

PLANNING APPLICATIONS COMMITTEE

16th December, 2009

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

APOLOGIES – Councillors Baldwin, M. Cartwright and Freitag. (3)

OFFICERS – Neil Cookson, Solicitor, within the Corporate Services Department, Roy Merrett, Development Manager and Adrian Hobbs Planning Officer, within the Chief Executive's Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

PA61. DECLARATION OF INTERESTS – In relation to Application Ref No. 09/00673/FUL Councillor Regan declared a personal and prejudicial interest due to him knowing the persons involved in the application and also in relation to Application Ref No. 09/00777/DC he declared a personal a prejudicial interest due to him being a Member of the Partnership and left the meeting during consideration of these applications only.

PA62. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 18th November, 2009.

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

PA63. 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
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.
B2	Detailed drawings of _____ shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development, and the development shall not be carried out otherwise than in accordance with any such approval. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development.
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

	<p>commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.</p> <p>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.</p>
B5	<p>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.</p> <p>Reason - To ensure the development is carried out in accordance with the planning permission.</p>
C2	<p>The permission hereby granted shall be for a limited period expiring on _____ when the use shall cease.</p> <p>Reason - (example) The Local Planning Authority would wish to review the permission at the end of the period in the light of the operation of the use.</p>
C4	<p>This permission shall be personal to _____ only and shall not ensure for the benefit of the land. In the event of their vacating the premises the use shall revert to the use for _____ purposes.</p> <p>Reason - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of _____ vacating the premises.</p>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p>Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
C12	<p>The premises shall be used only for _____ and for no other purpose (including any other purpose in class _____ of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking or re-enacting that Order).</p> <p>Reason - The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same class in the interests of amenity.</p>
C15	<p>No industrial or storage activity shall be carried on outside the buildings hereby permitted without the prior written consent of the Local Planning Authority.</p> <p>Reason - To ensure that the proposed development does not prejudice the amenities of the locality.</p>
C24	<p>The use hereby permitted for _____ purposes shall not be carried on outside of the hours _____ to _____ Mondays to _____ or _____ to _____ on other days.</p> <p>Reason - In order to safeguard the amenities of adjoining residential</p>

	properties.
D1	The windows formed in the _____ elevation shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing. Reason - To prevent overlooking of the nearby premises.
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 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. Reason - To safeguard the amenities of the area.
D23	Noise emitted from the site shall not exceed (A) db expressed as a (B) minute/hour LAeq, T, between (C) and (C) hours Mondays to Fridays and (A) db expressed as a (B) minute/hours LAeq, T, at any other time as measured on the (D) boundary (boundaries) of the site/at points (E). Specify A - noise level. B - period. C - times. D - boundaries. E - points. Reason - To protect the amenities of nearby occupiers.
E2	A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority. Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
E5	Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.
E11	Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall 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

	<p>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:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels;</p> <p>(b) Cutting of roots, digging of trenches or removal of soil;</p> <p>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</p> <p>(d) Lighting of fires;</p> <p>(e) Driving of vehicles or storage of materials and equipment.</p> <p>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.</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>

PA64. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00731/OUT Land at Former Corus Site, Whessoe Road Darlington. Outline application for residential development.

(In reaching its decision the Committee, took into consideration the Planning Officer's report (previously circulated), one letter of objection; the concerns of the Durham Constabulary Architectural Liaison Officer; the comments of the North East Planning Body, the Durham Wildlife Trust, Northumbrian Water, the Durham County Council Archaeology Officer, the Environment Agency, natural England, the Senior Arboricultural Officer, the Highways Engineer, the Transport Policy Section, the Housing Renewal Officer and the Environmental Health Officer that had been received and the views of Ms. Forsythe, applicants agent, whom Members heard).

RESOLVED – (a) That the Assistant Chief Executive (Regeneration) be authorised to negotiate under Section 106 of the Town and Country Planning Act to secure the following :-

- (a) 10 per cent of the total number of dwellings on site to be affordable housing. This is based on the actual number of dwellings approved at the Reserved Matters stage;
- (b) Off site highway works to provide improved pedestrian/cycle crossing facilities on Whessoe Road by the provision of toucan crossing or suitable alternative;
- (c) A contribution for upgrading existing bus stops on Whessoe Road and providing street lighting;
- (d) Improvement works to mitigate the impact of increased traffic at the Whessoe Road/Longfield Road junction;
- (e) Legal and advertising costs for the introduction of 20mph zones within the development; and
- (f) A sum of £25,000 to enhance North Park.

