

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16 February 2022

PRESENT – Councillors Mrs D Jones (Chair), Allen, Cossins, Laing, Lee, McCollom, Sowerby, Tait and Tostevin.

APOLOGIES – Councillors Clarke, Heslop, Lister and Wallis.

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

PA87 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA88 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 19 JANUARY 2022

RESOLVED – That the Minutes of this Committee held on 19 January 2022, be approved as a correct record.

PA89 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. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4A	The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building. Reason - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.
CL2	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 and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate

	<p>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>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
<p>CL3</p>	<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>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
<p>CL4</p>	<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>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</p>

	<p>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>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL6	<p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>

NOTE - The Chair varied the order of business to enable the application 8 The Lanes (21/01241/FUL) to be taken before the application Walworth Castle Birds of Prey (20/00806/FUL).

PA90 WALWORTH CASTLE BIRDS OF PREY

20/00806/FUL - Demolition of existing outbuildings, and change of use of land for the siting of 6 no. holiday pods and associated landscaping (amended plans and documents received

18th November 2021)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), letters of objection received from three households to the original application, the request from Walworth Parish Council, three further objections to the amended proposals, and the views of one Objector, whom the Committee heard).

NOTE: During discussion Councillor Lee expressed a preference that the holiday pods be constructed of timber.

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 D230.L.102 – Demolition Plans
 - b) Drawing Number D230.P.104 Rev C – Planting Plan
 - c) Drawing Number D230.L.103 Rev C – General Arrangement Plan

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

3. For the avoidance of doubt the planning permission hereby granted relates to the siting of 6 No. holiday pods only.

REASON - In the interests of the general amenity of the area and the setting of the surrounding heritage assets

4. Prior to the commencement of the development, precise details of the 6 No holiday pods shall be submitted to and approved in writing by the Local Planning Authority. The details shall include design, materials, dimensions, internal layout, colour schemes, and information on accessibility arrangements. None of the details shall include any external paraphernalia including hot tubs. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of the visual appearance and amenity of the local area and the setting of the surrounding heritage assets

5. Prior to the commencement of the development, precise details of a scheme for the positioning of bat boxes and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of box and location within the application site. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of biodiversity and protecting habitats

6. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework 2021.

7. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To comply with the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible

8. CL2 - Phase 2 Site Investigation Strategy
9. CL3 – Phase 2 Investigation Works
10. CL4 - Phase 3 Remediation and Verification Strategy
11. CL5 - Construction/Remediation works
12. CL6 - Phase 4 Verification and Completion Report
13. Prior to the occupation of the development, precise details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development and shall be retained and available for use during its lifespan.

REASON - In the interests of encouraging the use of sustainable modes of transport

14. Prior to the occupation of the development, precise details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development and shall be retained and available for use during its lifespan.

REASON - In the interests of the amenity of the local area

15. The accommodation hereby approved shall not be used for any purpose other than as holiday accommodation associated to the owners/operators of Walworth Castle and shall not be occupied as a person(s) sole or main place of residence. Furthermore, the owners/operators of the site shall at all times maintain an up-to-date register of the names of all owners and occupiers of each individual holiday unit on the site together

with the addresses of their main place(s) of residence and shall make this information available on request at all reasonable times to the Local Planning Authority.

REASON - To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be unacceptable in this location.

16. The landscaping scheme shown on Drawing Number D230.P.104 Rev C 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.

REASON - In the interests of the visual amenities of the area.

17. In the event of the need to install external lighting, precise details of the lighting scheme shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The details shall be submitted prior to their installation and the development shall not be carried out otherwise than in accordance with the approved details. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

REASON - In the interests of the amenity of the surrounding area.

18. Notwithstanding Condition 17, any external lighting scheme shall also conform with the guidance set out in the submitted document entitled Preliminary Ecological Appraisal and Bat Roost Potential Survey Walworth Castle, Darlington" dated August 2020 and produced by Delta Simons.

REASON - In the interests of biodiversity and protecting habitats

19. Should site clearance occur within the bird breeding season (March to late August), an experienced ecologist shall be required to check the site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed development.

REASON - In the interests of biodiversity and protecting habitats.

PA91 8 THE LANES

21/01241/FUL - Erection of two storey extension to side elevation and construction of open porch to front elevation

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four objections received and the views of one Objector, whom the

Committee heard).

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

1. A3 Implementation Limit (3 years)
2. B4a (Materials)
3. The new vehicular access drive shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.

REASON - To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.

4. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - EX01 – Existing Plans and Elevations
 - P01 – Proposed Plans and Elevations

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

PA92 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that, Inspectors, appointed by the Secretary of State for the Environment, had:

Dismissed the appeal by Mr Leigh Porter against this Authority's decision to refuse permission for the Change of Use from shop (Use Class E) to hot food takeaway (Sui Generis) including replacement aluminium shop front with roller shutter doors, alterations to windows/doors on rear side elevation, installation of extraction flue to rear and associated internal alterations (21/00505/FUL).

Allowed the appeal by Mrs Pauline Shannon against this Authority's decision to refuse permission for the retention of 2no. security shutters to the existing shop front (retrospective) at 65 - 67 North Gate, Darlington, Durham DL1 1TR (21/00649/FUL).

Allowed the appeal by Mr Tom Smith against this Authority's decision to serve an enforcement notice which alleged the failure to comply with condition 4 of planning permission reference number 10/00059/FUL dated 19 November 2010. The Inspector also awards costs against the Council.

RESOLVED – That the report be received.

PA93 NOTIFICATION OF APPEALS

The Chief Executive reported that :-

Mr Paul Furness had appealed against this Authority's decision to refuse permission for the erection of a two storey side extension to west elevation, re-location of 1.8m high side boundary fence, widening of existing drive to create extra off-street parking and the erection of a detached summerhouse in the rear garden at 1 Hall View Grove, Darlington, DL3 9DN (21/00789/FUL).

Mr Paul Million had appealed against this Authority's decision to refuse permission for Change of Use from dwelling house (Use Class C3) to 8 person large HMO (sui-generis) with replacement windows and door, removal of chimney stack and associated internal works at 12 Vane Terrace, Darlington, DL3 7AT (21/01217/FUL).

Mr George Murray had appealed against this Authority's decision to refuse permission for consent to carry out Works to 1 no. Willow tree(T1) protected under Tree Preservation Order (No.11) 2019 - crown reduce up to 2m and removal of deadwood at River View, Dinsdale Spa House, Church Lane, Middleton St. George, Darlington, DL2 1DJ (21/00303/TF).

RESOLVED – That the report be received.

PA94 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.

PA95 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 4 FEBRUARY 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA86/Jan/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 4 February 2022.

RESOLVED - That the report be noted.