

PLANNING APPLICATIONS COMMITTEE

Wednesday, 4 March 2020

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

APOLOGIES – Councillors Heslop and Howarth.

ABSENT – Councillor Baldwin.

ALSO IN ATTENDANCE – Councillors Boddy and Dulston.

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).

PA71 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

NOTE: In introducing this item, the Chair invited the Assistant Director – Law and Governance’s Representative to address the Committee. The Assistant Director – Law and Governance’s Representative informed Members of concerns raised in another forum and advised that it was not unlawful for a Member to sit on different decision-making bodies.

The Assistant Director – Law and Governance’s Representative also provided the definitions of bias and predetermination, reminded Members that they must not approach planning decision-making with a closed mind and invited each Member in turn to reflect on their own position in terms of the decision-making before them.

PA72 TO APPOINT A VICE CHAIR FOR THE REMAINDER OF THE MUNICIPAL YEAR 2019/20

RESOLVED - That Councillor Tostevin be appointed Vice-Chair of this Committee for the remainder of the Municipal Year 2019/20.

PA73 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 5 FEBRUARY 2020

RESOLVED – That the Minutes of this Committee held on 5 February 2020 be approved as a correct record.

PA74 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

NOTE – APPLICATIONS FOR PLANNING PERMISSION – The following standard conditions are referred to in those Minutes granting permission or consent:-

A3	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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PA75 AGRICULTURAL LANE AND CREMATORIUM, WEST CEMETERY, CARMEL ROAD NORTH

19/01185/DC - Refurbishment of existing crematorium including conversion of existing chapel to office space and erection of new chapel, car parking, external lighting, floral tribute area, garden of remembrance and burial grounds on agricultural land adjacent to cemetery.

Members were informed that the proposed burial ground (referenced above) had been removed from the application following an objection received from the Environment Agency. Upon removal of the burial ground from the application, the Environment Agency withdrew their objection to the application.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twenty objections received from local residents, one letter of representation, further comments received subsequent to the drafting of the Officer's report, a further objection received from the Darlington Green Party, and the views of the Applicant's Agent, two objectors, a Councillor and the Ward Councillor, whom the Committee heard).

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

1. 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(s) as detailed below:

(a) Proposed site plan, drawing number DC19002/A/020 P1 dated 18.12.2019

(b) Proposed site plan – crematorium, existing car parking and passing places, drawing number DC19002/A/021 P1 dated 18.12.2019

(c) Proposed site plan – chapel, drawing number DC19002/A/022 P1 dated 18.10.2019

(d) Proposed external works – fencing, drawing number DC19002/A/035 P1 dated 16.12.2019

- (e) Proposed external works – fencing details, drawing number DC19002/A/036 P1 dated 19.12.2019
- (f) Contractors compound and access plan - sheet 1 of 2, drawing number DC19002/A/040 P1 dated 29.11.2019
- (g) Contractors compound and access plan – sheet 2 of 2, drawing number DC19002/A/041 P1 dated 29.11.2019
- (h) Proposed ground floor plan – chapel, drawing number DC19002/A/101 P1 dated 28.10.2019
- (i) Proposed ground floor plan – crematorium, drawing number DC19002/A/120 P1 dated 03.12.2019
- (j) Proposed roof plan – crematorium, drawing number DC19002/A/130 P1 dated 16.12.2019
- (k) Proposed roof plan – chapel, drawing number DC19002/A/131 P1 dated 12.11.2019
- (l) Proposed elevations – crematorium, drawing number DC19002/A/220 P1 dated 10.12.19
- (m) Proposed chapel elevations, drawing number DC19002/A/221 P1 dated 28.10.2019
- (n) Proposed site sections – chapel, sheet 1 of 3, drawing number DC190002/A/320 P1 dated 19.12.2019
- (o) Proposed site sections – chapel, sheet 2 of 3, drawing number DC19002/A/321 P1 dated 19.12.2019
- (p) Proposed site sections – chapel, sheet 3 of 3, drawing number DC19002/A/322 P1 dated 19.12.2019
- (q) Landscape concept, drawing number BA9684LAN-C dated 18.12.2019 issue C
- (r) Landscape planting detail, drawing number BA9684LAN-D1 dated 18.12.2019 issue C
- (s) Outline drainage strategy – chapel, drawing number DC19002-APP-00-XX-DR-C-30001-S3 P06 dated 12.7.2019
- (t) Outline surfacing and level strategy, drawing number DC19002-APP-00-XX-DR-C-30002-S3 P05 dated 12.7.2019
- (u) External lighting and trenching layout sheet 1 of 2, drawing number DC19002/A/607 T1 dated February 2020

(v) External lighting and trenching layout sheet 2 of 2, drawing number DC19002/E/608 T1 dated February 2020

REASON – To define the consent

3. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing numbers DC19002/A/220 P1 Proposed elevations – crematorium and DC19002/A/221 P1 Proposed chapel elevations.

