

PLANNING APPLICATIONS COMMITTEE

27 June 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Johnson, Kelley, Knowles, Lee, Lister, Lyonette, McEwan, Storr, C Taylor, J Taylor and Tostevin. (12)

APOLOGIES – Councillor Galletley. (1)

ABSENT – Councillor Cartwright. (1)

ALSO IN ATTENDANCE – Councillor C. Hughes. (1)

OFFICERS – Dave Coates, Head of Planning, Development Management and Environmental Health, Paul Ibbertson, Traffic Manager and Arthur Howson, Engineer, within Services for Economic Growth and Neighbourhood Services and Andrew Errington, Lawyer (Planning) within the Resources Group. (4)

PA9. DECLARATIONS OF INTEREST – Councillor Johnson declared an interest in Minute PA11(1) below (Ref No. 18/00232/FUL); addressed the Committee as an objector and then left the meeting during the consideration of that item. Councillor Lyonette also declared an interest in that item as he had a granddaughter attending the school. There were no other declarations of interest reported at the meeting.

PA10. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 30 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.
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.

CL4	<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 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. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</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 approved Phase 3 Remediation and Verification Strategy.</p> <p>Reason - 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works 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>Reason - 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
CL6	<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 and validation results obtained to demonstrate the completeness and effectiveness of all approved 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 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,</p>

	<p>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>Reason - 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
	<p>INFORMATIVE – The LPA provides further advice and information to assist in complying with the requirements of the land contamination planning condition(s) in Technical Guidance for Developers, Landowners and Consultants,</p> <ul style="list-style-type: none"> • YAHPAC "Development of Land Affected by Contamination • YAHPAC "Verification Requirements for Cover Systems" • YAHPAC "Verification Requirements for Gas Protection Systems" <p>The latest editions of each guidance can be found on the Council's website at the following link: http://www.darlington.gov.uk/contlandplanningguidance</p>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p>Reason - To define the consent.</p>

PA11. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

18/00232/FUL - Carmel College, The Headlands, Darlington. Variation of Condition 14 (Construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches) attached to planning permission 16/00597/FUL dated 8 September 2016 to ensure padding on perimeter backboards and goal backboards meet the requirements of Condition 13 (amended Noise Assessment received 8 May 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 applicant and a supporter of the application, both of whom Members heard).

(NOTE – Councillor Johnson left the table for the above item and, after speaking against the application, left the room, whilst the application was being discussed).

RESOLVED – That the variation of Planning Permission be granted, subject to the same conditions as contained in Planning Permission Ref No. 16/00597/FUL, with the exception that condition 14 be varied to the following :-

The goal backboards and perimeter backboards shall be designed and lined with suitable padding material so as to reduce the noise from ball impacts. Mitigation shall be sufficient to ensure that the ball impact noise does not result in exceedances of the noise assessment criteria detailed in Planning Condition 13 (attached to planning permission 16/00597/FUL). The mitigation to perimeter backboards and goal backboards shall be maintained throughout the life of the development to the satisfaction of the Local Planning Authority.

Reason - In the interests of residential amenity.

18/00442/FUL - Site of Former Springfield Primary School, Salters Lane South, Darlington. Proposed residential development consisting of 80 dwellings, access and landscaping (Re-submission).

It was reported that the Ecology Officer considered that the application complied with the provision of the Habitats Directive and that the Planning Officers had taken account of those provisions when considering their recommendation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

RESOLVED – That, subject to the S106 financial contributions being collected through the land sale arrangements, planning permission be granted subject to the following conditions :-

General

1. A3 Implementation Limit (18 months).
2. Details of soft landscaping shall be submitted to, and approved by the Local Planning Authority, prior to the first occupation of the development hereby approved. Such landscaping shall be provided either within the first planting season after completion of the development, or any individual phase thereof, or prior to the buildings being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally approved and planted.

Reason – To ensure satisfactory appearance of the site and to improve the visual appearance of the locality.

3. PL (Accordance with Plans).
4. Construction work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no working on a Sunday and Bank / Public

Holidays without the prior written permission of the Local Planning Authority.

