

## PLANNING APPLICATIONS COMMITTEE

19 September 2012

**PRESENT** - The Mayor (Councillor Baldwin) (in the Chair); Councillors Cossins, L. Haszeldine, Johnson, Knowles, Lee, D A Lyonette, Macnab, Regan, Stenson and J. Taylor. (11)

**APOLOGIES** - Councillors Cartwright and Long. (2)

**OFFICERS** – Roy Merritt, Development Manager, Dave Coates, Principal Planning Officer and Andy Casey, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

(NOTE – The Chair left the meeting prior to consideration of application Ref Nos. 12/00417/CU, 12/00457/FUL and 12/00488/LBC and Minutes Nos. PA140, PA141 and PA142 and the Vice-Chair (Councillor Regan) took the Chair for consideration of those items only).

**PA136. DECLARATION OF INTERESTS - (1)** Councillor L. Haszeldine declared a prejudicial interest in relation to planning application Ref. No. 12/00391/FUL and left the meeting for consideration of that application.

(2) Councillor Macnab declared a personal and prejudicial interest in relation to planning application Ref. No. 12/00347/FUL, spoke in support of that application and then left the meeting during its consideration.

There were no other declarations reported at the meeting.

**PA137. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 22 August 2012.

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

**PA138. 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

	<p>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>
E5	<p>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.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</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>

**PA139. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**12/00347/FUL - Longfield Academy of Sport, Longfield Road, Darlington.** Erection of a community sports centre building and creation of a new car park; creation of five enclosed and floodlit community tennis courts with erection of 12metre high lighting columns and associated access roads and landscaping (Amended Description) (amended plans and additional information received 25 July 2012) (Flood Risk Assessment and additional information received 26 July 2012) (amended plans and additional information received 23 August 2012).

A discrepancy in the report regarding operating hours was highlighted at the meeting, which was acknowledged by Officers and Members. Following this, there was a discussion regarding the operating hours of the proposed development, particularly in relation to its conformity with the use of the synthetic pitch. An amendment was proposed by Cllr. Johnson to align all the operating times, including that of the synthetic pitch, by making the opening time of the sports hall later. The proposed amendment also included a requirement for a management plan to control the operation of the facilities to be implemented. This amendment was defeated, with a majority of the Committee being satisfied with the conditions in the Officers' recommendation.

(In reaching its decision, the Committee took into consideration, nine letters of objection to the original proposal, two of which had been subsequently withdrawn, five further letters of objection to the amended plans and the additional information (received on 25 July and 26<sup>th</sup> July 2012), letters of support from the Tennis Development Manager North East and Cumbria, Durham Cricket Board Limited, Darlington Triathlon Club and Darlington 21<sup>st</sup> All Stars Football Club, two further letters of objection to the amended plans and the additional information (received on the 23 August 2012) and nine letters of support to the amended plans and the additional information (received on 23<sup>rd</sup> August, 2012) all of which had been received; the comments of Northumbrian Water, Sport England, the Environment Agency, the England and Wales Cricket Board, Durham Cricket Board and the Football Association which had also been received and the views of one of the Ward Councillors who spoke in support of the application, the applicant's agent and an objector, all of whom Members heard).

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

1. B4 – Implementation Limit (Three Years).
2. B5 – Details of Materials (Samples).
3. The sports hall hereby approved shall not be used outside the hours of 0730 - 2200 Mondays to Fridays 0800 – 2130 on Saturdays and from 0800 to 2000 on Sundays.  
**Reason** - In the interests of residential amenity.
4. The tennis courts hereby approved shall not be used outside the hours of 0800 - 2200 Mondays to Fridays 0900 – 2130 on Saturdays and from 1000 to 2000 on Sundays.  
**Reason** - In the interests of residential amenity.
5. The floodlighting for the tennis court hereby approved shall not be operational outside the hours of 0800 - 2200 Mondays to Fridays 0900 – 2130 on Saturdays and from 1000 to 2000 on Sundays.  
**Reason** - In the interests of residential amenity.
6. Prior to the commencement of the use of the car park hereby approved, precise details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, location and construction of the fence and the development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - In the interests of residential amenity.
7. J2 - Contamination.
8. Prior to commencement of the development, a full Noise Impact Assessment shall be undertaken and approved by the Local Planning Authority. Prior to commencing the Assessment the scope of the report, which must include noise and vibration, including all plant and machinery associated with this planning permission shall be agreed in writing with the Local Planning Authority. The findings of the Noise Impact Assessment shall be implemented in accordance with a timescale to be agreed with the Local Planning Authority. The Noise Impact Assessment must show that the noise emissions from the development will comply with the noise limit stated in planning condition 9. The findings of the noise impact

