

**PLANNING APPLICATIONS COMMITTEE**

Wednesday, 13 July 2022

**PRESENT** – Councillors Allen, Bartch, Cossins, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, McCollom, Sowerby and Tait.

**APOLOGIES** – Councillor Lister.

**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)

**PA5 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2022/2023**

**RESOLVED** - That Councillor Mrs. Jones be appointed Chair of this Committee for the Municipal Year 2022/23.

**PA6 APPOINTMENT OF VICE CHAIR FOR THE MUNICIPAL YEAR 2022/2023**

**RESOLVED** - That Councillor Laing be appointed Vice Chair of this Committee for the Municipal Year 2022/23.

**PA7 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2022/2023 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C100/FEB/2022**

**RESOLVED** – That meetings of this Committee for the Municipal Year 2022/23, be held at 1.30 p.m. on the dates, as agreed on the calendar of meetings by Cabinet at Minute C100/Feb/2022.

**PA8 DECLARATIONS OF INTEREST**

Councillor Laing declared a non-pecuniary interest in Minute PA11 below, in terms of her employment, and left the meeting during consideration of the item.

**PA9 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 11 MAY 2022**

**RESOLVED** – That the Minutes of this Committee held on 11 May 2022, be approved as a correct record.

**PA10 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.  <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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**PA11 FIVE ACRES, LIME LANE, BRAFFERTON**

**21/00753/FUL** – Change of use of agricultural land to land to be used as community garden for post 16 yr school leavers with learning difficulties comprising of new vehicle access together with 1 no. day centre/barn with plant room, 3 no. polytunnels, raised walkways and decking, car parking, cycle storage, community and sensory gardens, animal areas with stable block and feed shed and other associated works (additional ecology information received 13 January 2022; amended Design and Access Statement; amended and additional plans received 16 March and 27 April 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), a total of 72 letters of support, a total of 4 letters of objection received, the advice provided by the Council's Transport Policy Officer, the views of the Architectural Liaison Officer from Durham Constabulary, and the views of the Applicant, the Applicant's Agent and one Supporter, whom the Committee heard).

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

1. A3 – Three Years (Implementation Limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - (a) Drawing Number 21-010\_X\_SP (00) 01\_XX Rev E Proposed Site Layout
  - (b) Drawing Number 21-010\_X\_GP (00) 03\_XX Proposed Day Care Centre/Barn & Plant Plan & Elevations
  - (c) Drawing Number 21-010\_X\_GP (00) 04\_XX Proposed Polytunnel Plans and Elevations
  - (d) Drawing Number 21-010\_X\_GP (00) 05\_XX Proposed Stable Plan and Elevations
  - (e) Drawing Number 21-010\_X\_GP (00) 06\_XX Proposed Feed Store Plan and Elevations
  - (f) Drawing Number 21-010\_X\_GP (00) 07\_XX Rev A Proposed Raised Walkway
  - (g) Drawing Number 21-010\_X\_GP (00) 08\_XX Rev A Proposed Livestock/Trespass Fencing

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

3. Prior to the commencement of the development, including demolition, a site specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The Plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
  - (a) Hours of construction and deliveries
  - (b) 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 demolition and construction phases 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.

- (c) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within
  - a. BS5228 "Code of Practice for noise and vibration control on construction and open sites".
- (d) Construction Traffic Routes, including parking areas for staff and visitors.
- (e) Details of wheel washing.
- (f) Road Maintenance.
- (g) Warning signage.
- (h) Submission of evidence that consultation with the Asset Protection Project Manager at Network Rail has been carried out and a construction methodology has been agreed with Network Rail

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

**REASON** - In the interests of highway safety; amenity and railway line safety.

- 4. Prior to the commencement of the development, a detailed drainage strategy plan shall be submitted to and approved in writing by the Local Planning Authority . The strategy must also ensure that surface water flows away from the adjacent East Coast Main Line railway; with no ponding of water taking place adjacent to the boundary and any attenuation schemes within 30m of the railway boundary must be approved by Network Rail. There must be no connection to existing railway drainage assets without prior agreement of Network Rail. The development shall not be carried out otherwise than in complete accordance with the approved Plan.

**REASON** - In the interests of preventing flood risk and the safety of the East Coast Main Line railway.

- 5. The use hereby approved shall not operate outside the hours of Monday to Friday 0800 to 1800; Saturday 0900 to 1800 and Sundays and Bank Holidays 1000 to 1600 unless otherwise agreed in writing by the Local Planning Authority.

