

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 5 August 2020

**PRESENT** – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, C L B Hughes, Keir, Lister, Marshall, McCollom, Tait, Tostevin and Wallis.

**APOLOGIES** – Councillors Johnson and Lee.

**ALSO IN ATTENDANCE** – Councillor Mrs. Scott.

**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).

### PA15 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA16 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 22 JULY 2020

**RESOLVED** – That the Minutes of this Committee held on 22 July 2020 be approved as a correct record.

### PA17 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	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.
A5	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 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
PL00	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN; <b>Reason</b> - To define the consent.

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><b>Reason</b> - 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 protection zones in the area of the trees:</p> <ul style="list-style-type: none"> <li>(a) The raising or lowering of levels in relation to the existing ground levels;</li> <li>(b) Cutting of roots, digging of trenches or removal of soil;</li> <li>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</li> <li>(d) Lighting of fires;</li> <li>(e) Driving of vehicles or storage of materials and equipment.</li> </ul> <p><b>Reason</b> - 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>

**PA18 LAND AT NEASHAM ROAD AND SNIPE LANE**

**20/00196/FUL** – Hybrid application for demolition of existing farmhouse and outbuildings and erection of 305 dwellings, including 150 affordable dwellings, with associated landscaping; access and parking (in detail) and up to 144 affordable dwellings with all matters reserved apart from access (in outline) (additional archaeology report received 14 April 2020; amended and additional plans and documents received 29 May 2020 and 2 June 2020; additional and amended

information, including ecology and drainage information received 3 July 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection received, a petition containing 12 signatories, the objections of the Campaign to Protect Rural England, and representations submitted by Darlington Mowden Park Rugby Club.

The Committee also took into consideration three further objections from residents, a further representation from a resident highlighting drainage concerns, and further objections from Darlington Mowden Park Rugby Club and England Lyle Good Town Planning, all of which were received subsequent to the Planning Officer's report being circulated).

**RESOLVED** – That Planning Permission be granted subject to:

A Cabinet resolution regarding planning obligations to secure the following (to be completed within six months):

- a) Extension to Bus Service - £400,000
- b) Sustainable Transport - £116,250
- c) Sport & Recreation - £14,486 with a 10 Year maintenance sum of £30,906
- d) Offsite highway improvements - £287,045.70
- e) On site ecology works and offsite ecology works at Ivy Cottage, Snipe Lane and Staindrop Road
- f) Open Space Management Plan

The removal of the Holding Objection from Highways England, and the following conditions:

#### **Detailed Phase**

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 plans, as detailed below:

- QD1492-311-01 Proposed Hybrid Masterplan Overall Layout - Rev K
- QD1492-311-02 Proposed Hybrid Masterplan Overall Sheet 1- Rev F
- QD1492-311-03 Proposed Hybrid Masterplan Overall Sheet 2- Rev G
- QD1492-330-01 Materials Layout Sheet 1 – Rev F
- QD1492-330-02 Materials Layout Sheet 2- Rev F
- QD1492-332-01 Enclosures Layout Sheet 1- Rev E
- QD1492-332-02 Enclosures Layout Sheet 2- Rev E
- QD1492-355-01 Proposed Hybrid Masterplan Public Rights of Way- Rev I

