwithstanding the mitigation measures outlined within the a Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1) approved under planning permission reference number 16/01231/FUL dated 22 February 2018, precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to any dwellings hereby approved being erected above damp proof course level. 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 the interests of the amenities of the occupiers of the development

16. Notwithstanding the mitigation measures outlined within the Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1 approved under planning permission reference number 16/01231/FUL dated 22 February 2018, precise details of the glazing specifications (including details on the  $R_w + C_{tr}$  value) and acoustic trickle vents (including their acoustic performance) for all windows for habitable rooms on the road frontage elevation for dwellings within 20 metres of Coniscliffe Road shall be submitted to and approved in writing by the Local Planning Authority prior to any dwellings hereby approved being erected above damp proof course level. 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 the interests of the amenities of the occupiers of the development

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



- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

REASON: In the interests of residential amenity and highway safety

18. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority  
REASON: In the interest of the residential amenity of the area

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 interest of the residential amenity of the area

20. Prior to the commencement of the development, a management plan for keeping Public Footpath No 6 The Parish of Low Coniscliffe available for public use during the construction phase of the development. The development shall not be carried out otherwise than in complete accordance with the approved plan.  
REASON: To ensure that the Public Footpath continues to be accessible.

21. The proposed development (construction and post development) shall not

be carried out otherwise than in complete accordance with the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild and approved under planning permission reference number 16/01231/FUL dated 22 February 2018 unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of mitigating the impact of the development to protected and notable species

22. No dwellings hereby approved shall be erected above damp proof course level, an appropriate street lighting scheme for the development, including for the "Safe Route for School" route on the A67/Coniscliffe Road 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 interests of highway and pedestrian safety

23. Notwithstanding condition 19 and the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild and approved under planning permission reference number 16/01231/FUL dated 22 February 2018 the street lighting scheme for the site shall include an ecological lighting strategy to be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details, location and level of luminance of the street lighting and external floodlighting on the dwellings in the vicinity of the retained central field boundary and the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed other than agreed without the prior consent of the Local Planning Authority

REASON: In the interests of protected species and their habitats

24. Notwithstanding the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild and approved under planning permission reference number 16/01231/FUL dated 22 February 2018 a scheme for the installation of bat and bird boxes (within trees and integrated into dwellings) shall be submitted to and approved in writing by the Local Planning Authority prior to any dwellings hereby approved being erected above damp proof course level. The scheme shall include the type of bird boxes and location throughout the development and the development shall not be carried out otherwise than in complete accordance with the approved details
- REASON: In order to compensate for the loss of bird nesting opportunities due to the removal of sections of hedgerow and to enhance alternative bat foraging routes in the general ecological interests of the site.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-

enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plots 8, 9, 10, 23 and 24, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON: In order to protect the central boundary hedge for ecological purposes

26. CL1 – Phase 1 Preliminary Risk Assessment

27. CL2 – Site Investigation Strategy

28. CL3 – Phase 2 Investigation Works

29. CL4 – Phase 3 Remediation and Verification Strategy

30. CL5 - Construction/Remediation Works

31. CL6 – Phase 4 Verification and Completion Report

32. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:

- a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- b) Methodologies for the recording and 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 depositories
- 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 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 paragraphs 197 & 199 of the National Planning Policy Framework 2019 because the site is of archaeological interest.

33. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation

strategy shall be deposited at the County Durham Historic Environment Record

REASON: To comply with paragraph 199 of the National Planning Policy Framework 2019, 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.

34. 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:
- 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.

35. No dwellings hereby approved shall be erected above damp proof course level until a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and 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 - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

36. 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.

