

PLANNING APPLICATIONS COMMITTEE

19 September 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Galletley, Johnson, D Jones, Kelley, Knowles, Lee, Lister, Lyonette, Storr, J Taylor and Tostevin.(12)

APOLOGIES – Councillors McEwan and C Taylor (2)

ABSENT –

ALSO IN ATTENDANCE –

OFFICERS – Dave Coates, Head of Planning, Development Management and Environmental Health, Arthur Howson, Engineer, within Services for Economic Growth and Neighbourhood Services and Andrew Errington, Lawyer (Planning) within the Resources Group. (3)

PA27. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA28. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 22 August 2018.

RESOLVED – That the Minutes be approved as a correct record.

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

Code No.	Conditions
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.
A5	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 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. 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.
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p>Reason - In the interests of visual and/or residential amenity.</p>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p>Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
E2	<p>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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated</p>

	<p>protection zones in the area of the trees:</p> <ul style="list-style-type: none"> (a) The raising or lowering of levels in relation to the 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. <p>Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</p>
CL2	<p>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 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>
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 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</p>

	and occupied with adequate regard to environmental and public protection
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 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 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 and 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>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p>Reason - To define the consent.</p>

PA29. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

17/01175/FUL - Field at OSGR E435292 N513607, Yarm Road, Oak Tree, Middleton St George. Residential housing development consisting of 61 No dwellings together with car parking, landscaping and associated infrastructure (amended description) (amended site plan and additional adoptable areas plan received 29 January 2018, amended site plans and design and access statement received 5 April 2018, amended tree survey, ecology report, floor plans and elevations received 6 April 2018, amended Transport Statement and Planning Statement received 23 April 2018, amended flood risk assessment and pumping station details received 14 June 2016, amended house types and site plan received 15 June 2018, further amended house types and site layout plan received 1 August 2018, amended Transport Statement received 3 August 2018 and amended flood risk assessment received 8 August 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and a representative of the Parish Council, both of whom Members heard).

Following a question to the applicant's agent at the meeting, he confirmed that they would be agreeable to the provisions of the proposed Section 106 agreement in relation to the provision of 12 affordable bungalows on land at Acorn Close (Ref No. 18/00509/FUL below refers).

RESOLVED – (a) That, subject to the completion of a Section 106 agreement within six months of the date of this Committee to secure the following :-

- (a) a financial contribution of £183,976 towards education provision in Middleton St George;
- (b) a financial contribution of £56,700 towards the provision of a safe route to school from the site; and

(c) the provision of 12 no. affordable bungalows on land at Acorn Close in accordance with planning permission reference number 18/00509/FUL.