assessment shall be implemented in accordance with a timescale to be agreed with the Local Planning Authority. Use of the development shall not commence until the Local Planning Authority has given notice, in writing, that it is satisfied that the level of noise emissions from the identified noise sources will comply with condition 9, and that any vibration issues identified have been addressed.

**Reason** - In the interests of residential amenity.

9. The Rating Level (as defined in BS 4142:1997), as a result of all plant and machinery associated with the sports centre, shall be at least 5 dB(A) below the background noise level at any residential property, when measured in accordance with BS 4142:1997. The background noise level to be used shall be measured by the applicant during appropriate day time and night time periods and the levels agreed in writing with the Local Planning Authority.

**Reason** - In the interests of residential amenity.

10. The proposed development hereby approved shall be carried out in complete accordance with the Lighting Assessment entitled "Longfield Academy; Project Code 12177A" produced by SJB Floodlighting dated 26 July 2012 and Drawing Number 2012-177-01 Revision C entitled "Maintain Illumination Level & 0.1 LUX Vertical Spillage Contour" produced by SJB Floodlighting dated 22 August 2012 and Drawing Number 205-012-4030 entitled "Car Park Area Fencing & Lighting" produced by Steve Wells Associates dated July 2012.

**Reason** - In the interests of residential amenity and the visual appearance of the locality.

11. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the new indoor sports facility, external multi-use games area and ancillary facilities, and include details of pricing policy, hours of use, access by non-educational establishment users; management responsibilities and a mechanism for review, and anything else that the Local Planning Authority in consultation with Sports England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict accordance with the approved agreement.

**Reason** - To ensure the sports facilities hereby approved are made fully accessible to the local community.

12. Prior to the commencement of the development a site plan shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England) which shows

- a) The proposed playing pitch layouts in the playing field areas during construction of the proposed sports facilities; and
- b) The proposed playing pitch layouts on the playing field area upon completion of the proposed sports facilities

The development shall be implemented in complete accordance with the approved details.

**Reason** - To ensure that satisfactory number of playing pitches are available for use during construction and upon completion of the development.

13. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance the National Planning Policy Framework policies and complies with the Hierarchy of Preference contained within revised Part H of the Building Regulations 2000.

14. Prior to the commencement of the development a scheme for the provision and management of a 5 metre wide buffer zone alongside the wetland, free of incidental artificial lighting, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans showing the extent of incidental lighting falling outside the proposal boundary into the wetland area (known as Drinkfield Marsh Local Nature Reserve), layout of the buffer zone and details demonstrating how the light free buffer zone will be protected, managed and maintained over the longer term including adequate financial provision and named body responsible for management. 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** - Development that encroaches on wetlands has a potentially severe impact on their ecological value. This includes artificial lighting which disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

15. Notwithstanding the details shown on the approved plans, precise details of cycle parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the facilities and the development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To ensure that sufficient cycle parking is provided.

16. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a Dust Action Plan, the hours of construction, designating and signing construction vehicle and plant routes, warning signage, construction phase proposals, methods for keeping public roads clear of construction debris and methods to show how the day to day operation of the Academy will be kept separate from construction traffic. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In the interests of residential amenity and highway safety.

17. The proposed development shall be implemented in complete accordance with Drawing No 205-012-110 entitled "Proposed Landscape Scheme" produced by Steve Wells Associates dated May 2012 unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the visual appearance of the locality.

18. The car park hereby approved shall be accessible and available for use by patrons of the sports facilities at all times.

