

PLANNING APPLICATIONS COMMITTEE

29th July, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Dunstone, Hartley, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Stenson and Walker. (10)

APOLOGIES – Councillors Freitag, Regan and Robson. (3)

OFFICERS – Neil Cookson, Solicitor within the Corporate Services Department; John Anderson, Assistant Director – Planning, Regeneration and Transport, Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

PA22. DECLARATION OF INTERESTS – In relation to Application Ref. No. 09/00411/FUL below, Councillor Johnson declared a personal and prejudicial interest due to his involvement with application.

PA23. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 1st July, 2009.

RESOLVED - That the Minutes be approved as a correct record.

PA24. 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 or consent :-

| Code No. | Conditions |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 | The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :- (a) access (b) appearance (c) landscaping (d) layout (e) scale Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990. |
| A2 | The development shall be begun two years from the final approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved. |

| | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990. |
| 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. |
| 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. Reason - To ensure the development is carried out in accordance with the planning permission. |
| B9 | Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use. Reason - In the interests of visual and/or residential amenity. |
| B10 | Prior to the commencement of development, a test panel of the proposed materials to be used in the main walls of the development shall be constructed on the development site and approved by the Local Planning Authority and subsequently, the main walls of the development shall be constructed in accordance with the approved test panel. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development. |
| B11 | Notwithstanding any description of the design and fitting of any windows in the application, precise details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The details shall incorporate at least a 12cm external brickwork reveal. Reason - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity. |
| D4 | The use hereby permitted shall not commence until details of the arrangements for storing of refuse or waste have been submitted to, and approved by, the Local Planning Authority. The development |

| | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>shall not be carried out otherwise than in accordance with any approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied.</p> <p>Reason - To safeguard the amenities of the area.</p> |
| E2 | <p>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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p> |
| J2 | <p>The site shall be investigated for landfill gas to the satisfaction of the Local Planning Authority and details of the test, results and measures required to render the development safe shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development.</p> <p>Where measures are required, they shall be installed prior to the development being occupied or such other time as may be required by the Local Planning Authority.</p> <p>Reason - The site lies within 250 metres of a former landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard for environmental and public safety.</p> |
| J6 | <p>Prior to the development hereby approved being commenced, the provision of a sculpture or piece of art or craftwork shall be agreed with the Local Planning Authority and it shall be erected on the site as an integral part of the development or within six months of any part of the development being occupied.</p> <p>Reason - In the interests of the appearance and character of the site and to comply with Darlington Borough Council's policy relating to Art in the Environment.</p> |

PA25. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/01003/OUTE – Humbleton Farm, West Auckland Road, Burtree. Erection of an agricultural centre to include replacement livestock market and equine centre and ancillary uses (in outline) at Humbleton Farm, West Auckland Road, Burtree.

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

RESOLVED – (a) That the report be noted, and the matter be referred to the Government Office.

(b) That the Assistant Chief Executive (Regeneration) be authorised to negotiate the agreement under Section 106 of the Town and Country Planning Act 1990 to secure the sum of £20,000 from the developer to fund the improvement of the two bus stops, one on either side of the A68 (£10,000 each). This payment will fund the provision of shelters, bus stop flags, time table cases, real time displays and necessary accommodation works.

(c) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

- (i) A1 (Reserved matters).
- (ii) A2 (Reserved matters – time limits).
- (iii) B4 (Details of materials to be approved).
- (iv) (Development in accordance with approved plans).
- (v) (Details of means of enclosure).
- (vi) No more than 4 standalone business units on the site (not including the Biogas Plant) shall be built and trading prior to the commencement of the Agricultural and Equine Centre; that no more than 8 standalone business units shall be built and trading prior to the completion and active use the Agricultural and Equine Centre.
Construction of the Biogas Plant can proceed in advance of the Agricultural and Equine Centre hereby approved on the basis that all power generated shall be fed into the National Grid until such time as power is required to feed the Agricultural and Equine Centre and the standalone business units, at which time any surplus shall be made available to the National Grid.
Reason - To ensure that the site is not developed in isolation and for unrelated business activity, which would otherwise be considered unacceptable in this countryside location.
- (vii) Notwithstanding the Town and Country (Use Classes) Order 1987 (as amended), the speciality business park units (as shown on the Strategic Layout Plan – drawing 8606-03) shall not be used other than for business’ directly related to agricultural or equine need, unless otherwise agreed in writing with the Local Planning Authority.
Reason – The application proposes the development of a business park on a site outside the approved development limits identified in the Borough of Darlington Local Plan 1997. In granting planning permission it is recognised that the development proposed is an integral part of delivering the proposed Agricultural and Equine Centre and it is appropriate to limit occupation of the units to those businesses and uses that are reasonably related to the Agricultural and Equine Centre in order not to prejudice the development plan for the area.
- (viii) J2 – Contaminated land.
- (ix) Prior to the commencement of development, a Construction Noise Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the Construction Noise Management Plan shall be implemented in full during the construction phase of the development.
Reason – To ensure that nearby residential properties are not adversely affected by noise emissions arising from construction activities.
- (x) Noise from construction activities shall be acceptable (in the opinion of the relevant Local Planning Authority Officer acting reasonably) at any of the noise

receptors identified in Chapter 12 of the ‘Humbleton Farm Environmental Statement’ outside of the hours of 0730 to 1730 Monday to Friday and 0730 to 1330 on Saturdays, and not at all on Sundays, except with the prior agreement of the Local Planning Authority.

Reason – To ensure that nearby residential properties are not adversely affected by noise emissions arising from construction activities.

- (xi) The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with this planning permission shall be at least 10 dB(A) below the background noise level at the noise monitoring positions 2 to 6 as detailed in Section 12.3.1 of the ‘Humbleton Farm Environmental Statement’ (HFES), Volume 2, dated 10 December 2008, when measured in accordance with BS 4142:1197. The background noise levels to be used shall be those specified in Table 12.5 (HFES) for daytime (0700 to 2300) and Table 12.6 (HFES) for night time (2300 to 0700) or if it is the opinion of the Local Planning Authority that these noise levels are no longer applicable, the background noise level shall be measured and agreed with the Local Planning Authority’

Reason – To protect the amenities of residential properties adjacent to the site from noise.

- (xii) Prior to the commencement of any particular phase of development, or other such timescale as may be agreed in writing with the Local Planning Authority, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall provide details of the layout of all plant and machinery to be installed in connection with the approved development together with details of any noise mitigation measures necessary to comply with the noise limits at the noise receptors identified in accordance with condition 11 above. Thereafter any necessary noise mitigation measures identified in the Noise Impact Assessment shall be implemented in full.

Reason - To protect the amenities of residential properties adjacent to the site from noise.

- (xiii) Prior to the commencement of any particular phase of development, or such other timescale as may be agreed in writing with the Local Planning Authority, a scheme for controlling dust (a Dust Action Plan) shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include information on measures to be taken to suppress dust emissions, monitoring procedures and relevant contact details. The development shall not be carried out in otherwise accordance than in complete accordance with the approved details.

