

PLANNING APPLICATIONS COMMITTEE

Wednesday, 27 October 2021

PRESENT – Councillors Mrs D Jones (Chair), Allen, Clarke, Heslop, Laing, Lee, McCollom, Sowerby, Tait and Tostevin.

APOLOGIES – Councillors Cossins, Lister and Wallis.

ALSO IN ATTENDANCE – Councillor Johnson.

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).

PA52 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA53 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 29 SEPTEMBER 2021

RESOLVED – That the Minutes of this Committee held on 29 September 2021, be approved as a correct record.

PA54 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A1	<p>The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :-</p> <ul style="list-style-type: none">(a) access(b) appearance(c) landscaping(d) layout(e) scale <p>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.</p> <p>Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p>
A2	<p>The development shall be begun two years from the final approval of the 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.</p> <p>Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.</p>
A3	Implementation Limit (Three Years)

	<p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
B4	<p>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.</p> <p>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.</p>
E3	<p>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 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 - In the interests of the visual amenities of the area.</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>

PA55 3 MEADOWBANK CLOSE, HURWORTH PLACE

21/00780/CU - Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of the Council's Rights of Way Officer, the objections of the Stockton and Darlington Railway HAZ Project Manager, the objections of the Friends of Stockton and Darlington Railway, five letters of objection received, and the views of the Applicant whom the Committee heard).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing

no. 795-01 - Rev A.

REASON – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2.

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

- Drwg. No. 798-01 – Proposed Site Layout and Fence Detail

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

PA56 2 MEADOWBANK CLOSE, HURWORTH PLACE

21/00798/CU - Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property (Retrospective Application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of the Council's Rights of Way Officer, the objections of Hurworth Parish Council, the objections of the Stockton and Darlington Railway HAZ Project Manager, the objections of the Friends of the Stockton and Darlington Railway, and five letters of objection received).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing no. 795-01 - Rev A.

REASON – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2.

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

- Drwg. No. 795-01 - Rev A – Proposed Site Layout and Fence Detail
- Drwg. No. TCP01 - July 2021 Tree Constraints Plan

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

PA57 274 CARMEL ROAD NORTH

21/00964/FUL - Erection of a porch with new stepped access to the front elevation, the

demolition of the existing detached garage and the erection of a single storey rear extension incorporating the insertion of 2 no. Roof-Lights, conversion of the existing loft into a habitable space incorporating the insertion of a hip to gable roof extension with extended rear dormer and the formation of additional blocked paved parking area to front of property and associated internal alterations (amended description 14.10.2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received, and the views of one objector, whom the Committee heard).

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

1. 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.

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - To ensure that the external appearance of the development is of an appropriate design in accordance with Saved Policy H12 (Alterations and extensions to existing dwellings) of the Borough of Darlington Local Plan 1997 (Alterations 2001).

3. PL00 Approved Plans.

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

- Dwg No. 2021/152/F1 - Existing and Proposed Layout.
- Dwg No. 2021/152/F2 - Block Plan.
- Dwg No. 2021/152/F2 REV A - Block Plan Indicating Trees.

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

4. D1 - Obscure Glazing

The window formed in the north elevation serving the stairwell and the window formed in the east elevation serving the shower room shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.

PA58 OUTBUILDING TO REAR OF 496 CONISCLIFFE ROAD

21/00861/FUL - Conversion, alteration and extension of outbuilding to form 1 no. 3 bed dwelling (amended plans received 5 October 2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection received, a representation received from a neighbouring resident, a further objection received following the submission of amended plans, a further objection received subsequent to the publication of the report, and the views of the Ward Councillor and an objector, whom the Committee heard).

RESOLVED – That this item be deferred to a future meeting following a site visit by Members.

REASON – To enable Members to obtain a better understanding of the site.

PA59 1 HALL VIEW GROVE

21/00789/FUL - Erection of a two storey side extension to west elevation, re-location of 1.8m high side boundary fence, widening of existing drive to create extra off-street parking and the erection of a detached summerhouse in the rear garden (as amended by plans received 26.07.21 and 04.10.21).

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

RESOLVED – That Planning Permission be refused.

REASON - The repositioning of the fence to the western boundary of the site would result in the reduction of land which is public open space, which is of benefit to the community. This would set a unacceptable precedent for similar applications in the locality.

PA60 10 CHATSWORTH TERRACE, DARLINGTON

21/00797/OUT - Outline planning permission for residential development of up to 3 dwellings with all matters reserved.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection received, and the views of an objector, whom the Committee heard).

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

1. A1 Outline (Reserved matters)
2. A2 Outline (Implementation Time)
3. PL (Accordance with Plan)

Site Location Plan

02 Block Plan / site layout plan

4. B4 External materials
5. E3 Landscaping (Implementation)
6. Prior to the commencement of the development, precise details of internal driveway(s) and vehicle parking shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces/garages and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

7. Prior to the commencement of the development, precise details of 2 No, in curtilage vehicle parking spaces for No, 10 Chatsworth Terrace, shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces/garages and the development shall not be carried out otherwise than in complete accordance with the approved details. Parking Spaces shall be made available prior to the demolition of existing garages and retained permanently thereafter.

