

PLANNING APPLICATIONS COMMITTEE

27th June, 2012

PRESENT - The Mayor (Councillor Baldwin) (in the Chair); Councillors Cossins, L. Haszeldine, Johnson, Knowles, Lee, D.A. Lyonette, Macnab, Regan and Stenson.(10)

APOLOGIES - Councillors Cartwright, Long and J Taylor. (3)

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Andy Casey, Highways Engineer, Steve Todd, Principal Environmental Health Officer and Neville Newmarch, Environmental Health Enforcement Officer within Services for Place and Andrew Errington, Lawyer (Planning) within Resources Group.

PA116. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

PA117. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 30th May, 2012.

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

PA118. 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	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

	<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 planning permission.</p>
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PA119. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

Planning Permission Granted

12/00199/FUL - ASDA Supermarket, Whinbush Way, Darlington. Installation of Refrigeration Condenser Packs and Sound Insulation Screens in rear service yard. Removal of existing gas supply pipework.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the objections of a number of local residents and the comments of the Council’s Environmental Health Officer that had been received and the views of the applicants’ Agent, whom Members heard).

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

1. A3 – Time limit.
2. B5 – Accordance with plans.
3. All new and existing air handling units (refrigeration, condensing and ventilation) in the rear service yard area must be installed and located as submitted on the amended copy of plan M03.
Reason - In the interests of the amenities of local residents.
4. Before being brought into operation all such units must be located behind a 3.3 metre high acoustic screen effectively sealed at ground level and meet the submitted fabrication, installation and attenuating specification as well as ensuring that there is no line of sight between the units and any of windows to any floor levels of adjacent and nearest affected residential dwellings. This arrangement shall thereafter be retained.
Reason - In the interests of the amenities of local residents.
5. Before any units are brought into use all sound reflective surfaces behind new and existing units must be fitted with noise absorption material to a degree which will eliminate reflected noise from the units. This arrangement shall thereafter be retained.
Reason - In the interests of the amenities of local residents.
6. Units identified in the associated acoustic report as requiring ‘electronically controlled night time set back’ must be managed and controlled to ensure compliance with the predicted lowest night time noise levels to be achieved.
Reason - In the interests of the amenities of local residents.
7. The maximum operating sound output level for the whole completed installation including new and existing units in the rear yard service area must achieve a level of 28dBA or less during night time periods and at no time in any 24 hour period exceed the existing background noise level. There shall be no dominant frequencies and these required levels include when all units are operating simultaneously.
Reason - In the interests of the amenities of local residents.

8. All existing plant deemed (as declared in the application) to be redundant and whose removal or decommissioning formulate the final predicted noise output levels from the whole installation must be effectively disconnected or removed from the site upon the substantial completion of the development.
Reason - In the interests of the amenities of local residents.
9. The units hereby approved shall not be brought into commercial operation until the acoustic consultant has carried out a test identical to the pre installation acoustic survey and confirmed in writing to the satisfaction of the Local Planning Authority that all the predicted noise levels (as specified in condition 7) have been achieved.
Reason - In the interests of the amenities of local residents.
10. All construction works associated with this application shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without prior written permission from the Local Planning Authority.
Reason - In the interests of the amenities of local residents.

12/00203/FUL - ASDA Supermarket, Whinbush Way, Darlington. Installation of three replacement air handling units on store roof in place of existing gas fired units. Installation of associated units behind acoustic screens within service yard. Removal of existing gas supply pipework.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of a number of local residents and the comments of the Council's Environmental Health Officer that had been received and the views of the applicants' Agent, whom Members heard).