Reason – To protect the amenities of residential properties adjacent to the site from dust arising from construction activities.

- (xiv) Prior to the commencement of development, or such other timescale as may be agreed in writing with the Local Planning Authority, an Air Quality Assessment, the scope of which shall first be agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures shown to be necessary following the Air Quality Assessment shall be agreed with the Local Planning Authority and thereafter implemented in full.

Reason – The Local Planning Authority wish to ensure that the approved development will not have an adverse impact on air quality.

- (xv) Prior to the first occupation of the buildings, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority, together with an assessment of the impact on nearby sensitive properties or roads. All lighting will need to be arranged so as not to shine directly towards any sensitive

properties or roads and to be shielded to prevent light spillage beyond the site boundary.

Reason – To protect the amenity of the countryside.

- (xvi) Development shall not begin until a surface water drainage scheme for the site, based on sustainable development principles, an assessment of the actual Greenfield run-off regime, and including an implementation schedule has been submitted to and approved in writing with the Local Planning Authority. The scheme shall also include details of how the surface water drainage system shall be maintained and managed after completion.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

- (xvii) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul sewage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure no pollution is caused to controlled waters.

- (xviii) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority :-

- (1) a preliminary risk assessment which has identified :-
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors; and
 - (d) potentially unacceptable risks arising from contamination at the site;
- (2) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (3) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- (4) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved

Reason - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. old tip. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer and it is located within a groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

- (xix) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. old tip. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer and it is located within a groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

- (xx) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - Unsuspected contamination may exist at the site, which may pose a risk to controlled waters.

- (xxi) Prior to the commencement of development a scheme for the provision and management of a buffer zone of no less than 2 metres from the bank top of the watercourse to the south of the site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason - Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. In this case, the watercourse to the south of the site is particularly important as a wildlife corridor for present species. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

- (xxii) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings should be passed through an oil-interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor.

Reason – To protect the quality of controlled waters at the site.

- (xxiii) Prior to the commencement of the development hereby permitted, a roundabout shall be provided on the A68 at the entrance to the site. The roundabout shall be provided in accordance with a scheme, the details of which shall be first agreed in writing with the Local Planning Authority, at the developer's expense.

Reason – To provide safe vehicular access to and from the site onto the A68.

- (xxiv) Prior to the commencement of the development hereby permitted, a scheme for the illumination of the roundabout referred to in condition 24 above and along the A68 to Burtree Lane shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be provided concurrently with the construction of the roundabout.

Reason – In the interests of highway safety.

- (xxv) Notwithstanding any details of proposed access roads through the site submitted as part of the application, the design of development shall not include any roads that will allow for vehicles to 'rat run' through the site between the A68 and

Burtree Lane.

- (xxvi) **Reason** – In the interests of highway safety.
Prior to the commencement of any site works (including any demolition or site clearance works) details of a wheel washing facility for construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Such a facility shall be provided, used and maintained on-site until the development is completed.
Reason – To ensure that adequate measures are available to prevent the depositing of soils and debris on the adjoining highway and in the interests of highway safety.
- (xxvii) Prior to the commencement of the development hereby permitted, or such other timescale as may be agreed in writing with the Local Planning Authority, details of a scheme to deal with construction traffic associated with the carrying out of the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations set out in the approved scheme shall be implemented in full during the construction phase of the development.
Reason – In the interests of highway safety.
- (xxviii) Prior to the commencement of the development hereby permitted, or such other timescale as may be agreed in writing with the Local Planning Authority, details of any signage on the local highway network, including any adjustments required to existing Advance Direction Signs (ADSs) shall be submitted to and approved in writing by the Local Planning Authority. Any changes to the signage on the local highway network shall be made at the developer's expense.
Reason – In the interests of highway safety.
- (xxix) Prior to the commencement of development, or such other timescale as may be agreed in writing with the Local Planning Authority, details of parking for both vehicles and cycles (including spaces for people with disabilities) shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall comply with standards in 'Darlington Borough Council Design Guide and Specification: Residential and Industrial Estates Development'. Spaces shown on the approved drawing shall be made available for use prior to the first occupation of any part of the development.
Reason – In order that the Local Planning Authority may be satisfied as to the details of the development and to ensure that parking spaces are available in accordance with Darlington Borough Council's standards.
- (xxx) Prior to the commencement of development, or such other timescale as may be agreed in writing by the Local Planning Authority, details of the internal road network shall be submitted to and approved in writing by the Local Planning Authority. The internal road network shall be designed to comply with standards in 'Darlington Borough Council Design Guide and Specification: Residential and Industrial Estates Development' and shall be provided in accordance with the details as approved prior to the first occupation of any part of the development.
Reason – In order that the Local Planning Authority may be satisfied as to the details of the development.
- (xxxi) Prior to the commencement of development, or such other timescale as may be agreed in writing by the Local Planning Authority, a management plan setting out procedures for dealing with escaped animals onto the adjacent roads shall be submitted to and approved in writing by the Local Planning Authority.
Reason – In the interest of highway safety.

- (xxxii) All works within the public highway and those affecting the public highway shall be subject to a road safety audit at design and completion stages.
Reason – In the interests of safety and the free flow of traffic on the public highway.
- (xxxiii) Prior to the commencement of the development hereby permitted, a Travel Plan shall be produced for the site and submitted in writing to the Local Planning Authority for approval. Thereafter the Travel Plan shall be implemented in full, in accordance with the details and timescales set out in the plan.
Reason – To ensure that the development complies with the advice given in ‘Planning Policy Guidance Note 13 – Transport’ regarding the need to include travel plans as an integral part of applications of this scale.
- (xxxiv) Prior to the commencement of any development works on the site, details of proposals to provide an upgraded pair of bus stops and associated bus shelters (either in the existing locations or in the new locations) and pedestrian links between the site and the bus stop shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed links and bus stop improvements shall then be installed and completed to the satisfaction of the Local Planning Authority, prior to occupation. The proposed works shall be subject to a Road Safety Audit at both design stages and completion stages and the scheme shall include a pedestrian road crossing solution across the A68 that complies with the Road Safety Audit.
Reason – In the interests of reducing the traffic impact of development on the strategic road network and in the interests of pedestrian safety.
- (xxxv) Prior to uses commencing on site, details of improvements to junction 58 of the A1 (as shown in principle on Dougal Baillie drawing number 06094-PL-03) shall be submitted to and approved in writing by the Local Planning Authority, following consultation with the Highways Agency. The proposed works shall be subject to a Stage 2 (detailed design) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority, following consultation with the Highways Agency.
Reason – In the interests of safety and the free flow of traffic on the A1 and its junctions.
- (xxxvi) Prior to the Agricultural and Equine Centre hereby approved first being occupied, the required improvements to junction 58 of the A1 (as set out in condition 36) shall be completed to the satisfaction of the Local Planning Authority, in consultation with the Highways Agency. The proposed works shall be subject to a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority, following consultation with the Highways Agency.
Reason – In the interests of safety and the free flow of traffic on the A1 and its junctions.
- (xxxvii) Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in conditions 37 and 38) become operational. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority, following consultation with the Highways Agency.
Reason – In the interests of safety and the free flow of traffic on the A1 and its junctions.