- QD1492-356-01 Safe Routes to Schools Plan - Rev D
- QD1492-393-01 Open Space Plan- Rev D
- QD1492-A100-01 A100 Planning Drawing
- QD1492-A101-01 A101 Planning Drawing
- QD1492-A102-01 A102 Planning Drawing
- QD1492-A103-01 A103 Planning Drawing
- QD1492-A104-01 A104 Planning Drawing
- QD1492-A105-01 A105 Planning Drawing
- QD1492-AR2-01 The Arundel 2 Planning Drawing
- QD1492-DH-01 The Durham Planning Drawing
- QD1492-ELY-01 The Ely Planning Drawing
- QD1492-LA-01 The Lancaster Planning Drawing
- QD1492-LD2-01 The Litchfield 2 Planning Drawing
- QD1492-LN-01 The Lincoln Planning Drawing
- QD1492-LR-01 The Larch Planning Drawing
- QD1492-NO-01 The Norwich Planning Drawing
- QD1492-RI-01 The Ripon Planning Drawing
- QD1492-RO2-01 The Rochester 2 Planning Drawing
- QD1492-SK-01 The Southwark Planning Drawing
- QD1492-SW-01 The Shrewsbury Planning Drawing
- QD1492-WN-01 The Winchester Planning Drawing
- QD1492-WS-01 The Westminster Planning Drawing
- QD1492-YO-01 The York Planning Drawing
- QD1492-GR-01 Garages Planning Drawing
- QD1492-00-01 General Arrangement - Rev  
E
- QD1492-03-01 Overall Drainage Layout - Rev D
- QD1492-03-02 Engineering Layout Sheet 1- Rev C
- QD1492-03-03 Engineering Layout Sheet 2- Rev C
- QD1492-03-04 Offsite Drainage Schematic- Rev B
- QD1492-03-05 Land Drainage Schematic Plan Rev B
- QD1492-04-08 Phase A SuDS General Arrangement – Rev  
C
- QD1492-04-09 Phase B SuDS General Arrangement - Rev  
C
- QD1492-04-10 Watercourse De-culverting Works - Rev  
C
- QD1492-04-12 Swale Through Northern POS - Rev A
- D210.L.002 Landscape Masterplan- Rev F
- D210.L.003 Housing Area A 1 of 3- Rev  
C
- D210.L.004 Housing Area A 2 of 3- Rev  
C
- D210.L.005 Housing Area A 3 of 3- Rev D
- D210.L.006 Housing Area B 500- Rev D
- D210.L.007 Play Area Layout
- D210.L.008 Northern Area Landscape Layout

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

3. 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; (for each phase of the development).
  - b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
  - c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
  - d) Details of adoption responsibilities.

**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 Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework 2019

4. 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.

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

**REASON** - To safeguard any Archaeological Interest in the site, and to

comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

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

**REASON** - To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

7. Prior to the commencement of the development, a Road Safety Audit shall be carried out for all 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 interests of highway safety

8. Prior to the commencement of Phase 2 of the development to be carried by Darlington Borough Council, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
  - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the 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 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) Construction Traffic Routes, including parking areas for staff and visitors.
  - d) Details of wheel washing.
  - e) Road Maintenance.
  - f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

**REASON –** In the interests of highway safety and the general amenity of the area.

9. For each phase of development, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:
  - a) Details of the enhanced glazing specifications, acoustically attenuated ventilation or alternative means of ventilation and any works to be provided to the proposed residential properties to achieve internal and external noise levels as specified above.
  - b) The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
  - c) A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

**REASON –** To safeguard the amenities of the future occupants

10. Prior to any building works commencing in 'Area H' as shown in drawing 3587OD15Rev.2 in FWS Report 3587OR04Rev03/June 2020 or at a time agreed in writing by the Local Planning Authority an addendum to the 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 for 'Area H'. 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.

**REASON** – Area H of the site may be contaminated as a result of past or current uses and it has not been possible to investigate this area and draw up a suitable remediation strategy as part of the site investigations to date. Suitable remediation in this area is needed to ensure that risks from land contamination to the future uses of the land and neighbouring area 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 2019

11. 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.

**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

12. 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.

**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

13. For each phase of the development a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in



writing. The development site or agreed phase of the 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.

**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.

14. The highway and footpath infrastructure with associated bus stops within the site to facilitate the extension to the bus service shall be fully implemented to adoptable standard and available for use prior to the completion of the 100<sup>th</sup> dwelling unless otherwise agreed in writing by the local planning authority

**REASON** - To ensure that a bus service can be operational within the development

15. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:

- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market 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 RSL is involved);
- c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- 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;
- e) 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.

Unless otherwise agreed by the Local Planning Authority

**REASON** - To comply with Council Housing Policy.

16. The phase of the development to be carried out by Esh Homes and Phase 1 of the development to be carried by Darlington Borough Council shall not be carried out otherwise than in complete accordance with Construction Management Plan documents received 2 June 2020 unless otherwise agreed in writing by the local planning authority.

