

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 29 September 2021

APPLICATION REF. NO: 21/00977/DC

STATUTORY DECISION DATE: 12 November 2021

WARD/PARISH: HUMMERSKNOTT

LOCATION: Agricultural Lane and Crematorium, West Cemetery, Carmel Road North

DESCRIPTION: Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 17 (wall to southern boundary) attached to planning permission 21/00271/DC dated 10 June 2021 (Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 14 (Drainage) attached to planning permission 19/01185/DC dated 09 March 2020 (Refurbishment of existing crematorium including conversion of existing chapel into office space and erection of chapel, car parking, external lighting, floral tribute area and garden of remembrance on agricultural land adjacent to cemetery to allow an increased discharge rate of 5 l/sec rather than 3.5 l/sec) to omit wall from southern boundary and replace with fence and associated landscaping

APPLICANT: Mr Dave Winstanley

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXQA6QFP0G300>

APPLICATION AND SITE DESCRIPTION

1. Members considered a planning application, 19/01185/DC, for development in connection with proposals to update and enhance existing chapel and crematorium facilities at West Cemetery in March 2020. The application proposed the refurbishment of the existing crematorium to provide upgraded cremation facilities and office space, and the erection of a new chapel, car parking, external lighting, floral tribute area and garden of remembrance on agricultural land to the west of the existing cemetery. Members resolved to grant planning permission subject to a number of conditions covering a range of matters including ecology, landscaping and tree protection, archaeology, and drainage. A further Section 73 application to vary the wording of condition 14 (drainage), 21/00271/DC, was considered and approved by Members in June 2021.
2. Condition 17 of both permissions (19/01185/DC and 21/00271/DC) requires that prior to the chapel being constructed above damp proof course level, details of a wall and associated landscaping to be built along the southern boundary of the site must be submitted and approved in writing. Thereafter the wall and landscaping should be implemented in accordance with the approved details prior the chapel first being brought into use. The wall and landscaping are required to provide screening between the properties on Salutation Road and the chapel and the grounds. The precise wording of the condition is set out below:

Prior to the chapel building hereby approved being constructed above damp proof course level, details of a wall to be constructed along the southern boundary of the application site and associated landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the wall and landscaping scheme shall be implemented in full in accordance with the approved details prior to the chapel first being brought into use.
3. An application to discharge condition 17, and a number of other planning conditions, (20/00952/CON) was submitted in October 2020. The application provided details of a proposed 2 metre high brick wall to be erected for a length of approximately 30 metres set forward approximately 9 metres of the rear boundaries of 78 – 86 Salutation Road. The application also proposed the planting of a number of specimen trees along the southern boundary to supplement existing mature/semi-mature trees along this boundary.
4. In response to the public consultation exercise undertaken in connection with this application (at Members' request) a number of objections were received which concerned the short length of the wall, the maintenance of the land between the existing garden boundaries and the proposed wall, and the adequacy of the landscaping proposals.

5. This planning application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the wording of condition 17 to allow the erection of the fence in lieu of a wall and for associated landscaping proposals, in response to the concerns expressed regarding the previous proposals. The application now proposes the erection of a 2.4 metre high vertical timber boarded fence approximately 100 metres in length, adjacent to the rear boundaries of 78 – 106 Salutation Road to the south of the site. The fence will be set in between 16 and 28 metres from the rear boundaries of these properties, accounting for a step in the position of these boundary fences, behind which 14 trees (species) will be planted along the length of the proposed fence. An area of species rich grassland and a wildflower meadow, as part of the ecology proposals for the wider site, will also be created either side of the fence. A total of 6 no. hedgehog-friendly gravel boards are to be installed at regular intervals along the length of the fence. No other changes to the approved scheme are proposed as part of this application.

SECTION 73 APPLICATION PROCESS

6. Section 73 of the Town and Country Planning Act 1990 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Planning Practice Guidance states that an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Applications cannot be made under Section 73 to extend the time limit within which a development must be started and where an application under Section 73 is granted the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

7. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the opinion of the Local Planning Authority, the proposal is development for which an Environmental Impact Assessment **is not required** as the development would not be likely to have significant effects on the environment by virtue of factors such as nature, size, or location.

