

PLANNING APPLICATIONS COMMITTEE

12 December 2018

PRESENT – Councillors Baldwin (in the Chair), Galletley, Heslop, Johnson, Kelley, Knowles, Lee, Lister, Lyonette, K Nicholson, Storr and Tostevin.

APOLOGIES – Councillors C Taylor and J Taylor.

ABSENT –

ALSO IN ATTENDANCE –

OFFICERS – Dave Coates, Head of Planning, Development Management and Environmental Health, Lisa Hutchinson, Principal Planning Officer, Arthur Howson, Engineer, within Services for Economic Growth and Neighbourhood Services, Andrew Errington, Lawyer (Planning), within the Resources Group and Shirley Burton (Democratic Manager).

PA48. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA49. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 14 November 2018.

RESOLVED – That the Minutes be approved as a correct record.

NOTE - APPLICATIONS FOR PLANNING PERMISSION – The following standard conditions are referred to in those Minutes granting permission or consent:-

Code No.	Conditions
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.
C5	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises,

	including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made. Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN; Reason - To define the consent.
E2	A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority. Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

PA50. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

18/00591/FUL - Land adjacent Oak Tree Pub off Yarm Road Middleton St George, Darlington. Variation of condition 3 (Approved Plans) attached to planning permission 16/01256/FUL dated 19 June 2018 for residential development comprising 12 No. dwellings (Revised scheme) - to permit the substitution of house types and amended layout.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, an objector and a representative of the Parish Council, all of whom Members heard).

RESOLVED – (a) That, subject to the completion of a deed of variation to the Section 106 Agreement relating to 16/01256/FUL within six months of the date of this meeting, to ensure that the obligations contained therein attached to this permission and, subject to the following conditions, planning permission be granted :-

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.
Reason - To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.
 2. B4 (Materials).
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3. PL00 (Accordance with approved plans)
Site layout plan 2018/OAK/100
House detail plans 2018/OAK/101 and 2018/OAK/102
 4. E2 (Landscaping).
 5. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include:
 - (a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
 - (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - (d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
 - (e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.
 - Reason** – To comply with Core Strategy Policy CS11.
 6. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of the existing footway along the north-south section of Oak Tree Close to 2.0m wide, the addition of a new footway along the frontage of the development on the east-west section of Oak Tree Close at 2.0m wide (measured between restraints) connecting into the surrounding infrastructure and the new site access junction and linking footways. 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, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.
Reason – In the interests of residential amenity.
 8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.
Reason – To prevent the increased risk of flooding from any sources in accordance with the NPPF.
 9. 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
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managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details:

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

Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

10. The buildings hereby approved shall not be brought into use until:-

- (a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings;
- (b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

Reason - To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

That, subject to the Section 106 Agreement not being completed within the prescribed period without the written consent of the Council to extend this time, the minded to approve status of this permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Core Strategy Policy CS4 (Developer Contributions) without any further reference to the Planning Applications Committee.

18/00810/FUL - Durham Tees Valley Airport. Construction of 1.8km link road between Northside and Southside, erection of 2.8m high security fencing, and associated infrastructure; and improvements and alterations to the existing highway (resubmission of previously approved scheme) (additional drainage information received 27 September 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of a representative of the Parish Council who Members heard).

RESOLVED - That planning permission be granted subject to the following conditions:

1. A3 (Standard 3 year time limit).
 2. PL00
 - (a) General Arrangement, drawing number DTVA01-ARP-HW-01-DR-CH-00001 Issue 4;
 - (b) Typical Fencing Details, drawing number DTVA01-ARP-HW-03-DR-CH-000002 Issue 0;
 - (c) Proposed Highway Widening, drawing number DTVA01-ARP-HW-01-DR-CH000002 Issue 1;
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3. No construction/building works or deliveries shall be carried out except between the hours of 0800 and 1800 hours on Mondays to Fridays and between 0900 and 1300 hours on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason – To ensure that the development does not prejudice the enjoyment of neighbouring occupiers or their properties.