planning permission be granted with the following conditions :-

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

Reason - To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

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

Layout site plan 1715 312 01 Rev. G 1.8.18

Adoptable roads, shared surfaces and footpaths 1715 313 01 Rev. E 1.8.18

Proposed site sections 1715-XSA-00-ZZ-DR-A-325 Rev. P02.5 1.8.18

Illustrative landscape plan 1715 370 01 Rev. A 1.8.18

House Type 1_GA Plans 1715-XSA-01-ZZ-DR-A-3001 Rev P02.3 12.6.18

House Type 1_Elevations 1715-XSA-01-ZZ-DR-A-3601 Rev P02.3 12.6.18

House Type 1_3D Views 1715-XSA-01-ZZ-DR-A-9201 Rev P02.3 12.6.18

House Type 2_GA Plans 1715-XSA-02-ZZ-DR-A-3001 Rev P02.4 12.6.18

House Type 2_Elevations 1715-XSA-02-ZZ-DR-A-3601 Rev. P02.4 12.6.18

House Type 2_3D Views 1715-XSA-02-ZZ-DR-A-9201 Rev. P02.4 12.6.18

House Type 3_GA Plans 1715-XSA-03-ZZ-DR-A-3001 Rev P02.2 12.6.18

House Type 3_Elevations 1715-XSA-03-ZZ-DR-A-3601 Rev P02.2 12.6.18

House Type 3_3D Views 1715-XSA-03-ZZ-DR-A-9201 Rev P02.2 12.6.18

House Type 4_GA Plans 1715-XSA-04-ZZ-DR-A-3001 Rev P02.2 12.6.18

House Type 4_Elevations 1715-XSA-04-ZZ-DR-A-3601 Rev P02.2 12.6.18

House Type 4_3D Views 1715-XSA-04-ZZ-DR-A-9201 Rev P02.2 12.6.18

House Type 5_GA Plans 1715-XSA-05-ZZ-DR-A-3001 Rev. P02.4 12.6.18

House Type 5_Elevations 1715-XSA-05-ZZ-DR-A-3601 Rev P02.4 12.6.18

House Type 5_3D Model 1715-XSA-05-ZZ-DR-A-9201 Rev. P02.4 12.6.18

House Type 6_GA Plans 1715-XSA-06-ZZ-DR-A-3001 Rev. P02.4 31.7.18

House Type 6_Elevations 1715-XSA-06-ZZ-DR-A-3601 Rev. P02.4 31.7.18

House Type 6_3D Views 1715-XSA-06-ZZ-DR-A-9201 Rev. P02.4 31.7.18

House Type 7_GA Plans 1715-XSA-07-ZZ-DR-A-3001 Rev. P02.4 26.6.18

House Type 7_Elevations 1715-XSA-07-ZZ-DR-A-3601 Rev. P02.4 26.6.18

House Type 7_3D Views 1715-XSA-07-ZZ-DR-A-9201 Rev. P02.4 26.6.18

House Type 8_GA Plans 1715-XSA-08-ZZ-DR-A-3001 Rev. P02.3 12.6.18

House Type 8_Elevations 1715-XSA-08-ZZ-DR-A-3601 Rev. 02.3 12.6.18

House Type 8_3D Views 1715-XSA-08-ZZ-DR-A-9201 Rev. 12.6.18

House Type 9_GA Plans 1715-XSA-09-ZZ-DR-A-3001 Rev. P02.3 13.6.18

House Type 9_Elevations 1715-XSA-09-ZZ-DR-A-3601 Rev. P02.3 13.6.18

House Type 9_3D Views 1715-XSA-09-ZZ-DR-A-9201 Rev. P02.3 13.6.18

House Type 10_GA Plans 1715-XSA-10-ZZ-DR-A-3001 Rev. P02.3 26.6.18

House Type 10_Elevations 1715-XSA-10-ZZ-DR-A-3601 Rev. P02.3 26.6.18

House Type 10_3D Views 1715-XSA-10-ZZ-DR-A-9201 Rev. P02.3 26.6.18

House Type 11_GA Plans 1715-XSA-11-ZZ-DR-A-3001 Rev. P02.4 13.6.18

House Type 11_Elevations 1715-XSA-11-ZZ-DR-A-3601 Rev. P02.4 13.6.18

House Type 11_3D Views 1715-XSA-11-ZZ-DR-A-9201 Rev. P02.4 13.6.18

House Type 12_GA Plans 1715-XSA-12-ZZ-DR-A-3001 Rev. P02.1 05.4.18

House Type 12_Elevations 1715-XSA-12-ZZ-DR-A-3601 Rev. P02.1 05.4.18

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

3. B4 (Details of external materials to be submitted).
4. B9 (Fencing, Walls, Enclosures).
5. C5 (Restriction of PD Rights – Residential).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) no fencing, walls or other means of enclosure shall be erected on the site without the prior consent of the Local Planning Authority, to whom a planning application must be made.

Reason – In order that the Local Planning Authority is able to exercise control over future development of the site.

7. E2 (Landscaping).
8. E11 (Tree Protection).
9. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (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 construction phase 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 construction phase 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 than in complete accordance with the approved details.

Reason – In the interests of residential amenity and highway safety.

10. Construction works shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 on a Saturday and not at all on a Sunday and Bank/Public Holidays without the prior written permission of the Local Planning Authority.

Reason – In the interest of residential amenity.

11. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

Reason – In the interest of highway safety.

12. Prior to the commencement of the development hereby permitted, precise details of the build out/gateway feature, including footway widening at the rail bridge, 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 interest of highway safety.

13. Land falling within the visibility splays to the rear of footways at plots 10, 12, 41 and 43, as shown on drawing number shall be adopted as highway and shall remain devoid of any planting, development, fencing or other means of enclosure for the lifetime of the development hereby permitted.

Reason – To ensure that adequate forward visibility is provided for the lifetime of the development, in the interest of highway safety.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Issue 3 (Aug 2018) and the following mitigation measures detailed in the FRA.

- Finished floor levels should be set at a minimum of 37.550mAOD;
- Surface water from the site should be directed to the existing watercourse crossing the site with flows restricted to a greenfield flow rate of 5 l/s.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may be subsequently agreed, in writing, by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

15. The development hereby approved shall not be brought into use until:
- i. 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;
 - ii. 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 for the lifetime of the development.

16. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled '*Flood Risk Assessment*' dated January 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

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

17. Prior to works commencing on site the design, layout, specification and location of the required noise barriers referred to in the Echo Acoustics noise report (dated 4th April 2018) submitted with the application for the protection of outside amenity areas in properties facing onto the railway shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted. Properties requiring such mitigations measures include plots 12 and 44 to 49.

Reason – To safeguard the amenities of future residents of the dwellings hereby approved.

18. Habitable rooms in the facades of homes on those plots which front onto Yarm Road and the railway line shall be fitted with acoustic trickle ventilation within window frames which gives a sound insulation performance of at least 40dB and the exact specification of windows, trickle vents and the facades of the homes in which they are to be fitted shall be submitted to and approved in writing prior to the

commencement of development hereby permitted. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted.

Reason – To safeguard the amenities of future residents of the dwellings hereby approved.

19. CL2 (Phase 2 Site Investigation Strategy)
20. CL3 (Phase 2 Investigation Works)
21. CL4 (Phase 3 Remediation and Verification Strategy)
22. CL5 (Construction/Remediation Works)
23. CL6 (Phase 4 Verification and Completion Works)
24. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has first been approved in writing by the Local Planning Authority.

The Scheme shall provide for:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- iii. Post-fieldwork methodologies for assessment and analyses;
- iv. Report content and arrangements for dissemination, and publication proposals;
- v. Archive preparation and deposition with recognised repositories;
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity monitor such works;
- viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason – To comply with paragraphs 197 and 199 of the NPPF because the site is of archaeological interest.

25. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason – To comply with paragraph 199 of the NPPF which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

26. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

27. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the

construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

28. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

29. Prior to the commencement of development hereby permitted details of an ARMCO or similar barrier to be located in positions where vehicles may be able to drive or roll onto the railway and damage the lineside fencing shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

30. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

31. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, 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. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

Reason – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

32. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing on site. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

33. 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 details as approved.

Reason – In the interest of visual and residential amenity.

34. The mitigation measures set out in Section 5 of the QUANTS Environmental Ltd Ecological Appraisal and Bat Surveys dated April 2018 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 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).

35. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason – In the interest of nesting birds.

18/00509/FUL – Land Opposite Acorn Close, Yarm Road, Middleton St George.

Mixed use development comprising of A1 convenience store and residential development comprising of the erection of 12 No. affordable 2 Bedroom Bungalows (revised scheme) (additional drainage strategy received 5 July 2018, addendum to Design and Access Statement received 9 July 2018, additional Phase II report received 12 July 2018, additional boundary treatment details received 16 July 2018 and additional window and door details received 5 August 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and a representative of the Parish Council, both of whom Members heard).

RESOLVED - That planning permission be granted subject to the following conditions :-

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

Reason – To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

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

Affordable bungalows, semi-detached plans and elevations, drawing number HN/45418(10) P1 June 2018

Site plan proposed, drawing number HN/45418(10) 01A June 2018

Proposed retail unit, drawing number (SK-)04C dated June 2017

Enclosures plan, drawing number HN/45418(01) 02C dated June 2018

Enclosures detail, drawing number HN/45418(01) 03 dated June 2018

Window schedule, drawing number HN/45418(10) W1 dated August 2018

Window schedule, drawing number HN/45418(10) W2 dated August 2018

Window detail, drawing number HN/45418(10) W3 dated August 2018

Proposed Access and Traffic Calming Scheme, drawing number 002 Rev. E

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

3. B4 (Details of materials to be submitted).
4. The development shall not begin until a scheme for the provision of twelve affordable dwellings on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it, in perpetuity. The scheme shall include:
5. The tenure of the affordable housing provision to be made;
 - (a) The timing of the construction of the affordable housing;
 - (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no Registered Social Landlord is involved);
 - (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason – To comply with Core Strategy Policy CS11.

6. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footway across the entire frontage of the site and associated crossings on Yarm Road to connect into the surrounding infrastructure, relocated speed limit and associated parking restrictions and a new bus stop. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interest of highway safety.

7. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

Reason – In the interest of highway safety.

8. Prior to the first occupation of the convenience store hereby permitted, 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 convenience store shall not be occupied until the approved details have been implemented in full and shall be retained for the duration of the development.

