

PLANNING APPLICATIONS COMMITTEE

30 May 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Johnson, Knowles, Lee, Lister, Lyonette, McEwan, Storr, C Taylor and J Taylor and Tostevin. (11)

APOLOGIES – Councillor Galletley. (1)

ABSENT – Councillors Cartwright and Kelley (2)

ALSO IN ATTENDANCE –

OFFICERS – Dave Coates, Planning Development Manager, Arthur Howson, Engineer, within Services for Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (3)

PA1. COUNCILLOR REGAN – The Chair referred to the recent death, on 27th May, 2018, of Councillor Regan, a former Vice-Chair of this Committee and, in doing so, paid tribute to his contribution to this Committee and to local democracy within Darlington.

RESOLVED – That the condolences of this Committee be conveyed to the family of Councillor Regan.

PA2. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA3. TIMES OF MEETINGS – RESOLVED – That meetings of this Committee for the Municipal Year 2018/19, be held at 1.30pm on the dates, as agreed on the calendar of meetings by Cabinet at Minute C111/Feb/18.

PA4. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 2 May 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.
B4A	The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building. Reason - In the interests of maintaining the visual amenity of

	the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.
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.

PA5. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

18/00035/FUL - Field 6500, Walworth Road Heighington. Demolition of existing barn and erection of 75 dwellings and associated access, landscaping and engineering works (as amended by plans received 1 February 2018; amended and additional plans and information received 23 March 2018, 23 April 2018 and 3 May 2018).

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

RESOLVED – That, subject to the completion of a Section 106 agreement within six months of the date of this Committee to secure financial contributions towards the following :-

- (a) a financial contribution towards improvements to the inbound and outbound bus stops near to the Village Hall;
- (b) a financial contribution towards improving footways and cycleways in the vicinity of the site, including improved signage;
- (c) a financial contribution towards education provision in the Village;
- (d) a financial contribution towards improvements to the playing fields in Heighington;
- (e) a financial contribution towards a scheme to increase and create parking bays within the Village; and
- (f) a Travel Plan

planning permission be granted with the following conditions :-

General

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

Reason - In the interests of achieving an improved rate of housing delivery in the Borough.

2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- (a) Drawing Number 15-028-001 – Site Location Plan
- (b) Drawing Number 15-028-P01 Rev C – Proposed Site Layout
- (c) Drawing Number 15-028-P02 Rev C – Boundary Treatment Plan
- (d) Drawing Number 15-028-P03 Rev C – Adoption Plan
- (e) Drawing Number 15-028-P11 – Site Sections
- (f) Drawing Number 121166/0001 Rev A Swept Path Analysis
- (g) Drawing Number A/643/v7/00/001 – Ash House Type
- (h) Drawing Number A/643/v7/00/002 – Ash House Type
- (i) Drawing Number A/802b/v7/00/01 – Birch House Type
- (j) Drawing Number A/802b/v7/00/02 – Birch House Type
- (k) Drawing Number A/01023/v7/00/01 – Argan House Type
- (l) Drawing Number A/01023/v7/00/02 – Argan House Type
- (m) Drawing Number A/1169/v7/00/01 – Hemlock House Type
- (n) Drawing Number A/1169/v7/00/02 – Hemlock House Type
- (o) Drawing Number A/1273/v6-v7/00/01 – Mulberry House Type
- (p) Drawing Number A/1273/v7/00/02 – Mulberry House Type
- (q) Drawing Number A/1278/v7/00/01 – Mahogany House Type
- (r) Drawing Number A/1278/std/00/02 – Mahogany House Type
- (s) Drawing Number A/1336/v6-v7/00/01 – Maple House Type
- (t) Drawing Number A/1336/v7/00/02 – Maple House Type
- (u) Drawing Number A/1394/v6-v7/00/01 – Lilac House Type
- (v) Drawing Number A/1394/v7/00/02 Rev A – Lilac House Type
- (w) Drawing Number A/1550/v7/00/02 Rev A – Acacia House Type
- (x) Drawing Number A/1550/v6-v7/00/01 – Acacia House Type
- (y) Drawing Number A/1701/v6-v7/00/01 Rev A – Pine House Type
- (z) Drawing Number A/1701/v7/00/02 Rev A – Pine House Type
- (aa) Drawing Number S6/D06 – 1800mm High Wall & Close Boarded Fence
- (bb) Drawing Number S6/D08 – 1800mm to 900mm Transitions Close Boarded
- (cc) Drawing Number S6/D17 – 900mm High Post and Rail Fence
- (dd) Drawing Number S6/D18 – 450mm High Trip Rail

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

Materials

3. No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of residential amenity.

Affordable Housing

4. 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.