4. 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 build 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;
 - (iv) Details of adoption responsibilities

Reason – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated August 2018 and the following mitigation measures detailed within the FRA:
 - (i) Discharge limited to 3.8 l/s/ha
 - (ii) Discharge location is existing outfall no. 4

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

6. The building hereby approved shall not be brought into use until:
 - (i) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
 - (ii) A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

Reason – To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

7. A Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development to agree the routing of all HGV movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offside dust/odour monitoring
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and communication with local residents.

Reason – In the interests of the occupiers of adjacent and nearby premises and highway safety.

8. Prior to the commencement of development a scheme for the ground preparation works consisting of soil stripping of arable topsoil to reduce nutrient levels, drainage works to ensure a free draining soil (except in agreed areas which may provide wetland habitat in the non-turf trans located areas) for the receptor site to ensure the success of grassland habitat creation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
 - (i) The precise delineation and location of the area to be a minimum of 3.67ha which shall include turf translocation of the 2.03 ha to be lost from situ and additional creation of 1.64ha through green hay and seed planting;
 - (ii) Details of the timing for the delivery and works (to ensure breeding birds are not affected) of the long-term maintenance and management of the site which shall include for the duration of the establishment of the receptor site and the subsequent remediation/maintenance, management and monitoring of the receptor site for the lifetime of the development.

The development shall be carried out in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

Reason – To ensure the identified ecological impact of the proposed development is appropriately mitigated.

18/00784/FUL - Studio Below 6A West Row, Sadberge. Change of use from writing studio to 1 No. bedroom dwelling including association of 1 No. separate garage accessed from Church Lane.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's representative whom Members heard).

RESOLVED - That planning permission be granted subject to the following conditions :-

1. A3 (Standard 3 year time limit).
2. PL00 (approved plans condition).
 - (a) Proposed floor plan, drawing no. 7, dated 22.8.18
 - (b) Proposed south west elevation, drawing no. 9, dated 22.8.18
 - (c) Proposed north east elevation, drawing no. 10, dated 22.8.18
 - (d) Proposed south east elevation, drawing no. 11, dated 22.8.18
3. C5 (removal of PD rights).
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no fencing, walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority to whom a planning application must be made.

Reason - In the interest of visual amenity.

PA51. TREE PRESERVATION ORDER 2018 (NO 6) – 1 CHURCH CLOSE, MIDDLETON ST GEORGE – The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) advising Members of an objection which had been received to the making of a Tree Preservation Order in the front garden of 1 Church Close, Middleton St George.

It was reported that, following a site visit by the Committee, Members had requested further information to be supplied in relation to the health of the tree and any potential threat that it posed to nearby residential property.

RESOLVED – That, with the agreement of the applicant, consideration of the above item be deferred to enable further information to be obtained.

PA52. NOTIFICATION OF DECISIONS ON APPEAL – The Director of Economic Growth and Neighbourhood Services reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- (a) dismissed the appeal by Mr Allan Mitchell of Specialist Coatings Ltd against this authority's decision to refuse permission for Variation of Condition 11 (Access) attached to planning permission 17/00582/FUL dated 23 October 2017 (Conversion of Nunnery and Chapel into 10 No. dwellings and retention of existing gatehouse as private dwelling with associated internal and external alterations. Demolition of ground floor lean to building, widen existing driveway to create new vehicular access off Carmel Road North, erection of timber stables, creation of parking areas, horse arena, 3G football pitch (for private use) and associated landscaping works) to permit vehicular and pedestrian access to and from the site onto Cardinal Gardens for the sole use from primary property (Dwelling No. 1) and for the erection of 2 No. brick piers and electronic solid timber gates at St Clare's Abbey, Carmel Road North, Darlington (Ref No. 18/00241/FUL); and
- (b) dismissed the appeal by Mr Ward against this Authority's non-determination for Outline planning permission for residential development of up to 14 dwellings with all matters reserved apart from access (Resubmission) (Additional and amended information received 31 May 2018) at Field At OSGR E424996 N514158, Low Coniscliffe, Darlington (Ref No. 18/00023/OUT).

RESOLVED - That the report be received.

PA53. EXCLUSION OF THE PUBLIC - 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.

PA54. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28 NOVEMBER 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA47/Nov/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28 November 2018.

RESOLVED - That the report be noted.
