

PLANNING APPLICATIONS COMMITTEE

22nd September, 2010

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

APOLOGIES – Councillor Freitag, Johnson and Lee. (3)

PA38. DECLARATION OF INTERESTS – There were no declaration of interests reported at the meeting.

PA39. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 25th August, 2010.

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

PA40. 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.
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.
B7	The proposed development shall be carried out in all respects in

	<p>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 Listed Building Consent.</p>
B9	<p>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.</p> <p>Reason - In the interests of visual and/or residential amenity.</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>
F6	<p>Prior to the commencement of the development, details of sightlines at the point of access to the public highway shall be submitted to, and approved by, the Local Planning Authority.</p> <p>Reason - To ensure that the proposed development does not prejudice the free-flow of traffic and conditions of general safety on the adjacent highway.</p>
G2	<p>Prior to the first occupation of the buildings the loading, unloading and turning space, and parking spaces (including spaces for people with disabilities) shall be provided within the curtilage of the site, in accordance with the scheme, shown on drawing no. _____, and such spaces shall be permanently available and not be used for any other purpose.</p> <p>Reason - In order that adequate on-site parking is available prior to the use of the buildings.</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</p>

	public safety.
J5	<p>Prior to the commencement of any on site works (including demolition and site clearance), 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.</p> <p>Reason - To ensure that adequate measures are available to prevent the depositing of soils and debris on the adjoining position of the highway and in the interests of road safety.</p>

PA41. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

10/00356/FUL - 94 Blackwell Lane, Darlington. Erection of two storey extension to side, two storey extension to rear, two single storey extensions to rear and first floor bay window to front (amended description 8 June 2010) (amended plans received 14 July 2010) (additional plans received 26th July 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twelve letters of objection that had been received and the views of Mr. Hatfield, objector, and Mr. Pearson, applicants agent, whom Members heard).

The Development Manager also explained the outcome of the Council's sun path analysis work in terms of the effect of the extensions on the overshadowing of the neighbour's side window; that the impact of the development on passive solar gain had to be balanced against the applicant's right to extend their property and that most side extension would by their nature cause some degree of additional overshadowing that would impact on passive solar heating but this was not considered to be a strong enough ground to refuse the application. Also that the separation standards in the Council's SPD related to new dwellings rather than extensions to dwellings and therefore the separation of circa 10 metres between Mr. Hatfield's side window and the rear double storey extension was considered acceptable taking account of the degree of projection of that extension and the change in ground levels between the two properties.

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) No additional flank windows or other glazed openings shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

Reason – To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

10/00412/FUL - Site of Former Alderman Leach Primary School, Leach Grove. Residential development consisting of 80 dwelling houses and 15 apartments in two and three storey form together with associated garages, car parking, highways, site works, ponds and landscaping (re-submitted scheme).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection, a petition with 39 signatories, the comments of the Highway Engineer, Sport England and the Environment Agency that had been received).

The Development Manager clarified that a non-statutory objection to the scheme had been lodged by Sport England on the basis that the planning agreement did not cover a contribution to improving sport facilities in the locality. He reported that in his view this objection could not be given significant weight as to date a policy on sports facility development, arising from the findings of the Council's recent playing pitch strategy, had not yet been developed and agreed.

RESOLVED - That the Assistant Chief Executive (Regeneration) be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following :-

- (a) Affordable housing in perpetuity in accordance with supplementary planning guidance.
- (b) A financial contribution towards the upgrading and maintenance of an off site area of open space in accordance with the Open Space Strategy.
- (c) A financial contribution towards the upgrading and maintenance of an off-site equipped play area in accordance with supplementary planning guidance.
- (d) A financial contribution towards the provision of a new cycleway and footpath.
- (e) A financial contribution towards maintenance costs for the balancing pond wildlife area including alterations to allotment fencing.

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samples).
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (d) J2 – Contamination.
- (e) Prior to the commencement of the development, a Dust Action Plan 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 residential amenity.
- (f) Notwithstanding the details shown on the approved plans, the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Thereafter the development shall not be carried out otherwise than in complete accordance with the approved details:
 - (i) Details for the resurfacing of Leach Grove and School Street;
 - (ii) Details for improvements to the existing flagged footways;
 - (iii) Details of tactile paving and dropped crossings; and
 - (iv) Details of measures to ensure a 20mph zone for the development, including traffic calming works to reflect the new 20mph zone.**Reason** – In the interests of pedestrian and highway safety.
- (g) Prior to the commencement of the development, a Building Management Plan, including details of a Dust Action Plan, the phasing of development; hours of construction, construction vehicle movements, shall be submitted to and approved by the Local Planning Authority. The development shall not be completed otherwise than in complete accordance with the approved details.
Reason - In the interest of residential amenity.