REASON – To ensure that the external appearance of the development is an appropriate design and quality in accordance with Policy CS2.

4. The ecological enhancement and mitigation measures set out in the Barrett Environmental Ltd 'Preliminary Ecological: Plot 09/035, West Cemetery, Darlington' dated December 2019 and 'Bat Survey Report: Crematorium, West Cemetery, Darlington' dated October 2019 shall be implemented in full. In addition, no development of the new chapel building above damp proof course level shall take place until a scheme for the planting of an area of species rich grassland on land to the south of the proposed chapel has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the chapel first being brought into use.

REASON – To comply with Policy CS15.

5. 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, the Local Planning Authority. 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 amenity of the area and to ensure compliance with Policy CS15.

6. Prior to any demolition or construction activities taking place on site, existing trees shall be protected in accordance with the details contained in the Barnes Associates Arboricultural Impact Assessment 'Expansion and Refurbishment of Crematorium and Chapel' dated 19.12.2019 and shown on drawing number BA9684TPP 'Tree Impacts' dated 18.10.2019. The tree protection measures shall remain in place in accordance with these details for the duration of the construction phase of the development hereby permitted.

REASON – To ensure a maximum level of protection in order to safeguard the wellbeing of the trees on site and in the interests of the visual amenities of the area.

7. The demolition and construction phase of the development hereby permitted shall be carried out in strict accordance with the measures set out in the 'West

REASON – In the interests of highway safety and residential amenity

8. Demolition and construction activities on the site shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday and 08.00 – 14.00 on a Saturday. There shall be no working on a Sunday other than those activities set out in the Facultatieve Technologies 'Proposed Sunday Working Schedule' between the hours of 09.00 and 17.00.

REASON – In the interest of residential amenity

9. Prior to installation of the temporary stack associated with the replacement of the existing cremators, details of the stack, shall be submitted to and approved in writing by the Local Planning Authority. The temporary stack shall be removed following full installation and commissioning of the new cremators which shall thereafter be served by the existing stack.

REASON – In the interest of residential and visual amenity

10. Prior to the new chapel hereby permitted first being brought into use, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until the approved details have been implemented in full and shall be retained for the lifetime of the development.

REASON – To encourage access to the site by sustainable modes of transport

11. Prior to the new chapel hereby permitted first being brought into use, details of a scheme to erect a 2.4 metre close boarded timber fence adjacent to the service road leading from the south of the existing maintenance building to the existing cemetery shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until the fence has been erected in accordance with the details as approved and shall be maintained for the lifetime of the development.

REASON – In the interests of visual and residential amenity

12. No development shall commence until a written scheme of investigation setting out a phased 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 part 16 of the National Planning Policy Framework. A pre-commencement condition is required as the archaeological investigation/mitigation must be devised prior to the development being implemented

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall 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 paragraph 199 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

14. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled ‘Outline Drainage Strategy – Chapel’ dated 2019-12-05. The drainage scheme shall ensure that foul and surface water flows discharge to the public sewerage network via the existing private on site drainage. The additional surface water generated from the new development element of the proposal shall not exceed 3.5l/sec

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

15. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable 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:

- I. Detailed design of the surface water management system
- II. A built 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

Whilst the decision to discharge conditions laid out in the paragraph above is a technical one, residents who have been consulted to date shall have sight of the papers which inform any decision to discharge. Any meeting of professionals to consider the discharge shall have access to comments by residents on the success or otherwise of the flooding mitigation measures.

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with Core Strategy Policy CS16 and the National Planning Policy Framework

16. The development hereby permitted shall not commence until the remedial works highlighted in the Jet Aire Service GR8370 Darlington Crematorium report and accompanying drawing and mitigation measures highlighted in the Jet Air Services correspondence dated 13/02/2020 have been completed. The applicant must submit a programme for these works and the drainage system must be fully operational before works commence on the proposed

development.