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

9. No development in connection with the convenience store hereby approved shall take place until a Servicing Management Plan, which shall limit the size of service vehicles visiting the site and make and providing for the management of the car park in connection with service vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter all vehicle servicing shall take place in accordance with the approved Servicing Management Plan.

Reason – In the interest of highway safety.

10. No external plant, equipment or machinery shall be installed as part of the convenience store of the proposed development without the prior written approval of the Local Planning Authority. Where external 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 development.

Reason – In the interest of residential amenity.

11. At the request of the Local Planning Authority a noise impact assessment shall be carried out in connection with the convenience store hereby approved by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound’. The rating level ($L_{Ar,Tr}$), as defined in BS4142:2014, from external plant, machinery and equipment associated with the development (whether operating individually or when all plant is operating simultaneously) shall not exceed the day-time and night-time background noise level ($L_{A90,T}$) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority.

Reason – In the interest of residential amenity.

12. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- (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 construction phase 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 construction phase 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 than in complete accordance with the approved details.

Reason – In the interests of residential amenity and highway safety.

13. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission of the Local Planning Authority.

Reason – In the interest of residential amenity.

14. The use of the convenience store hereby permitted shall not commence until details of the arrangements for the storing of waste or refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – In the interest of residential amenity.

15. Deliveries to and the collection of waste from the convenience store hereby permitted shall only be permitted whilst the premises is open and in any event only between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on Sundays and Bank Holidays.

Reason – In the interest of residential amenity.

16. CL3 (Phase 2 Site Investigation Works)

17. CL4 (Phase 3 Remediation and Verification Strategy)

18. CL5 (Any additional contamination)
19. CL6 (Verification and Completion Report)
20. Prior to the commencement being beneficially occupied, the provisions of the Written Scheme of Investigation for the site (document T23767.01) will be implemented in full.

Reason – To comply with paragraph 199 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible.

21. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment' dated September 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

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

22. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable 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 including design water levels and finished floor levels demonstrating a suitable freeboard;
- (ii) A detailed hydraulic assessment of existing overland flow paths and the watercourse including the culvert under the railway; the risk of blockage at the railway culvert; and existing overland flow paths should flows exceed the capacity of the watercourse and/or railway culvert;
- (iii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- (iv) Details of adoption responsibilities;
- (v) Management plan for the Surface Water Drainage scheme.

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

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 the guidance within Core Strategy Policy CS10 and the National Planning Policy Framework.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 1 September 2018 and Drainage Strategy dated 13 June 2018 and the following mitigation measures detailed in the FRA:

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Appendix G stating a Qbar of 2.5l/s.

The mitigation measures shall be fully implemented prior to the occupation of the development hereby permitted and subsequently in accordance with the

timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed in writing by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

24. The building hereby approved shall not be brought into use until:
- (i) 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;
 - (ii) A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, to include the funding arrangements and cover the lifetime of the development.

Reason – To reduce flood risk and ensure satisfactory long-term maintenance for the lifetime of the development.

25. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

26. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level or 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

27. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

28. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary, prior to the commencement of the development hereby permitted a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. This should include an outline of the proposed method of construction, risk assessment in relating to the railway and construction traffic management plan. Thereafter the development shall be carried out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

29. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried

out in accordance with the details as approved.

Reason – To ensure the safety, operational needs and integrity of the railway.

30. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, 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. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

Reason – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

31. The ecological enhancement measures set out in the Brooks Ecological 'Preliminary Ecological Appraisal' dated August 2017 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the mitigation of the loss of the northern boundary hedge, for the protection of hedgerow to be retained on site, and the provision for bird and bat nesting opportunities on the site, in accordance with the recommendation of that report has 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.

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

32. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason – In the interest of nesting birds.

18/00460/RM1 - Land at OSGR E430566 N510791 Roundhill Road, Hurworth Moor, Darlington. Reserved matters relating to scale, layout, appearance and landscaping pursuant to outline planning permission 17/01194/OUT dated 30 May 2018 for residential development for up to 95 dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, whom Members heard).