- (xxxviii) All lighting used on site, both during the construction and operational phase, shall be designed so as to avoid disturbance to foraging bats on the site. This should include avoidance of high-intensity lighting where possible and avoiding illuminating roost entrances and foraging features.
Reason – To conserve protected species and their habitat.
- (xxxix) Prior to the commencement of development hereby permitted, a further checking survey for the presence of badgers on the site shall be undertaken by the project ecologist. Should evidence be found, the ecologist should advise on a suitable course of action to minimise the risk of damage to any setts, or harm to badgers using the site.
Reason – To conserve protected species and their habitat.
- (xl) Prior to the commencement of the development hereby permitted, a detailed environmental masterplan, the scope of which shall first be agreed in writing by the Local Planning Authority shall be submitted and agreed in writing by the Local Planning Authority. The environmental masterplan shall also provide for a 10-year management plan for the site. Thereafter the development hereby approved shall be carried out in accordance with the contents of the environmental masterplan and the necessary mitigation measures shall be implemented in full.
Reason – In the interest of safeguarding and enhancing the biodiversity of the site.
- (xli) Prior to the submission of the reserved matters/full planning application the developer must secure the implementation of and undertake an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of the completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.
Reason – The site is in an area of high archaeological potential as shown by the Environmental Impact Assessment (EIA). The results of the evaluation (geophysical survey and targeted trial trenching) will be needed to help determine the future reserved matters/full planning application.

08/1004/OUT - Field at OSGR E429931 N512826, Neasham Road, Darlington. Outline application for residential development (160 dwellings) (additional travel plan received 28 January 2009).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objections; the comments of the Government Office for the North East, North East Assembly, One North East, Natural England, Durham Wildlife Trust, the Environment Agency, Northumbrian Water, The Ramblers, Northern Gas Network and CE Electric UK; the concerns of the Highways Agency and Durham Constabulary and the objections of the Campaign to Protect Rural England (CPRE) and Hurworth Parish Council that had been received and the views of Mr. Aitken, applicant, and Mr. Heslop, applicant's agent, whom Members heard).

RESOLVED – (a) That the matter be referred to the Government Office and that the Assistant Chief Executive (Regeneration) be authorised to negotiate at an appropriate time an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following :-

- (i) The formation of an escrow account to secure the proceeds of the sale of the land at Neasham Road and to ensure that the funds are directed into the construction of the Agricultural and Equine Centre at Humbleton Farm in accordance with planning permission 08/01003/OUTE and any subsequent reserved matters permission in accordance with a method of managing the account to be agreed.
- (ii) No development shall commence at Neasham Road until such time as development of the Agricultural and Equine Centre at Humbleton Farm has reached an agreed stage.
- (iii) Affordable housing in perpetuity in accordance with supplementary planning guidance (15 per cent in Eastbourne ward).
- (iv) A financial contribution towards the upgrading and maintenance of an off site area of open space in accordance with the Open Space Strategy.
- (v) A financial contribution towards the upgrading and maintenance of an off site equipped play area in accordance with supplementary planning guidance.
- (vi) A financial contribution for improvement of primary and secondary education facilities.
- (vii) Commuted sums for off-site highway and public transport improvements :-
 - (1) Funding for the inclusion of the development within the Neasham Road Residents Parking Scheme (funding to cover cost of signing, lining, advertising, legal costs etc.);
 - (2) Financial support to provide half hourly bus service in each direction along Neasham Road for a 5-year period;
 - (3) Financial support for improvement of existing bus stops on Neasham Road (£20,000);
 - (4) Financial contribution for upgrading and improving existing cycle/pedestrian route through Geneva Woods to Parkside; and
 - (5) Financial contribution towards the provision of a joint cycleway and footpath through the site linking Neasham Road to the lane to Railway Cottages to the north.
 - (6) Funding for a programme of Personalised Travel Planning for residents of the development hereby approved.

(b) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

- (i) A1 (Reserved matters).
- (ii) A2 (Reserved matters).
- (iii) B4 (Details of materials).
- (iv) B5 (Development in accordance with approved plans).
- (v) B9 (Details of means of enclosure).
- (vi) B10 (Test panel).
- (vii) B11 (Details of windows).
- (viii) D4 (Details of refuse storage required).
- (ix) Prior to the commencement of development a scheme for the provision and management of a buffer zone of no less than 5 metres alongside the watercourse to the south west of the site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason – Development that encroaches on watercourses has a potentially severe

impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. The land adjacent to the watercourse is an important wildlife corridor with mature shrubs and trees and should be protected. Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

- (x) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason – To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage.

- (xi) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority :-

- (1) A preliminary risk assessment that has identified :-
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - (iv) potentially unacceptable risks rising from contamination at the site;
- (2) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (3) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- (4) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason – The information provided with the planning application is insufficient to fully assess whether the site has been subject to a potentially contaminative land-use i.e. made ground and hot spots of elevated pollutants have been identified. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

- (xii) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason – The information provided with the planning application is insufficient to fully assess whether the site has been subject to a potentially contaminative land-use i.e. made ground and hot spots of elevated pollutants have been identified. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

- (xiii) If, during development, contamination not previously identified is found to be present at the site, then no further development, unless otherwise agreed in writing by the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason – Unsuspected contamination may exist at the site, which may pose a risk to controlled waters.

- (xiv) Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason – A 600mm public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

- (xv) Development shall not commence until a detailed scheme for the diversion of its apparatus has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason – An existing 39 inch and 48 inch steel water main crosses the proposed development site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

- (xvi) Development shall not commence until a detailed scheme for the disposal of 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. Thereafter the development shall take place in accordance with the approved details.

Reason – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 'Development and Flood Risk' and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. In

discharging the condition the Developer should develop the Surface Water Drainage solution by working through the hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely :-

- (1) Soakaway;
- (2) Watercourse and finally; and
- (3) Sewer.

Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

Reason – To conserve protected species and their habitat.

- (xvii) No development shall take place until a scheme for the provision of a right turn facility at the access to the site on Neasham Road has been submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall be provided in complete accordance with the approved details prior to the first occupation of any of the houses on the site.

Reason - To provide safe vehicular access to the site.

- (xviii) The layout of the housing development hereby approved shall be designed to provide for a 20mph speed limit and shall include precise details of the street lighting, signage and traffic calming measures necessary to ensure a 20mph speed limit. Such details 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 the approved details.

Reason - In the interests of highway safety.