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

- (a) In respect of the land to the north of Elmtree Street/Honeypot Lane (described as Phase 1 (“North Works”) and shaded green on Drawing 8416-P010), details of the following reserved matters (excluding site remediation and restoration) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development :-
 - (i) appearance;
 - (ii) landscaping;
 - (iii) layout including finished floor levels; and
 - (iv) scale.

Applications for the approval of reserved matters relating to Phase 1 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.

- (b) In respect of the land to the south of Elmtree Street/Honeypot Lane (described as Phase 2 (“South Works”) and shaded blue on Drawing 8416-P010), details of the following reserved matters (excluding site remediation and restoration) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development :-
 - (i) appearance;
 - (ii) landscaping;
 - (iii) layout including finished floor levels; and
 - (iv) scale.

- (c) Applications for the approval of reserved matters relating to Phase 2 shall be made to the Local Planning Authority before the expiration of seven 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.

- (d) The development shall be begun no later than the expiry of two years from the final approval of the reserved matters for each phase referred to in conditions (1 and 2) or, in the case of approval on different dates, the final approval of the last.

- (e) **Reason** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
- (f) Prior to the submission of the reserved matters for each phase of development, a scheme for on-site preparation works (including (where appropriate) demolition and commencement of remediation) for that phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the submission of reserved matters for each respective phase.
Reason - In the interests of general amenity.
- (g) 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 each phase of 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.
- (h) Prior to the commencement of each phase 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.
- (i) In submitting details of the reserved matter (3) (layout) in respect of each phase of development, 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.
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.
- (j) All works within the public highway shall be subject to a Road Safety Audit at both design and completion stages. The Audit shall be carried out in accordance with Road Safety Audit Standard (HD19/03) in the Design Manual For Road and Bridges (DMRB) and shall be 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 and in the interests of highway safety.
- (k) In submitting details of the reserved matter (3) (layout) in respect of each phase of development, precise details of the Green Link and the footpath/cycleway network through the approved development shall be submitted to and approved by the Local Planning Authority. The details shall include street lighting details and landscaping proposals. The development shall not be carried out otherwise than in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of enhancing the ecology and the permeability of the residential development.
- (l) In submitting details of the reserved matter (3) (layout) in respect of each phase of development, precise details of traffic calming measures within the development shall be submitted to and approved 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.

- (m) In submitting details of the reserved matter (2) (landscaping) for each phase of the development an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In order to achieve a satisfactory form of development.

- (n) Notwithstanding the details shown on the approved plans, the visibility splays at the junctions with Whessoe Road shall be 2.4m x 43m unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

- (o) Notwithstanding the details shown on the approved plans, the visibility splays within the residential development shall be 2.4m x 25m unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

- (p) Unless otherwise agreed in writing by the Local Planning Authority, at least 10 per cent of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change, December 2007). Details and a timetable of how this can be achieved, including details of physical works on site, shall be submitted to and approved by the Local Planning Authority prior to the commencement of each phase of the development. The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To promote a sustainable development in accordance with planning policy.

- (q) In submitting details of the reserved matter (3) (layout) in respect of each phase of development, account should be taken of any sewers crossing the site to avoid building over or close to the apparatus of Northumbrian Water. Where development would affect its apparatus, development should 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. The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - There is a 675mm sewer and a 1050mm sewer crossing the site. Northumbrian Water will not permit a building over or close to its apparatus.

- (r) The development shall be carried out in accordance with St Modwen Ventures Limited Whessoe Road Residential Development Travel Plan 2009” dated March 2009 by Halcrow Group Limited.

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

- (s) Prior to the commencement of building works for each phase of development, a surface water drainage scheme for the each phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule of works, and shall subsequently be implemented in accordance with the approved schedule and 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 system and to ensure that 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.

- (t) Prior to the commencement of on site preparation works for each phase of development approved by this planning permission (Or such a date or stage in development as may be agreed in writing with the Local Planning Authority) 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, shall be submitted and approved by the Local Planning Authority and the measures approved in that scheme 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 :-
- (i) 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.
 - (ii) 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 :-
 - (1) A desk top study has been completed satisfying the requirements of paragraph (a) above;
 - (2) The requirements of the Local Planning Authority for site investigations have been fully established; and
 - (3) 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.

- (u) 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.
- (v) 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.
- (w) 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.

- (x) Prior to the commencement of on site preparation works for each phase 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 and approved in writing by the Local Planning Authority :-
- (i) A preliminary risk assessment, which has identified :-
 - (ii) All previous uses;
 - (iii) Potential contaminants associated with those uses;
 - (iv) A conceptual model of the site indicating sources, pathways and receptors; and
 - (v) Potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (b) 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.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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 (a steel works). The environmental setting of the site is sensitive as it lies on the Magnesian Limestone – a 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.