**Reason** - In the interests of highway safety.

19. B5 – Detailed Drawings (Accordance with Plan).

**12/00391/FUL - Central Park Development Site, Haughton Road.** Hybrid Application for residential development of up to 180 units and use class A1 (Retail), A3 (Hot Food) and A4 (Drinking Establishments) up to 1,700 square metres throughout the development, inclusive of a local centre, food retail and up to 3 no. other retail (A1) plus class A3 and A4, together with Office development (B1) hotel (C1) multi storey car park and pedestrian/cycle bridge across Yarm Road (OUTLINE) ; and erection of 327 no. residential units with associated landscaping, access and parking (IN DETAIL).

The Development Manager clarified the planning policy position stating that the site was recognised in the Core Strategy as a key strategic regeneration area within the Town and would bring significant employment benefits - up to 2000 jobs and that the said strategy relied on Central Park to deliver a significant proportion of the housing requirement for the Borough over the period to 2016. The reduction in housing numbers compared to the original 2005 permission would not be harmful to this strategy and would reduce pressure for development in unsuitable locations such as on unsustainable greenfield sites. The Council had a responsibility under the national planning policy framework to ensure sites were viable and deliverable and so

should avoid imposing onerous planning obligations. The viability of the scheme had been independently assessed and was found to be marginal. Notwithstanding this it would deliver 20 affordable houses in the first phase; a quality residential development with dwellings constructed at CSH3; significant open space within the site and play equipment; contributions to public art; training and employment opportunities for local labour. In order to kick-start the scheme, the Council would need to accept that more affordable houses could not be delivered at this stage. Planning permission was necessary to secure the commencement of the CPO procedure which, in turn, would deliver the business quarter in phase 2 and also the Council depot relocation. Also the developer would accept a cap on profit levels so that if there was an improvement in the market, any surplus funds would be re-invested in the scheme. This would mean that more affordable housing might be possible in phase 2.

Concerns were raised that the additional demand for school places that would arise from the scheme were not being sufficiently recognised. The Assistant Director confirmed that the viability of the scheme did not allow financial contributions for education provision and referred to the Cabinet decision earlier this year that recognised that the Council were likely to have to accept less significant planning obligations in order to kick-start developments.

The Development Manager stated that, with regard to controlling work times on the site to protect residential amenity, this was best addressed through environmental health legislation should any problems arise.

(in reaching its decision, the Committee took into consideration, one letter of objection and the general support of Teesside University that had been received, the comments of the Highways Agency, the Environment Agency, Natural England, Durham Constabulary's Architectural Liaison Officer, Durham County Council's Archaeology Section, Network Rail, the Council's Traffic Manager, Environmental Health Officer, Ecology Officer and the Parks and Countryside Development Manager that had been received).

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

### **Detailed Development**

1. A3 - Implementation Limit (Three Years)
2. B4 - Details of Materials
3. B5 - Detailed Drawings
4. E5 -Boundary Treatment Submission
5. J2 - Contamination
6. Details of landscaping, to include wildlife friendly habitat areas, shall be submitted to, and approved by, the Local, Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

**Reason** - To create biodiversity and ensure a satisfactory appearance of the site an to improve the visual amenities of the locality

7. The development shall not be carried out otherwise than in accordance with the mitigation and habitat measures for wildlife as detailed in the submitted Environmental Statement dated June 2012 and the Ecology Assessment by E3 Ecology Ltd.

**Reason** – To conserve protected species and their habitat.

8. Prior to the commencement of development a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include designating and signing construction vehicle and plant routes, warning signage, construction phasing proposals, and keeping public roads clear of all construction debris (including wheel washing facilities). The development shall be carried out in accordance with the approved plan.  
**Reason** – In the interests of highway safety.
9. No development shall be commenced until a scheme for the disposal of foul and surface water drainage, to include sustainable drainage systems (SUDS), has been submitted to, and approved by, the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved scheme for has been fully implemented.  
**Reason** – To prevent flooding and pollution of the water environment.
10. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.  
**Reason** – To safeguard the amenities of the area
11. Before the commencement of any works on site a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall not be implemented otherwise than in accordance with the approved details and shall be reviewed at the request of the Local Planning Authority.  
**Reason** – To safeguard the amenities of the area
12. A lighting impact assessment shall be submitted and agreed in writing by the Local Planning Authority, before any building works commence. This should provide details of the external lighting associated with the proposed development, including lux contour plans where necessary and an assessment of the impact on existing neighbouring residential properties and those proposed by the wider Central Park development scheme. The scheme shall not be carried out otherwise than in accordance with the approved details.  
**Reason** – In the Interests of the residential amenity of the area.
13. Prior to the commencement of the housing development, a noise impact assessment is required to be submitted and agreed in writing by the Local Planning Authority. This noise impact assessment shall consider the effect of noise from traffic, the nearby railway line and industrial/commercial/plant noise sources on the proposed housing development. The assessment shall include details of predicted noise levels at residential properties and include details of any sound attenuation methods to be used. Any scheme for the protection of the proposed residential properties shall achieve internal noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55dB(A) LAeq in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works forming part of this scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing development being first occupied or used.  
**Reason** – To protect the future occupants of the dwellings from excessive noise from road and rail traffic.
14. Notwithstanding anything shown on the approved drawings precise details of the bus gate 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** – To ensure that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