REASON - In the interests of highway safety.

8. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

9. Construction and demolition work shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interests of residential amenity.

10. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

REASON – In the interests of highway safety.

11. Prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle

stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To provide adequate facilities to encourage the use of sustainable modes of transport.

12. Prior to the commencement of the development and any site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

13. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised, and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the

Local Planning Authority dispenses with the requirement specifically and in writing.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

15. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to, and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

16. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

17. 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.

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post

remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework

18. 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 approved details.

REASON – In the interests of visual and residential amenity.

19. Prior to the occupation of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the agreed boundary treatment shall be in place prior to the occupation of the development.

REASON – In the interests of visual and residential amenity.

20. Prior to the commencement of the development hereby approved, details of measures to secure biodiversity net gains, to include built-in nesting opportunities for birds and invertebrates into the fabric of the new builds, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the agreed measures shall be fully implemented in the carrying out of the development and shall remain in place thereafter.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) and to provide biodiversity net gains in accordance with the requirements of the National Planning Policy Framework.

PA61 15 STATION TERRACE, MIDDLETON ST GEORGE

21/00922/FUL - Change of Use from ground floor shop (Use Class E) with living accommodation above (Use Class C3) to ground and first floor shop/cafe (Use Class E)

including new shop front with level access to front elevation, new shop windows with level access door and painted mural to side elevation, alterations and replacement to all other windows and associated internal works (Amended Plans to show parking space received 21st September 2021) (Amended opening times to 8am - 6pm Monday - Saturday, 10am-4pm Sundays and Bank Holidays) (Amended Plans showing alterations to rear windows, sound proofing upgrade to party wall, low odour extraction system and roof insulation received 29th September 2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway's Engineer, three letters of objection received, thirty letters of support received, and the views of the Applicant, one objector and one supporter whom the Committee heard).

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

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The use hereby approved shall not open outside the hours 08:00am – 18:00pm Monday to Saturday and 10:00am – 16:00pm Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of residential amenity.

3. The change of use shall not take place unless plan drawing 21.149 PD 06B (Amended Ground Floor Plan Proposed) hereby submitted is amended so that off-street parking spaces are provided within the forecourt to the north and accessed directly from Heathfield Park, the street name plate is relocated and a low form of barrier is erected to prevent vehicle trespass of the tactile paving and access/egress of the junction submitted and approved in writing by the Local Planning Authority, any such works shall be implemented prior to the operation of the use in accordance with those approved details.

REASON - In the interests of Highway Safety.

4. Outdoor seating will not be permitted within the forecourt area located to the north of the application site as shown in plan drawing 21.149 PD 06B (Amended Ground Floor Plan Proposed) hereby submitted. The forecourt area shall be for the use of vehicle and cycle parking only.

REASON - To ensure additional seating is not provided without mitigating an increased parking shortfall in the interests of residential amenity.

5. Details of Mural

Prior to the installation of the proposed advertisement detailed in plan drawing

21.149 PD 09A (Amended Gable Elevation Proposed), details of the advertisement shall be submitted under a separate advertisement consent application.

REASON - In the interests of visual amenity.

6. The number of covers to be provided shall be limited to 20 covers at any one time.

REASON - In the interests of protecting residential amenity.

7. PL

The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

- Location Plan
- 21.149 PD 07A Amended First Floor Plan Proposed
- 21.149 PD 08A Amended Front and Rear Elevations Proposed
- 21.149 PD 09A Amended Gable Elevation Proposed
- 21.149 PD 10A Amended Proposed Section and Return Boundary Elevation

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

PA62 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that, Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Bellway Homes Limited and Lateral Investments Ltd against this Authority's decision to refuse permission for the Development proposed in Outline Application with associated access for residential development up to 150 dwellings (19/01072/OUT).

RESOLVED – That the report be received.

PA63 NOTIFICATION OF APPEALS

The Chief Executive reported that:-

Ms Barbara Dewing has appealed against this Authority's decision to refuse consent for works for Erection of 1 no. dwelling with 2 no. car parking spaces accessed off Rose Lane; associated amenity space and pedestrian access via Nos 1 and 3 Stockton Road at Land to the rear of 1 and 1a Stockton Road, Darlington, DL1 2RX (20/01231/FUL)

Mr William Gate has appealed against this Authority's decision to refuse consent for works for Change of use of land from former coal depot to storage of building materials (Use Class B8 Storage and Distribution) at Former (Bank Top) Coal Depot Site (Land adjacent to train lines), Melland Street, Darlington, DL1 1S (21/00721/CU)

Mr Tim Jones has appealed against this Authority's decision to refuse consent for works for Erection of detached double garage at Mulberry House, 21C Roundhill Road, Hurworth, DL2

2ED (21/00516/FUL)

RESOLVED – That the report be received.

PA64 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.

PA65 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 15 OCTOBER 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA51/Sept/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 15 October 2021.

RESOLVED - That the report be noted.