

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 9 October 2024

**PRESENT** – Councillors Haszeldine (Chair), Ali, Anderson, Bartch, Beckett, Cossins, Kane, Lawley, Lee, McCollom and Tostevin.

**APOLOGIES** – Councillors Allen and Robinson.

**ABSENT** – Councillor Laing.

**ALSO IN ATTENDANCE** – Councillors Mrs Scott and Snedker.

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

### PA26 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA27 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 SEPTEMBER 2024

**RESOLVED** – That the Minutes of this Committee held on 4 September 2024, be approved as a correct record.

### PA28 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.
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 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

	<p>associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p><b>REASON</b> - 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.</p>
CL3	<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 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.</p> <p><b>REASON</b> - 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.</p>
CL4	<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 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.</p> <p><b>REASON</b> - 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</p>

	<p>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.</p>
<p>CL5</p>	<p>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.</p> <p><b>REASON</b> - 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.</p>
<p>CL6</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 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.</p> <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, 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.</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><b>REASON</b> - 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</p>

	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.
--	--

**PA29 ELM RIDGE GARDEN CENTRE, CONISCLIFFE ROAD, DARLINGTON**

**23/00769/FUL** - Demolition of existing buildings, erection of a convenience food store (Class E(a)) at ground floor with office accommodation to first and second floors (Class E(g)(i)), alterations to vehicle and pedestrian accesses including additional pedestrian access and associated parking and landscaping (Additional Existing Elevations and Floor plans received 12 October 2023; Amended plans and additional reports received 8 July 2024; amended plan received 12 August 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Environmental Health Officers, Ecology Officer, Transport Planning Manager, Lead Local Flood Authority Manager and Senior Arboricultural Officer, Northern Gas Network, forty-three letters of objection received, four letters of support received, and the views of the Applicant's Agent, two Objectors and a Borough Councillor, whom the Committee heard).

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

**GENERAL**

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a) Drawing Number L022074 005 Rev D Proposed Elevations
  - b) Drawing Number 5041/1 Detailed Landscape Proposals
  - c) Drawing Number L022074-002 Rev D Site Layout Plan
  - d) Drawing Number L022074-007 Rev A Proposed Materials
  - e) Drawing Number L022074-011 Pedestrian and Vehicular Access Points
  - f) Drawing Number D 1003 Rev A Proposed Offsite Highway Improvements
  - g) Drawing Number L022074-005 Rev C Proposed Extensions
  - h) Drawing Number L022074-008 Rev A Location and Block Plan
  - i) Drawing Number L022074-003 Rev C Ground & First Floor Plans
  - j) Drawing Number L022074-004 Rev A Second Floor Roof Plans
  - k) Drawing Number MD01708/0100 Proposed Drainage Strategy

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

**SCULPTURE**

3. The public art installation as shown on the approved plans shall be installed prior to the first occupation of the development or within such extended period which may be agreed in writing by, the Local Planning Authority.

**REASON** – In the interests of the visual appearance of the development.

#### **MATERIALS**

4. Notwithstanding the details shown on the approved plans, precise details of the external materials (including samples) to be used in external surfaces of the building and boundary walls where new entrances are being inserted shall be submitted to an approved in writing by the Local Planning Authority prior to any building being constructed above damp proof course. The development shall not be carried out otherwise than in complete accordance with the agreed details.

**REASON** – In the interests of the visual appearance of the development and the local area.

#### **HIGHWAYS**

5. Prior to the first occupation of the development, the following schemes of off-site highway mitigation measures must be completed on site:

- a) Improved pedestrian crossing points as indicated on Drawing P2149 D – 1003 Rev A, at: Elm Ridge Roundabout
- b) Site access and bus stop relocation works at Site of former Elm Ridge Garden Centre Coniscliffe Road

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of the schemes and their interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

**REASON** - To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

6. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

**REASON** - To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

7. Notwithstanding the requirements for a Stage1/2 RSA at submission of detailed design, further independent Stage 3 & 4 Road Safety Audits must be carried out in accordance with GG119 - Road Safety Audits or any superseding regulations. Audits Shall Cover all off-site highway works within the public highway. The design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within a timescale to be agreed in writing with the Local Planning Authority.

**REASON** - To ensure that the design is appropriate in the interests of the access, safety, and convenience of highway users.

8. No building shall be constructed above damp proof course until precise details of secure cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

**REASON** - To comply with policy IN4 of the Local Plan and the guidance in LTN 1/20 on Cycle Infrastructure Design.

9. The four EV charging points shown on Drawing Number L022074-002 Rev D shall be installed and be available for use prior to the first occupation of the development hereby approved.

**REASON** – In order to accord with Policy IN4 of the Local Plan.

10. The disabled parking bays shown on Drawing Number L022074-002 Rev D shall be installed and be available for use prior to the first occupation of the development hereby approved.

**REASON** – In order to accord with Policy IN2 of the Local Plan.

#### **DEMOLITION AND CONSTRUCTION MANAGEMENT PLAN**

11. No development, including demolition works, must commence until a site-specific Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

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) Details of any temporary construction access to the site including measures for removal following completion of construction works.
- d) Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- e) The parking of contractors' site operatives and visitor's vehicles.
- f) Areas for storage of plant and materials used in constructing the development clear of the highway.
- g) Details of the measures to be taken for the protection of trees.
- h) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- i) Warning Signage.
- j) Road maintenance.
- k) Details of security lighting that is to be used during the construction period.