- (xix) The development hereby approved shall implement the Travel Plan (Issue 7) prepared by Dougall Baillie Associates.

Reason – To reduce the traffic impact on the strategic road network.

- (xx) Prior to the commencement of the development hereby permitted, a detailed environmental masterplan, the scope of which shall first be agreed in writing by the local planning authority. The environmental masterplan shall also provide for a 10-year management plan for the site. Thereafter the development hereby approved shall be carried out in accordance with the contents of the environmental masterplan and the necessary mitigation measures shall be implemented in full.

Reason – In the interest of safeguarding and enhancing the biodiversity of the site.

- (xxi) J6 (Percent for Art – provision of sculpture/artwork on the site).

- (xxii) Before the commencement of any works on site, a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall be implemented and reviewed at the request of the Local Planning Authority.

Reason – In the interests of residential amenity

- (xxiii) Construction and demolition work shall not take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 on a Saturday and not at all on a Sunday or a Bank Holiday.

Reason - In the interests of residential amenity.

- (xxiv) J2 – Contaminated Land.

- (xxv) Prior to the development hereby approved being commenced, a scheme for the protection of the proposed residential accommodation from noise from roads, the railway, telecommunications mast and the Stadium shall be submitted to and

approved by the Local Planning Authority. The scheme shall include predicted noise levels at residential properties, include details of sound attenuation methods to be used and shall achieve internal noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55 dB(A) LAeq in garden areas and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing development being first occupied or used.

Reason - To protect occupiers of the development from noise attributable to the use of the adjacent roads, railway line and stadium.

08/00638/OUT - Lingfield Point. Mixed use regeneration scheme comprising residential development, school, care home, B1 commercial/office space, energy centre, wind turbine, community and arts facilities, local retail facilities, parking, landscaping, sports facilities, allotments and public open space (Outline).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection; the comments from North East Assembly, One North East, Sport England, the Highways Agency, Northumbrian Water, the Environment Agency, Durham County Council Archaeology Section and Sadberge Parish Council; the concerns of Durham Tees Valley Airport and the observations from Durham Constabulary Architectural Liaison Officer that had been received and the views of Mr. Orchard, applicant, and Mr. McKenzie and Councillor Brian Jones, objectors, whom Members heard).

RESOLVED – (a) That the matter be referred to the Government Office and that the Assistant Chief Executive (Regeneration) be authorised to negotiate at an appropriate time an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following :-

- (i) Financial contributions towards improvements to the highway network identified in the sustainable transport study.
- (ii) A financial contribution of £55,000 towards the provision of a light controlled pedestrian crossing on the Darlington Eastern Transport corridor.
- (iii) Financial contributions towards the provision of sustainable transport/travel plan measures identified in the sustainability transport study.
- (iv) Affordable Housing provision.
- (v) Financial contribution towards local educational facilities.
- (vi) The provision of a scheme to secure the long term maintenance of green infrastructure.
- (vii) Provision of equipped play areas and further maintenance thereof.
- (viii) The provision of a scheme to ensure that employment and training opportunities are made available for the residents of the borough during the construction of the development.
- (ix) Provisions of a scheme for sustainable development initiatives.
- (x) Provision of a scheme to secure design standards for the development.
- (xi) The provision of a management statement to secure ecological measures.
- (xii) A financial contribution to the Council's Legal and Advertising costs associated with the provision of 20 mph zones.
- (xiii) The establishment of a steering group of officers to determine and make recommendations on when and how the contributions raised under (b) and (c) above will be spent.

(b) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

- (i) The Reserved Matters required to be submitted by the conditions of this outline planning permission, and also any other details required to be submitted by a condition of this outline planning permission, shall not depart from the approved masterplan in respect of land use and layout, and the terms and details specified in the July 2008 Planning, Affordable Housing & Management Statement and Design & Access Statement submitted as part of the application. The development shall not be implemented other than in full accordance with all the terms and details set out in those supporting documents unless any variation is specifically agreed in writing by the Local Planning Authority.

Reason – To ensure that the development is carried out in accordance with the details submitted with the planning application.

- (ii) Approval of the following details (“the reserved matters”) in respect of each building/s or phase of the development shall be obtained from the local planning authority in writing before development of the building/s or phase of the development is commenced :-

- (1) Layout;
- (2) Scale;
- (3) Appearance; and
- (4) Landscaping.

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the Local Planning Authority before the expiration of fourteen years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990.

- (iii) The development of any building/s and phase of development hereby permitted must be commenced before the expiry of sixteen years from the date of this permission or two years from the date of the approval of the last of the reserved matters, which ever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990.

- (iv) Prior to the submission of the first Reserved Matters application a community and environment infrastructure strategy plan for the whole site shall be submitted to, and approved by the Local Planning Authority and the development shall not be implemented otherwise than in accordance with the approved scheme.

Reason – To ensure that a structured and organised approach is adopted for the provision of community and environment infrastructure across the site.

- (v) Prior to the commencement of any particular phase the development approved by this planning permission a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority. No development shall commence until the measures approved in that scheme, for that phase of the development, have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing :-

- (1) a desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater

contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development;

- (2) a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until :-
 - (a) a desk top study has been completed satisfying the requirements of paragraph (a) above;
 - (b) the requirements of the Local Planning Authority for site investigations have been fully established; and
 - (c) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development;

- (3) a written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority;
- (4) two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within two months of completion of the development, and
- (5) any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

Reason - The site may be contaminated 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.

- (vi) Prior to the commencement of any particular phase of the development approved by this planning permission a scheme for the protection of the proposed residential accommodation from excessive traffic noise from the Darlington Eastern Transport Corridor and McMullen Road shall be submitted to and approved by the Local Planning Authority. The scheme shall include predicted noise levels at residential properties, include details of sound attenuation methods to be used and shall achieve internal noise levels of less than 35 db(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms and individual noise events not to exceed 45dB LAFmax in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of that phase of housing development being first occupied or used.