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

- 6. Prior to the commencement of the development hereby approved, a scheme to protect the existing trees shown within the submitted Arboricultural Impact Assessment to be retained shall be implemented on site. The scheme shall comprise generally the specification laid down within BS 5837 2012 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 fencing shall be erected along the root protection areas shown on Drawing Number Any0\_Lime Lane\_AIA.1DRAFT (Appendix 1 of the submitted Arboricultural Impact Assessment produced by Dendra). Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

**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.

7. Prior to the commencement of the use, precise details for any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Any lighting scheme shall be carried out having full regard to Section 5.4.3 of the document entitled "Preliminary Ecological Appraisal of: Land to south of Lime Lane Brafferton Darlington" produced by Dendra Consulting Limited and dated April 2021 unless otherwise agreed in writing by the Local Planning Authority

**REASON** - In the interests of the visual appearance of the development and biodiversity of the site.

8. Prior to the commence of the use, precise details of the cycle parking and motor vehicle parking shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number and dimensions of vehicle parking spaces, the number and location of accessible parking spaces and details of cycle parking provision which accords with guidance contained within Cycle Infrastructure Design – Local Transport Note 1/20 dated July 2020. The agreed details shall be fully completed and available for use prior to the commencement of the use and retained thereafter for the lifetime of the development.

**REASON** - In the interest highway safety; securing accessible parking spaces and encouraging the use of sustainable modes of transport.

9. Notwithstanding the details shown on the approved plans and prior to the commencement of the use, precise details of the livestock/trespass fencing shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials, colour scheme, depth of fence posts and confirmation that the fencing will not prevent access to land in the ownership of Network Rail and National Highways for maintenance purposes. The development shall not be carried out otherwise than in complete accordance with the approved plans and the fencing shall be erected prior to the commencement of the use and retained thereafter for the lifetime of the development.

**REASON** - In the interests of the safety of occupants of the site, to allow continued unrestricted access to adjacent landowners and in the interests of the visual appearance of the site and local area.

10. Notwithstanding the details shown on the approved plans and prior to the

commencement of the use, precise details of all other means of enclosure in and around the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, design and materials, colour scheme, depth of fence posts. The development shall not be carried out otherwise than in complete accordance with the approved plans and the fencing shall be erected prior to the commencement of the use and retained thereafter for the lifetime of the development

**REASON** - In the interests of the visual appearance of the site and local area.

11. The development shall not be carried out otherwise than in approved accordance with the document entitled "Preliminary Ecological Appraisal of: Land to south of Lime Lane Brafferton Darlington" produced by Dendra Consulting Limited and dated April 2021 and the further information and guidance, including the "Biodiversity Metric 3:0 Lime Lane" spreadsheet also produced by Dendra Consulting Limited dated 13 January 2022 unless otherwise agreed in writing by the Local Planning Authority.

**REASON** - In the interests of the visual appearance of the development and biodiversity of the site.

12. Prior to the commencement of the development, precise details of a scheme for the storage and disposal of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details. The agreed scheme shall be fully implemented and available for use prior to the commencement of the use.

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

13. Prior to the commencement of the use, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The scheme shall have full regard to the document entitled "Preliminary Ecological Appraisal of: Land to south of Lime Lane Brafferton Darlington" produced by Dendra Consulting Limited and dated April 2021 and the further information and guidance, including the "Biodiversity Metric 3:0 Lime Lane" spreadsheet also produced by Dendra Consulting Limited dated 13 January 2022. Any planting and landscaping scheme should not impact on operational railway safety with any trees and shrubs planted adjacent to the boundary positioned a minimum distance greater than their height at maturity from the boundary and within no broad leaf deciduous species planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown, it does not damage the fencing, provide a means of scaling it or prevents Network Rail from maintaining its boundary fencing. The development should not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In the interests of the visual appearance of the development, biodiversity net gain and the safety of the East Coast Main Line railway.

14. Prior to the commencement of the use a 30 Year Biodiversity and Landscape Management plan for the site shall be submitted to and approved in writing by the

Local Planning Authority. The development shall not be implemented otherwise than in complete accordance with the agreed Plan.

**REASON** - In the interests of the visual appearance of the development and biodiversity net gain.

15. The access and visibility work as shown on Drawing Number 21-010\_X\_SP (00)05\_XX) (Proposed - Access & Visibility) must be fully completed prior to the commencement of the use and retained thereafter for the lifetime of the development.

