

PLANNING APPLICATIONS COMMITTEE

Wednesday, 7 February 2024

PRESENT – Councillors Cossins (The Mayor) and Haszeldine (Chair), Allen, Anderson, Bartch, Beckett, Kane, Laing, Lawley, McCollom and Tostevin.

APOLOGIES – Councillors Ali and Lee.

ABSENT – Councillor Robinson.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

PA67 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA68 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 10 JANUARY 2024

RESOLVED – That the Minutes of this Committee held on 10 January 2024 be approved as a correct record.

PA69 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.
E3	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. Reason - In the interests of the visual amenities of the area.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;

	Reason - To ensure the development is carried out in accordance with the planning permission.
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PA70 ROSE VILLA, TIMMYS LANE, HURWORTH DARLINGTON

23/00987/FUL - Demolition of the existing dwelling, barn, stables, outbuildings, and erection of 1 no. wheelchair accessible detached dwelling with supporting facilities together with a detached garden studio/store and parking provision (BNG Assessment and metric received 7th December 2023)

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Public Rights of Way Officer, Ecology Officer, or Environmental Health Officer, four letters of objection, and the views of the Applicant and the Applicant's Agent, whom the Committee heard.)

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

1. A3 Implementation limit (3 years)
2. PL Accordance with plan

Site Location Plan

PL1001 Proposed site plan.

PL1003 Proposed roof plan.

PL2001 Proposed house elevations.

PL2002 Proposed courtyard elevations.

PL2003 Proposed Garden studio / store elevations.

SK1002 Proposed ground, first floor and garden studio plans.

1480-100 Landscape Strategy

LANDSCAPE AND MEANS OF ENCLOSURE

3. E3 Landscaping (Implementation)
4. The proposed boundary treatment as shown on the submitted plan (1480_100) shall be installed prior to the occupation of the dwelling hereby approved and shall be

retained as such thereafter.

REASON – In the interests of amenity.

CONSTRUCTION IMPACTS

5. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans 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 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.
 - 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.
 - g) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON – In the interests of amenity and highway safety.

6. No construction or demolition 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 amenity.

LAND CONTAMINATION

7. 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 because 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.

8. 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 because 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. 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 because 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. 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 because 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. 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 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 because 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.

ECOLOGY

12. The development shall be carried out and operated in full accordance with the submitted Biodiversity Management and Monitoring Plan (BMMP) (OS Ecology, December 2023), including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

13. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Appraisal (Land off Timmy's Lane, Hurworth, OS Ecology, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

TREES

14. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement (Elliott Consultancy Limited, July 2023) unless otherwise agreed in writing by the Local Planning Authority.

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

EV CHARGING POINT

15. Prior to the first occupation of the development hereby approved details of the type and location of an electrical socket suitable for charging an electric vehicle, shall be submitted to, and approved by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwelling and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

PA71 PIERREMONT METHODIST CHURCH, VANCOUVER STREET

22/00797/OUT - Outline application with matters reserved except access, appearance, layout and scale for the demolition of former chapel and the erection of 8 no. dwellings (Phase 1 Desk Top Study received 31 March 2023; and amended plans received 5th September 2023; Nutrient Calculator and Provisional Nutrient Certificate received 14 December 2023).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Transport Policy Officer, Environmental

Health Officer, Highways Engineer and Ecology Officer, the of North Gas Networks and Northumbrian Water, and the views of the Applicant's Agent, whom the Committee heard.)

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

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development:

a) Landscaping

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.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Drawing Number L021098 012 REV E – Proposed Site Layout Plan
- b) Drawing Number L021098 014 REV B – Proposed Elevations and Cross Section
- c) Drawing Number L021098 017 REV B – Swept Path Analysis
- d) Drawing Number L021098 013 – Proposed Floor Plans
- e) Drawing Number L021098 010 – Site Location Plan and Block Plan.

REASON - For the avoidance of doubt.

3. The application(s) made pursuant to condition 1 shall not propose more than eight dwellings.

REASON - For the avoidance of doubt.

4. The development shall be begun two years from the final approval of the reserved 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.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

5. Prior to the first occupation of the development hereby approved, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

6. Prior to the commencement of the development, a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian

Water. Thereafter the development shall take place in accordance with the approved details.