- Reason** - In order not to prejudice the amenities of future residential occupiers of the development.
- (vii) No noise emitting fans, louvres, ducts or other external plant associated with non residential uses shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained.
- Reason** – To protect the amenities of adjoining and neighbouring residents.
- (viii) The rating level (as defined in BS4142:1997) of noise emitted from activities carried out at class B1 uses shall not exceed the background level at receptor locations to be agreed with the Local Planning Authority prior to the operation of those generation uses. The measurement and assessment shall be made in accordance with BS4142:1997.
- Reason** - To protect the amenities of adjoining and neighbouring residents.
- (ix) No deliveries by service vehicles to B1 use class premises shall take place outside the hours of 07.00 - 22.00 Monday - Saturday and at no time on a Sunday unless otherwise agreed in writing by the Local Planning Authority.
- Reason** - To protect the amenities of adjoining and neighbouring residents.
- (x) No deliveries by service vehicles to A class use premises shall take place outside the hours of 06.00 – 22.00 Monday - Saturday and 09.00 – 14.00 Sunday and Bank Holidays.
- Reason** - To protect the amenities of adjoining and neighbouring residents.
- (xi) No retail premises shall open for business outside the hours of 06.00 and 23.00 unless otherwise agreed in writing by the Local Planning Authority.
- Reason** - To protect the amenities of adjoining and neighbouring residents.
- (xii) The development of any wind turbine shall not commence until the Local Planning Authority have approved in writing the methodology and conclusions of a radar impact assessment and reports relating to the height and operation of the proposed wind turbine.
- Reason** - In order to ensure that the safe operation of Durham Tees Valley Airport and MOD are not adversely impacted.
- (xiii) A scheme for the protection of the proposed and existing residential accommodation from wind turbine noise shall be submitted to and approved by the Local Planning Authority prior to the commencement of the turbine and the residential properties to the south of the turbine. The scheme shall set with the agreement of the Local Planning Authority noise levels at noise sensitive properties compared against the background level. The scheme shall include predicted noise levels from the wind turbine at the site boundary and the facade of residential properties, include details of sound attenuation methods to be used and shall achieve internal noise levels of less than 35dB(A) LAeq in living rooms and less than 30dB(A) LAeq in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme.
- Reason** – To protect the amenities of nearby occupiers.
- (xiv) A scheme for the protection of the proposed and existing residential accommodation from shadow flicker from the wind turbine shall be submitted and approved by the Local Planning Authority prior to the commencement of the turbine. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and timescale to be agreed.
- Reason** - To safeguard the amenities of neighbouring residents.
- (xv) Before the commencement of any works on site a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning

Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall not be implemented otherwise than in accordance with the approved details and shall be reviewed at the request of the Local Planning Authority.

Reason – To safeguard the amenities of the area.

- (xvi) 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 details.

Reason – To safeguard the amenities of the area.

- (xvii) Prior to commencement of the development of sport pitches and multi use games area if it is proposed to use lighting, a full lighting impact assessment for the lighting proposals, undertaken by an independent assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:-

a description of the proposed lighting units including height, type, shape for all lighting;

hours of operation of any floodlighting;

the proposed level of lighting (in lumens) and a justification specifying which guidance has been used to choose this;

drawing(s) showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of neighbouring properties;

the direction and aiming angle and upward waste light ratio for each type of light; and

the Environmental Zone which the site falls within, in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution; and

the development shall not be carried out otherwise than in accordance with the approved details.

Reason - In the interests of the residential amenities of the area.

- (xviii) The commercial uses hereby permitted shall not commence until details of the arrangement for storing refuse or waste has been submitted to, and approved by the Local Planning Authority. The commercial use shall not be carried out otherwise than in accordance with the approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

- (xix) Details of a ventilation and fume extraction system, which is suitable for A3, A4 and A5 class use including a full technical specification by a suitably qualified technical person, specifying the position of the ventilation, fume or flue outlet points together with details of an odour abatement system to be submitted and approved by the Local Planning Authority. The A3, A4 and A5 class use shall not be carried out otherwise than in accordance with the approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied. The ventilation and fume extraction system shall be operated and maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any filters.

Reason - In the interests of the residential amenities of the area.

- (xx) Prior to the commencement of any phase of development, a playing field and sports pitch strategy report relating to the masterplan should be submitted to, and approved by , the Local Planning Authority. The strategy shall confirm to the satisfaction of the Local Planning Authority the net effect of the phase of development upon the benchmark quantity/quality of playing field available at the site. The Reserved Matters applications shall make provision for at least 2.6 Ha of playing field of at least the equivalent quality to that area which is being lost to development.
Reason - To ensure adequate replacement sports pitch provision is provided within the Borough in accordance with national and local planning policy.
- (xxi) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including attenuation rates, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details. Such scheme shall be implemented before the construction of impermeable surfaces draining this system unless otherwise agreed in writing by the Local Planning Authority.
Reason – To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- (xxii) No development approved by this permission shall be occupied until details of long term maintenance responsibilities for the surface water drainage scheme have been agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.
Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- (xxiii) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall also include any works required to upgrade the infrastructure sufficiently to provide capacity for the new development, which should be undertaken prior to acceptance of the development’s foul sewage. Any new works deemed to be required shall be implemented prior to occupation of the development it is designed to serve unless otherwise agreed in writing by the Local Planning Authority.
Reason – To prevent pollution of the water environment.
- (xxiv) Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
Reason – To prevent pollution of the water environment.
- (xxv) No development shall commence until a method of controlling drainage at the site during construction has been submitted to, and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.
Reason – To prevent pollution of the water environment.
- (xxvi) No development shall be carried out on each phase of the development, unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed buildings and surface materials have been submitted to and approved in writing by the Local Planning Authority.
Reason – In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

- (xxvii) Before work begins on each phase of the development hereby permitted details of finished ground levels and longitudinal and latitudinal sections through the site of the new buildings shall be submitted to, and approved by, the Local Planning Authority to show how the buildings shall be set in the ground. The development shall not be carried out otherwise than in accordance with the approved details.
Reason – In order that the Local Planning Authority may be satisfied as to the details of the development.
- (xxviii) Before development takes place on each phase of the development full details of both hard and soft landscape works for that phase shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including boundary fences and walls; car parking layouts; other vehicles and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc., indicating lines, manholes, supports etc.) and proposals for restoration, where relevant. Once provided, there shall be no additional fencing, walling or other means of enclosure erected in the approved landscaping/amenity areas, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order). The approved hard and soft landscaping works for each phase of the development shall be completed in the first planting season after the first occupation or use of that part of the development.
Reason - To ensure that the details of the approved masterplan are implemented as the development proceeds and to ensure a high quality appearance to the development.
- (xxix) If within a period of five years from the date of planting of any tree or shrub, in connection with the landscaping works required under condition (26), that tree or shrub or any tree or shrub planted in replacement of it, is removed, uprooted, or destroyed, seriously damaged or dies, another tree or shrub of the same size and species to that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason - To ensure that the details of the approved masterplan are implemented as the development proceeds and to ensure a high quality appearance to the development.
- (xxx) The areas defined on the approved plans for open space, amenity land and play areas, shall remain undeveloped and retained in perpetuity for those uses and shall not be incorporated into private garden or used for other uses.
Reason - To ensure that the details of the approved masterplan are implemented as the development proceeds and to maintain a high quality appearance to the development.
- (xxxi) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees to be retained, shown on the tree constraints plans within the Arboricultural Pre-Development Survey by Elliotconsultancy ltd, dated 10 July 2008. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall

be in place before the commencement of any work within that part of the site, 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 :-

- (1) the raising or lowering of levels in relation to the existing ground levels;
- (2) cutting of roots, digging of trenches or removal of soil;
- (3) erection of temporary buildings, roads or carrying out of any engineering operations;
- (4) lighting of fires; and
- (5) 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.