REASON – To ensure that flood risk to the site and neighbouring sites is not increased as a result of this proposed development.

17. Prior to the chapel building hereby approved being constructed above damp proof course level, details of a wall to be constructed along the southern boundary of the application site and associated landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the wall and landscaping scheme shall be implemented in full in accordance with the approved details prior to the chapel first being brought into use.

REASON – In the interests of visual and residential amenity

PA76 2 MILBANK ROAD, DARLINGTON

19/01075/FUL - Conversion of existing dwelling house to provide 6 no. apartments, demolition of garage, potting shed and mono pitch roof structure to side elevation, widening of site entrance and associated parking.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the supportive views of the Campaign to Protect Rural England, three objections from residents, and the views of the Applicant, whom the Committee heard).

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

1. A3 (Implementation time limit).
2. Construction and demolition works shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 Saturday with no working on a Sunday and Bank/Public Holiday without the prior written permission from the Local Planning Authority.

REASON – In the interests of residential amenity.

3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Proposed Site Plan Number L019069-006
Proposed Floor and Elevation Plan Numbers L019069-004 and L019069-005

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered

PA77 27 CORPORATION ROAD, DARLINGTON

19/01162/ADV - Display of 1 No. non illuminated free standing sign (retrospective application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and five letters of objection to the original submission.

It was noted that subsequent to the original submission, which made an application for an illuminated sign, a further consultation exercise had been carried out by the Council, and that two of the objectors had withdrawn their comments. It was further noted that the comments in the three remaining objection letters all related to concerns over the sign being illuminated, which was no longer the case).

RESOLVED – That advertisement consent be granted subject to the following conditions:

1. The development hereby granted shall be carried out in accordance with the details contained within the email dated 12 February 2020 and the following approved plans
 - a) Drawing Number 19.137.01
 - b) Drawing Number 19.137.03

REASON - To ensure the development is carried out in accordance with the advertisement consent.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON - To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

3. No advertisement shall be sited so as to-
 - a) endanger persons using any highway, railway waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON - To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement or hoarding displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON - To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5. Any structure or hoarding erected or used principally for the purposes of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON - To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON - To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

PA78 41 CONYERS AVENUE, DARLINGTON

19/01150/FUL - Erection of new boundary fence (Retrospective) (as amended by plan received 28/01/20).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and four letters of objection).

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

1. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below within two months from the date of the planning committee (4 March 2020):

Site Plan and Detail Dwg. No. PR01/A dated Dec 2019

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

PA79 1 SUSSEX WAY, DARLINGTON

The Head of Planning Development and Environmental Health submitted a report (previously circulated) to advise Members of three objections received in respect of Tree Preservation Order (TPO) Number 2019 No. 12, which covers one semi

mature maple tree (*Acer spp*) growing on land to the side of 1 Sussex Way Darlington.

The submitted report stated that Tree Preservation Order (TPO) 2019 No. 12, had been made on 28 November 2019 on one semi mature maple tree (*Acer spp*) growing on land to the side of 1 Sussex Way Darlington, as a result of the occupier of 1 Sussex Way Darlington purchasing the land and proposing to enclose it and change the use from open space to private garden.

(In reaching its decision, the Committee took into consideration the report of the Head of Planning Development and Environmental Health, three objections received, the comments of the Council's Arboricultural Officer, and the views of an objector, whom the Committee heard).

RESOLVED – That the Tree Preservation Order (TPO) not be confirmed.

PA80 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 Enterpen Limited, SJS Potts Limited and Wooler Holdings Limited against this Authority's decision to refuse permission for the erection of 55 dwellings at Land East of Middleton Lane, Middleton Lane, Middleton St George DL2 1AD (18/01108/FUL)

Dismissed the appeal by Mr Paul Vickers, Enterpen Limited and SJS Potts Limited against this Authority's decision to refuse permission for the erection of 25 dwellings at Land At Newton Grange Farm, Sadberge, Darlington. (18/00994/FUL)

RESOLVED – That the report be received.

PA81 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.

PA82 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 19 FEBRUARY 2020 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA70/Feb/20, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 19 February 2020.

RESOLVED - That the report be noted.