

## PLANNING APPLICATIONS COMMITTEE

18 December 2013

**PRESENT** – The Mayor (Councillor Johnson); Councillor Baldwin (in the Chair); Councillors Cartwright, Cossins, Knowles, Long, D A Lyonette, Macnab, Stenson and J Taylor. (10)

**APOLOGIES** – Councillors L Haszeldine, Lee and Regan. (3)

### **ALSO IN ATTENDANCE** –

**OFFICERS** – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer and Paul Ibbertson, Engineer within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

**PA53. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA54. MINUTES** - Submitted - The Minutes (previously circulated) of a meeting of this Committee held on 20 November 2013.

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

**PA55. PROCEDURE** – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

**RESOLVED** – That the procedure be noted.

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

<b>Code No.</b>	<b>Conditions</b>
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.
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. <b>Reason</b> - 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.
B5	The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. <b>Reason</b> - To ensure the development is carried out in accordance with the planning permission.

**PA56. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**13/00750/FUL** - South Car Park, Town Hall, Feethams. Mixed use development including cinema, hotel, restaurants, bars and leisure uses, comprising the erection of buildings for use within Use Classes A3, A4, C1 and D2 with commercial car parking, access arrangements, hard and soft landscaping and outdoor seating areas (amended site investigation report received 14 October 2013, additional cycle parking plan received 12 November 2013, archaeological evaluation received 15 November 2013 and additional swept path analysis plans received 18 November 2013 and 21 November 2013).

(In reaching its decision, the Committee took into consideration the comments of English Heritage, the Environment Agency, Durham County Archaeology, Northumbrian Water, Northern Gas Networks, the Highways Engineer, Environmental Health Officer, Conservation Officer, Ecology Officer and the objections of Darlington Association on Disability all of which had been received and the views of a representative of Darlington Association on Disability and the applicant's agent, both of whom Members heard).

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

1. 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.
2. 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.
3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below :-  
Site Location Plan ref 850-9003  
Existing Site Plan ref 850-9000  
Proposed Site Plan ref 850-9001

Proposed Ground Floor Plan ref 850-2010 P1  
Proposed Podium Floor Plan ref 850- 2011 P1  
Proposed First Floor Plan ref 850 2012  
Proposed Second Floor Plan ref 850 -2013  
Proposed Third Floor Plan ref 850-2014  
Proposed Fourth Floor Plan ref 850-2015  
Proposed Roof Plan ref 850-2016  
Proposed Elevations Sheet 1 ref 0850-2200 P1  
Proposed Elevations Sheet 2 ref 0850-2201 P2  
Proposed Elevations Sheet 3 ref 0850 -2202 P1  
Proposed Elevations Sheet 4 ref 0850 -2203  
Landscape Masterplan Podium Plan ref 0569-1 Podium Rev C

**Reason** - To ensure the development is carried out in accordance with the planning permission

4. A Phase 3 Remediation Strategy for the remediation of land and groundwater contamination affecting the site determined through risk assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be implemented and completed in accordance with the agreed Remediation Statement by competent person(s), no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Local Planning Authority.

**Reason** – To adequately deal with contamination on the site to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

5. A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

**Reason** - To adequately deal with contamination on the site to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

6. Any contamination not considered in the Phase 3 Remediation Statement but identified during the 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 prior to occupation of the development.

**Reason** - To adequately deal with contamination on the site to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

7. No unit permitted shall be brought into use until details of the arrangements for the storage of refuse and waste within the common parts of the scheme have been submitted to and approved by the Local Planning Authority. The storage and disposal of waste shall not be carried out unless in accordance with the approved arrangements.

**Reason** - To safeguard the amenities of the area.

8. Prior to the first occupation of each unit, a scheme for the effective control of fumes and odours from that unit shall be submitted to, and approved by, the Local Planning Authority. The scheme shall show, for each unit wherein cooking equipment other than a domestic oven or microwave oven is required, typical details of equipment for the extraction of cooking fumes and odours, and shall

include details of all grease and carbon filtration systems, and any ductwork, duct routes and termination points that are external to the building, and details of the acoustic qualities of the system, including any noise and/or vibration attenuation measures. No individual unit wherein such equipment is required shall be brought into use before the equipment (as approved) has been installed and, thereafter, the equipment shall be retained in accordance with the approved details.

**Reason** – To safeguard the amenities of the area.

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason** - To ensure that risks to controlled waters are adequately addressed.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BGP 121727/RFA 001E and the following mitigation measures detailed within the FRA :-

- (a) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven;
- (b) Finished floor levels are set no lower than 38.1m above Ordnance Datum (AOD);
- (c) Surface water drainage is directed to the public sewerage system at the reduced rate highlighted in the FRA and with agreement from Northumbrian Water.

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

**Reason** – To ensure safe access and egress from and to the site. To reduce the risk of flooding to the proposed development and future occupants. To ensure satisfactory method of surface water drainage proposal.

11. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, the proposed hours of construction including any piling activities, vehicle routes, compound set up and temporary parking arrangements for construction staff, road maintenance and temporary signage. The development shall not be constructed otherwise than in complete accordance with the approved details.

**Reason** – To safeguard the amenities of the area.

12. No unit hereby permitted shall be brought into use until precise details showing the on-site pedestrian infrastructure proposed to link into the surrounding network including, but not limited to, permanent signage (where applicable), locations of the dropped crossings and tactile paving from the disabled parking bays within the car park to the main accesses, dropped crossings and tactile paving locations on the access road to external linking footway routes have been submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be completed and available for use prior to the occupation of the development hereby permitted.