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

16. Notwithstanding the details shown on Drawing Number 21-010\_X\_SP(00)05\_XX ) (Proposed - Access & Visibility) the first 12m of the internal access road, measured back from the carriageway edge shall be formed in a sealed material and the access gates shall not open outward over the public highway.

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

**PA12 SAINSBURYS SUPERMARKET PLC, DARLINGTON ROAD, MIDDLETON ST. GEORGE, DARLINGTON, DL2 1JT**

**22/00397/FUL** - Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 18 (delivery times) attached to outline permission 21/00223/OUT dated 10 June 2021 (Outline application with details of access, appearance, layout and scale (landscaping reserved for future consideration) for the conversion, partial demolition and rear extension of public house (Sui Generis) to form convenience store (Use Class E) with car parking and associated works) to permit an extension in the delivery time by one hour from 08.00-18.00 to 07.00-18.00 (Mon-Sun).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, the thoughts of the Ward Councillors, and the views of the Environmental Health Officer and Highways Engineer).

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

1. The development hereby approved shall be commenced not later than 23<sup>rd</sup> November 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:
  - 2165-P200 Rev E Site location plan
  - 2165-P204 Rev G Site Layout plan

- 2165-P206 Rev C Proposed elevations
- 2165-P205 Rev D Proposed Ground Floor Layout
- 2165-P207 Demolition Plan

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

3. The submitted landscaping scheme, agreed through application reference number 21/01130/RM1 (Drawing number S2 Rev B) dated 23<sup>rd</sup> November 2021 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.

**REASON** - In the interests of the visual amenities of the area.

4. The external materials (to include parapet detail) to be used in the carrying out of the development, shall be in accordance with those details submitted and approved within application reference 21/01129/CON dated 30<sup>th</sup> November 2021 as part amended by application 22/00141/NMA dated 14<sup>th</sup> March 2022, unless otherwise agreed in writing by the Local Planning Authority.

**REASON** - In the interests of visual amenity.

5. The archaeology work shall be carried out in accordance with the programme of archaeological work and the approved scheme of works set out in the submitted Written Scheme of Investigation and post investigation assessment ('Platform 1 Darlington Road Middleton St George Darlington, An Archaeological Written Scheme of Investigation' LS Archaeology (July 2021, amended November 2021)) approved under application reference number 21/01129/CON dated 30<sup>th</sup> November 2021, and ('Platform 1 Middleton St George: A Report on an Archaeological Watching Brief' (LS Archaeology March 2022)) approved under planning application reference number 22/00297/CON dated 25<sup>th</sup> May 2022 unless otherwise agreed in writing by the Local Planning Authority.

**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 undertaken otherwise than in complete accordance with the approved Construction Management Plan ('Construction Management Plan: Proposed alteration to Platform 1 Darlington Road to form a convenience store' Rev. 1, (PH Land, October 2021)) approved under application reference number 21/01129/CON dated 30<sup>th</sup> November 2021, unless otherwise agreed in writing by the Local Planning Authority.

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

7. 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.

8. The development shall not be carried out otherwise than in complete accordance with the approved Tree Survey and Arboricultural Method Statement ('Platform 1 public house Middleton St George; Tree Survey and Arboricultural Method Statement for PH Land and Developments', (Enviroscope Consulting, September 2021)) approved under application reference number 21/01129/CON dated 30<sup>th</sup> November 2021, unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to the occupation of the development hereby approved, details of the size, type, and location of the proposed interpretation panels, and details of the seating area shall be submitted to, and approved in writing by, the Local Planning Authority. These shall be in place prior to the occupation of the development hereby approved and shall be retained as such thereafter.

**REASON** - To recognise the significance of the site to the Stockton and Darlington Railway in line with the aims and objectives of the Heritage Action Zone.

10. Prior to the occupation of the development hereby approved, two litter bins shall be provided (one to be situated to the seating area to the rear) in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and one in accordance with details already approved under planning permission reference number 22/00297/CON, part discharge of condition, dated 25<sup>th</sup> May 2022. The litter bins shall be in place prior to the occupation of the building and shall be retained thereafter.

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

11. The development shall not be carried out otherwise than in complete accordance with the terms of the approved Travel Plan ('Travel Plan; Sainsbury's supermarkets: Proposed convenience store Middleton St George' (Vectos, February 2022)) approved under planning permission reference number 22/00231/CON dated 24<sup>th</sup> March 2022, unless otherwise agreed in writing by the Local Planning Authority.