Unless otherwise agreed by the Local Planning Authority

Reason - To comply with Council Housing Policy.

Highways

5. Prior to the occupation of the first dwelling, precise details of works within the public highway on Walworth Road shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include dropped kerbs, tactile paving, improvement to visibility splays on Walworth Road, details of a gateway traffic calming feature and signage/road markings. The highways works shall not be carried out otherwise than in complete accordance with the approved details and be fully implemented prior to the occupation of the final dwelling.

Reason - In the interests of highway safety.

6. A Stage 2 Road Safety Audit shall be carried out for all the works within the public highways and the scope of the Audit shall be agreed in writing by the Local Planning Authority prior to the occupation of the first dwelling. The development shall not be carried out unless in complete accordance with the approved Audit.

Reason - In the interests of highway safety.

Landscaping

7. 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.

Ecology

8. There shall be no site vegetation clearance between 1st March and 31st August unless a suitably qualified ecologist has undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

Reason - In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

9. Prior to the completion of the first dwelling, an ecological lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the street lighting and any external lighting on the dwellings

and the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed without the prior consent of the Local Planning Authority.

Reason - In the interests of protected species and their habitats.

10. The development hereby approved shall not be carried out otherwise than in accordance with the mitigation measures and recommendations contained within the "Ecological Assessment – Land West of Walworth Road" dated 16 January 2018 and produced by BSG Ecology unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protected species and their habitats.

11. Further to the mitigation measures outlined within the "Ecological Assessment – Land West of Walworth Road" dated 16 January 2018 and produced by BSG Ecology, a scheme for the inclusion of 10 integrated/internal bird boxes within the dwellings facing greenspace shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling and the development shall not be completed otherwise than in complete accordance with the approved details.

Reason - To increase the ecological interest in the site.

Tree Protection

12. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall be in accordance with BS 5837. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. 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.

Foul Pumping Station

13. Notwithstanding the details shown on the approved plans, the foul pumping station shall be constructed in complete accordance with the requirements contained within "Sewers for Adoption, Sixth Edition" and offered for adoption with Northumbrian Water Ltd.

Reason - In the interests of residential amenity.

Amenity

14. The proposed development shall not be carried out otherwise than in complete accordance with the submitted Demolition and Construction Management Plan by Bellway Homes Limited dated 30/04/2018, Rev 1 unless otherwise agreed in writing

by the Local Planning Authority.

Reason - In the interests of residential amenity and highway safety.

15. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, 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 approval from the Local Planning Authority.

Reason - In the interests of the general amenity of the area.

16. If piled foundations are proposed, prior to the commencement of the development 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 and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved Plan.

Reason - In the interests of the general amenity of the area.

Noise

17. Prior to the commencement of any of the dwellings on Plots 1, 62, 69 – 75 as shown on Drawing Number 15-028-P01 Rev C precise details of the glazing specifications (including details on the Rw and Weighted Sound Reduction for Traffic Noise (CTR-value)) for all windows for habitable rooms on the road frontage elevation for dwellings adjacent Walworth Road shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the information in the submitted Noise Assessment by LA Environmental Ltd dated 10 January 2018 (Report No. BH/WR/001). The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the first occupation of the dwellings.

Reason - In order to protect the amenities of the future occupiers of the proposed dwellings.

Flood Risk and Drainage

18. The development hereby approved shall be implemented in complete accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy – Walworth Road Residential Development, Heighington, Darlington" - Revision 2" dated April 2018 and produced by Patrick Parsons. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7002 and ensure that surface water discharges to the surface water sewer at manhole 7901. The surface water discharge rate shall not exceed the available capacity of 7.5 l/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 2012.

