

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 4 September 2024

**PRESENT** – Councillors Haszeldine (Chair), Ali, Allen, Anderson, Beckett, Cossins, Kane, Laing, Lawley, Lee, McCollom and Tostevin.

**APOLOGIES** – Councillors Bartch and Robinson.

**ALSO IN ATTENDANCE** – Councillor Snedker.

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

### PA21 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA22 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 7 AUGUST 2024

**RESOLVED** – That the Minutes of this Committee held on 7 August 2024, be approved as a correct record.

### PA23 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.
CL2	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.

	<p><b>REASON</b> - 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.</p>
<p>CL3</p>	<p>Prior to the commencement 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.</p> <p><b>REASON</b> - 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.</p>
<p>CL4</p>	<p>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.</p> <p><b>REASON</b> - 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.</p>

<p>CL5</p>	<p>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.</p> <p><b>REASON</b> - 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.</p>
<p>CL6</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p><b>REASON</b> - 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.</p>

**22/00190/FUL** - Demolition of existing bungalow and garage, erection of 5 no. residential dwellings with private amenity space, access including alterations to front boundary, replacement fencing and wall to west and south boundaries, landscaping and associated works (amended plans received 2nd and 5th October 2023; Amended reports, additional plan, Nutrient Calculator and Provisional Nutrient Certificate received 22 February 2024; Biodiversity Net Gain reports and Ecology Reports received 22 April 2024 and 3 May 2024; Drainage information received 23 May 2024; Amended Biodiversity Management Plan received 9 August 2024; amended site layout plan received 12 August 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, Environmental Health Officer, Senior Arboricultural Officer and Ecology Officer, the Lead Local Flood Authority, Northumbrian Water, Northern Gas Networks, Natural England, and Durham County Council's Archaeology Team, twelve letters of objection received in relation to the original development proposals to redevelop the site with nine dwellings, seventeen objections received in relation to the submission of amended plans which reduced the number of dwellings within the development from nine to five, and the views of the Applicant's Agent and an Objector, whom the Committee heard).

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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
  - a) Drawing Number 313 SArch S3 XX DR A 1009 MU Site Plan As Proposed
  - b) Drawing Number 313 SArch S3 XX DR A 1050 P01 Autotracking and Visibility Splay
  - c) Drawing Number 313 SArch S3 XX DR A 1020 P02 Entrance Boundary
  - d) Drawing Number 313 SArch S3 XX DR A 3000 P05 House Type A Proposed Elevations
  - e) Drawing Number 313 SArch DG XX DR A 3000 P02 Proposed Double Garage Elevations
  - f) Drawing Number 313 - SArch - DG - ZZ - DR - A - 2000 - P02 Proposed Double Garage Plans
  - g) Drawing Number 313 - SArch - S3 - 00 - DR - A - 1010 - P05 Proposed Boundaries
  - h) Drawing Number 313 - SArch - S3 - XX - DR - A - 3001 - P05 House Type B - 5 Bed Proposed Elevations
  - i) Drawing Number 313 - SArch - S3 - ZZ - DR - A - 2000 - P06 House Type A - 5 Bed - Proposed Plans
  - j) Drawing Number 313 - SArch - S3 - ZZ - DR - A - 2001 - P05 House Type B - 5 Bed Proposed Plans

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

3. Prior to the commencement of the development, a site-specific Demolition and Construction and Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] 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) Construction Methods to minimise impacts of Construction Activities affecting adjacent Woodland.

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

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

4. 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.

5. Prior to the commencement of the development, precise details of the access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The access shall take the form of a dropped crossing limited to a maximum width of 5.5m; with appropriate tactile paving and visibility splays of between a minimum of 4.3 x 2.4m and a maximum of 7.0m x 2.4m or as close as is deliverable within the constraints of the site. The development shall not be carried out otherwise than in complete accordance with the approved details and the access shall be completed and in place prior to the first occupation of the development.

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

6. Prior to the commencement of the development, precise details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

**REASON** - In the interests of residential amenity and visual appearance of the surrounding area.

7. 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.

8. Notwithstanding any description of the external materials in the submitted application, and prior to any dwelling being built above damp proof course, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved, in writing, by the Local Planning Authority. The details shall include but not be limited to brickwork, roof tiles, windows, doors and the development shall not be carried out otherwise than in complete 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. Prior to any dwelling being built above damp proof course, details of landscaping shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained. Any trees, hedges or shrubs removed, dying, severely damaged or becoming seriously diseased within thirty years of planting shall be replaced by trees, hedges and shrubs of similar size and species to those originally approved and planted.

**REASON** - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

10. Prior to any dwelling being built above damp proof course, details of a bin store shall be submitted to, and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with any such approved details. The agreed bin store shall be in place prior to the first occupation of the dwellings and remain in situ for the lifetime of the development.

