

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 14 April 2021

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

**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)

### PA88 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA89 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 17 MARCH 2021

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

### PA90 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A1	<p>The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development:-</p> <ul style="list-style-type: none"><li>(a) access</li><li>(b) appearance</li><li>(c) landscaping</li><li>(d) layout</li><li>(e) scale</li></ul> <p>Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p><b>Reason</b> - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p>
A2	<p>The development shall be begun two years from the final approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved.</p> <p><b>Reason</b> - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.</p>

A3	<p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p><b>Reason:</b> To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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><b>Reason -</b> In the interests of the visual amenities of the area.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p><b>Reason:</b> To define the consent.</p>

**PA91 LAND TO THE REAR OF 21 BARMPTON LANE, DARLINGTON**

**20/00835/OUT** – Outline application for the erection of 2 no. bungalows with all matters reserved except for means of access.

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the Council’s Ecology Advisor, five letters of objection received in relation to the original application, together with two further letters of objection received in relation to the amended application, and the responses to questions asked by Member of the Applicant’s Agent, who was in attendance at the meeting).

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

1. A1 Outline (Reserved matters)
2. A2 Outline (Implementation Time)
3. PL (Accordance with Plan)
  - 19004/L01 Site Location Plan
  - 19004 F01BC Site access
  - JN2052-DWG-0001E Site access
4. E3 Landscaping (Implementation)

5. Prior to the commencement of the development precise details of the internal highways layout and site access 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.

6. Prior to the commencement of the development, precise details of in curtilage vehicle parking and secure cycle parking / storage shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces within the development and the number, location and specifications of all cycle parking / storage and thereafter the development shall not be carried out otherwise than in complete accordance with the approved details. All parking shall be made available prior to the occupation of the dwellings hereby approved.

**REASON** – In the interests of highway safety / to encourage more sustainable modes of transport.

7. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

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

8. Prior to the commencement of the development precise details of a bin storage facility 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 in place prior to the occupation of any dwellings and shall be permanently retained thereafter.

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

9. 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[s] shall include the following, unless the Local Planning Authority dispenses with any requirements 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.
- 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 highway safety and residential amenity.

10. 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.

11. Prior to the occupation of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

**REASON** – In the interests of visual and residential amenity.

12. 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 approved details.

**REASON** – In the interests of visual and residential amenity.

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

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

14. 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 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.

15. Prior to the commencement of each phase 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 Land Contamination: Risk Management (LCRM)) 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.

**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.

16. 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.

17. 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.

**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.

18. 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.

19. The mitigation measures set out in the Ecological Impact Assessment prepared by Naturally Wild (PP-20-04 August 2020) shall be implemented in full. In addition, no development shall take place until precise details of a landscaping scheme to mitigate for the loss of habitat on the site and secure ecological net gain, and for the provision of bat roosting and bird nesting opportunities on the site have 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 site and maintained for the lifetime of the development.

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

20. Prior to the commencement of the development, a detailed survey of trees / hedgerows to be affected by the development (both within the site and adjoining its boundary) shall be carried out. The survey shall include the identification of measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. 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 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 a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

21. Prior to or at the same time as any Reserved Matters application, details of parking provision for No. 21 Barmpton Lane, shall be submitted to and approved in writing by, the Local Planning Authority. The parking shall be available prior to the occupation of the dwellings hereby approved and retained thereafter.

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

22. Prior to the occupation of the dwellings hereby approved, the acoustic fence to the boundaries of the proposed access driveway adjoining 21 and 23A Barmpton Lane, and the bricking up of the ground floor window to the side elevation of 21 Barmpton Lane, as shown on the indicative site plan 19004 F01 E Rev D shall be in place and shall be retained as such thereafter.

**REASON** – In the interests of residential amenity.

**PA92 6 EVESHAM GROVE, HURWORTH**

**21/00199/FUL** – Removal of hedge and erection of 1.9m fence to rear of property (Retrospective Application).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received, and one further letter of objection received subsequent to the Agenda and Papers for the meeting being circulated).

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

1. Notwithstanding the details shown on the approved plan detailed below, the timber fencing shall remain dark oak in colour.

Photo & Fencing details No. AOL Mail (1) dated 17/02/2021

**REASON:** In order that the Local Planning Authority may be satisfied as to the details of the development and to ensure the development is carried out in accordance with the planning permission.

**PA93 UNIT 1, WEIR STREET**

**21/00128/CU** – Change of Use from storage and distribution (Use Class B8) to car showroom.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer and Environmental Health Officer, three letters of objection received, and one further observation received subsequent to the Agenda and Papers for the meeting being circulated).

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

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



a. Drawing Number 20259.P001 – Existing Layout

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

3. The premises shall be used for car showroom purposes only and for no other purpose or purposes whatsoever without express planning consent of the local planning authority.

**REASON** – To enable the Council to maintain control over the use of the site to safeguard the character and amenities of the site and the neighbouring residential properties in the locality.

4. The use hereby permitted, including deliveries to and from the site, shall not be carried on outside the hours 0800 to 1800 Mondays to Friday; 1000 to 1600 Saturdays with no working on a Sunday or Bank Holiday

**REASON** - In order to safeguard the amenities of neighbouring residential properties.

5. The display or sale of vehicles and the carrying out of maintenance or any other works to any vehicle shall not take within or on the land and buildings edged blue on the submitted Site Location Plans – Drawing Numbers 20259.OS01 and 20259.OS02 Rev A.

**REASON** – To safeguard the amenities of neighbouring residential properties.

6. No plant, equipment or machinery shall be installed as part of the use hereby approved, at any time, without the prior written approval from the Local Planning Authority. Where plant, equipment or machinery is proposed, details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local Planning Authority appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the use.

**REASON** - In order to safeguard the amenities of neighbouring residential properties.

## **PA94 NOTIFICATION OF APPEALS**

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

Mr Mark Stratford had appealed against this Authority's decision to refuse consent for works to 1 No. Horse Chestnut tree protected under Tree Preservation Order (No.7) 1980 - Pruning to part of west facing crown; pruning to lower branches at 1

Cedar Grove, Middleton St George, Darlington DL2 1GA (20/00578/TF)

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

**PA95 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.

**PA96 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 1 APRIL 2021 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA87/March/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 1 April 2021.

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