MAIN PLANNING ISSUES

8. An application under Section 73 is an application for planning permission and therefore Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, is relevant. The

National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

9. Since the application proposes only to vary the wording of condition 17, to allow the erection of a fence in place of a wall, with associated landscaping, and as the proposal in all other respects remains unchanged from that considered by Members in March 2020, with no subsequent change in either local or national planning policy since this time, consideration of the application will be limited to the acceptability of otherwise of the proposed wall and landscaping having regard to the relevant national and local planning policies as set out on the Planning Policies section of this report and considered in detail in the main body of the report. It is not necessary to revisit the principle of development or re-assess any other aspects of the proposal.

PLANNING POLICIES

10. Relevant planning policies include those seeking to ensure that new development:
 - Makes efficient use of land, buildings, and resources, reflects the character of the local area, creates a safe and secure environment (Policy CS2)
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural, and environmental townscapes (Policy CS14)
 - Would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping and protects and enhances mature trees and hedgerows (Policy CS15, Saved Policy E20)
 - Protects and, where possible, improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity, and the health and safety of the community (Policy CS16)

RESULTS OF TECHNICAL CONSULTATION

11. No objection in principle has been raised by the Council's Environmental Health Officer, Highway Engineer or Transport Policy Section. Durham County Archaeology and Northern Gas similarly raise no objection. Neither the Gardens Trust nor Northumbrian Water Ltd wish to comment on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

12. Ten letters of objection have been received from residents which raise the following issues:
 - Residents of Salutation Road promised a wall when planning application approved in March 2020
 - A wall has stood the test of time since 1850s around perimeter of West Cemetery
 - Fence has 15 year lifespan

- Do not feel fence would achieve same longevity or security as wall
- Maintenance plan should form part of planning application to ensure maintenance of site is on-going
- Landscaping and tree planting will not mature sufficiently to provide adequate screening once fence reached end of its lifespan
- Not all tree species within landscaping scheme will provide same degree of screening/security
- Ecological and amenity impacts of lighting of chapel and car park
- Decision to replace wall with fence made on cost
- Fence should be reduced in height to blend in with surroundings
- Plans do not show reduction in height of lighting or provision of CCTV as discussed with Senior Council Officers and Members
- Plans do not show position of French drain
- Concerns regarding drainage strategy

PLANNING ISSUES/ANALYSIS

(a) Impact on Residential Amenity

13. At their nearest point, the chapel, car park and turning area will be located between 160 and 120 metres respectively from the rear gardens of properties on Salutation Road to the south. A noise assessment submitted with the original application, considered the impact of the proposed development within West Cemetery on nearest noise sensitive receptors, including residential properties to the north and south and the care home to the south west. The assessment concluded that the proposed chapel and car parking development will be of low impact in accordance with BS4142 and this element of the proposal complies with Policy CS16 and the requirements of the National Planning Policy Framework in terms of noise impact. On this basis, the noise impact assessment considered no further noise mitigation measures were required.
14. The purpose of condition 17 and the requirement to build a wall and provide additional landscaping along the southern boundary of the site is however to ensure there is appropriate screening between the residential properties on Salutation Road and the adjacent chapel site. This is to ensure that appropriate privacy levels can be achieved both for residents of Salutation Road enjoying their properties and rear gardens and for visitors to the chapel and grounds. It was not intended that the wall and landscape planting would completely obscure the chapel and grounds, rather it would provide a degree of screening and act as a visual buffer between dwellings and their gardens on one side and the chapel and activities within its grounds on the other.
15. The original planning application also secured by condition the provision of a 2.4 metre high close boarded timber fence immediately adjacent to a new service road constructed along the eastern boundary of the chapel site leading into the cemetery, to limit views of the electric transfer vehicles as they move between the service yard at the chapel into the cemetery to the crematorium. The proposed fence would match this fence in terms

of its height, appearance and construction and would adjoin its western side before continuing adjacent to the southern boundary.