- (h) Prior to the commencement of the development, precise details of the cycleway and footway 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 the highway safety and to ensure that the existing access to the allotments remains unaffected.

- (i) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by Patrick Parson in August 2010 and the following mitigation measures detailed within the FRA :-

(i) A scheme for the provision and implementation of surface water shall be submitted to the Local Planning Authority for their approval prior to any works commencing on site; and

(ii) No development shall take place within areas at risk of flooding as shown on the Environment Agency Flood Map, in accordance with drawing 2023-D-00-102 'Site Layout' included in the FRA.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent any loss of floodplain and to prevent any increase in flood risk to nearby properties.

- (j) There shall be no ground raising within the land that is at risk of flooding on the site, as shown on the Environment Agency Flood Map.

Reason – To prevent any displacement of floodwater and any loss of floodplain.

- (k) No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees in and adjacent to the application site. The fencing should be at least 2.3 metre high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.

Reason - To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.

- (l) Prior to the commencement of the development, details on the formation and construction of the parking bays 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 - To ensure the retention of the trees located close to the parking bays and their protection from damage, in the interests of visual amenity.

- (m) E2 - Landscaping (Submission).

- (n) Notwithstanding the details shown on the approved plans, precise details of the balancing ponds and wildlife habitat area, including landscaping, sustainable drainage details, topography details shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In the increase the biodiversity associated with the development site and in the interests of the visual amenity of the area.

- (o) The development hereby approved shall not be commenced until sectional details showing existing and approved ground levels for the proposed buildings and the neighbouring gardens and dwellings have been submitted to and agreed in writing with the Local Planning Authority.

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

- (p) Unless otherwise agreed in writing by the Local Planning Authority, the dwellings shall be built to Code for Sustainable Homes Level 3. Details of how this will be

achieved shall be submitted to and approved by the local planning authority prior to the commencement 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.

10/0000434/FUL - Manor Farm, 20 The Green, Bishopton. Modification of planning permission 05/00448/FUL dated 15 July 2005 (conversion of redundant agricultural buildings into 3 No. dwellings and erection of 2 No. detached dwellings) to the south west elevation, increase the size of rooflights, insert an additional 2 No. rooflights in Plot 1, insert an additional window and reposition the entrance door and adjacent window in Plot 1. To the north east elevation insert an additional window, minor changes to the position of vents, flues and soil vent pipes, confirmed location of 3 No. fuel tanks and alterations to the roof (pitch and eaves level) (amended plans received 4 August 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection, a petition with 61 signatories, three letters of support and the comments of the Conservation Officer and Bishopton Parish Council that had been received and the views of Mr. Good, applicants agent, whom Members heard. A further three letters of objection dated 16th, 18th and 19th September, 2010 were summarised at the meeting and a further letter of objection dated 20th September was also read out verbatim at the meeting).

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

- (a) The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and plans submitted herewith and approved by the Local Planning Authority, or as shall otherwise have been agreed in writing by the Local Planning Authority.
Reason - In order to ensure a satisfactory form of development.
- (b) The window frames hereby approved are to be hardwood timber to be painted white to match previously approved frames in the remainder of the building.
Reason - In the interests of helping to protect the architectural and historic significance of the building.
- (c) The Conservation rooflights hereby approved are to be to be metal framed, coloured black and fitted level with plane of roof.
Reason - In the interests of helping to protect the architectural and historic significance of the building.
- (d) Unless otherwise agreed with the Local Planning Authority, the repositioned door and window are to be finished as per details approved pursuant to condition 8 attached to planning permission 05/00448.
Reason - In the interests of helping to protect the architectural and historic significance of the building.
- (e) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved is to be implemented in accordance with the following conditions and details previously approved pursuant to discharging such conditions attached to planning permission reference 05/00448/FUL :-
 - (i) Condition 4 (means of enclosure) – Details approved 13th April, 2010 (agreed means of enclosure or like replacement to be retained in perpetuity);