**REASON** – In the interests of highway safety and the general amenity of the area

17. For the avoidance of doubt, construction work, including deliveries, within each phase of development, 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 interests of the general amenity of the area

18. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

**REASON** – In the interest of safeguarding bird habitats

19. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document "Great Crested Survey Report" (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved 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 safeguarding great crested newts

20. The public lighting scheme shall be carried out otherwise in complete accordance with the details contained within the email from the Darlington Borough Council Street Lighting Engineer dated 29 April 2020 unless otherwise agreed in writing by the local planning authority

**REASON** - To safeguard habitats and protected species within the development site.

21. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall be remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – To ensure that the footpaths remain safe and accessible to members of the public

22. The development hereby approved, shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

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

23. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document Framework Travel Plan (107663-003 v7 ) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority

**REASON** – To encourage and promote the use of sustainable modes of transport

### Outline Application

24. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -

- a) access
- b) appearance
- c) landscaping
- d) layout
- e) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

**REASON** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

25. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

**REASON** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

26. The planning application made pursuant to condition 24 shall not propose more than 144 dwellings.

**REASON** - For the avoidance of doubt

27. 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; (for each phase of the development).
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
- c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
- d) Details of adoption responsibilities

**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 Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

28. 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.

29. Prior to the commencement of the development, 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 interests of highway safety

30. Prior to the commencement of the development, precise details of the internal highways layout; site access junction; cycle parking provision and

parking provision 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 interests of highway safety

31. Prior to the commencement of the development, a vehicle swept path analysis shall be undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

**REASON –** In the interests of highway safety

32. Prior to the commencement of the of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the 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 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) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

**REASON –** In the interests of highway safety and the general amenity of the area

33. For the avoidance of doubt, construction work, including deliveries, within each phase of development, 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 interests of the general amenity of the area

34. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:

- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market 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 RSL is involved);
- c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- 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;
- e) 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.

Unless otherwise agreed by the Local Planning Authority.

**REASON** - To comply with Council Housing Policy.

35. 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.

**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

36. 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.

**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

37. For the development, or each phase, a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of the 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.

**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.

38. For the development, or each phase, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:

- a. Details of the enhanced glazing specifications, acoustically attenuated

ventilation or alternative means of ventilation and any works to be provided to the proposed residential properties to achieve internal and external noise levels as specified above.

- b. The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
- c. A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

**REASON –** To safeguard the amenities of the future occupants

39. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

**REASON –** In the interest of safeguarding bird habitats

40. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document "Great Crested Survey Report" (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved 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 safeguarding great crested newts

41. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON –** To ensure that the footpaths remain safe and accessible to members of the public

42. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document



Framework Travel Plan (107663-003 v7 ) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – To encourage and promote the use of sustainable modes of transport.

43. The development hereby approved shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

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

44. Prior to the occupation of the first dwelling, the infrastructure associated with connectivity of telephone lines and internet including trunking capacity shall be put in place.

**REASON** – To ensure that sufficient infrastructure is in place on site before the development is occupied in accordance with the requirements of the National Planning Policy Framework (NPPF) and to avoid any unnecessary disruption to residents following completion of the development.

(**NOTE:** Councillor Tait subsequently declared a non-pecuniary interest in Minute PA18 as an employee of a telecommunications company).

#### **PA19 44 THE GREEN, HURWORTH (19/01071/FUL)**

**19/01071/FUL** – Demolition of existing garage/garden building and erection of 1 no. dwelling with attached triple garage (re-submission).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), a number of objections outlined within the submitted report, one letter of support received, and one further representation received subsequent to the circulation of the report, which was read out to the Committee during the meeting).

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

1. A3 (Standard 3 year time limit)
2. PL00
  - (a) Amended south and west elevations, drawing number 00-10
  - (b) Elevations sheet 2, drawing number 09A
  - (c) Site plan, drawing number 05A

- (d) Ground floor plan, drawing number 06A
- (e) First floor plan, drawing number 07A
- (f) Gates, drawing number 20

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development within Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) or Part 2 (Minor operations) shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

**REASON** – In the interests of visual and residential amenity and to protect the significance of heritage assets surrounding the site

4. The development hereby permitted shall be carried out in complete accordance with the Construction Management Plan/Access Statement prepared for 44 The Green prepared by Jeff Blackwell, dated 21 August 2019

**REASON** – In the interests of residential amenity and highway safety.

5. 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 or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

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

6. E11 (Tree Protection Measures)

**PA20 44 THE GREEN, HURWORTH (19/01138/LBC)**

**19/01138/LBC** – Listed building consent for alterations to boundary wall to create vehicular access, erection of new timber gates and brick pillars with finials.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), a number of objections outlined within the submitted report, one letter of support received, and one further representation received subsequent to the circulation of the report, which was read out to the Committee during the meeting).