**REASON** - In the interest of public safety and amenity

#### **AMENITY**

12. 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 interest of residential amenity.

13. No building shall be constructed above damp proof course until precise details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person has been submitted to and agreed in writing to the Local Planning Authority. The scheme should specify the position of ventilation, fume, or flue outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

14. No building shall be constructed above damp proof course until precise details of any ventilation and fume extraction systems to be installed including details of the emissions, methods of treatment to remove odour, particles or droplets and discharge points have been submitted to and agreed 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 installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

15. No building shall be installed above damp proof course until precise details of external lighting to be installed on site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type of light appliance, the height and position of fitting, illumination levels and light spillage. The development shall not be carried out otherwise than on complete accordance with the approved details and the lighting approved shall be installed and maintained in accordance with the approved details.

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

16. No building shall be constructed above damp proof course until precise details for the storage of refuse, including details of location, size, means of enclosure and materials, have been 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 installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

17. No building shall be constructed above damp proof course until details of new boundary treatments to the rear of No 271 Coniscliffe Road and Elm Ridge Cottage, Carmel Road South have been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approved details and the boundary treatment shall be erected prior to the first occupation of the development and shall not be repaired or replaced other than in accordance with the approved plans.

**REASON** - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

18. The existing Leyland Cypress hedging on the eastern boundary shown to be retained as part of the approved landscaping plan (Drawing Number 5041/1) shall not be removed or reduced in height below 3m without the consent of the local planning authority to whom a planning application shall be made.

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

19. The existing privet hedging on the southern boundary shown to be retained as part of the approved landscaping plan (Drawing Number 5041/1) shall not be removed or reduced in height below 2.5m without the consent of the local planning authority to whom a planning application shall be made.



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

#### **HOURS OF OPENING AND DELIVERIES**

20. The convenience store and offices hereby approved shall not operate outside the hours of 06:00-22:00 Monday to Sunday.

**REASON** – Should any variance to the operating hours be sought at a later point, consideration of the matter should be referred to the Planning Applications Committee for determination. In the interests of residential amenity.

21. The delivery and despatch of goods to and from the site, including waste collection, shall not occur outside the hours of 07:00 and 20:00 on Mondays to Saturday, and not outside of the hours of 10:00 and 15:00 on a Sunday.

**REASON** – Should any variance to the hours pertaining to the delivery and despatch of goods, including waste collection, be sought at a later point, consideration of the matter should be referred to the Planning Applications Committee for determination. In the interests of residential amenity.

#### **LAND CONTAMINATION**

22. CL2 - Phase 2 Site Investigation Strategy.

23. CL3 – Phase 2 Investigation Works.

24. CL4 - Phase 3 Remediation and Verification Strategy.

25. CL5 - Construction/Remediation works.

26. CL6 - Phase 4 Verification and Completion Report.

#### **ECOLOGY**

27. Prior to the commencement of the development, a Habitat Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved Plans.

**REASON** – In the interest of securing biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

28. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations (Paragraph 7.6) of the approved document entitled “Preliminary Ecological Appraisal “Low Impact” Ecological Impact Assessment for Elm Ridge, Darlington DL3 8DH” dated May 2023 and produced All About Ecology unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – In the interests of biodiversity and habitats.

29. Notwithstanding the details shown on the approved plans, no building shall be constructed above damp proof course until precise details of the swift bricks/boxes and bat bricks/boxes 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 installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – In the interests of biodiversity and habitats.

### **TREES**

30. The development hereby approved shall not be carried out otherwise than in complete accordance the mitigation measures and tree protection measures contained with the approved document entitled “Arboricultural Method Statement inc. Impact Assessment Ref: ARB/CP/3116” dated May 2023 and produced by Elliott Consultancy Limited unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – In the interest of the visual appearance of the development.

### **LANDSCAPING**

31. The landscaping scheme shown on Drawing Number 5041/1 D 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. Any trees, hedges or shrubs removed, dying, severely damaged or becoming seriously diseased within thirty years of planting shall be replaced by trees, hedges and shrubs of similar size and species to those originally approved and planted.

**REASON** - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

### **DRAINAGE**

32. 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. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details.

- a) Detailed design of the surface water management system and full Flood Risk Assessment.
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- c) A management plan detailing how surface water runoff from the site will be managed during the construction phase.

**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 within Policy DC2 of the Local Plan and the National Planning Policy Framework 2023

33. The building hereby approved shall not be brought into use until:-

- a) 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.
- b) 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.

#### **PA30 NOTIFICATION OF DECISION ON APPEALS**

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

- (a) Dismissed the appeal by Mrs L Brunton against this authority's decision to refuse permission for consent to undertake work to a tree protected by a Tree Preservation Order at Garden Cottage, Low Middleton, Middleton St George, Darlington, DL2 1AX (Ref No 22/00575/TF).

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

#### **PA31 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.

#### **PA32 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 20 SEPTEMBER 2024 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA25/Sept/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20 September 2024.

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