15. The development shall not be carried out otherwise than in accordance with the Travel Plan by Queensberry Design Limited revision 5 dated 31 August 2012.  
**Reason** - To encourage the reduction of journeys made to and from development by private motor vehicles by promotion of more sustainable forms of transport.
16. Prior to the commencement of the development hereby approved a survey of the site shall be carried out to identify those trees, hedgerows and other areas of existing planting which are to be retained and which are to be removed. Those areas to be retained shall be agreed in writing with the LPA and shall be protected during the construction period, in accordance with the scheme to be submitted and approved by the Local Planning Authority, and the approved protection measures shall be retained on the site in the approved manner until the practical completion of the development.  
**Reason** – the Environmental Assessment has identified the opportunity to retain existing key planting areas and features on the site, which will mitigate the impact of the development on the locality and provide a base for landscape and habitat improvement as part of the enhancement strategy for the site.
17. Prior to the commencement of development precise details of childrens’ play equipment and locations 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 provision is made for children’s play within the development.
18. Prior to the commencement of development details of finished ground levels and longitudinal and latitudinal sections through the site of the new buildings shall be submitted to, and approved by, the Local Planning Authority to show how the buildings shall be set in the ground. The development shall not be carried out otherwise than in accordance with the approved details.  
**Reason** – In order that the Local Planning Authority may be satisfied as to the details of the development.
19. The roads and footpaths within the development hereby permitted, shall be constructed to a standard suitable for adoption by the Council as Local Highway Authority.  
**Reason** - In the interests of highway safety.
20. The development hereby approved shall be carried out in accordance with the Central Park Masterplan dated Spring 2012 unless otherwise agreed in writing with the LPA.  
**Reason** - In order to ensure a satisfactory form of development

## **Outline Development**

1. Approval of the following details (“the reserved matters”) in respect of each building/s or phase of the development shall be obtained from the local planning authority in writing before development of the building/s or phase of the development is commenced:
  - (i) access
  - (ii) layout
  - (iii) scale
  - (iv) appearance
  - (v) landscaping
2. The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of thirteen 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.

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

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

4. No development shall be carried out on each phase of the development, unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed buildings and surface materials have been submitted to and approved in writing by the Local Planning Authority.

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

5. B4 - Details of Materials

6. E5 - Boundary Treatment Submission.

7. J2 – Contamination

8. Before development takes place on each phase of the development details of landscaping, to include wildlife friendly habitat areas, shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

**Reason** - To create biodiversity and ensure a satisfactory appearance of the site and to improve the visual amenities of the locality

9. The development shall not be carried out otherwise than in accordance with the mitigation and habitat measures for wildlife as detailed in the submitted Environmental Statement dated June 2012 and the Ecology Assessment by E3 Ecology Ltd.

**Reason** – To conserve protected species and their habitat.

10. Before work begins on each phase of the development hereby permitted a survey shall be carried out to identify those trees, hedgerows and other areas of existing planting which are to be retained and which are to be removed. Those areas to be retained shall be agreed in writing with the LPA and shall be protected during the construction period, in accordance with the scheme to be submitted and approved by the Local Planning Authority, and the approved protection measures shall be retained on the site in the approved manner until the practical completion of the development.

**Reason** – the Environmental Assessment has identified the opportunity to retain existing key planting areas and features on the site, which will mitigate the impact of the development on the locality and provide a base for landscape and habitat improvement as part of the enhancement strategy for the site.