- (y) 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 - To confirm the risks to controlled waters have been appropriately addressed.

- (z) 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 - Unidentified contamination may be present which may represent a risk to controlled waters.

- (aa) The development shall be carried out in accordance with “St Modwen Ventures Limited Land off Whessoe Road, Darlington – Great Crested Newts Mitigation Strategy Rev C” by FPRC dated November 2009, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protected species and habitat creation.

- (bb) Notwithstanding the details shown on the approved plans, the proposed development shall include the creation of habitats for protected species. Details of the habitats shall be submitted to and approved by the Local Planning Authority prior to the commencement of the building works for each phase of the development. The development shall be carried out in accordance with the approved details and within a timescale to be agreed with the Local Planning Authority.

Reason - To enhance the biodiversity of the proposed development in accordance with the Council’s Design For New Development Supplementary Planning Document.

- (cc) An appropriate working method statement for Great Crested Newt for any areas of the site not covered by a European Protected Species License shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of building works.

Reason - In interests of protected species and habitat creation.

- (dd) No dwelling shall be constructed on any part of the site which is subjected to a Rating Level due to industrial or commercial noise, measured in accordance with BS4142 1997, of greater than +5 dB(A) above the background noise level. The background noise level to be used shall be agreed with the Local Planning Authority prior to commencement of the development. Detailed noise assessment reports to show that the required Rating level will be complied with at each housing plot shall be submitted to the Local Planning Authority at the same time as submission of details for reserved matter (3) – layout in respect of each phase and shall be agreed in writing by the Local Planning Authority, prior to the commencement of development of each phase.

Reason - In the interests of residential amenity.

- (ee) Prior to the commencement of building works for each phase of development, a detailed assessment of the noise levels due to road traffic, railway traffic and industrial/commercial sources shall be carried out in relation to that phase and a scheme of noise attenuation measures shall be submitted to, and agreed in writing by, the Local Planning Authority to achieve the following noise levels within dwellings, which shall not be exceeded :-

Less than 35 dB(A) LAeq within living rooms;

Less than 30 dB(A) LAeq and 45 dB(A) LAMax,F within bedrooms; and

Less than 55 dB(A) LAeq in garden areas.

Calculations shall be submitted to, and agreed in writing with, the Local Planning Authority to show that the above noise limits will be complied with. The housing plots for which such calculations are required shall be agreed with the Local Planning Authority.

Reason - In the interests of residential amenity.

- (ff) Prior to the construction of any dwellings within 50 metres of the rear boundary of Fletcher Joinery, The King's Centre and the northern boundary of the site, a scheme of noise mitigation measures to meet the requirements of conditions 26) and 27) above shall be submitted to and agreed in writing with the Local Planning Authority. No dwelling within that part of the site shall be occupied until any agreed noise mitigation measures for that dwelling have been complied with.

Reason - In the interests of residential amenity.

- (gg) Construction and demolition activities shall be restricted to between 08:00 to 18:00 hours Monday to Friday, 08:00 to 14:00 hours Saturday and no working on Sundays and Bank Holidays unless otherwise agreed by the Local Planning Authority.
Reason - In the interests of residential amenity.
- (hh) Before the commencement of any works on each phase of the development 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 in accordance with the agreed details and reviewed at the request of the Local Planning Authority.
Reason - In the interests of residential amenity.
- (ii) If piling is to take place on site, 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 be carried out in accordance with the agreed piling method.
Reason - In the interests of residential amenity.
- (jj) Prior to the commencement of building works on each phase of the development, an Odour Impact Assessment shall be submitted to and approved by the Local Planning Authority. The Assessment must consider all potential sources of odour surrounding the sites and based on the findings of the Assessment, development should not be permitted on any part of the site, which is affected by odours to a significant extent. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of residential amenity.
- (kk) The proposed access arrangements 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 approved plans.
- (ll) Two further archaeology conditions will be approved at a later date.

09/00673/FUL - Garages at Land to the rear of 72-76 Hutton Avenue. Erection of bungalow to accommodate disabled persons and carers.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, the comments of Natural England, Northern Gas Networks, the Council's Senior Arboricultural Officer, the Council's Public Protection Division and the Council's Highways Engineer that had been received and the views of Mr. Westbrook, applicant, whom Members heard).

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

- (a) A3 - Implementation Limits (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) E2 - Landscaping (Submission).
- (f) E5 - Boundary Treatment (Submission).
- (g) J2 - Contaminated Land.