- (ii) Condition 5 (contaminated land remediation) – Details approved 19th and 21st April, 2010 pursuant to parts i, ii and iii. Details pursuant to parts iv and v remain outstanding;
 - (iii) Condition 6 (landscaping) – Details approved 13 April 2010;
 - (iv) Condition 7 – (provision of parking) – condition re-stated;
 - (v) Conditions 8a and 8b (Joinery details and Lintels and Cills) - Details approved 13th April, 2010;
 - (vi) Condition 10 – Details approved 9th November, 2009;
 - (vii) Condition 11 – Details approved 13th April and 14th July, 2010;
 - (viii) Condition 12 (access) – condition restated;
 - (ix) Condition 14 - - Details approved 13th April 2010; and
 - (x) Condition 15 Details approved 3rd March 2010.
- Reason** - In order to ensure a satisfactory for of development.
- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking or re-enacting that Order), no enlargement, improvement or other alteration of plots 1-3 (the dwellings within the converted barn), including any additional structures / buildings within the curtilage of the site and no white upvc conservatories to the rear of plots 4 and 5 (the new dwelling plots) shall be carried out without the prior consent of the Local Planning Authority.
- Reason** - In the interests of protecting the setting of the listed building and character of the conservation area and the protection of residential amenity.
- (g) Prior to its installation, the final position of the fuel tank serving Plot 1 shall be submitted to and agreed in writing with the Local Planning Authority.
- Reason** – In the interests of ensuring a satisfactory form of development.
- (h) The garage or car parking accommodation shown on drawing no 1537-19 shall be provided prior to the dwelling to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written consent of the Local Planning Authority.
- Reason** - To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.
- (i) The proposed access shall be laid out and available to the development prior to the occupation of the dwellings.
- Reason** - In the interests of highway safety.

10/00487/FUL - Land adjoining Faverdale West. Extension of time limit for implementation of planning permission 06/00812/FUL dated 12.9.08 for erection of 15 no. Industrial units for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses with associated service yard, access and car parking.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), seven letters of objection, the comments of the Highway Engineer, Senior Aboricultural Officer and Environmental Officer that had been received).

RESOLVED - That the Assistant Chief Executive (Regeneration) be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following :-

- (A) A financial contribution of £1500 to meet the council’s reasonable costs in the making of a Traffic Regulation Order at the junction of Faverdale West and Faverdale North to remove uncontrolled parking on the approach to the access to the site.

- (B) A financial contribution of £1000 towards the provision of off-site highway improvements in the form of dropped kerbs and tactile paving to form a crossing point for wheelchair users at the entrance to the site as shown on drawing number a5073/ad (00) 02 rev. e received 8 may 2007.
- (C) A financial contribution of £80,000 towards off-site habitat creation to mitigate for the loss of habitat at the application site.

and that on the completion of the agreement the director is granted delegated authority to grant planning permission for the development applied for subject to the following conditions and reasons :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) B9 - Fencing, Walls, Enclosure.
- (e) E2 - Landscaping (Submission).
- (f) G2 - Parking (Provision).
- (g) J5 - Wheel Washing Facility (Details).
- (h) Prior to the commencement of the development, details of protective barriers around all existing trees to be retained on the site, including the four mature oaks to the north of the site, and existing trees adjacent to the western boundary of the site, in order to protect the trees and their root areas from damage by compaction, severance and material spillage, in accordance with BS5837: 2005, shall be submitted to, and approved in writing by the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place throughout the carrying out of development.
Reason – In the interests of the visual amenities of the area and to safeguard the well being of the trees.
- (i) Prior to the commencement of the development, or other such timescale as may be agreed with the Local Planning Authority details of a scheme to show how the car parking and other hardstanding areas are to be constructed so as to avoid damage to the root areas of trees to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the car parking and hardstanding areas shall be constructed in accordance with the approved details.
Reason - In the interests of the visual amenities of the area and to safeguard the well being of the trees.
- (j) Construction activities shall be restricted to between the hours of 7.30am to 6.30pm Monday to Friday, 8am and 2pm on a Saturday and not at all on a Sunday or Bank Holiday unless otherwise agreed in writing with the Local Planning Authority.
Reason – To protect the amenities of nearby residential properties.
- (k) Prior to the commencement of the development hereby approved, or other such timescale as may be agreed by the Local Planning Authority, details of all external lighting to be provided within the development, including during the construction period and once operational, shall be submitted to an approved in writing by the Local Planning Authority. Such details shall include the location; specification and a Lux contour plan to show the impact of the lighting on any surrounding residential properties. Thereafter the lighting shall be provided in accordance with the approved details and thereafter so maintained.
Reason – To minimise any adverse impact upon the amenities of adjacent residential properties.

