

PLANNING APPLICATIONS COMMITTEE

14th March, 2012

PRESENT - Councillor Baldwin (in the Chair); Councillors Johnson, Long, D.A. Lyonette, Macnab, Regan, Stenson and J. Taylor. (8)

APOLOGIES – Councillor Cossins, L. Haszeldine, Knowles, Landers and Lee. (5)

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principle Planning Officer and Harry Alderton, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within Resources Group.

(Note: At 4.40 p.m. the meeting became inquorate and Planning Application Ref No. 12/00042CU was not considered along with the items included on part two and three of the agenda).

PA84. DECLARATION OF INTERESTS – In relation to Planning Application Ref No. 11/00803 Councillor J. Taylor declared a personal and prejudicial interest and spoke as a Ward Member on behalf of the objectors and then left the meeting for the consideration of this application.

PA85. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 15th February, 2012.

In relation to Planning Application Ref No. 11/00175/FUL the Assistant Director of Resources representative reported that he had spoken to the Assistant Director of Resources in her capacity as Monitoring Officer in relation to a comment made by an objector in respect to this application. A letter was sent to the person concerned informing her that both Members and the applicant strongly refuted any inappropriate conduct and invited her to either withdraw the comment made or make a formal complaint setting out the substance of any allegations. A reply was received which indicated that she had based her comment on hearsay and that she did not wish to make a formal complaint. As such the Assistant Director of Resources did not intend to investigate the matter as there was no evidence of any improper conduct.

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

PA86. PROCEDURE – The Assistant Director of Resources 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	<p>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.</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>
C22	<p>No fans, louvers, ducts or other external plant shall be installed without the prior approval of the Local Planning Authority.</p> <p>Reason - To protect the visual amenities of the area.</p>
D18	<p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the residential amenities of the area.</p>
D19	<p>The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.</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</p>

	<p>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>
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>

PA87. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

11/00715/FUL - Plants Garden Centre, Station Road, Piercebridge. Erection of garden centre retail building, cafe and extension to existing car park and alterations to existing entrance to the site (Amended plans received 21 December 2011; Additional Information received 29 December 2011; Amended plans and Tree Report received 16 January 2012; Additional Information received 17 and 23 January 2012; Amended plans received 22 February 2012; Additional Information received 27 February 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection including the letters from Farmway Limited, England and Lyle on behalf of Farmway Limited and the owner of a café business and farm shop operating from Piercebridge Farm, a further five letters of objection from the amended plans and additional information that was submitted in January 2012; a further letter of objection from the amended plans that were submitted in February 2012; the recommendation from Piercebridge Parish Council, the comments of the Environment Agency, the Durham County Council Archaeology Section, the Council's Principal Environmental Health Officer Pollution and Commercial, the Council's Highways Engineer and the Council's Senior Arboricultural Officer that had been received and the views of Mr. Lynn, applicants agent, Mr. Turner, applicant, and Mrs. Hodgson and Mr. Sayer, objectors, whom Members heard).

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

- (a) A3 – Implementation Limit (Three Years).

- (b) The garden centre hereby approved shall not operate outside the hours of 0800 to 1730 Monday to Saturday and Sundays 1000 – 1600.
Reason - In the interests of residential amenity.
- (c) Notwithstanding condition 2) the café shall not operate outside the hours of 0900 and 1600 Mondays to Sundays.
Reason - In the interests of residential amenity.
- (d) D18 – Control of Fumes.
- (e) D19 – Ventilation Equipment (Details Required).
- (f) C22 – No External Plant.
- (g) Notwithstanding the information contained in the application, no goods shall be sold from the site or stored on the site other than those mentioned in the letter from Sam Turner and Charlie Turner (Sam Turner & Sons Ltd) dated 17 January 2012.
Reason - To enable the Local Planning Authority to retain control over the development and to safeguard the viability and vitality of Darlington town centre and other local shops and services.
- (h) Notwithstanding the details shown on the approved plans, no external café areas shall be created on the site without the prior approval of the Local Planning Authority.
Reason - In the interests of residential amenity.
- (i) Notwithstanding the details shown on the approved plans, the café area within the building hereby approved shall cater for a maximum of 50 covers only unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of residential amenity and to safeguard the viability and vitality of other local shops and services.
- (j) Notwithstanding the details shown on the approved plans, precise details for the provision of cycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The details shall include the number of spaces, the location of the spaces and the type of cycle stands. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - To ensure that a sufficient level of cycle parking is provided on site.
- (k) Notwithstanding the details shown on the approved plans, precise details for the provision of a footway along the verge of the B6275 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In order to create a safe pedestrian access to the site.
- (l) Notwithstanding the details shown on the approved plans, precise details for the provision of safe pedestrian route from the footway on the B6275 to the entrance of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - To ensure that safe pedestrian access is provided on site.
- (m) Notwithstanding the details shown on the approved plans, precise details for the highway improvements to entrance to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The details shall include improving the sightline to the south and works to the entrance to define the access point and to relocate existing Give Way lines. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of highway safety.