16. The main issue for consideration is therefore whether the variation of condition 17, to provide a 2.4 metre high close boarded timber fence extending a distance of approximately 100 metres adjacent to the southern boundary of the site, and associated landscape planting, in lieu of a wall would provide appropriate standards of residential amenity in this location by providing a visual buffer between the chapel to the north and residential development to the south. As the fence will be set approximately 16 – 28 metres from the rear garden boundaries of properties on Salutation Road it is not considered that the fence itself will have any discernible impact on the amenities of these properties in terms of loss of light or outlook.
17. The proposed fence at 2.4 metres in height, surrounded by additional tree planting, wildflower meadow and species-rich grassland planting will provide a substantial buffer between these two land uses. While the chapel, car park and associated activities will still be visible from the rear of these properties, in view of the separation distances involved (between 120 and 160 metres) the proposed fencing and landscaping is considered to be an acceptable solution to providing screening between the residential properties to the south and the chapel to the north. The proposed fence will extend the full length of the southern boundary, approximately 100 metres, whereas the proposed wall was limited to a short 30 metre section in the south east corner of the site.
18. The fence has also been moved further away from the southern boundary to allow for an increased amount of tree and landscape planting in this area. As with any landscape planting scheme this will take time to reach full maturity, however a total of 14 no. heavy standard trees are proposed (12 – 14cm girth), which together with additional shrub and wildflower meadow/species-rich grassland planting will reinforce the screening of the site when viewed from the properties to the south as they reach maturity.
19. One issue raised by objection is the ability of the proposed landscaping scheme to provide appropriate screening of the site in view of the limited lifespan of a fence when compared to a wall. It is not intended that the fence be in situ for a time-limited period. The proposed fence and landscaping are intended as a package of measures to provide an appropriate degree of screening, privacy and separation for both residents and visitors to the chapel and grounds. It is therefore proposed that condition 17 in its amended form also seeks to ensure the fence is maintained in accordance with the approved details for the lifetime of the development such that if it were to deteriorate there would be a requirement to maintain or replace the fence to the satisfaction of the local planning authority.
20. A further matter raised by objection is the effect of the lighting columns within the cemetery grounds and at the chapel on the amenities of residential properties. This application proposes no change to the approved lighting scheme which involves the installation of a number of lighting columns along the existing central roadway through the cemetery and some wall mounted down lighting to the new chapel building. As such,

this does not fall to be considered as part of this application. That aside, following an assessment of the submitted lighting plans when considered as part of the original application, the Environmental Health Officer advised that the lighting proposed and its distance from surrounding properties was not considered to adversely affect the amenity of surrounding sensitive receptors.

21. A planning application (21/01063/DC) for the creation of additional burial plots on land to the south of the chapel building and to the north of the maintenance building has recently been received. This is a resubmission of a previous application (20/01212/DC) which was withdrawn to allow the concerns of the Environment Agency to be addressed. This application is in the early stages of consultation and is under consideration, however the impact of activities associated with the proposed burial ground on the amenities of properties on Salutation Road to the south will also be considered as part of that application. Should any further amendments to the boundary treatment be required as a result of the burial ground proposals then this will be considered at that time.
22. Notwithstanding this, in view of the separation distances between the properties on Salutation Road to the south and the approved chapel, car park and grounds to the north, it is considered that the proposed 2.4 metre high fence and associated landscaping will provide an appropriate visual buffer between these two areas, reinforcing the entire southern boundary of the site with a fence and comprehensive package of landscaping proposals which will mature over time. It is proposed to amend the wording of condition 17 to require a fence to be in place for the lifetime of the development to ensure that existing privacy levels are maintained. Similarly, condition 3 would secure the maintenance of the landscaping proposals for the standard 5-year period. On this basis, the proposal is considered to comply with Policy CS16.

(b) Impact on Visual Amenity

23. The proposed 2.4 metre high fence has been designed to match that to be erected adjacent to the service road which will run along the east of the chapel site adjacent to the western boundary of the cemetery. The proposed fence will adjoin the service road fence and will be off-set from the brick boundary wall that encloses West Cemetery, a Grade II Registered Park and Garden, by approximately 12 metres. The proposed fence and associated landscaping proposals will have little discernible impact on key views within the registered park and garden, when looking east and west along the main avenue. Furthermore, the fence and landscaping to the south of the chapel site will distinguish between the more formal brick walling that encloses the cemetery itself and is more reflective of means of enclosure that surrounding certain elements of development taking place on the chapel site to the west of the cemetery.
24. The proposal is therefore considered to be acceptable in terms of its visual impact and will not result in harm to the setting of West Cemetery, a Grade II Registered Park and Garden. The proposal therefore complies with Policies CS2 and CS14 and the NPPF.