REASON - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023.

7. Prior to the commencement of the development, including any demolition works and site clearance, a methodology for a Historic England-style Level 2 building record of the Church building shall be submitted to and approved in writing by the Local Planning Authority.

REASON - To comply with Policy ENV1 of the Darlington Local Plan and the National Planning Policy Framework 2023 because the building is a non-designated heritage asset.

8. No building shall be constructed above damp proof level until precise details of the external materials to be used in the carrying out of this permission have been submitted to, and approved by, the Local Planning Authority 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.

9. No development shall be constructed above damp proof course until precise details of secure cycle parking have been submitted to, and approved in writing by the Local Planning Authority. The cycle parking shall meet current guidance contained (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020) and shall be implemented in accordance with the agreed details prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

10. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON - To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

11. Prior to the development being occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation/Building Recording strategy shall be deposited at the County Durham Historic Environment Record.

REASON - To comply with Policy ENV1 of the Darlington Local Plan and the National Planning

Policy Framework 2023 because the building is a non-designated heritage asset and therefore the developer is required to record and advance understanding of the significance of the heritage asset to be lost through demolition, and to make this information as widely accessible to the public as possible.

12. CL2 - Phase 2 Site Investigation Strategy

13. CL3 – Phase 2 Investigation Works

14. CL4 - Phase 3 Remediation and Verification Strategy

15. CL5 - Construction/Remediation works.

16. CL6 - Phase 4 Verification and Completion Report

17. The development hereby approved shall not be carried out other than in complete accordance with the submitted Construction Management Plan by Wardman Brown unless otherwise agreed in advance with the Local Planning Authority.

REASON – In the interests of residential amenity and highway safety

18. No construction or demolition 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

19. Notwithstanding the Construction Management Plan and condition 17), prior to commencement of the development, the Developer shall enter into an agreement under Section 59 of The Highways Act 1980 with Darlington Borough Council, as the Highway Authority, to safeguard the Public Highway from damage caused by any construction activities or construction traffic serving the development hereby approved. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

REASON - In the interest of highway safety.

20. The electric vehicle charging points (minimum requirement of a single phase 13 amp socket) shown on the approved plans, shall be installed prior to the occupation of the dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

21. The boundary fencing to the rear of the dwellings hereby approved shall be erected in complete accordance with the approved plans prior to first occupation of any dwelling and shall be maintained in accordance with the details as approved for the lifetime of the development. The fencing shall not be replaced or altered without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In the interests of highway safety and visibility onto the rear lane.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings, 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 to ensure the provision of adequate off-street parking accommodation for each dwelling.

23. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted “Planning Statement incl Heritage Impact Assessment” produced by ELG Planning dated 2022.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036.

24. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations set out in the document entitled “Preliminary Ecological Appraisal “Low Impact” Ecological Impact Assessment” produced by All About Ecology and dated August 2022. However, should work on the site not commence by the end of May 2024, a further update survey for bats shall be carried out to investigate whether conditions onsite have changed. If new surveys are necessary, an updated survey report shall be submitted to the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the updated survey.

REASON - In order to secure ecological enhancements for the development

25. No development shall be constructed above damp proof course, until precise details of ecological enhancements such as, but not limited to bat bricks, swift bricks have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design, location and number of such features, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. The development shall not be carried out otherwise than in complete accordance with the agreed details which shall be installed prior to the first occupation of the dwellings hereby approved.

REASON - In order to secure ecological enhancements for the development

PA72 NOTIFICATION OF APPEALS

The Chief Executive reported that Mr Kieran Meredith had appealed against this Authority’s decision to refuse permission for Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and removal of condition 3 (garage/car parking) attached to planning permission 21/01226/FUL dated 12

December 2021(Erection of a two storey side extension to provide a garage/dining room with bedroom above) to permit the conversion of garage into habitable space, the replacement of the garage door with a window, and the provision of 1 no. additional car parking space to the front (amended description) at 32 Clowbeck Court, Darlington, DL3 0BB (23/00823/FUL).

RESOLVED – That the report be received.

PA73 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.

PA74 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 26 JANUARY 2024 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA66/Jan/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 26 January 2024.

RESOLVED - That the report be noted.