RESOLVED - That reserved matters relating to details of scale, layout, appearance and landscaping pursuant to outline planning permission 17/01194/OUT dated 30 May 2018 for residential development of up to 95 dwellings be approved subject to the following conditions:

1. PL Accordance with Plan
Enclosure Layout Sheet 1 QD1393-332-01 Rev B
Enclosure Layout Sheet 2 QD1393-332-02 Rev B
Planning Layout QD1393-311-01F Rev H

House type Plan 350 Larkin ALT
House type Plan 350 Malory 18
House type Plan 474 Stevenson 18
House type Plan 474 Stevenson 18 – Render
House type Plan 476 Fenwick 18
House type Plan 476 Fenwick 18 – Render
House type Plan 477 Chadwick 18
House type Plan 522 Buttermere 18
House type Plan 523 Jura 18
House type Plan 523 Jura 18 – Render
House type Plan 530 Chichester 18
Detailed planting proposals 1 of 8 T93-01
Detailed planting proposals 2 of 8 T93-02
Detailed planting proposals 3 of 8 T93-03
Detailed planting proposals 4 of 8 T93-04
Detailed planting proposals 5 of 8 T93-05
Detailed planting proposals 6 of 8 T93-06
Detailed planting schedule 7 of 8 T93-07
Detailed planting schedule 8 of 8 T93-08
Surfaces finishes plan Sheet 1 of 2 07-01
Surfaces finishes plan Sheet 2 of 2 07-02
Enclosure Details 333-01

2. B4 Details of Materials.

(2) Planning Permission Refused

18/00672/FUL - 201 Greenbank Road, Darlington. Change of Use of ground floor of dwelling house (Use Class C3) to local convenience store (Use Class A1) with living accommodation above and erection of single storey rear extension to form part of shop and associated internal and external alterations (Revised Scheme).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant, his agent and three objections, all of whom Members heard. In addition, the Committee also heard the comments contained within a further two late letters of objection that had been received).

RESOLVED – That planning permission be refused for the following reasons :-

- (a) In the opinion of the Local Planning Authority, the proposed development would have an adverse impact on the amenities of the neighbouring dwellings by virtue of noise and disturbance and it has the potential to become a focal point for antisocial behaviour in an area that is known to suffer from such issues. The application site is an inappropriate location for a new retail store and the proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Planning Policy Document 2011 and the core planning principles of the National Planning Policy Framework 2018 (paragraph 127); and
- (b) The enclosure of the front gardens of the dwellings on the west side of Greenbank Road (Nos 193 – 203) by a low brick wall is a characteristic of

these properties. The removal of the boundary wall around the front garden of the application site would have an adverse impact on the visual appearance of street scene and it would be contrary to Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 which seeks to ensure all new developments reflect the built characteristics that positively contribute to the character of the local area.

(3) Conservation Area Consent - Deferred

18/00577/CU - Raby Hunt Inn, Darlington. Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

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

RESOLVED - That consideration of the application be deferred to enable a site visit to take place.

(4) Listed Building Consent - Deferred

18/00578/LBC - Raby Hunt Inn, Darlington. Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

RESOLVED - That consideration of the application be deferred to enable a site visit to take place.

PA30. NOTIFICATION OF APPEALS – The Director of Economic Growth and Neighbourhood Services reported that : -

- (a) T L Shepherd and Son had appealed against this Authority's decision to refuse permission for the erection of an agricultural worker's dwelling, livestock barn and associated footpath diversion at White House Farm, Sadberge Road, Middleton St. George (17/01119/FUL);
- (b) Mr B Ward had appealed against the non-determination of the Local Planning Authority for outline planning permission for residential development of up to 14 dwellings with all matters reserved apart from access at Field at OSGR E424996 N514158, Low Coniscliffe, Darlington (18/00023/OUT).; and
- (c) Specialist Coatings Ltd had appealed against this Authority's decision to refuse permission for variation of Condition 11 (Access) attached to planning permission 17/00582/FUL dated 23 October 2017 (Conversion of Nunnery and Chapel into 10 No. dwellings and retention of existing gatehouse as private dwelling with associated internal and external alterations. Demolition of ground floor lean to building, widen existing driveway to create new vehicular access off Carmel Road North, erection of timber stables, creation of parking areas, horse arena, 3G football pitch (for private use) and associated landscaping works) to permit vehicular and pedestrian access to and from the site onto Cardinal Gardens for the sole use from primary property (Dwelling No. 1) and for the erection of 2 No. brick piers and electronic solid timber gates at St Clares Abbey, Carmel Road North, Darlington (18/00241/FUL).

RESOLVED - That the report be received.

PA31. EXCLUSION OF THE PUBLIC - 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 5 SEPTEMBER 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA26/Aug/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 September 2018.

RESOLVED - That the report be noted.