**REASON** - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

12. The external lighting shall be completed in accordance with the details approved under planning permission reference number 22/00249/CON (Luminaire Schedule



and Drawing reference 'Proposed Lighting Layout – DWG-01') dated 16<sup>th</sup> May 2022 and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

13. Cycle parking /storage shall be provided prior to the occupation of the development in accordance with details approved under planning permission reference number 22/00249/CON ('Cycle Hoop Plan', 'Sheffield Cycle Stand details' and 'details of staff cycle parking') dated 16<sup>th</sup> May 2022 and retained as such thereafter.

**REASON** - To encourage more sustainable modes of transport.

14. Two electric vehicle charging points shall be provided prior to the occupation of the development in accordance with details approved under planning permission reference number 22/00231/CON (Drawing ref. 'Proposed Car Charging - No. S3 Rev; Drawing ref. 'Wallpod Mounting Post: Ground Mounted Galvanised Steel – No. IEVFP0020 Rev -' ; and Catalogue extract with product details for 'WallPod:EV – Socket') dated 24<sup>th</sup> March 2022.

**REASON** - To make provision for sustainable means of transport

15. The opening hours of the premises shall be restricted to between 07:00 and 23:00 unless otherwise approved in writing by the Local Planning Authority.

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

16. Deliveries to the site shall be at the service access bay to the rear of the property and shall not take place outside of the hours of 07:00 and 18:00 Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

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

17. The external plant as approved under planning permission reference number 22/00297/CON (Drawing ref. 'Proposed Refrigeration Plant Layout - XA-0236-1841-AIR-ZZZ-00-DR-N-0555'; and Drawing ref. 'Proposed A/C & Ventilation Layout - XA-0236-1841-AIR-ZZZ-00-DR-M-0572') dated 25<sup>th</sup> May 2022 shall be installed fully in accord with the details approved prior to the commencement of the use and retained as such thereafter.

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

## **PA13 NOTIFICATION OF DECISION ON APPEALS**

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment have: -

Dismissed the appeal by Mr George Murray against this Authority's decision to refuse consent for works to 1 no. Willow tree (T1) protected under Tree Preservation Order (No.11)

2019 - crown reduce up to 2m and removal of deadwood at River View, Dinsdale Spa House, Church Lane, Middleton St George, Darlington DL2 1DJ (21/00303/TF).

Dismissed the appeal by Mr Paul Furness against this Authority's decision to refuse consent for 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) at 1 Hall View Grove, Darlington, DL3 9DN (21/00789/FUL).

Dismissed the appeal by R Cunningham against this Authority's decision to refuse consent for change of use of land to Gypsy/Traveller site including erection of 5 no. amenity buildings, siting of 5 no. mobile homes, 5 no. touring pitches with car parking, access road and associated works (amended plan received 17 December 2020) at Land Opposite Sovereign House, Neasham Road, Hurworth Moor, Darlington (20/00889/FUL).

Allowed the appeal by Mr Paul Million against this Authority's decision to refuse consent for Change of use from dwelling house (Class C3) to 8 person HMO (sui-generis) at 12 Vane Terrace, Darlington DL3 7AT in accordance with the terms of the application, Ref 21/01217/FUL, dated 4 October 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

**RESOLVED** – That the report be received.

#### **PA14 NOTIFICATION OF APPEALS**

The Chief Executive reported that :-

CK Hutchison Networks (UK) Ltd has appealed against this Authority's decision to refuse permission for Prior Approval for the installation of 5G telecoms equipment including 15m high slim-line Phase 8 H3G street pole c/w wrap around cabinet, 3 no. cabinets and ancillary works at Land Adjacent To Albert Hill Roundabout, Darlington, DL1 1JL (21/01189/PA)

Ms Pamela Fletcher has appealed against this Authority's decision to refuse permission for Demolition of lean-to to existing dwelling, erection of 1 no. two bed single storey dwelling to front and demolition of existing garage to accommodate erection of 1 no. two bed single storey dwelling to rear, with associated parking and landscaping works at 87 Barmpton Lane, Darlington, DL1 3HG (20/01126/FUL)

**RESOLVED** – That the report be received.

#### **PA15 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.

#### **PA16 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE**

**OF PRACTICE AS OF 1 JULY 2022 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA113/May/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 1 July 2022.

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