**Reason** – In the interest of the safety of users of the highway.

13. Unless otherwise agreed in writing by the Local Planning Authority no unit hereby permitted shall be brought into use until cycle parking facilities have been provided in accordance with cycle parking plan reference 2017 dated 22 August 2013. The

facilities shall subsequently be maintained in accordance with the approved details.

**Reason** – To enable the site to be accessed by a range of means of transport.

14. No unit hereby permitted shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall confirm the process for the implementation of the measures and monitoring programme, as set out in sections 6.0 and 7.0 of the Framework Travel Plan dated September 2013 prepared by Mayer Brown, unless otherwise first agreed in writing by the Local Planning Authority. The development hereby approved shall thereafter be operated in accordance with the approved Travel Plan.

**Reason** – In order to promote sustainable means of travel to the site.

15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 as amended (or any order revoking and re-enacting that Order) any unit brought into use within Classes A3, A4 or D2 shall not subsequently be brought into Class A1 or A2 use.

**Reason** – To comply with the requirements of Policy CS7 (Town Centre) of the Darlington Core Strategy Development Plan Document.

16. No unit hereby permitted shall be occupied until details of a lighting scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development hereby permitted.

**Reason** – In the interests of ecology and the security and surveillance of the site.

17. No tree and shrub removal shall take place within the bird breeding season (March to September inclusive) unless a nesting bird survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

**Reason** - In the interest of nesting birds.

18. No unit hereby permitted shall be occupied until the lift in the north west corner of the development has been provided and is available for use in accordance with drawing numbers 2010 Revision P1, 2011 Revision P1 and 2200 Revision P1 dated 22 August 2013. Thereafter the lift shall be maintained in working order.

**Reason** – To ensure that the site remains accessible to pedestrians.

19. No unit hereby permitted shall be occupied until the ramp and stepped access in the south east corner of the development has been provided and is available for use in accordance with drawing numbers 2011 Revision P1, 2201 and 9001 dated 22 August 2013. The ramp and access shall thereafter be maintained in accordance with the approved details.

**Reason** – To ensure that the site remains accessible to pedestrians.

20. The landscaping of the podium area shall be carried out in accordance with the details shown on drawing number 0569-1Podium Rev C dated February 2013 and such landscaping shall be fully implemented prior to occupation 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 within a period of 5 years from planting shall be replaced by a tree or shrub of the same size and species in the same place unless the Local Planning Authority agrees to any variation.

**Reason** – To ensure a satisfactory appearance of the site and in the interests of visual amenity.

21. Development shall not commence until details of the junction between the access road and the highway have been submitted to and approved in writing by the Local Planning Authority. No units hereby permitted shall be brought into use until that junction has been constructed, and is available for use, in accordance with the approved details. The access roads and footways within the site (excluding the

podium area) shall be constructed to an adoptable standard, and available for use, prior to any part of the development being brought into use.

**Reason** – In order to ensure the provision of a satisfactory standard of access.

## **(2) Planning Permission Refused**

**13/00794/FUL - 9A Tees Grange Avenue, Darlington.** Erection of a single storey building to form residential annexe (second revised application).

(In reaching its decision, the Committee took into consideration the comments of the Highways Engineer and a total of six letters of objections from residents of three neighbouring properties which had been received and the views of a representative of the applicant and a representative of one of the objectors, both of whom Members heard).

**RESOLVED** - That planning permission be refused as the development by virtue of its size, scale and proposed use, would have an adverse impact on the amenity of residential property located in the immediate locality, and would thereby conflict with Policy H13 [Backland Development] of the Borough of Darlington Local Plan 1997.

**PA57. NOTIFICATION OF APPEALS** – The Director of Director of Place reported that that :-

- (a) Mr Billy Cairney had appealed against this Authority's decision to refuse planning permission for the change of use of land to form extension to existing private gypsy site for three additional pitches to accommodate one static caravan and 1 touring caravan on each pitch, and a transit pitch for guest car space and touring caravan; and erection of three amenity buildings, hardstanding, widening of access to the site and an internal track, with boundary treatment at land off Aycliffe Lane, Darlington (Ref. No. 13/00433/FUL).
- (b) Mr S Edwards had appealed against this authority's decision to refuse planning permissions for the erection of building to form annexe (revised application) at 9a Tees Grange Avenue, Darlington (Ref. No. 13/00156/FUL).
- (c) Mrs T Harker had appealed against this Authority's decision to refuse planning permission for the change of use of land to private gypsy site for residential purposes on two plots, each plot incorporating the siting of a mobile home and touring caravan. Erection of two amenity buildings, fencing, hard standings, installation of shared septic tank and construction of an internal access road and landscaping (revised application) at site at land off Walworth Road, Heighington, Darlington (Ref. No. 13/00592/FUL).
- (d) Mr T Mounsey had appealed against this Authority's decision to refuse planning permission for change of use of land to private gypsy site for residential purposes on two plots, each incorporating the siting of a mobile home and touring caravan. Erection of two amenity buildings, fencing, hard standings, installation of shared septic tank and construction of an internal access road and landscaping (revised application) at site at land off Walworth Road, Heighington, Darlington (Ref. No. 13/00594/FUL).

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

**PA58. NOTIFICATION OF DECISIONS ON APPEALS** - The Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment had dismissed the appeal by Mr J Brown against this Authority's decision to refuse planning permission for the erection of a detached dwelling house (outline) at 28 Highside Road, Heighington, Newton Aycliffe (Ref. No. 12/00688/OUT).

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

**PA59. 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.

**PA59. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA52/Nov/13, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 6 December 2013.

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