11. Prior to the commencement of development on each phase of the development a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include designating and signing construction vehicle and plant routes, warning signage, construction phasing proposals, and keeping public roads clear of all construction debris (including wheel washing facilities). The development shall be carried out in accordance with the approved plan.

**Reason** – In the interests of highway safety.

12. Notwithstanding anything indicated in the application details of the site access junction onto Yarm Road and all associated highway works (to include links to the wider pedestrian and cycle network) shall be submitted to and approved by the Local Planning Authority prior to

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

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

13. No development shall be commenced until a scheme for the disposal of foul and surface water drainage, to include sustainable drainage systems (SUDS) where practicable, has been submitted to, and approved by, the Local Planning Authority. Thereafter, no part of any phase of the development shall be occupied or brought into use until the approved scheme for that phase has been fully implemented.

**Reason** – To prevent flooding and pollution of the water environment.

14. Before the commencement of any works on each phase of the development a site a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures for dealing with complaints. The scheme shall not be implemented otherwise than in accordance with the approved details and shall be reviewed at the request of the Local Planning Authority.

**Reason** – To safeguard the amenities of the area.

15. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

**Reason** – To safeguard the amenities of the area

16. Before works begins on each phase of the development a lighting impact assessment shall be submitted and agreed in writing by the Local Planning Authority. This should provide details of the external lighting associated with the proposed development, including lux contour plans where necessary and an assessment of the impact on existing neighbouring residential properties and those proposed by the wider Central Park development scheme.

**Reason** – In the interests of the residential amenity of the area

17. Before works begins on each phase of the development details on any ventilation and fume extraction systems, including the position of ventilation, fume or flue outlet points and the type of filtration/odour abatement, to be installed shall be submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be installed before the development is brought into use and thereafter retained in full accordance with the approved details. The ventilation and fume extraction system shall prevent the emissions of fumes and/or odours which will be detrimental to the amenity of the area and maintained in accordance with manufacturers instructions and recommendations including the replacement of filters.

**Reason** - To safeguard the amenities of the area

18. A1, A3, A4 and C1 uses herby permitted shall not be brought into use until details of the arrangements for the storing of refuse and/or waste have been submitted to and agreed in writing by the Local Planning Authority. No such development shall be operated otherwise in accordance with these details.

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

19. The noise rating level (as defined in BS4142:1997) of noise emitted from external plant whether operating individually or simultaneously, shall be 5dB below the background noise level at noise sensitive receptors when measured and assessed in accordance with BS4142:1997. The noise rating levels shall include any necessary correction for the character of the noise and the background noise levels and location of noise sensitive receptors shall be agreed in writing with the Local Planning Authority.

- Reason** - To protect the amenities of nearby occupiers
20. Before development takes place on each phase of the development no noise emitting fans, louvres, ducts or other external plant and machinery associated with the development shall be installed until a noise assessment and if necessary a scheme to reduce noise and vibration has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the buildings and shall thereafter be retained.
- Reason** – To protect the amenities of the area
21. Prior to the commencement of the B1 office development, a scheme for the protection of the proposed office accommodation from external noise shall be submitted and agreed with the Local Planning Authority this shall achieve the good design range internal noise levels for office accommodation as stated in BS8233: 1999 "Sound Insulation and noise reduction for buildings Code of Practice". Any works which form part of this scheme shall be carried out in accordance with the approved scheme and prior to any part of the office development being occupied.
- Reason** – To protect the occupiers of the development from noise attributable to road and rail traffic.
22. Prior to the commencement of the C1 hotel development, a scheme for the protection of the proposed bedrooms from external noise shall be submitted and agreed with the Local Planning Authority this shall achieve less than 35 dB (LAeq) in bedrooms. Any works which form part of this scheme shall be carried out in accordance with the approved scheme and prior to any part of the hotel development being occupied.
- Reason** – To protect occupiers of the rooms from noise attributable to nearby road and rail traffic.
23. Prior to the commencement of the housing development, a noise impact assessment is required to be submitted and agreed in writing by the Local Planning Authority. This noise impact assessment shall consider the effect of noise from traffic, the nearby railway line and industrial/commercial/plant noise sources existing or proposed by the development. The assessment shall include details of predicted noise levels at residential properties and include details of any sound attenuation methods to be used. Any scheme for the protection of the proposed residential properties shall achieve internal noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55dB(A) LAeq in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works forming part of this scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing development being first occupied or used.
- Reason** – To protect the future occupants of the dwellings from excessive noise from road and rail traffic.
24. No process or operations associated with B1 Class 3 uses shall take place between the hours of 21.00 and 07.00 hours, unless otherwise agreed in writing by the Local Planning Authority.
- Reason** – To safeguard the amenities of adjoining and nearby residents.
25. No deliveries dispatched or received and no unloading or loading associated with the commercial uses shall take place between the 21.00 and 07.00 hours, unless otherwise agreed in writing by the Local Planning Authority.
- Reason** – To safeguard the amenities of adjoining and nearby residents.
26. Prior to the submission of reserved matters applications, the developer must secure the implementation of and undertake an agreed programme of archaeological evaluation works in accordance with a written scheme of investigation which has been submitted to the applicant and approved by the Local Planning Authority. The scheme shall provide for:

- (i) The proper identification and evaluation of the extent, character and significance of archaeological remains in accordance with a brief issued by the County Durham and Darlington Archaeology Section;
- (ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that the archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- (v) notification in writing to the County Durham and Darlington Archaeologist of the commencement of the archaeological works and the opportunity to monitor such works.

**Reason** – To comply with Policy CS14 (E)(12) of the Borough of Darlington Core Strategy Document (2011) AND PARA. 135 of the National Planning Policy Framework as the site may potentially contain features of local archaeological importance.

27. Prior to the reserved matters applications being submitted, 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 para. 141 of the National Planning Policy Framework to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible

28. The development shall not be carried out otherwise than in accordance with the Travel Plan by Queensberry Design Limited revision 5 dated 31 August 2012.

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

29. Before work begins on each phase of the development hereby permitted details of finished ground levels and longitudinal and latitudinal sections through the site of the new buildings shall be submitted to, and approved by, the Local Planning Authority to show how the buildings shall be set in the ground. The development shall not be carried out otherwise than in accordance with the approved details.

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

30. The roads and footpaths within the development hereby permitted, shall be constructed to a standard suitable for adoption by the Council as Local Highway Authority.

**Reason** - In the interests of highway safety

31. The development hereby approved shall be carried out in accordance with the Central Park Masterplan dated June 2012 unless otherwise agreed in writing with the Local Planning Authority.

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

32. The development in Use Classes A1, A3 and A4 shall not exceed 1,700 square metres in floor area unless otherwise agreed with the Local Planning Authority.

**Reason** – To ensure there is not an over representation of the above uses within the scheme.

33. No building when completed shall be fewer than 2 storeys and greater than 4 storeys above ground level unless otherwise agreed in writing with the Local Planning Authority. The development shall be in accordance with the heights of buildings shown on page 29 of the

Central Park Masterplan dated June 2012 unless otherwise agreed in writing with the Local Planning Authority.

**Reason** – In the interests of ensuring a satisfactory design of development.

34. The height of the building shown within Cell 3 on page 28 of the Central Park Masterplan dated June 2012 shall not exceed 2.5 storeys in height unless otherwise agreed in writing with the Local Planning Authority.

**Reason** – In the interests of ensuring a satisfactory design of development and to protect residential amenity.

## **(2) Planning Permission Refused**

**12/00457/FUL - Barclays Bank, 27 - 31 High Row, Darlington.** Removal of existing main entrance steps and installation of replacement ramp, handrail and steps.

(In reaching its decision, the Committee took into consideration the comments of Darlington Association on Disability, the Council's Highway's and Conservation Officers and English Heritage which had been received).

**RESOLVED** - That planning permission be refused for the following reasons :-

1. The proposed ramp and replacement stairs, by virtue of their design and prominence, would compromise the application building's architectural and historic significance and would harm the character and appearance of the Town Centre Conservation Area. The building is Grade II\* Listed with a grand gothic façade which is a prominent feature in the Town Centre Conservation Area. The proposed ramp and replacement stairs would detract from the symmetry and architectural rhythm of the building as well as resulting in the loss of the original stairs. Although it is noted that the proposal would achieve better access for people with disabilities, level access to the building is currently provided by a side door close to the entrance from where it is signposted. In the opinion of the Local Planning Authority the proposal would cause substantial harm to the special historic architectural character of the building and it is not considered that there would be a substantial public benefit that would outweigh this harm. The proposed works are therefore considered to be contrary to Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 as well as Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012.
2. The proposed ramp and replacement stairs would be located over the public highway and consequently there is a highway objection. The proposal is not considered to comply with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy Development Plan Document 2011.