19. The development hereby approved shall not commence 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 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 construction phase
- (d) Details of adoption responsibilities
- (e) Management Plan for the Surface Water Drainage scheme and any maintenance and funding arrangement
- (f) Details of landscaping, ecological enhancements and features such as seating, footways

The buildings hereby approved shall not be brought into use until the approved Surface Water Drainage Scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development

Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area in accordance with the Darlington Core Strategy Development Plan (Policy CS16) and the National Planning Policy Framework 2012.

20. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy – Walworth Road Residential Development, Heighington, Darlington" - Revision 2" dated April 2018 and produced by Patrick Parsons unless otherwise agreed in writing by the Local Planning Authority. The following mitigation measures detailed within the FRA shall be implemented:

- (a) Limiting the surface water runoff generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off site. This will be achieved by limiting the site to a surface water discharge rate of 7.5l/s into the NWL surface water sewer.
- (b) 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.

21. No dwellings should be occupied until the surface water management system for the development is in place and fully operational.

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

22. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development.

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

23. Prior to the commencement of the development, the precise details and location of the pumping station shall be submitted to and approved by the Local Planning Authority. The details shall include any enclosures to be erected, the types of material in the construction of the station and locations of any openings. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that the impact of the pumping station is minimised on the occupants to existing and proposed residential dwellings

(b) Should the Section 106 agreement not be completed within the prescribed six month period without the written consent of the Council to extend this time, the minded to approve status of the permission shall be considered to be a refusal without any further reference to the Planning Applications Committee. The reason to refuse the planning application would be as follows :-

1. The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for enhancing and improving walking and cycling routes in the vicinity of the application site; improving existing bus stops, sports provision and improvements in the Village, education provision within the Village and the creation of parking spaces within the vicinity of the application site in order to mitigate the impact of the proposed development.

16/01256/FUL - Land adjacent Royal Oak Pub (Oak Tree Inn) off Yarm Road Middleton St George, Darlington. Erect 12 dwellings and access roads and other infrastructure.

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

RESOLVED - That planning permission be granted, subject to the following conditions and the obligations contained in the Section 106 agreement dated 3 January 2018.

1. A3 – Implementation.
2. B4 – Materials.
3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:
Drawings 318-02 Rev C, 318 - 20, 318 – 21,
Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.
Reason - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
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.
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 to 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. 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 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 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 run off from the site will be managed during the construction phase; and
 - (d) Details of adoption responsibilities.
- Reason** – To ensure the sited 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 building 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 building; and
- (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.

(2) Planning Permission Refused

18/00190/FUL - 201 Greenbank Road, Darlington. Change of Use of dwelling (Use Class C3) to local convenience store (Use Class A1) with living accommodation above. Erection of single storey extension to the rear to form part of shop and associated internal and external alterations (amended plan and Planning Statements received 11 April 2018 and 13 April 2018).

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

RESOLVED – That planning permission be refused for the following reason :-

In the opinion of the Local Planning Authority, the proposed development would have an adverse impact on the amenities of the neighbouring dwellings by virtue of noise and disturbance and it has the potential to become a focal point for antisocial behaviour in an area that is known to suffer from such issues. The application site is an inappropriate location for a new retail store and the proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Planning Policy Document 2011 and the core planning principles of the National Planning Policy Framework 2012 (paragraph 17).

PA6. NOTIFICATION OF APPEALS – The Director of Economic Growth reported that :-

- (a) Darlington Cricket and Athletic Club had appealed against conditions attached to planning permission granted by this Planning Authority for the construction of an all-weather cricket practice area, incorporating 2 lanes, contained within cages and nets (retrospective application) at Darlington Cricket Club, South Terrace, Darlington (Ref No. 17/00282/FUL); and
- (b) Mr Antony Vassilounis had appealed against this Authority's decision to refuse permission for the demolition of existing triple garage and erection of a single-storey residential dwelling with parking area, new pedestrian access, street lighting and 1.8 m high timber close-boarded fencing and gates (revised scheme) at garages and garden to the rear of 38 Langholm Crescent, Darlington (Ref No. 17/00945/FUL).

RESOLVED - That the report be received.

PA7. 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.

PA8. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 18 APRIL 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA60/May/18, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 18 May, 2018.

RESOLVED - That the report be noted.