**RESOLVED** – That Listed Building Consent be granted subject to the following conditions:

- 1. A5 (Standard 3 year time limit – listed buildings)
- 2. PL00
  - (a) Site plan, drawing number 05A
  - (b) Gates, drawing number 20

## PA21 THE DEVONPORT, MIDDLETON ONE ROW

**19/01165/FUL** - Partial conversion of Hotel (Use Class C1) to 6 No. self-contained residential apartments (Use class C3) with separate managers accommodation, erection of two storey rear extension with glazed balcony, installation of 2 No. windows to basement, 2 No. windows to western elevation, reinstatement of front door and reconfiguration of rear garden, car park and service yard (Amended site layout plan received 14 January 2019 Amended plans received 9 May 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objection, one letter of support received, the lack of any objection from Middleton St. George Parish Council, two further representations received subsequent to the circulation of the report which were read out to the Committee by the Ward Councillor, and responses to questions asked of the Applicant's Agent during the meeting).

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

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019012 – 101 Rev A Block and location plan  
L019012-109 Rev B Proposed site layout plan  
L019012-105 Proposed basement plan  
L019012 – 106 Rev A Proposed ground floor plan  
L019012 – 107 Rev B Proposed first floor plan  
L019012-108 Rev A Proposed Second floor plan  
L019012 – 110 Rev C Proposed elevations

**REASON** – To define the consent

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

**REASON** - To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

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

writing to, and approved by, the Local Planning Authority.

**REASON** - To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

5. E2 Landscaping Submission / Implementation
6. Prior to the commencement of the development, a survey of the site shall be carried out by a suitably qualified organisation, to ascertain the presence of Japanese Knotweed on the site. Should any Japanese Knotweed be found on site, a plan shall be submitted to demonstrate the method to be used to prevent further spreading and eradicate the plant and the recommendations of the plan be fully complied with.

**REASON** – In the interests of ecology.

7. All party walls within the development will be fitted with upgraded sound insulation to achieve a minimum airborne sound insulation value of 53 DnT,w + Ctr dB. Details of the scheme of enhanced sound insulation, including the specification of materials and proposed installation techniques, will be provided to the Local Planning Authority in writing prior to their installation. Installation of the approved details must be completed prior to occupation of the buildings hereby approved and thereafter shall be retained for the lifetime of the development.

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

8. Prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.
  - i) Joinery details (including doors and windows);
  - ii) Stonework and railings;
  - iii) Details of cedar boarding;
  - iv) Boundary treatment, to include brick samples and details of mortar and bonding;

The development shall not be carried out otherwise than in full accordance with the approved details.

**REASON** – To ensure that the details submitted are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

9. Unless dealt with by condition 8 (above) all external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

**REASON** – To ensure that the external materials are suitable for the

conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

10. The windows to the western elevation of the property shall be obscure glazed (hinged to open inwards), as detailed on the drawings referenced in condition 2 of this approval and shall be maintained as such for the lifetime of the development hereby approved.

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

11. No works or demolition activities, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 Saturday with no activities on Sunday or Bank/Public Holidays

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

**PA22 182 NORTHGATE**

**20/00266/FUL –** Conversion of building to provide 2 No. retail units (Use class A1) and 24 No. apartments (Use Class C3) including demolition of delivery/goods bay to the rear, erection of second floor extension incorporating mezzanine floor and pitched roof, creation of external amenity areas, cladding to elevations, bin storage, cycle provision, retail storage, access and delivery area and associated internal and external alterations.

(**NOTE:** This item was withdrawn from the Agenda at the outset of the meeting).

**PA23 58 MONTROSE STREET**

**20/00248/FUL –** Conversion of existing dwelling into 2 No. 2 bed flats including demolition of existing garage, creation of refuse and cycle storage areas and alterations to windows and doors (as amended by plan received 12 May 2020)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eleven objections to the original application, which were outlined within the submitted report, six further objections received following the submission of amended plans, and four further objections received subsequent to the circulation of the report, which were read out to the Committee during the meeting).

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

1. A3 – Implementation Limit (Three Years)
2. 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 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.

3. All bathroom windows shown on the approved plan shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

**REASON** - To safeguard the amenities of the neighbouring dwellings.

4. No works or demolition activities, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays.

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

5. All gates shall open inwards and not outwards over the public highway

**REASON** - In the interests of highway safety

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

- a) Drawing Number 2020/0016/0002 REV D – Plans and Elevations as Proposed

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

#### **PA24 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.

#### **PA25 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 22 JULY 2020 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA14/July/2020, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22 July 2020.

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