- (l) Prior to the commencement of development hereby approved, or other such timescale as may be agreed by the Local Planning Authority, a scheme for the piling of foundations (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, such a scheme shall include the following:
- (i) An assessment of the likely vibration levels and details of any necessary mitigation measures;
 - (ii) Details for the monitoring of vibration levels and details of any necessary mitigation measures; and
 - (iii) If necessary, a risk assessment for the protection of groundwater from any contamination which may be present on site.
- Reason** - To minimise any adverse impact on surrounding properties due to vibration and to protect groundwater resources.
- (m) Prior to the commencement of the development, or other such timescale as may be agreed by the Local Planning Authority, a Dust Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The Action Plan should set out dust control measures to be implemented, any necessary dust monitoring procedures and detail who is responsible for implementation of the plan. The development shall not be carried out otherwise than in complete accordance with the approved details.
- Reason** - To protect the amenities of the nearby dwellings.
- (n) Prior to each unit first being occupied, each individual occupier shall provide an odour impact assessment, including a full description of their intended activities and any necessary odour mitigation measures. Details of any extract ventilation or fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed shall be submitted to the Local Planning Authority for approval. Such equipment should thereafter be maintained in accordance with the approved details.
- Reason** - To protect the amenities of the nearby dwellings.
- (o) No external plant or machinery shall be installed at the development without the prior approval of the Local Planning Authority. Full details of any proposed plant or machinery shall be submitted prior to installation and such details shall provide full details of noise emissions and any necessary noise attenuation measures.
- Reason** – To protect the amenities of nearby dwellings.
- (p) All external doors, including roller shutter doors shall be kept closed between the hours of 10pm and 7am, Monday to Friday and 6pm to 7am Saturday and Sunday. (The doors may be opened temporarily for operational reasons, for health and safety reasons or in an emergency).
- Reason** – To protect the amenities of nearby dwellings.
- (q) No occupation of the development hereby approved shall take place until the Travel Plan prepared by Sanderson Associates, dated November 2006 and amendment dated January 2007, submitted as part of this planning application has been implemented in full.
- Reason** – To encourage the use of more sustainable and integrated modes of transport in accordance with adopted planning policy.
- (r) No occupation of the development hereby approved shall take place until the cycle parking as shown on drawing number A5073/AD (00) 02 Rev. E received 8 May 2007 and shower and changing facilities within units A1 – A5 have been provided to the satisfaction of the Local Planning Authority.
- Reason** – To encourage the use of more sustainable and integrated modes of transport in accordance with adopted planning policy.

- (s) The service yard and car parks forming part of the development hereby approved shall not be used by any motor vehicle, other than motorcars, between the hours of 10pm and 7am. The specified areas shall not be used for any purposes other than the parking of motorcars between these hours.

Reason – In the interest of safeguarding the amenities of nearby residential properties.

- (t) Noise emissions from the development shall not exceed the following limits, when measured on the footpath adjacent to 43 – 49 Faverdale Road, Darlington (in accordance with measurement practices specified in BS 4142:1997)
- (i) Day time (7.00am to 10.00pm Monday to Friday, 7.00am to 6pm Saturday and Sunday)
Laeq (1 hour) = 42 dB (A)
- (ii) Night time (10.00pm to 7.00am Monday to Friday, 6.00pm to 7.00am Saturday and Sunday)
Laeq (5 minute) = 38 dB (A)
LAMax (Fast) = 55 dB (A)

Compliance with the specified noise limits shall be demonstrated within 10 working days of the operator being notified of a complaint.

Reason – In the interest of safeguarding the amenities of nearby residential properties.

- (u) Prior to the commencement of the development, or other such timescale as may be agreed by the Local Planning Authority, details of the proposed acoustic fencing to be erected on the north and south boundaries of the site, as shown on drawing number A5073/AD (00) 02 Rev. E received 8 May 2007 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the acoustic fencing shall be provided in accordance with the approved details prior to any of the units first being occupied and thereafter be so maintained.

