

PLANNING APPLICATIONS COMMITTEE

Wednesday, 30 September 2020

PRESENT – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, C L B Hughes, Johnson, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis

APOLOGIES – Councillor Heslop.

ALSO IN ATTENDANCE – Councillor Durham.

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).

PA36 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA37 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 2 SEPTEMBER 2020

RESOLVED – That the Minutes of this Committee held on 2 September 2020 be approved as a correct record.

PA38 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
E2	<p>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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>

PA39 182 NORTHGATE, NORTH LODGE, DARLINGTON

20/00266/FUL – Conversion of building to provide 2 No. retail units (Use Class A1) and 24 No. apartments (Use Class C3) including demolition of delivery/goods bay to rear, erection of second floor extension incorporating mezzanine floor and pitched roof, creation of external amenity areas, cladding to elevations, bin storage, cycle provision, retail storage, access and delivery area and associated internal and external alterations.

(In consideration of this item, the Committee took into consideration the Planning Officer's report (previously circulated), the concerns of the Conservation Officer, five letters of objection, including one objection from the Friends of Stockton and Darlington Railway, one letter of support from the Campaign to Protect Rural England, and responses to questions asked by Members of the Applicant's Agent during the meeting.)

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

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019034 – 000 Location and Block Plan
L019034 – 100 Proposed ground floor plan
L019034 - 101 Proposed first floor plan
L019034 - 102 Proposed second floor plan
L019034 – 103 Proposed second floor mezzanine plan
L019034 – 104 Proposed Elevations and section
L019034 - 105 Proposed bin and cycle store
L0190354 – 106 Site Location Plan

REASON – To define the consent

3. All external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON – To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

4. Prior to the cladding of any of the external surfaces of the building hereby permitted, details of the cladding materials to be used including the colour finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON – In the interest of visual amenity.

5. E2 Landscaping

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
 - b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy.

7. Prior to the occupation of the development hereby approved, details of boundary treatment to all flats with outdoor amenity space, including upper floors, shall be submitted to and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be in place prior to occupation of the development and shall be retained as such thereafter.

REASON – In the interests of visual and residential amenity.

8. No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.

REASON – In the interests of residential amenity.

9. The opening hours of the retail unit(s) shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

10. Times for deliveries and waste collections to the retail units shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

11. Construction and demolition work 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 permission from the Local Planning Authority.

REASON – In the interests of residential amenity.

12. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- 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 demolition and construction phases 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 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. The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON – In the interests of residential amenity.

13. The mitigation measures/minimum façade sound insulation provisions (glazing performance, trickle vent performance, ventilation strategy) as detailed within Table 1 of the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Reference: 7923.1 Revision B) shall be implemented in full prior to the first occupation of the apartments, and thereafter shall be retained and maintained for the life of the development. No changes to mitigation proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

14. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to installation precise details of the window glazing as well as any acoustic trickle vents to be installed as part of the development (including their acoustic performance) shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

15. The mitigation outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B) in relation to the wall and floor construction (separating elements) between the retail units and residential apartments shall be implemented in full prior to the first occupation of the apartments. No changes to the proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

16. At the reasonable request of and/or following a complaint from residents of the proposed development to the Local Planning Authority, the applicant shall employ a suitably qualified acoustic consultant to carry out an assessment of noise from the retail units on the residential apartments. The sound insulation testing shall be in accordance with the methodology in BS EN ISO 16283-1:2014 (airborne sound insulation) and BS EN ISO 16283-2:2018 (impact sound insulation) and the scope and methodology to be used in the assessment shall be agreed in advance with the Local Planning Authority. The assessment shall demonstrate to the satisfaction of the Local Planning Authority compliance with NR17 inside the residential apartments. If this is not the case, suitable mitigation measures shall be submitted and agreed in writing with the Local Planning Authority including a timescale for implementation.

REASON – In the interests of residential amenity.

17. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to the installation of any mechanical ventilation strategy, precise details of the system(s) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of noise and overheating to determine an appropriate strategy with windows closed. It shall be shown to the satisfaction of the Local Planning Authority that the internal noise levels associated with any mechanical units and associated ductwork linked to the system, as well as when combined with other noise sources shall not exceed relevant guidance levels in living rooms and bedrooms. The assessment(s) shall be carried out taking into account the Association of Noise Consultants and Institute of Acoustics 'Acoustics Ventilation and Overheating: Residential Design Guide, January 2020, Version 1.1.' and any associated guidance. The system(s) shall be installed prior to the first occupation of the apartments and in accordance with approved plan and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of residential amenity.

PA40 VANTAGE POINT SITE, FAVERDALE, DARLINGTON

18/00694/FUL – Erection of a 1,900sqm (GIA) supermarket (A1 use), 1,900 sqm (GIA) retail store (A1 use) and a 167sqm (GIA) and drive-thru unit (A1/A3 use) with

associated parking for 263 cars, ancillary service and delivery areas, landscaping and new access (amended Planning Policy Statement and Retail Policy Statement received 29 November 2018, additional Sequential Test document received 5 February 2019; additional Employment Land Viability Report received 30 April 2019;; amended plans received 31 May 2019; drainage information received 29 August 2019; additional Retail Impact Assessment received 26 September 2019 and Retail Assessment information received 14 May 2020 ; amended drainage information received 28 May 2020 and 8th July 2020).

(In consideration of this item, the Committee took into consideration the Planning Officer's report (previously circulated), seventeen letters of objection, the objections of Darlington Friends of the Earth and the Campaign to Protect Rural England, the objections of Bussey and Armstrong and Estill Cooper, letters of objection submitted on behalf of Hillesden Trust, and letters of objection from the Cooperative Group. The Committee also took into consideration eighty-five letters of support and heard that an additional forty-one letters of support had been received subsequent to the issue of the Agenda and Papers for this meeting. The Committee also heard the Ward Councillor, and the responses to questions asked by Members of the Applicant's Agent in attendance at the meeting.)

RESOLVED – Subject to conditions being submitted to, and agreed, by this Committee, and reasoning being outlined, Members of the Planning Applications Committee are minded to grant Planning Permission.

PA41 NOTIFICATION OF DECISION ON APPEALS

The Director of Economic Growth and Neighbourhood Services reported that the Inspectors appointed by the Secretary of State for the Environment had :-

Dismissed the appeal by Mr Tim Wilks against this Authority's decision to refuse permission for application for proposed residential development comprising 2 No dwellings and 1 No studio on the lower ground level and associated parking and communal storage area. at Land adjacent to 31 Pendower Street, Darlington DL3 6ND (19/00695/FUL)

Dismissed the appeal by Mr Pearson against this Authority's decision to refuse permission for application for proposed removal of roof covering and internal alterations to form external terrace at Number One Bar, 1 Skinnergate, Darlington (19/00291/FUL)

RESOLVED – That the report be received.

PA42 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.

PA43 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S

**APPROVED CODE OF PRACTICE AS OF 18 SEPTEMBER 2020 (EXCLUSION
PARAGRAPH NO. 7)**

Pursuant to Minute PA35/Sept/2020, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 18 September 2020.

RESOLVED - That the report be noted.