

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 17 March 2021

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

**APOLOGIES** – Councillors Lister.

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

### PA80 DECLARATIONS OF INTEREST

Councillor Tostevin declared a pecuniary interest in Minute PA83 below, and left the meeting prior to the consideration of the item.

### PA81 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 17 FEBRUARY 2021

**RESOLVED** – That the Minutes of this Committee held on 17 February 2021, be approved as a correct record.

### PA82 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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, ^N; <b>Reason:</b> To define the consent.

### PA83 WEST NEWBIGGIN FARM, NORTON BACK LANE, SADBERGE

**20/00636/FUL** – Conversion, alteration and extensions of existing agricultural buildings to form 9 no. dwellings (2 no. 2 bed, 2 no. 3 bed, 3 no. 4 bed, 2 no. 5 bed) including demolition of former piggeries, erection of 3 no. detached garage blocks, formation of hardstanding, landscaping and other associated works (Amended description) (Amended plans received 5<sup>th</sup> February 2021).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Transport Policy Officer, the

objections of the East and West Newbiggin Parish Meeting, the objections of Sadberge Parish Council, three individual objections received from residents, and the responses to questions asked by Members of the Applicant's Agent, who was in attendance at the meeting).

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

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)
  - L019038-102 REV B Proposed site layout Plan ground floor
  - L019038- 101 REV B Proposed site layout plan roof plans
  - L019038 115 REV A Unit 9 Proposed elevations
  - L019038 114 REV A Unit 9 Proposed floor plans
  - L019038 - 113 REV A Garages Proposed elevations 7/8
  - L019038 - 112 REV B Garages Proposed plans 7/8
  - L019038 – 125 Proposed site plan – Drainage
  - L019038 - 103 REV A Unit 1 proposed plans
  - L019038 – 104 Unit 1 Proposed elevations
  - L019038 - 105 REV A Unit 2, 3, 4 and 5 Proposed plans
  - L019038 – 106 Unit 2, 3, 4 and 5 Proposed elevations
  - L019038 – 107 Unit 2, 3, 4 and 5 Proposed elevations
  - L019038 – 108 Unit 6 Proposed floor plans
  - L019038 – 109 Unit 6 Proposed elevations
  - L019038 - 110 REV A Unit 7 and 8 Proposed floor plans
  - L019038 – 111 Unit 7 and 8 Proposed elevations
  - L019038 – 116 Unit 4 Garage Proposed plan and elevations
  - L019038 – 117 Unit 6 Garage Proposed plan and elevations
  - L019038 – 118 Garage block proposed elevations
  - L019038 – 119 Unit 2 Proposed plans
  - L019038 – 120 Unit 3 Proposed plans
  - L019038 – 121 Unit 4 Proposed plans
  - L019038 – 122 Unit 5 Proposed plans
  - L019038 - 123 REV A Site Location Plan
3. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday or

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

**REASON** – In the interest of residential amenity

4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the approved landscaping scheme 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.

5. Prior to the commencement of the development, details of bin storage facilities for the dwellings hereby approved, 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 safety and residential amenity.

6. 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 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.

7. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination 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.

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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.

8. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed 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. 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.

9. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:

- i. Methodologies for a Historic England-style Level 2 building record prior to any conversion works or stripping out of fixtures and fittings.
- ii. 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 approved strategy.
- iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

- iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

**REASON** - To comply with paras 197 and 199 of the NPPF because the site is of archaeological interest.

10. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication, or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

**REASON** - To comply with para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

11. The development hereby approved 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. Thereafter, the scheme shall be implemented in accordance with 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 program and timetable for the provision of the critical surface water drainage infrastructure.
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase.
- iv. Details of adoption responsibilities.

**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 with Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy Version 1.0 Ref RAB: 2562L dated 22/10/2020 and the following mitigation measures detailed within the FRA:

- Surface water Discharge to be restricted to 5 l/s;
- 500m<sup>3</sup> of storage provided.

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.

13. The buildings hereby approved shall not be brought unto 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. 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 are in place for the lifetime of the development.

14. 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 a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

15. Prior to the commencement of the development, Details of 2 No, vehicle passing places on “Road Through West Newbiggin” shall be submitted and approved in writing by the Local Planning Authority (precise locations to be agreed). The works should be completed prior to the occupation of the first dwelling. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of highway safety.

16. Prior to the commencement of works relating to each requisite element of the development the following details shall be submitted to and approved by the Local Planning Authority: -

- i. Flues, vents, and metre boxes.
- ii. Doors;
- iii. Cills and lintels;
- iv. Fences, walls and gates;
- v. Areas of hard surfacing;
- vi. Guttering and means of fixing;
- vii. Rooflights;
- viii. Treatment of external walls.

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

**REASON** - To ensure a satisfactory appearance of the development ,in the interests of visual amenity.

17. Prior to the insertion of windows, detailed plans showing the constructional details and materials of all window frames to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing, including means of opening, and external reveal. The window frames shall be installed in accordance with the approved detailed plans and thereafter be so maintained.

**REASON** - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity.

18. No demolition or rebuilding work additional to that specified in the structural reports carried out by The Home Engineers (November 2020) and the submitted application shall be carried out in undertaking the development hereby permitted without the prior written approval of the Local Planning Authority.

**REASON** – In order that the Local Planning Authority can retain control over the development in the interests of the visual amenities of the locality.

19. The development shall not be carried out otherwise than in accordance with the mitigation measures set out in the submitted Ecological Impact Assessment 'West Newbiggin Farm PP-19-09' (Naturally Wild July 2020).

**REASON** - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

#### **PA84 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 Darren Cresser against this Authority's decision to refuse permission for the erection of 1 No. dwelling at Land Adjacent to 39 Stockton Road, Darlington, DL1 2RX (20/00690/FUL).

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

#### **PA85 NOTIFICATION OF APPEALS**

The Director of Economic Growth and Neighbourhood Services reported that:-

Mr Robert Flannigan and Mr Mitchell Flannigan have appealed against this Authority's Enforcement Stop Notice regarding (20/00288/UNAUTH) Engineering works have commenced on the site including the removal of topsoil, laying of aggregates and extension to the private site  
Site Address: Hurworth Views, Neasham Road, Darlington, DL2 1QH.

Mr Tom Smith has appealed against this Authority's Enforcement Stop Notice regarding (20/00319/BOC) Changes to the Private Gypsy Site, additional touring caravans, are not in accordance with approved plans.  
Site Address: Little Beck, Burma Road, Darlington , DL2 1QH.

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

**PA86 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.

**PA87 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 5 MARCH 2021 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA79/Feb/2021, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 March 2021.

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