Reason – In the interests of residential amenity.

5. E5 (Boundary Treatment Submission).

Contaminated land

6. CL4 Phase 3 Remediation and Verification Strategy.
7. CL5 Construction / Remediation Works.
8. CL6 Phase 4 Verification and Completion Report.

Trees

9. The development shall not be carried out otherwise than in accordance with the Arboricultural Implications Assessment (Elliott Consultancy Limited, February 2018) and in particular the measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. 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 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 a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

Affordable Housing

10. The affordable housing shall be provided in complete accordance with the approved scheme as set out in the Affordable Housing Statement (Karbon Homes, May 2018) unless otherwise agreed in writing with the Local Planning Authority.

Reason – To comply with Council Housing Policy.

Flood Risk and Drainage

11. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable 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 including design water levels and finished floor levels demonstrating a suitable freeboard;
- 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;

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 site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 23rd January 2018 and the following mitigation measures detailed in the FRA.

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Section 5.02 stating a Qbar of 12.0 l/s.

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.

13. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved 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.

14. Development shall not commence until a detailed scheme for the disposal of foul 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.

Highways

15. The development shall not be carried out otherwise than in complete accordance with the actions set out in the Construction Management Plan (Construction Phase Health and Safety Plan, Gus Robinson Developments Limited) dated March 2018 unless otherwise agreed in writing by the Local Planning Authority.

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

16. Prior to the first occupation of the development hereby approved, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason- In the interests of highway safety.

17. Details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place, Alnwick Place) shall be submitted following the completion of the 20th house, and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – To enable a consultation exercise to be undertaken with local residents, by local members, to establish the need for footpath provision within the area.

Ecology

18. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Preliminary Ecological Appraisal Former Springfield School, Darlington (E3 Ecology, June 2018 Final), the Great Crested Newt Survey Former Springfield School, Darlington (E3 Ecology, June 2018 Final); and the Bat Survey Former Springfield School, Darlington (E3 Ecology, June 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

18/00325/FUL - 52 Middleton Lane, Middleton St George. Erection of first floor extension, porch to front elevation, single storey side extension and double storey side and rear extension and formation of new vehicular access (description amended following amended plan received 14 June 2018).

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

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

1. A3 (Standard 3 year time limit).
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 - Drawing number 2018/SM/02 dated 5 April 2018
 - Drawing number 2018/SM/03 dated 19 April 2018
 - Drawing number 2018/SM/04 dated 14 June 2018

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

3. B4 (Details of external materials to be submitted).
4. Construction work shall not take place outside the hours of 08:00-19.30 Monday to Friday, 08:00-14:00 Saturday with no working on a Sunday and 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 hereby permitted, details of the proposed new access off Middleton Lane, including details of the retention of the existing hedge or the inclusion of a wall or fence either side of the new access to prevent vehicles illegally crossing the footway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the new access shall be provided in accordance with the details as approved prior to first occupation of the extension hereby approved and thereafter be so maintained.

REASON – In the interest of highway safety.

(2) Change of Use Refused

18/00329/CU - 21 Lady Kathryn Grove, Darlington. Change of use of open space to domestic garden.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

RESOLVED – That planning permission be refused as the change of use of the land to private curtilage, including its enclosure, would result in the loss of open space which would impact on the character of the area and a resultant detrimental effect on the amenity of nearby residents.

PA12. NOTIFICATION OF APPEALS – The Director of Economic Growth and Neighbourhood Services reported that Messrs Lee, Tyers and Hartley had appealed against this Authority's decision to refuse planning permission for change of use of land for the siting of 15 no. holiday chalets, with associated access, car parking and landscaping (additional transport statement received 29 August 2017) at Land North East of Brickyard Farm, Neasham Road, Darlington (Ref. No. 17/00623/FUL).

RESOLVED - That the report be received.

PA13. 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.

PA14. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 13 JUNE 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA8/May/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 13 June 2018.

RESOLVED - That the report be noted.