- (xxxii) No development shall commence until the implementation of an appropriate programme of building recording/analysis (as per Section 6 of the archaeological assessment by Northern Archaeological Associates Ltd dated July 2008) has been submitted to and agreed in writing with the Local Planning Authority. A copy of an analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority. The works shall not be carried out otherwise than in accordance with the approved written scheme of investigation.

Reason – The factory complex is of architectural/ historical significance and the specified works are required to record features of interest, inform works and mitigate impact.

- (xxxiii) No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by, the Local Planning Authority.

Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

- (xxxiv) The Lingfield Close/ McMullen Road junction shall be signalised prior to the occupation of any new building excluding any building that provides for ancillary operations to support existing or redevelopment of existing buildings. The redevelopment of any existing buildings in the absence of Lingfield Close/McMullen Road junction being signalised would require improvements to the junction, including the provision of ghost island as shown on Colin Buchanan drawing No 15131-K-006.

Reason – In order to ensure that adequate measures are provided to mitigate the effect of traffic generation on the local highway network.

- (xxxv) Notwithstanding anything shown in the submitted application, roads in the residential phases of the development hereby approved shall be subject to a 20mph speed limit, details of which (to include traffic calming measures and appropriate signage) shall be submitted to and approved in writing prior to the commencement of works of any particular residential phase of the development, and the scheme shall not be carried out otherwise than in accordance with the

approved details.

Reason - In the interests of highway and pedestrian safety.

- (xxxvi) Notwithstanding anything indicated in the application precise details of pedestrian crossing points on the DETC shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details including timescale for implementation.

Reason – In the interests of highway safety.

- (xxxvii) No phase of the development hereby permitted shall be brought into use unless the car parking design and provision for that particular phase has been agreed by the Local Planning Authority and has been provided on site. Once provided the parking provision shall be permanently retained and not used for any other purpose.

Reason - In order that adequate on-site parking provision is available prior to the use of the buildings.

- (xxxviii) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car (to include covered cycle parking and showering and changing facilities and bus stop provision), has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and support the measures contained within the approved Sustainable Transport Strategy produced in support of this application. Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

Reason - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

- (xxxix) The total floorspace of class A1, A2, A3, A4 and A5 uses combined shall not exceed 2,700sqm gross internal (GIA) and a minimum of 80 per cent of the floorspace provided shall be within the proposed retail centre identified in the submitted masterplan.

Reason - To ensure a viable centre providing the development with local shops and services is established while protecting existing centres within the Borough from unacceptable impact from the development.

- (xl) The largest Class A unit to be provided on the application site shall be within this centre and shall be a class A1 supermarket or other shop primarily used for convenience shopping (as defined in Table 3 of PPS6) and shall not exceed 1000sqm GIA. There shall be no amalgamation of any of the units (A1, A2, A3, A4, A5 uses) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure a viable centre providing the development with local shops and services is established while protecting existing centres within the Borough from unacceptable impact from the development.

- (xli) Prior to the commencement of any site works (including demolition and site clearance) details of wheel washing facility and/or measures for construction traffic, shall be submitted to, and approved by, the Local Planning Authority. Such a facility/measures shall be provided, used and maintained on-site until the development is completed.

Reason - To ensure that adequate measures are in place to prevent the depositing

of soils and debris on the adjoining public highways in the interests of highway safety.

- (xlii) No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

Reason - In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- (xliii) There shall be no outdoor drinking areas associated with use classes A3 and A4 unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interest of the amenity of the area.

07/00041/OUT - Dean and Chapter Land, Morton Park, Darlington. Outline application for development of B1 / B2/ B8 employment uses, ancillary commercial development, including hotel, pub / restaurant, and provision of access (amended plans received 21/02/07, 05/06/07 and 26/06/09)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (Previously circulated), two letters of objection; the objections of Sadberge Parish Council, the concerns of CPRE and the comments of Tees Valley Joint Strategy Unit, One North East, Tees Valley Regeneration, the Council's Highways Officer and the Council's Economic Regeneration Officer that had been received and the views of Ms. Smith, agent, Mr. McNab, an objector, Mr. Mackenzie, Parish Councillor, and Councillor Brian Jones, Ward Councillor, whom Members heard).

RESOLVED – (a) That subject to no objections being received from the highways agency or as a result of the publicity exercise the Assistant Chief Executive be authorised to enter into an agreement under section 106 of the town and country planning act 1990 to secure the following:-

- (i) Financial contributions towards improvements to the existing local and strategic road network in accordance with the principles of the DETC – Sustainable Transport Study June 2009.
 - (ii) Financial contributions towards travel planning/sustainable transport initiatives; in accordance with the principles of the DETC – Sustainable Transport Study June, 2009.
 - (iii) The establishment of a steering group of officers to determine and make recommendations on when and how the contributions raised under 1 and 2 above will be spent.
 - (iv) Targeted training and recruitment.
 - (v) A financial contribution to the Council's Legal costs associated with the Section 106 agreement.
- (b) That upon satisfactory completion and signing of that agreement, planning permission be issued subject to the following conditions and reasons :-
- (i) Approval of the following details (“the reserved matters”) in respect of each building/s or phase of the development shall be obtained from the Local Planning

Authority in writing before development of the building/s or phase of the development is commenced :-

- (1) Layout;
- (2) Scale;
- (3) Appearance; and
- (4) Landscaping.

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990.

- (ii) The development of any building/s and phase of development hereby permitted must be commenced before the expiry of seven years from the date of this permission or two years from the date of the approval of the last of the reserved matters, which ever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990.

- (iii) J2 - Contaminated Land.

- (iv) The maximum quantum of development hereby approved shall not exceed that illustrated on drawing 8720 104F.

Reason - In the interests of highway safety and to protect the viability of the town centre.

- (v) Prior to the commencement of the development, full and precise details of a link to the site from Morton Road for the benefit of public transport including (unless otherwise agreed in writing with the Local Planning Authority) timescale for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – In the interests of highway safety and in order to promote the use of public transport.

- (vi) Unless otherwise agreed in writing with the Local Planning Authority prior to the occupation of the first unit on the site a scheme to signalise the junction between the site and the DETC shall be implemented in accordance with details to be previously agreed by the Local Planning Authority.

Reason – In the interests of highway safety.

- (vii) Prior to the commencement of any phase of the development, (with the exception of highway and drainage infrastructure and ground levelling works) or within such extended time as may be agreed with the Local Planning Authority, the development shall be scoped for potential noise impacts and a scheme to protect the surrounding noise sensitive properties (the location of which are to be previously agreed in writing with the Local Planning Authority) from noise and disturbance arising from the development, such as acoustic fencing or bund profiling, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – To minimise the impact of the proposal on nearby noise sensitive properties in the interests of maintaining an acceptable level of residential amenity.