(c) Trees and Ecology

25. As part of the original application, there was a requirement to provide an area of species-rich grassland on land to the south of the site which together with the approved landscaping plan and additional tree planting surrounding the chapel and car park, to offset the loss of semi-improved grasslands on the chapel site and to ensure there will be no net loss of biodiversity as a result of the development. The planting of additional trees immediately to the south of the proposed fence, over and above that originally proposed in addition to the creation of an area of wildflower meadow, will result in an overall net gain in terms of biodiversity, thereby complying with Policy CS16 and the NPPF in this regard.

(c) Other Matters

26. The maintenance of the land to the south of the fence has been raised by a number of objectors, with a request that a maintenance plan forms part of any planning permission granted and is the subject of a planning condition to ensure compliance. The land is Council-owned land and the Council has a responsibility as landowner to maintain the land in a proper manner, with recourse to the appropriate Council department if the land is not being properly maintained.
27. Whether or not this should fall within the remit of the planning application and be controlled by planning condition is dependent upon whether such a condition would meet the relevant tests for planning conditions, as set out in guidance on the use of planning conditions contained in paragraph 56 of the NPPF, 2021. This states that *'planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'*.
28. In this case, the maintenance of the land is controlled by the Council as landowner and as such a planning condition is not considered to meet the tests of being necessary, relevant to the development or reasonable in the same way that the maintenance of the wider cemetery and chapel sites would not be brought under the control of the planning system by condition.
29. Reference is made in other objections to the submitted plans not showing the proposed French drain to the north of residents' gardens. The proposed drain is unaffected by this application and will still be installed as stated in previous planning applications and will be secured by planning condition. Similarly, the wider drainage strategy has been referred to by an objector which does not fall to be considered as part of this application, having been the subject of the previous Section 73 application, 21/00271/DC, and discharge of condition application, 20/00952/CON.

CONCLUSION AND RECOMMENDATION

30. The provision of a 2.4 metre high close boarded timber fence and associated landscape planting on land adjacent to the southern boundary of the chapel site to the west of West

Cemetery is considered to be acceptable in terms of providing an appropriate visual buffer between the properties on Salutation Road and their rear gardens and the chapel, car park and grounds to the north, to provide an appropriate degree of privacy and screening both for residents and visitors to the chapel and its grounds. The proposed fence does not give rise to any issues of visual amenity and does not affect the setting of the adjacent West Cemetery, being a Grade II Registered Park and Garden. In this regard, the variation of condition 17 to provide a fence instead of a wall is not considered to diminish the purpose of that condition. No other changes are proposed to the approved scheme as part of this application, and it is not considered necessary to revisit the principle of development or re-assess any other aspects of the proposal. As this is an application under Section 73 of the Town and Country Planning Act 1990, it is also necessary to repeat the relevant conditions for clarity. Accordingly, it is recommended that:

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be commenced not later than 9 March 2023.

REASON – To accord with the provisions of Section 73 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:
 - (a) Proposed site plan, drawing number DC19002/A/020 C3 dated 19.12.2019
 - (b) Proposed site plan – crematorium, existing car parking and passing places, drawing number DC19002/A/021 P1 dated 18.12.2019
 - (c) Proposed site plan – chapel, drawing number DC19002/A/022 C3 dated 19.12.2019
 - (d) Proposed external works – fencing, drawing number DC19002/A/035 C3 dated 19.12.2019
 - (e) Proposed external works – fencing details, drawing number DC19002/A/036 P1 dated 19.12.2019
 - (f) Contractors compound and access plan - sheet 1 of 2, drawing number DC19002/A/040 P1 dated 29.11.2019
 - (g) Contractors compound and access plan – sheet 2 of 2, drawing number DC19002/A/041 P1 dated 29.11.2019
 - (h) Proposed ground floor plan – chapel, drawing number DC19002/A/101 P1 dated 28.10.2019
 - (i) Proposed ground floor plan – crematorium, drawing number DC19002/A/120 P1 dated 03.12.2019
 - (j) Proposed roof plan – crematorium, drawing number DC19002/A/130 P1 dated 16.12.2019
 - (k) Proposed roof plan – chapel, drawing number DC19002/A/131 P1 dated 12.11.2019