- (n) Prior to the commencement of the development, an Interim Certificate for BREEAM 2008 Standards shall be submitted to and approved in writing by the Local Planning Authority. The necessary Rating Level is “very good – outstanding” and the Certificate will include details to show how the approved development will meet the Rating level.
Reason - To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
- (o) Upon completion of the development a Final Certificate for BREEAM 2008 Standards shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with condition 3).
Reason - To ensure that the development has been carried out in complete accordance with condition 14) to comply with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
- (p) B4 – Materials (Samples).
- (q) Prior to the commencement of the development, details of a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the local planning authority. The details shall also include show how the scheme shall be maintained and managed for the design life of the site. The development shall not be brought into use until it has been confirmed the scheme has been implemented in accordance with the approved details.
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.
- (r) J2 – Contaminated Land.
- (s) E2 – Landscaping (Submission).
- (t) Prior to the commencement of the development hereby approved (including any 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 2.3 meter 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 :-
- (i) The raising or lowering of levels in relation to the existing ground levels;
 - (ii) Cutting of roots, digging of trenches or removal of soil;
 - (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
 - (iv) Lighting of fires; and
 - (v) 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.
- (u) Prior to the commencement of the development, details of the boundary treatments shall be submitted to, and approved by, the Local Planning Authority and such boundary treatments shall be erected in accordance with the approved details prior to any part of the development being occupied (or any such later time as may be agreed in

writing with 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 the visual appearance of the locality.

- (v) Prior to the commencement of the development, details of a programme of archaeological work as defined in a specification by the County Durham Archaeology Team shall be submitted to and approved by the Local Planning Authority. The programme shall include :-
- (i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - (ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - (iii) Post fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - (iv) Report content and arrangements for dissemination.
 - (v) Archive preparation and deposition with recognised depositories.
 - (vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - (vii) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - (viii) A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The specification shall be confirmed in a written scheme of investigation and shall be carried out in accordance with the approved details and timings.

Reason - To comply with Policy CS14 of the Darlington Core Strategy Development Plan Document 2011 as the site contains known features of regional archaeological importance.

- (w) Prior to the development being beneficially occupied, 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. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason - To comply with Policy HE12.2 – 12.3 of Planning Policy Statement 5 – Planning for the Historic Environment to make the information as widely accessible to the public as possible.

- (x) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (y) Prior to the commencement of the development, details of the car parking arrangements around Juniper House shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – To ensure that the residential amenities of the occupants of Juniper House are not affected to an unacceptable degree.

(2) Planning Permission Deferred

11/00803/FUL - Land North of Eastmount Road Junction, Haughton Road. Erection of 12 no dwelling houses in two and three storey form.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eleven letters of objection, two petitions one containing 35 signatories

and the other 25 signatories objecting to the development, the comments of the Council's Highways Engineer, the Council's Arboricultural Officer and the Council's Highways Engineer that had been received and the views of Mr. Barlow, applicants agent, Mr. Bell, applicant, Mr. Norman, an objector and Councillor J. Taylor, Ward Member, whom Members heard).

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

12/00037/OUT - Caretakers House, Edinburgh Drive. Outline application for residential development of 3 No dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection, the objections of the Campaign to Protect Rural England and the comments of the Council's Senior Arboricultural Officer, the Council's Highways Engineer and the Council's Environmental Health Officer that had been received and the views of Mr. Longstaff, agent, Mr. Robson, an objector, whom Members heard).

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