## **(3) Listed Building Consent Refused**

**12/00488/LBC - Barclays Bank, 27 - 31 High Row, Darlington.** Listed Building Consent for removal of existing main entrance steps and installation of replacement ramp, handrail and steps.

(In reaching its decision, the Committee took into consideration, the comments of Darlington Association on Disability, the Council's Highway's and Conservation Officers and English Heritage which had been received).

**RESOLVED** - That Listed Building Consent be refused for the following reason :-

The proposed ramp and replacement stairs, by virtue of their design and prominence, would compromise the application building's architectural and historic significance and would harm the character and appearance of the Town Centre Conservation Area. The building is Grade II\* Listed with a grand gothic façade which is a prominent feature in the Town Centre Conservation Area. The proposed ramp and replacement stairs would detract from the symmetry and architectural rhythm of the building as well as resulting in the loss of the original stairs. Although it is noted that the proposal would achieve better access for people with disabilities, level access to the building is currently provided by a side door close to the entrance from where it is signposted. In the opinion of the Local Planning Authority the proposal would cause substantial harm to the special historic architectural character of the building and it is not considered that there would be a substantial public benefit that would outweigh this harm. The proposed works are therefore considered to be contrary to Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 as well as Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012.

#### **(4) Change of Use Granted**

**12/00417/CU - Telford House, 18 Garden Street, Darlington.** Change of use from existing offices to call centre, office and public taxi office.

Following discussion at the meeting in relation to the opening hours of the business to visiting members of the public, the applicant agreed to an additional condition of the planning permission in relation to this.

(In reaching its decision, the Committee took into consideration seven letters of objection that had been received and the views of the applicant and two objectors, both of whom Members heard).

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

1. A3 - Implementation Limit (Three Years)
2. Notwithstanding the details submitted with the application, there shall be no maintenance of taxis or other vehicles within the adjoining yard at any time.

**Reason** - To protect the residential amenity of nearby residents.

3. The premises to which this planning permission relates shall not be open for business to visiting members of the public between the hours of 10pm and 7 am.

**Reason** - In the interests of protecting residential amenity.

**PA140. NOTIFICATION OF APPEALS** – The Director of Director of Place reported that :-

- (a) Levy Developments Limited had appealed against this Authority's decision to refuse planning permission for the conversion of existing building to form 7 self-contained apartments at 29 Corporation Road, Darlington DL3 6AE (Ref No 12/00181/CU);
- (b) Mr Peter Foster had appealed against this Authority's decision to refuse planning permission for the erection of a gatehouse dwelling for staff accommodation with associated boundary wall and gates at High Linhams, Bridge Road, Darlington DL3 8TJ (Ref No 11/00684/FUL);

- (c) Mr Howard had appealed against this Authority's decision to refuse planning permission for the erection of a detached garage to rear comprising 2 No. parking bays and associated hardstanding (Resubmission) at The Arches, Walworth Road, Walworth, Darlington (Ref No 12/00169/FUL);
- (d) Paul Martin and Carol Martin had appealed against this Authority's enforcement notice issued 8 June, 2012, relating to an alleged breach of planning control at Meadow House, Coatham Mundeville, Darlington DL1 3LU (Ref No E/12/2);
- (e) Mr Jack Havakin had appealed against this Authority's decision to refuse planning permission for the erection of a detached bungalow at Former Garden of No. 2 Castle Close, Church Lane, Middleton St George (Ref No 12//00248/FUL); and
- (f) Mr J Richardson had appealed against this Authority's decision to refuse planning permission for the erection of a single-storey dwelling at 54 Barmpton Lane, Darlington DL1 3HE (Ref No 12/00271/FUL).

**RESOLVED** - That the reports be received.

**PA141. 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 13 of Part I of Schedule 12A to the Act.

**PA142. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 13)** - Pursuant to Minute PA, the Director of Development and Environment submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 October 2012.

**RESOLVED** - That the report be received.