- (h) Construction work shall not take place outside the hours of 08:00 – 18:00 Monday to Friday, and 08:00 - 14:00 on Saturday, with no working on a Sunday or Bank Holiday.
Reason - In the interests of Residential Amenity.
- (i) No noise omitting fans, louvers, ducts or other external plant shall be installed until a scheme to reduce noise and vibration has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried otherwise than in accordance with the approved details.
Reason - In the interests of Residential Amenity.
- (j) Prior to the commencement of development details of the proposed lighting scheme together with a lighting impact assessment shall be 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 Residential Amenity.
- (k) Notwithstanding anything indicated on the submitted drawings the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
- (i) Provision for a turning area within the site for a minibus;
 - (ii) On site parking provision;
 - (iii) Pedestrian access into the site;
 - (iv) Details of the access road and associated dropped crossings/tactile paving; and
 - (v) Provision for a bin storage area to comply with bin carrying requirements of Part H of the Building Regulations.
- Reason** - To ensure that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.
- (l) No scrub clearing or tree felling shall be undertaken during the bird nesting season (31st March – 31st August inclusive) of any given year unless a checking survey has been undertaken by a qualified ecologist immediately prior to commencement of works and no active nests are identified.
Reason – To conserve protected species and their habitat.
- (m) The development shall not be carried out otherwise than in accordance with the ecological enhancement measures identified in the key recommendations on page 5 of the ecological report by Young Nature dated January 2009. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.
Reason – To conserve protected species and their habitat.

09/00590/FUL - Caledonian, 72 High Northgate. Change of use of ground floor of public house to 3 no. flats, installation of 2 no. window openings in north elevation and alterations to front elevation (additional information received 2.12.09).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, the comments of the Environment Agency, the Council's Highways Engineer and the Council's Environmental Health Officer that had been received).

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

- (a) A3 - Standard Time Limit (Three Years).
- (b) Prior to the development hereby approved being commenced, a scheme for the protection of the proposed residential accommodation from excessive traffic noise shall

be submitted to and approved by the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) L_{Aeq} in living rooms, less than 30 dB(A) L_{Aeq} in bedrooms, less than 55 dB(A) L_{Aeq} in garden areas and individual noise events not to exceed 45 dB L_{AFmax} in bedrooms. Any works, which form part of such a scheme, shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.

Reason - To protect the future residents from excessive noise from traffic using Northgate.

- (c) The use hereby permitted shall not commence until details of the arrangements for the storage of refuse or waste, together with details of how residents of the apartments will gain access to and from the bin storage area, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with any approval given. The approved bin storage and access arrangements shall be completed prior to any part of the accommodation hereby permitted being occupied and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason – To safeguard the amenities of the area.

- (d) Within one month of the date of this permission, the windows formed in the south elevation shall be obscure glazed to the satisfaction of the Local Planning Authority and shall not be repaired or replaced other than with obscure glazing.

Reason – To protect the amenities of the nearby residential properties.

- (e) Prior the flats hereby approved first being occupied, details of secure cycle storage to the rear of the property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle storage shall be provided and shall remain available for use at all times in accordance with the approved details.

Reason – To encourage access to the site by sustainable means of transport.

(2) Change of Use Granted

09/00734/CU - The Granary, Neasham Road, Middleton St George. Change of Use of agricultural land to riding arena.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, one letter of representation, the comments of Middleton St. George Parish Council and the Council's Countryside Section and the concerns of the Council's Public Protection Division that had received and the views of Mr. Everett, Parish Councillor, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
(b) B5 – Detailed Application (Implementation in accordance with approved plan).
(c) The riding arena hereby approved shall only be used for the exercising of horses owned by the applicants for their personal enjoyment. At no time shall the site be used for any commercial exercising or training of horses without the further written approval of the Local Planning Authority.

Reason – In the interests of residential amenity and highway safety

09/00583/CU - 62 Crosby Street Darlington. Change of use to motor cycle assembly, refurbishment and repair.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, the concerns of the Highways Engineer and the comments of the Building Control Officer that had been received and two further letters of objection were highlighted at the meeting and the views of Mr. Barzey, applicant, whom Members heard).

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

- (a) C2 - three years from the date of this Notice (Temporary permission).
- (b) C4 - Mr J Barzey (Personal permission).
- (c) C12 - motor cycle storage, assembly, refurbishment or repair (Restriction of use).
- (d) C15 - (No activity outside building).
- (e) C24 - 08:00 to 18:00 Mondays to Saturdays only (Hours of operation).
- (f) No paint spraying shall take place within the site other than that undertaken with hand held self contained aerosol systems.