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

- a. SBA-4-16 – Planning Floor Plans SBA – 4
- b. SBA – 4 – 05 – 4 Elevations SBA - 4
- c. Gate Lane\_000\_XX\_DR\_A\_003 Rev E Proposed Site Layout
- d. Gate Lane\_000\_XX\_DR\_A\_004 Rev B Proposed Materials Layout
- e. Gate Lane\_000\_XX\_DR\_A\_010 Rev A Proposed Boundary Treatments
- f. Gate Lane\_000\_XX\_DR\_A\_035 Proposed Site Sections
- g. Gate Lane\_000\_XX\_DR\_A\_060 Proposed Refuse Vehicle Tracking
- h. Gate Lane\_000\_XX\_DR\_A\_061 Proposed Fire Tender Tracking
- i. Gate Lane\_000\_XX-DR\_A\_090 Rev B Proposed Management Plan
- j. DG-06 Rev A Double Garage Elevations
- k. DG-03 Rev C Double Garage Floor Plan
- l. 18-ST-11-1 Planning FF Plan Stewart
- m. 18-ST-11 Planning GF Plan Stewart
- n. 18-ST-06.02 Elevations - E02 Feature 1 Stewart
- o. 18-ST-06.03 Elevations- E03 Feature 2 Stewart
- p. 18-ST-06.13 Elevations – E03 Feature 2 Stewart
- q. 18-ST-06.12 Elevations – E02 Feature 1 Stewart
- r. 18-NA-GR-11 Planning Floor Plans Nasmyth Garden Room 18
- s. 18-NA-GR-06.02 Elevations – E02 Feature 1 Nasmyth Garden Room 18
- t. 18-NA-GR-06.03 Elevations - E03 Feature 2 Nasmyth Garden Room 18
- u. 18-MI-GR-11 Planning Floor Plans Mitchell Garden Room 18
- v. 18-MI-GR-06.02 Elevations – E02 Feature 1 Mitchell GR18
- w. 18-MI-GR-06.03 Elevations – E03 Feature 2 Mitchell GR18
- x. 18-LE-GR-11 Planning Floor Plans Leonardo & GR 18
- y. 18-LE-GR-06.02 Elevations – E02 Feature 1 Leonardo & GR 18
- z. 18-LE-GR-06.03 Elevations E03 Feature 2 Leonardo & GR 18
- aa. 18-LA-GR-11 Planning Floor Plans Lawrie Garden Room 18
- bb. 18-LA-GR-06.02 Elevations E02 Feature 1 Lawrie Garden Room 18
- cc. 18-LA-GR-06.03 Elevations E03 Feature 2 Lawrie Garden Room 18

- dd. 18-HU-GR-11 Planning Floor Plans Hutton Garden Room 18
- ee. 18-HU-GR-06.02 Elevations E02 Feature 1 Hutton Garden Room 18
- ff. 18-HU-GR-06.03 Elevations E03 Feature 2 Hutton Garden Room 18

REASON – For the avoidance of doubt and to ensure the development is carried out in accordance with the planning permission.

NOTE: That, subject to the Section 106 Agreement not being completed within the prescribed period without the written consent of the Council to extend this time, the minded to approve status of this 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 Applications Committee.

#### **PA15 LAND NORTH OF CONISCLIFFE ROAD**

**17/00632/OUTE** - Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access (Additional Phasing Plan and Noise Assessment and Amended Flood Risk Assessment and Masterplan received 8 November 2017; additional Archaeology Report received 7 February 2018; additional Transport Assessment Addendum and additional Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019)

Members were advised that Officers had received legal guidance in relation to proceeding with this application, and that Members were asked to defer consideration of this application to a future meeting of this Committee.

RESOLVED – That consideration of this application be deferred to a future meeting of the Planning Applications Committee.

#### **PA16 LAND SOUTH OF STAINDROP ROAD**

**17/00636/OUTE** - Outline planning permission for residential development of up to 985 dwellings (Use Class C3), convenience store with up to 400 sqm retail floor space (Use Class A1), a GP (Class D1), land for proposed primary school and early years school (Use Class D1) and sports pitches with associated parking, public open space, landscaping and sustainable draining system (SUDS) and vehicular access points from Staindrop Road with all matters reserved except means of vehicular access (amended Flood Risk Assessment received 7 September 2017, Minerals Report, Agricultural Land Report and Phasing Plan received 26 September 2017, 2 October 2017, 9 October 2017, Archaeology Report received 23 November 2018; Transport Assessment Addendum and Arboricultural Report received 3 January 2019 and Environmental Statement received 11 January 2019).

Members were advised that Officers had received legal guidance in relation to proceeding with this application, and that Members were asked to defer

consideration of this application to a future meeting of this Committee.

RESOLVED – That consideration of this application be deferred to a future meeting of the Planning Applications Committee.

**PA17 LAND TO THE WEST & SOUTH OF STATION ROAD, MIDDLETON ST. GEORGE**

**16/00976/OUT** - Outline application for the demolition of existing buildings and the erection of up to 260 residential dwellings (Use Class C3) and associated access, landscaping and engineering works with details of appearance, layout, landscape and scale reserved (Amended plans received 1<sup>st</sup> February 2019) (Additional information received 1<sup>st</sup> February 2019)

Members were advised that Officers had received legal guidance in relation to proceeding with this application, and that Members were asked to defer consideration of this application to a future meeting of this Committee.

RESOLVED – That consideration of this application be deferred to a future meeting of the Planning Applications Committee.