- (viii) No development shall take place unless in accordance with the recommendations detailed within the protected species report Bat Survey of Trees at Yarm Road,

Darlington, by Martin Prescott Environmental Services 2006/0034 dated 21/08/2006 including, but not restricted to obtaining a Protected Species licence if trees 7 or 14 are to be removed; undertaking confirming surveys if any further mature trees are to be removed and conservation of existing hedgerows; provision of sympathetic lighting in the vicinity of trees 7 and 14 in order to avoid disturbance to the known bat roosts.

Reason – To conserve protected species and their habitat.

- (ix) Prior to the commencement of any phase of development, or within such extended time as may be agreed in writing with the Local Planning Authority, details of the surface water drainage scheme including the means of balancing and attenuation shall be submitted to, and agreed in writing with the Local Planning Authority. The scheme shall be in full accordance with the submitted Flood Risk Assessment (FRA – Ref: CPH/3759 prepared by JPG (Holdings) Limited and dated 11 January 2007 unless otherwise agreed in writing with the Local Planning Authority, The development shall then only proceed in accordance with the agreed scheme.

Reason – To ensure flood risk is not increased at the site or to surrounding areas.

- (x) No development approved by this permission shall be commenced until a scheme for the design, planting and maintenance of the proposed balancing pond has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved plans and retained throughout the life of the development. The balancing pond shall be fully implemented within a timescale to be agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason – To protect and enhance the water environment.

- (xi) Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason – To prevent pollution of the water environment.

- (xii) Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water / run-off.

Reason – To prevent pollution of the water environment.

- (xiii) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus ten per cent. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus ten per cent. All filling points, vents, gauges and sight glassed must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason – To prevent pollution of the water environment.

- (xiv) Prior to the commencement of any phase of development, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall

be retained throughout the construction period.

Reason – To prevent pollution of the water environment.

- (xv) Prior to the commencement of any phase of the development, or within such extended time as may be agreed in writing by the Local Planning Authority, full details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with those details prior to the occupation of any part of the development.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development.

- (xvi) No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason – The site is in an area of high archaeological potential as indicated in the Historic Environment Assessment Report submitted by the applicant. This is in line with Policy E34 of the Borough of Darlington Local Plan 1997 and with national planning guidance PPG16 Archaeology and Planning.

- (xvii) Prior to the commencement of development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of a scheme to protect the existing trees to be retained as part of the landscaping proposals for the site. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. 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 :-

- (1) The raising or lowering of levels in relation to the existing ground levels;
- (2) Cutting of roots, digging of trenches or removal of soil;
- (3) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (4) Lighting of fires; and
- (5) 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.

- (xviii) Prior to the commencement of any phase of development, (with the exception of highway and drainage infrastructure and ground levelling works) or such other timescale as may be agreed in writing with the Local Planning Authority, an Air Quality Assessment the scope of which shall first be agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures shown to be necessary following the Air Quality Assessment shall be agreed with the Local Planning Authority and thereafter implemented in full.

Reason – The Local Planning Authority wish to ensure that the approved development will not have an adverse impact on air quality.

- (xix) Prior to the commencement of any phase of development wheel wash facilities shall be installed in accordance with details to be previously agreed by the Local Planning Authority.
Reason - In the interests of highway safety.
- (xx) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development within any phase shall be occupied until a Travel Plan including details of provision for cycle parking and showering and changing facilities and bus stop facilities has been submitted to and agreed in writing by the Local Planning Authority to help reduce dependency on the private car. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and support the measures contained within the approved Sustainable Transport Strategy produced in support of this application. The agreed Travel Plan shall thereafter be implemented unless otherwise agreed in writing with the Local Planning Authority.
Reason - In the interests of highway safety and capacity.
- (xxi) No development, (with the exception of highway and drainage infrastructure and ground levelling works) within any particular phase shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted Co2 emissions of the development will be reduced by at least ten per cent through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.
Reason - In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.
- (xxii) No development, (with the exception of highway and drainage infrastructure and ground levelling works) shall be commenced until a design statement incorporating BREEAM Standards, for the development has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details.
Reason – In order that the Local Authority are satisfied as to the details of the development and to ensure that the development is carried out in a sustainable manner.
- (xxiii) If within a period of five years from the date of planting of any tree or shrub, in connection with the landscaping works required, that tree or shrub or any tree or shrub planted in replacement of it, is removed, uprooted, or destroyed, seriously damaged or dies, another tree or shrub of the same size and species to that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason - To ensure that the details of the approved masterplan are implemented as the development proceeds and to ensure a high quality appearance to the development..
- (xxiv) Prior to the commencement of development, (with the exception of highway and drainage infrastructure and ground levelling works) within any phase, or such other period as may be agreed in writing with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of

enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.

Reason - In the interests of visual and/or residential amenity.

- (xxv) No phase of the development hereby permitted shall be brought into use unless the car parking design and provision for that particular phase has been agreed in writing with the Local Planning Authority and has been provided on site. Once provided the parking provision shall be permanently retained and not used for any other purpose.

Reason- In order that adequate on site parking provision is available prior to the use of the buildings.

- (xxvi) Prior to the commencement of development in any phase, details of provision for cycle movement in that phase shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be constructed prior to any of the units in that phase being brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason- In the interests of highway safety and capacity.

09/00411/FUL - Hummersknott School, Edinburgh Drive. Installation of Synthetic Pitch, perimeter fencing and floodlighting (Retrospective)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objection that had been received).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) The floodlighting hereby approved shall not be illuminated outside the hours of 08:00 and 21:30 Monday to Friday and 09:00 and 20:00 Saturday to Sunday.
Reason - To protect the amenities of nearby residential properties.
- (c) The development hereby approved, shall not be used outside of the hours of 08:00 and 21:30 Monday to Friday and 09:00 and 20:00 Saturday to Sunday.
Reason - To protect the amenities of the adjoining residential properties.
- (d) No means of amplification of sound shall occur within the synthetic playing pitch area.
Reason - To protect the residential amenities of the adjoining properties.
- (e) Notwithstanding the details shown on the approved plans, details of further acoustic fencing on the southern boundary of the pitch and new acoustic fencing on the northern boundary of the pitch shall be submitted to and approved by the Local Planning Authority and thereafter fully implemented.
Reason – To reduce noise emanating from the synthetic pitch and to protect the residential amenity of nearby residents.
- (f) A Management Plan for the synthetic playing pitch shall be submitted to and approved by the Local Planning Authority. The content of the Plan shall include details of site supervision arrangements; the methods and mechanisms to be used to vacate the pitches; the use of the changing rooms and the turning off of floodlights. The development shall not be carried out otherwise than in complete accordance with the details of the Plan.
Reason - In order to achieve and satisfactory form of development and in the interests of residential amenity.
- (g) Notwithstanding the details included in the planning application, details shall be submitted of the scheme of lighting for the synthetic play area including details of the

any measures designed to minimise light spillage from the edge of the sports pitch boundary and the development completed in accordance with the approved scheme and maintained in the approved manner.

Reason - To protect the amenities of the adjoining residential properties.