Reason - In the interests of the amenities of local residents.

- (g) The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with this planning permission shall be at least 5 dB(A) below the background noise level at the nearest residential property, when measured in accordance with BS 4142:1997. The background noise level to be used shall be measured and agreed with the Local Planning Authority.

Reason - D23.

(3) Darlington Borough Council Granted

09/00753/DC - Eastbourne Sports Complex. Installation of Play Area.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and the comments of The Council's Environmental Health Officer and the Council's Transport Policy Section that had been received and comments from the Anti Social Behaviour Team were highlighted at the meeting).

RESOLVED – That pursuant to Regulation 3 of the Town and Country Regulations planning permission be granted subject to the following conditions :-

- (a) A3 Implementation Limit (Five Years).
- (b) B5 Detailed Drawings (Implementation in accordance with approved plan).
- (c) J2 Contamination.
- (d) Prior to the commencement of the development hereby approved, details of secure covered parking for cycle stands shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – To ensure that adequate cycle parking provision is provided to promote access and accessibility.

- (e) Notwithstanding anything shown in the application detailed drawings of the play area (to include cross sectional details and finished ground levels), shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development, and the development shall not be carried out otherwise than in accordance with any such approval.

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

09/00777/DC - Proposed Cocker Beck Play Area. Installation of an equipped play area.

(In reaching its decision, the Committee took into consideration, the Planning Officer's report (previously circulated), the comments of the Council's Rights of Way Officer and the Council's Arboricultural Officer that had been received and a further letter of objection, which was highlighted at the meeting and comments from the Anti Social Behaviour Team were highlighted at the meeting).

RESOLVED – That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 – Standard Time Limit (Three Years).
- (b) B5 – Detailed Drawing (Implementation with approved plan).
- (c) E11 – Tree Protection.

09/00749/DC - Lascelles Playing Area, Fenby Avenue. Installation of equipped play area.

(In reaching its decision, the Committee took into consideration, the Planning Officer's report (previously circulated), the comments of the Transport Policy Officer that had been received and further comments from the Anti Social Behaviour Team were highlighted at the meeting).

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 plan).
- (c) B2 - Detailed Drawings (Specific) (the play area equipment and the mounds).
- (d) Prior to the commencement of the development hereby approved, details of secure covered parking for cycle stands shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – To ensure that adequate cycle parking provision is provided to promote access and accessibility.

09/00778/DC - South Park, between Bedford Street and Henderson Street. Construction of footway/cycleway.

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

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 Drawing (Implementation in accordance with approved plan).
- (c) B4 – Materials.
- (d) E11 - Tree Protection.
- (e) All excavated material shall be removed from the site in its entirety.

Reason - In the interests of the character of this part of South Park.

(4) Planning Permission Deferred

09/00672/FUL - 22 Friars Pardon, Darlington. Erection of 1.No dormer bungalow (additional information received 28/10/09, amended plan received 16/11/09).

(In reaching its decision the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection, the objections of Hurworth Parish Council and the Campaign for the Protection of Rural England, and the comments of the Council's Arboricultural Officer that had been received and the views of Mr. Pochala, applicant, and Mrs. Miller and David Brooks, objectors, whom Members heard).

RESOLVED – That the above application be deferred to enable a site visit to take place.

PA65. NOTIFICATION ON APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) European Metal Recycling Limited has appealed against this Authority's decision to refuse planning permission for change of use to the storage and processing of scrap metals, installation of 50 feet long weighbridge; erection of building for processing end of life vehicles; erection of two storey weighbridge offices and staff amenity block; erection of building for non-ferrous metals storage and processing; erection of 6 metre high steel perimeter screening fence across the north and western boundary and 2 meter high palisade fence across the remainder at LBG Transport, Cleveland Trading Estate, Darlington, DL1 2PB (Reference Number 09/00435/FUL) and
- (b) Mr. I. Ward appealed against this Authority's decision to refuse planning permission for erection of 36 No. dwellings (Outline) at proposed housing development, Yarm Road, Middleton St. George, Darlington (Reference Number 08/00773/OUT).

RESOLVED – That the report be noted.

PA66. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Mr. R. Burnside against this Authority's decision to refuse planning permission for erection of detached dormer bungalow and detached garage at proposed dormer bungalow, Skipbridge, Neasham Road, Hurworth Moor, Darlington (Reference Number 09/00306/FUL).

RESOLVED – That the report be noted.

PA67. 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.

PA68. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA60/Nov/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 3rd December, 2009.

RESOLVED - That the report be received.