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

11. Prior to the dwelling on Plot 1 being built above damp proof course, a scheme for protecting the dwelling on Plot 1 from excessive road traffic noise shall be submitted to, for approval in writing by the Local Planning Authority. The scheme shall include details of the specification of the windows, glazing (Rw value) and means of ventilation (windows closed) to be installed and the development shall not be carried out otherwise than in complete accordance with the approved details. The agreed details shall be installed prior to the first occupation of the dwelling on Plot 1 and

shall remain in situ for the lifetime of the development.

**REASON** – To safeguard the amenities of the future occupants of the dwelling.

12. The flat roof of the single storey extension to the rear of the dwelling on Plot 5 shall not be used as a roof terrace, garden or viewing area and no alteration shall be carried out to the main building giving access to that area without prior written permission of the Local Planning Authority to whom a planning application must be submitted.

**REASON** - To enable the Local Planning Authority to assess any impacts on the amenity and privacy of nearby residents.

13. Prior to any dwelling being built above damp proof course, details of the materials for the proposed 1.8m and 1.2m high boundary walls shown on Drawing Number 313-SArch-S3-00-DR-A-1010-P05 shall be submitted to, and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete 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.

14. Prior to the first occupation of the development a close boarded timber fence and/or wall 1.8 metres in height with a minimum surface density of 10kg/m<sup>2</sup> with no gaps in the structure and with the ground shall be installed in accordance with the submitted Boundary plan (Drawing No 313-SArch-S3-00-DR-A-1010-P05) and thereafter shall be retained and maintained for the duration of the development. No changes to the boundary treatment shall be made without the prior written approval of the Local Planning Authority

**REASON** – To safeguard the amenities of the future occupants of the development.

15. CL2 - Phase 2 Site Investigation Strategy.
16. CL3 – Phase 2 Investigation Works.
17. CL4 - Phase 3 Remediation and Verification Strategy.
18. CL5 - Construction/Remediation works.
19. CL6 - Phase 4 Verification and Completion Report.
20. The electric charging points shown on Drawing Numbers 313 SArch DG XX DR A 3000 P02 and 313 - SArch - DG - ZZ - DR - A - 2000 - P02 shall be a single phase 13 amp socket (minimum requirement) and shall be in place and available for use prior to the first occupation of each dwelling hereby approved. The electric vehicle charging point shall be retained in situ for the lifetime of the development.

**REASON** - In order to ensure the development complies with Policy IN4 of the Darlington

Local Plan 2016 – 2036.

21. The cycle store shown on Drawing Number 313 - SArch - DG - ZZ - DR - A - 2000 - P02 shall be in place and available for use prior to the first occupation of each dwelling hereby approved. The cycle store shall be retained in situ for the lifetime of the development.

**REASON** - In order to encourage the use of sustainable modes of transport.

22. Development hereby approved shall not be carried out otherwise than in complete accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated May 2024 and produced by CK21 Limited. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3310 and ensure that surface water discharges to the surface water sewer at manhole 3302. The surface water discharge rate shall not exceed the available capacity of 2.9l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

**REASON** - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and Policy DC2 of the Local Plan.

23. The development hereby approved shall not be carried out otherwise than in complete accordance with the details contained within the document entitled "Arboricultural Method Statement to BS5837:2012" dated 11 February 2024 and produced by Arbtech Consulting Limited.

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

24. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations contained within the document entitled "Preliminary Ecological Appraisal and Preliminary Roost Assessment" dated April 2024 and produced by Arbtech Consulting Limited.

**REASON** - In the interests of habitat protection and the biodiversity of the site.

25. In the event of the scheme involving any external lighting, details of the lighting scheme, including lighting contours and illuminance levels, shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being built above damp proof course. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of amenity and biodiversity.

26. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations contained within the document entitled "Biodiversity Net Gain Management Plan" dated August 2024 and produced by Arbtech Consulting Limited.

**REASON** - In the interests of habitat protection and the biodiversity of the site.



27. All boundary treatments shown on the approved plans shall be erected on all boundaries prior to the first occupation of the dwelling hereby approved.

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

28. The dwellings hereby approved shall fully comply with Category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings).

**REASON** - In order to comply with policy H4 (Housing Mix) of the Darlington Local Plan 2016 – 2036.

29. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

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

30. For the avoidance of doubt and notwithstanding condition 22), the measures to be implemented in accordance with the submitted document entitled “Flood Risk Assessment” dated May 2024 and produced by CK21 Limited shall be retained in situ for the lifetime of the development unless otherwise agreed by the Local Planning Authority to whom a planning application must be submitted. These measures include but are not limited to the internal access road being drained through gullies and driveways being constructed from permeable paving.

**REASON** - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and Policy DC2 of the Local Plan.

#### **PA24 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.

#### **PA25 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 16 AUGUST 2024 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA20/Aug/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 16 August 2024.

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