- (h) B5 – Detailed Drawings (Implementation in accordance with approved plan).

09/00374/FUL - County Durham And Darlington NHS Foundation Trust, Darlington Memorial Hospital, Hollyhurst Road. Alterations to approved tower block rooftop plant room, ducting to the ward block plant room and across the podium building together with replacement of windows to the HD and IT units (additional plans received 25 and 30 June 2009 and additional information received 29 June 2009)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection that had been received).

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

- (a) A3 – Implementation Limit (Three Years).
(b) Notwithstanding the details shown on the approved plans, details of the materials to be used in the construction of the external surfaces including of the building and screens shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of the visual appearance of the development and the surrounding locality.

- (c) Prior to the commencement of the development a full noise impact assessment shall be undertaken and approved by the local planning authority. Prior to commencing the assessment the scope of the report including all plant and machinery associated with this planning permission shall be agreed in writing with the local planning authority. The findings of the noise assessment shall be implemented in accordance with a timescale to be agreed with the Local Planning Authority. The operation of the plant room shall not commence until the Local Planning Authority has given notice, in writing, that it is satisfied that the level of noise emissions from the plant room is acceptable.

Reason - In the interests of residential amenity.

- (d) The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with this planning permission shall be at least 10 dB(A) below the background noise level, at any residential property, when measured in accordance with BS 4142:1997. The background noise level to be used shall be that specified in the report by RPS Gregory entitled Environmental Noise Assessment of a Proposed Energy Centre, 26th November 2008, or if it is the opinion of the Local Planning Authority that these noise levels are no longer applicable, the background noise level shall be measured and agreed with the Local Planning Authority.

Reason - In the interests of residential amenity.

- (e) Before the development hereby permitted is commenced a construction management plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall proceed in accordance with the plan unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the plan should address the matter of dust suppression and the hours of operation for construction activities.

Reason - In the interest of residential amenity.

- (f) B5 – Detailed Drawings (Implementation in accordance with approved plan).

09/00405/FUL - Hollyhurst, 118 Woodland Road, Darlington. Erection of a single storey rear extension to form residents day room

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and one letter of objection that had been received).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 –
- (c) Prior to the commencement of the development, an Arboricultural Implications Assessment; an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and agreed by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In order to ensure that the trees are not adversely effected by the proposed development.
- (d) B5 – Detailed Drawings (Implementation in accordance with approved plan).

(2) Darlington Borough Council Granted

09/00385/DC - 1-62 Branksome Hall Drive Darlington. Enlarge car park and create scooter store.

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

RESOLVED – That pursuant to regulation 3 of the town and country planning general regulations planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation time (Three Years).
- (b) B5 – Detailed drawings (Implementation in accordance with approved plans).
- (c) E2 – Landscaping.

09/00413/DC - St Bede's Roman Catholic Primary School, Kingsway, Darlington DL1 3ES. Installation of metal framed cycle parking shelter, to store 40 No. cycles

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

RESOLVED – That pursuant to regulation 3 of the town and country planning general regulations planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plans).

09/00340/DC - High Coniscliffe Primary School, Ulnaby Lane, High Coniscliffe. Construction of playground extension, with seating area, canopy, log roll fencing and entrance ramp.

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

RESOLVED – Provided no objections are received from Sport England or High Coniscliffe Parish Council, planning permission be granted subject to regulation 3 of the town and country planning general regulations 1992 and subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) Prior to the commencement of the development hereby approved (including demolition work), an Arboricultural Implications Assessment, a Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and agreed by the Local Planning Authority to protect the existing trees. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 metre high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. 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 :-
 - the raising or lowering of levels in relation to the existing ground levels;
 - cutting of roots, digging of trenches or removal of soil;
 - erection of temporary buildings, roads or carrying out of any engineering operations;
 - lighting of fires; and
 - 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
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plan).

09/00427/DC - Hurworth School Maths And Computing College, Croft Road, Hurworth, Darlington. Siting and installation of single storey modular building to form classroom, toilet facilities, lobby and store.

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

RESOLVED - Provided no objections are received from Sport England or Heighington Parish Council, planning permission be granted subject to regulation 3 of the town and country planning general regulations 1992 and subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) The building hereby approved shall be removed from the site within three years of the date of this permission and the land shall be restored to its original condition.

Reason - In the interests of the visual appearance and character of the locality and the Area of High Landscape Area.
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plan).

09/00442/DC - Eastbourne Sports Complex. Construction of Footpath and Cycleway.

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

RESOLVED – Provided no objections are received once publicity exercise has expired on 7th August, 2009 planning permission be granted, subject to regulation 3 of the town and country planning general regulations 1992 and the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (c) Notwithstanding anything shown on the approved drawings development shall not commence until precise details of a priority crossing over the access road to the sports centre site have been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.
Reason – In the interests of highway safety.
- (d) Notwithstanding anything shown on the approved drawings development shall not commence until precise details of a marked pedestrian route through the site, between the northern and southern sections of the approved footpath/cycleway, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.
Reason - In the interests of highway safety.
- (e) Notwithstanding anything indicated on the approved drawings the northern section of the cycleway/footpath (Drawing No. 2009/023/004 dated June 2009) shall be of a minimum 2.5 metre width.
Reason - To ensure that the cycleway/footpath is of an adequate width in order not to compromise the safety of passing cyclists and pedestrians.
- (f) Not later than the next planting season immediately following this consent three trees of a species and in positions to be approved by the Local Planning Authority, shall be planted in place of those to be removed.
Reason – In the interests of visual amenity.
- (g) E11 – Tree Protection.
- (h) Prior to the commencement of any development, a management plan setting out access arrangements for pedestrians and cyclists through the sports complex, shall be submitted to, and approved by, the Local Planning Authority. The development shall not be implemented otherwise than in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason – In order that satisfactory access arrangements can be provided through the sports complex for pedestrians and cyclists and in the interests of highway safety.

PA26. NOTIFICATION OF DECISIONS ON APPEALS – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- (a) dismissed the appeal made by Mr. T. Smith against this Authority's decision to refuse planning permission for the erection of stable comprising 3 No. stables, tack room and feed store at Proposed Stable Block, Brickyard Farm, Neasham Road, Hurworth Moor, Darlington (Reference Number 08/00671/FUL);
- (b) dismissed the appeal by Mr. B. Hans for Videotech against this Authority's decision to refuse planning permission for the erection of 2 No. semi detached two storey dwellings including car parking and means of enclosure at 84 Geneva Road,

Darlington, DL1 4NJ (Reference Number 09/00058/FUL); and

- (c) dismissed the appeal by Primesight against this Authority's decision to refuse planning consent for the display of internally illuminated, free standing, double sided advertising unit at 407 North Road, Darlington, DL1 3BN (Reference Number 08/00512/ADV).

RESOLVED - That the report be noted.

PA27. 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.

PA28. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA21/Jul/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20th July, 2009.

RESOLVED - That the report be received.