

PLANNING APPLICATIONS COMMITTEE

Wednesday, 19 January 2022

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

APOLOGIES – Councillors Lister, Sowerby and Wallis,

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)

PA75 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA76 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 24 NOVEMBER 2021

RESOLVED – That the Minutes of this Committee held on 24 November 2021, be approved as a correct record.

PA77 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, Reason - To define the consent.

PA78 24 WOODLAND TERRACE, DARLINGTON

21/00644/FUL – Erection of two storey rear extension and associated alterations to facilitate change of use from a former shop (Use Class E) to a dwelling (Use Class C3).

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

RESOLVED – That Planning Permission be refused for the following reasons:

- (a) The development by way of its design and use of materials would adversely affect the existing character of the street contrary to Policy CS2 of the Darlington Core Strategy Development Plan Document, 2011.
- (b) The development would have an adverse impact on the amenity currently enjoyed by the adjacent and adjoining properties by reason of loss of light and outlook.

PA79 FORMER FARMERS CATTLE MARKET, CLIFTON ROAD, DARLINGTON

21/01244/DC - Construction of a temporary car park and associated works (additional tree works information received 8 December 2021, amended car park layout plans, additional heritage statement and response to consultation comments received 10 December 2021, further response to consultation comments received 17 December 2021 and amended flood risk assessment and drainage strategy received 23 December 2021).

(NOTE: This application was withdrawn from the Agenda at the meeting).

PA80 RESERVOIR (DISUSED), DARLINGTON ROAD, SADBERGE

21/00915/RM1 - Application for reserved matters approval relating to access, appearance, landscaping, layout and scale for the erection of 46 no. dwellings and associated works pursuant to planning permission 19/00339/OUT dated 06 Feb 2020 (Outline planning permission for redevelopment of former reservoir site for residential purposes of up to 46 dwellings with all matters reserved apart from access) (amended site plan and additional boundary treatment and hard surfacing details, site sections, landscape management scheme, drainage information and reservoir wall information received 9 December 2021, additional pumping station information received 10 December 2021 and amended landscape management scheme received 21 December 2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection originally received and a further three letters of objection received in response to re-consultation, the concerns of the Council's Conservation Officer, the points raised by Sadberge Parish Council, and the views of the Applicant's Agent, whom the Committee heard).

NOTE: In speaking to the application, the Applicant's Agent advised Members that the Applicant had agreed to pay £50,000 towards the cost of a play area in lieu of the previously agreed contribution towards bus services, with a new or varied Section 106 Agreement to be

drawn up.

RESOLVED – That details be approved subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - a) Proposed site plan, drawing number 692-003 Revision C, November 2020
 - b) Proposed boundary treatment and external hard landscaping, drawing number 692-004 Revision A, June 2021
 - c) Site sections, drawing number 692-PL006 Revision A, November 2021
 - d) Coniston GA Plans & Elevations, Drawing number 692 CO-01 Revision A, June 2021
 - e) Croft GA Plans & Elevations, Drawing number 692 CR-01 Revision A, June 2021
 - f) CT1 GA Plans & Elevations, Drawing number 692 CT101 Revision A, June 2021
 - g) CT2 (Brick) GA Plans & Elevations, Drawing number 692 CT2B01 Revision A, June 2021
 - h) CT2 (Render) GA Plans & Elevations, Drawing number 692 CT2R01 Revision A, June 2021
 - i) CT3 GA Plans & Elevations, Drawing number 692 CT301 Revision A, June 2021
 - j) Ergo 1 (Brick) GA Plans & Elevations, Drawing number 692 E1B01 Revision A, June 2021
 - k) Ergo 1 (Render) GA Plans & Elevations, Drawing number 692 E1R01 Revision A, June 2021
 - l) Ergo 2 GA Plans & Elevations, Drawing number 692 E201 Revision A, June 2021
 - m) Epsom GA Plans & Elevations, Drawing number 692 EP01 Revision A, June 2021
 - n) Type 1 GA Plans & Elevations, Drawing number 692 T101 Revision A, June 2021
 - o) Type 2 GA Plans & Elevations, Drawing number 692 T201 Revision A, June 2021
 - p) Type 3 GA Plans & Elevations, Drawing number 692 T301, June 2021
 - q) Amended 'Landscape Management Specification, Darlington Road, Sadberge for Homes by Carlton' prepared by Rosetta Landscape Design received 21 December 2021.

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

2. Details of a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the dwellings hereby approved being constructed above damp proof course level. Upon approval of the scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, 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.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

21/00405/FUL - Erection of 2 no. detached dwellings (Additional information received 24th August & 13th October 2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters received, an objection from Middleton St. George Parish Council, the concerns of the Council's Conservation Officer, and the views of the Applicant's Agent, whom the Committee heard).

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

1. A3 Implementation Limit 3 years
2. PL (Accordance with Plan)
3. B4 External materials
4. A landscaping scheme, which shall include the type and location of replacement trees 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.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

5. The development shall be carried out in full accordance with the recommendations including the scheme to protect the existing trees to be retained, as set out in the Arboricultural Impact Assessment (C. Raw, April 2021) unless otherwise agreed in writing by the Local Planning Authority.

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

6. Prior to the commencement of the development hereby approved, details of measures (type and location) to secure biodiversity net gains, relating to enhancements and opportunities for birds and bats, 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.

7. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal (Land at Brake House, Middleton St George, OS Ecology Limited, April 2021) including detailed method statements undertaken by a qualified Ecologist, unless otherwise agreed in writing by the Local Planning Authority.

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.

8. 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.

9. 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.

10. 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 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.

11. Prior to the commencement 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".
 - (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 residential amenity and highway safety.

12. No construction activities, including the use of plant and machinery, 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 without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

13. 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.

14. 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.

15. 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.

PA82 CHILDHOOD OBESITY PLANNING OPTIONS IN RELATION TO HOT FOOD TAKEAWAYS

Pursuant to Minute HWBB4/Sept/2021 of the Health and Well-Being Board, this Committee received a copy of the presentation of the Public Health Principal, a Principal Planning Officer and a Policy Research Officer, outlining the findings of an investigation into childhood obesity planning options in relation to hot food takeaways.

RESOLVED – That the content of the presentation be noted.

PA83 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 Ms Barbara Dewing against this Authority's decision to refuse permission for the erection of 1 no. residential dwelling with car parking spaces and associated amenity space (20/01231/FUL).

RESOLVED – That the report be received.

PA84 NOTIFICATION OF APPEALS

The Chief Executive reported that: -

CGX have appealed against this Authority's decision to refuse permission for the installation of 2 no. external security roller shutters to existing shopfront (Retrospective) at 65- 67 Northgate, Darlington, Durham, DL1 1TR (21/00649/FUL)

RESOLVED - That the report be received.

PA85 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.

PA86 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 7 JANUARY 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA74/Nov/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 7 January 2022.

RESOLVED - That the report be noted.