- (l) Proposed elevations – crematorium, drawing number DC19002/A/220 P1 dated 10.12.19
- (m) Proposed chapel elevations, drawing number DC19002/A/221 P1 dated 28.10.2019
- (n) Proposed site sections – chapel, sheet 1 of 3, drawing number DC19002/A/320 P1 dated 19.12.2019
- (o) Proposed site sections – chapel, sheet 2 of 3, drawing number DC19002/A/321 P1 dated 19.12.2019
- (p) Proposed site sections – chapel, sheet 3 of 3, drawing number DC19002/A/322 P1 dated 19.12.2019
- (q) Landscape concept, drawing number BA9684LAN-C dated 8.8.2021 issue I
- (r) Landscape planting detail, drawing number BA9684 LAN-D dated 8.8.2021 issue I
- (s) Landscape planting detail, drawing number BA9684LAN-D1 dated 8.8.2021 issue I
- (t) Landscape planting detail, drawing number BA9684LAN-D2 dated 8.8.2021 issue I
- (u) Landscape planting detail, drawing number BA9684LAN-D3 dated 8.8.2021 issue I
- (v) Landscape planting detail, drawing number BA9684LAN-DLC dated 8.8.2021 issue I
- (w) Landscape specification, drawing number BA9684-LAN-S dated 8.8.2021 issue I
- (x) Outline drainage strategy – chapel, drawing number DC19002-APP-00-XX-DR-C-30001-S3 P06 dated 12.7.2019
- (y) Outline surfacing and level strategy, drawing number DC19002-APP-00-XX-DR-C-30002-S3 P05 dated 12.7.2019
- (z) External lighting and trenching layout sheet 1 of 2, drawing number DC19002/A/607 T1 dated February 2020
- (aa) External lighting and trenching layout sheet 2 of 2, drawing number DC19002/E/608 T1 dated February 2020

REASON – To define the consent

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

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

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

REASON – To comply with Policy CS15.

5. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing, the Local Planning Authority. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenity of the area and to ensure compliance with Policy CS15.

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

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

7. The demolition and construction phase of the development hereby permitted shall be carried out in strict accordance with the measures set out in the 'West Cemetery Crematorium Construction Management Plan Revision 1' dated December 2019.

REASON – In the interests of highway safety and residential amenity

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

REASON – In the interest of residential amenity

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

REASON – In the interest of residential and visual amenity

10. Prior to the new chapel hereby permitted first being brought into use, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until

the approved details have been implemented in full and shall be retained for the lifetime of the development.

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

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

REASON – In the interests of visual and residential amenity

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

REASON – To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework. A pre-commencement condition is required as the archaeological investigation/mitigation must be devised prior to the development being implemented

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON – To comply with paragraph 199 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

14. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Outline Drainage Strategy – Chapel' dated 2019-12-05. The drainage scheme shall ensure that foul and surface water flows discharge to the public sewerage network via the existing private on site drainage. The additional surface water generated from the new development element of the proposal shall not exceed 5l/sec

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

15. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable 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:
 - I. Detailed design of the surface water management system;
 - II. A built program and timetable for the provision of the critical surface water drainage infrastructure
 - III. A management plan detailing how surface water runoff from the site will be managed during the construction phase

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

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

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

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

17. The fence to be built on land adjacent to the southern boundary of the chapel site and associated landscaping scheme hereby approved shall be implemented in accordance with the plans referred to in condition 2 of this permission prior to the chapel first being brought into use. Thereafter, the fence shall be maintained in accordance with the approved details for the lifetime of the development to the satisfaction of the Local Planning Authority.

REASON – In the interests of visual and residential amenity

18. Prior to the chapel hereby approved being constructed above damp proof course level, details of a wall to be constructed along the southern boundary of the application site and associated landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the wall and landscaping scheme shall be

implemented in full in accordance with the approved details prior to the chapel first being brought into use.

REASON – In the interests of visual and residential amenity