

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16 March 2022

PRESENT – Councillors Mrs D Jones (Chair), Allen, Cossins, Heslop, Lee, Lister, McCollom and Tostevin.

APOLOGIES – Councillors Clarke, Laing, Sowerby, Tait 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).

PA96 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA97 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 16 FEBRUARY 2022

RESOLVED – That the Minutes of this Committee held on 16 February 2022, be approved as a correct record.

PA98 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>

	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>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>

PA99 LAND OFF BOWMAN STREET, DARLINGTON

21/00869/FUL - Erection of 4 no. three bed residential dwellings together with new access, car parking, boundary treatment, amenity space and associated works (amended plans received 11 January 2022 and 3 March 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the nine letters of objection originally received, the withdrawal of the objections of two objectors following the submission of amended plans, and the views of the Applicant and the Applicant's Agent, whom the Committee heard).

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 plans, as detailed below:
 1. Drawing Number 001 C Ground and First Floor Block Plans Inc Images
 2. Drawing Number 002 A Loft Floor and Roof Plan
 3. Drawing Number 9 – 1 Existing and Proposed Site Plans, Site Location and Boundaries
 4. Drawing Number 21 -1 Proposed Elevations
 5. Drawing Number 90 -1 Site Section Across Bowman Street
 6. Drawing Number 100 – 1 3D Imagery

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

3. 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 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”.
 - 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

4. CL2 - Phase 2 Site Investigation Strategy
5. CL3 – Phase 2 Investigation Works

6. CL4 - Phase 3 Remediation and Verification Strategy
7. CL5 - Construction/Remediation works
8. CL6 - Phase 4 Verification and Completion Report
9. Notwithstanding the details shown on the approved plans, 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.

10. Notwithstanding the details shown on the approved plans, precise details of the car parking arrangements for the development, including the provision of disabled parking spaces, 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 and the car parking spaces shall be fully implemented and available to use prior to the first occupation of the development.

REASON - In the interests of providing adequate parking for people with mobility issues

11. Notwithstanding the details shown on the approved plans, precise details of the visibility splays at the vehicle access point onto the service lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include the means of enclosure and sliding gate on the boundary with the service lane and across the access point. The development shall not be carried out otherwise than in complete accordance with the approved plans.

REASON - In the interests of highway safety.

12. Notwithstanding the details shown on the approved plans, the approved development shall incorporate four bird boxes into the site layout or design of the dwellings. The details of the bird boxes shall be submitted to and approved in writing, by the Local Planning Authority prior to the commencement of the development and they shall be remain in place during the lifetime of the development.

REASON - In the interests of the enhancing the ecological nature of the development and application site.

13. Prior to the commencement of the development, precise details of secure, covered, cycle parking provision for use by the occupants and visitors 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 which shall be fully implemented and available for use prior to the first occupation of the development. The agreed details shall remain in place for the lifetime of the development.

REASON - In the interest of encouraging the use of sustainable modes of transport.

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the materials palette contained within Page 9 of the document entitled "Design and Access Statement. Land to the rear of Harrowgate Hill Methodist Church. Darlington" Version 2 dated December 2021 and produced by Phoenix Design Man.

REASON - In the interests of the visual appearance of the development and the street scene.

15. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON - In the interests of residential amenity.

16. The EV charging points shown on the approved plans shall be a minimum of a single phase 13 amp socket.

REASON - To ensure that the proposed development accords with Policy IN4 of the Darlington Borough Local Plan (2016 – 2036).

PA100 UNITS 4 AND 5, RED BARNES WAY, DARLINGTON, DL1 2RR

22/00008/FUL - Change of Use from storage (unit 4) and former car valeting bay (unit 5) to car MOT station and repairs (sui generis), including demolition of dividing wall to create single unit and alterations to doors on northeast elevation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of representation received highlighting concerns around car parking and congestion on the private road, and the views of the Applicant, one Supporter and one Objector, whom the Committee heard).

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

1. 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.

2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:-

Drawing Number:-

- 63/P100 - Existing Floor Plans
- 63/P200 - Existing Elevations
- 63/P300 - Proposed Floor Plans
- 63/P400 - Proposed Elevations

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

PA101 14 WOODVALE ROAD, DARLINGTON, DL3 8EZ

21/01333/FUL - Erection of two storey side extension and insertion of bi-fold doors to rear elevation (as amended by plans received 04.02.22).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three objections initially received, a further two letters of objection received subsequent to the report being placed in the public domain, which were read to Members, and the views of the Applicant, 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 first floor windows formed in the eastern (side) elevation shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.

4. The first floor window formed in the northern (rear) elevation shall be installed with 50% obscure glazing, in full accordance with the details as shown on drawing no. 2 Rev 1b, and shall not be repaired or replaced other than in full accordance with these details.

REASON - To prevent overlooking of the nearby premises.

5. The wooden gate with fixed panel above, as shown on drawing no. 2 Rev 1b, shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently to limit the impact of the 'cantilever' on the character and appearance of both the application property and surrounding area.

REASON - To safeguard the residential amenities of the neighbourhood.

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

- Drawing No. 1 Rev 1 – Existing Elevations and Floor Plans
- Drawing No. 2 Rev 1b – Proposed Elevations and Floor Plans
- Drawing No. 3 Rev 1 – Location Plan, Existing and Proposed Site Layout

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

PA102 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 V. G. Developments (NE) Limited against this Authority's decision to refuse permission for the Erection of 1 no. dormer bungalow at 213-217 Haughton Road, DARLINGTON, DL1 2LD (20/01181/FUL).

The appeal is allowed and planning permission is granted for residential development comprising the erection of 4 no detached bungalows at land to the rear of 21 Barmpton Lane, Darlington, DL1 3HB in accordance with the terms of the application, Ref 21/01149/OUT, dated 1 October 2021, and the plans submitted with it (Location Plan 19004 L01 and Site Access Review JN2052-DWG-0001E), subject to the conditions set out in the attached schedule.

RESOLVED – That the report be received.

PA103 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.

PA104 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 4 MARCH 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA95/Feb/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 4 March 2022.

RESOLVED - That the report be noted.