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

1. A3 – Time limit
2. B5 – Accordance with plans
3. All new roof mounted air handling units must be installed and located as submitted on the amended copy of plan M03.
Reason - In the interests of the amenities of local residents.
4. Before being brought into use all the new roof mounted units must be fitted with custom built noise attenuation enclosures and attenuated air intakes firing in a westerly direction as detailed in submitted plans M03 and drawing ref FL/1055/D1. This arrangement shall thereafter be retained.
Reason - In the interests of the amenities of local residents.
5. The final operating sound output level from the 3 new roof mounted air handling units must comply with the submitted sound output calculation data detailed in 'Acoustic Impact Assessment of proposed Air handling Units 1-3' and 'Air Handling Unit resultant site plan based upon full load operational modes', both provided by the noise consultant namely;
The maximum sound output levels must not exceed at any time:
 - (a) Nearest affected residential dwellings North of the site 28dBA (max)
 - (b) Nearest affected residential dwellings West of the site 26dBA (max)
 - (c) Nearest affected residential dwellings South West of the site 24dBA (max)
 - (d) Nearest affected residential dwellings South East of the site 24dBA (max)
 - (e) Nearest affected residential dwellings East of the site 25dBA (max)
 There must be no dominant frequencies
Reason - In the interests of the amenities of local residents.

6. Before being brought into operation all associated air handling units to be located in the rear service yard must be located behind a 3.3 metre high acoustic screen effectively sealed at ground level and meet the submitted fabrication, installation and attenuating specification as well as ensuring that there is no line of sight between the units and any windows to any floor levels of adjacent and nearest affected residential dwellings. This arrangement shall thereafter be retained.
Reason - In the interests of the amenities of local residents.
7. Before any units are brought into use all sound reflective surfaces behind new and existing units must be fitted with noise absorption material to a degree which will eliminate reflected noise from the units. This arrangement shall thereafter be retained.
Reason - In the interests of the amenities of local residents.
8. The maximum operating sound output level for the whole completed installation including new and existing units in the rear yard service area associated with this application must achieve a level of 28dBA or less during night time periods and at no time in any 24 hour period exceed the existing background noise level. There shall be no dominant frequencies and these required levels include when all units are operating simultaneously.
Reason - In the interests of the amenities of local residents.
9. All existing plant deemed (as declared in the application) to be redundant and whose removal or decommissioning formulate the final predicted noise output levels from the whole installation must be effectively disconnected or removed from the site upon the substantial completion of the development.
Reason - In the interests of the amenities of local residents.
10. The units hereby approved shall not be brought into commercial operation until the acoustic consultant has carried out a test identical to the pre installation acoustic survey and confirmed in writing to the satisfaction of the Local Planning Authority that all the predicted noise levels (in accordance with conditions 5 and 8) have been achieved.
Reason - In the interests of the amenities of local residents.
11. All construction works associated with this application shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without prior written permission from the Local Planning Authority
Reason - In the interests of the amenities of local residents.

12/00301/FUL - Aycliffe Lane, Brafferton. Erection of stableblock, tack room and amenity block.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of a number of local residents and the comments of the Council's Highways Officer had had been received and the views of the applicants' Agent, whom Members heard).

The Committee also took into account, the decision of the Inspector, appointed by the Secretary of State for Communities and Local Government (previously circulated) in relation to the site which had previously been considered by this Committee at its meeting on 15th February, 2012 (Minute PA83(d) and (e)/Feb/12 refers).

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

1. A3 – Time limit.
2. B4 – Submit material details..

3. B5 – Accordance with plans.
4. The stables hereby approved shall only be used for domestic purposes in association with the occupiers of the residential gypsy site upon which it is located.
Reason – The site is not considered suitable for commercial livery use.
5. Prior to the buildings hereby approved being brought into use the existing portable ancillary building currently coloured green shall be removed from the site.
Reason - In the interest of protecting the visual amenity of the locality in accordance with saved policy R15 of the Darlington Local Plan.
6. Prior to the buildings hereby approved being brought into use
 - (a) final construction details for the access road into the site shall be submitted to and approved in writing by the Local Planning Authority; and
 - (b) the access road shall be completed in accordance with the approved details and thereafter retained.**Reason** - In the interests of highway safety.

PA120. 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.

PA121. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA114/May/12, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 15 June 2012.

RESOLVED - That the report be received.