Reason – In the interest of safeguarding the amenities of nearby residential properties.

- (v) The development hereby permitted shall not commence until 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 and until 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.
- (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:
- A desk top study has been completed satisfying the requirements of paragraph (i) above;
 - The requirements of the Local Planning Authority for site investigations have been fully established; and
 - 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.
- (iii) 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.
 - (iv) 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 2 months of completion of the development.
 - (v) 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

10/00520/FUL - Stable Block, Hill House Lane, Sadberge, Darlington. Demolition of existing stable block and erection of replacement stable block and tack room.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments of the Highways Officer and the objections of Sadberge Parish Council that had been received).

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

- (a) A3 - Implementation Limit (3 years).
- (b) B4 - Details of Materials (Samples).
- (c) F6 - Sightlines (Details to be Submitted).
- (d) B5 - Detailed Drawings (Implementation in accordance with approved plan).

(2) Listed Building Consent Granted

10/00433/LBC - Manor Farm, 20 The Green, Bishopton. Listed Building Consent for alterations to the south west elevation - insertion of 2 No. additional rooflights (12 in total) in Plot 1, insertion of an additional window, repositioning of entrance door/adjacent window in Plot 1. To the north east elevation - insertion of an additional window. Changes to the position of vents, flues and soil vent pipes, installation of 3 No. fuel tanks and alterations to the roof (pitch and eaves level) (amended plan received 4 August 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) seven letters of objection, a petition with 61 signatories, three letters of support and the comments of the Conservation Officer and Bishopton Parish Council that had been received and the views of Mr. Good, applicants agent, whom Members heard. A further

three letters of objection dated 16th, 18th and 19th September, 2010 were summarised at the meeting and a further letter of objection dated 20th September was also read out verbatim at the meeting).

The Development Manager also specifically clarified the point in relation to the listing description not making reference to the barn subject to the application and that there were further factors that had delayed the planning process in getting to this point over and above the consultation exercise with neighbours on planning conditions including errors in the initial consultation process and potentially the economic recession but that in his view the site had not been deliberately neglected.

RESOLVED - That Listed Building Consent be granted subject to the following conditions :-

- (a) B7 – The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and plans submitted herewith and approved by the Local Planning Authority, or as shall otherwise have been agreed in writing by the Local Planning Authority.
Reason - In order to ensure an acceptable form of development.
- (b) The additional window frames hereby approved are to be hardwood timber to be painted white to match previously approved frames in the remainder of the building.
Reason - In the interests of helping to protect the architectural and historic significance of the building.
- (c) The Conservation rooflights hereby approved are to be to be metal framed, coloured black and fitted level with plane of roof.
Reason - In the interests of helping to protect the architectural and historic significance of the building.
- (d) Unless otherwise agreed in writing with the Local Planning Authority, the repositioned door and window are to be finished as per details approved pursuant to condition 8 attached to planning permission 05/00448.
Reason - In the interests of helping to protect the architectural and historic significance of the building.

PA42. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mr. And Mrs. Thomas had appealed against this Authority’s decision to refuse planning permission for loft conversion to form en-suite bedrooms incorporating 2 No. roof dormers (revised scheme) at 12 Lauriston Close, Darlington (Reference Number 10/00272/FUL); and
- (b) Mrs. Hird had appealed against this Authority’s decision to refuse planning permission for erection of boundary wall around front garden at 9 Grassholme, Darlington (Reference Number 10/00336/FUL).

PA43. NOTIFICATIONS OF DECISIONS ON APPEALS – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for Environment have :-

- (a) Dismissed the appeal by Asda Stores Limited against this Authority’s decision to refuse planning permission for erection of temporary storage marquee (retrospective) at Asda Supermarket, Whinbush Way, Darlington (reference Number 09/00646/FUL);

and

- (b) The appeal by Mr. Foreman against this Authority's decision to refuse planning permission for change of use to waste transfer/recycling facility at Former Taylor Woodrow Compound, Lingfield Way, Darlington (Reference Number 09/00788/CU) has been withdrawn.

RESOLVED - That the report be received.

PA44. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100B(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.

PA45. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA37, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 9th September, 2010.

RESOLVED - That the report be received.