

**PLANNING APPLICATIONS COMMITTEE**  
**25 September 2013**

**PRESENT** – The Mayor (Councillor Johnson); Councillor Baldwin (in the Chair); Councillors Cossins, Knowles, Lee, D A Lyonette, Macnab, Regan and Stenson and J Taylor. (10)

**APOLOGIES** – Councillors Cartwright, L. Haszeldine and Long (3)

**ALSO IN ATTENDANCE** –

**OFFICERS** – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer and Paul Ibbertson, Engineer within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

**PA32. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA33. MINUTES** - Submitted - The Minutes (previously circulated) of a meeting of this Committee held on 28 August 2013.

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

**PA34. 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 :-

<b>Code No.</b>	<b>Conditions</b>
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. <b>Reason</b> - 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. <b>Reason</b> - 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.

B4A	<p>The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.</p> <p><b>Reason</b> - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.</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><b>Reason</b> - To ensure the development is carried out in accordance with the planning permission.</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><b>Reason</b> - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
K2	<p>No development shall be commenced until a scheme for the disposal of foul and surface water drainage 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. The scheme shall be retained throughout the life of the development unless otherwise agreed with the Local Planning Authority.</p> <p><b>Reason</b> - To prevent the increased risk of flooding of local watercourses and surrounding land by ensuring satisfactory means of surface water disposal.</p>

**PA35. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**Planning Permission Granted**

**13/00532/FUL - 17 Church View Bishopton.** Single Storey Side and Rear Extension.

(In reaching its decision, the Committee took into consideration the concerns of Sadberge and Whessoe Parish Council and the comments of the Highways Engineer and the Conservation Officer, which had been received and the views of the applicant, whom Members heard).

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

1. A3 – Implementation time.
2. B5 – Accordance with plans.
3. B4A - Materials.
4. Prior to the commencement of any development referred to in this permission, additional plans showing a car parking space of 5.5 metres in length which does not overhang the public highway, shall be submitted to, and approved by, the local planning Authority. Thereafter the details of the plans shall be fully implemented.  
**Reason** - To ensure that a useable car parking space is always available on the site in the interests of highway safety.

**13/00479/FUL - Snipe Lane, Darlington.** Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches.

(In reaching its decision, the Committee took into consideration the objections of Hurworth Parish Council that had been received and the views of the applicant's agent, whom Members heard).

**RESOLVED** - That Planning Permission be granted subject to the following conditions :-

1. A3 – Implementation time
2. B5 – Accordance with plans.
3. The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document "Planning Policy for Traveller Sites" 2012.  
**Reason** – In order that the development complies with Core Strategy Policy CS13
4. The site shall be for three individual pitches.  
**Reason** – For the avoidance of doubt.
5. The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority.  
**Reason** – In the interests of the character of the locality.
6. No commercial activities shall take place on the land, including the storage of materials.  
**Reason** – In the interests of the character of the locality.
7. K2 – Foul and surface water disposal
8. B4 – Details of materials
9. E2 - Landscaping

**13/00526/FUL - Snipe Lane, Darlington.** Change of use of land and laying of hardcore for use as residential land for two Gypsy pitches.

(In reaching its decision, the Committee took into consideration the objections of the Environment Agency, Hurworth Parish Council and the Council for the Protection of Rural England that had been received).

**RESOLVED** - That Planning Permission be granted subject to the following conditions:

1. A3 – Implementation time

2. B5 – Accordance with plans.
3. The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller Sites” 2012.  
**Reason** – In order that the development complies with Core Strategy Policy CS13.
4. The site shall be for two individual pitches.  
**Reason** – For the avoidance of doubt.
5. The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority.  
**Reason** – In the interests of the character of the locality.
6. No commercial activities shall take place on the land, including the storage of materials.  
**Reason** – In the interests of the character of the locality.
7. K2 – Foul and surface water disposal.
8. B4 – Details of materials.
9. E2 - Landscaping.

## **(2) Darlington Borough Council - Planning Permission - Granted**

**13/00654/DC - Town Hall, Darlington.** Erection of new 4000 square metre office building.

The Development Manager summarised the responses received from consultees including those received since the publication of the submitted report. English Heritage had responded with the view that the proposed development would not harm the significance of the Conservation Area or the setting of St Cuthbert’s Church. It raised concerns about the visibility of plant on the roof and the way this was screened. With regard to archaeological remains, English Heritage stated that the development would be on the site of the former medieval Bishop’s Palace/Manor House; that there was the potential for the archaeology to be of national importance because such remains were rare. In line with Government guidance, non-designated heritage assets of equivalent significance to scheduled monuments should be considered subject to the same policies in the National Planning Policy Framework. English Heritage acknowledged the desire to provide additional office space but were concerned that excavating the site would inevitably cause harm to the heritage asset and advised that other options should first be considered e.g. moving the footprint of the building before agreeing to excavation. Therefore, in terms of its effect on archaeology, English Heritage do not support the proposal in its current form.

With regard to archaeological considerations, the Development Manager stated that the Local Planning Authority had worked carefully from the earliest stages of the project with Durham Council Archaeologists with regard to the appropriate approach to this site. The proposed footprint of the building had been largely governed by the need and desire to accommodate a large number of employees in an attractive river frontage development whilst respecting the setting of the Church. It is accepted that the site is archaeologically very significant but there is no available evidence to confirm the site is of national significance. Furthermore what appears to be the most sensitive part of the site, i.e. the footprint of the main Palace/Manor House building can be safeguarded from the most intrusive aspects of the development and so, notwithstanding the concerns raised by English Heritage and, taking into account the views of County

Archaeologists, a programme of excavation, interpretation and recording is considered appropriate in this case. Notwithstanding this there is considered to be considerable public benefit in terms of retaining a large amount of employment in the Town and, in terms of a well-designed building, improving views into the area from the ring road and riverside area which outweigh any benefits of not excavating the site in this case. This approach was considered to be consistent with heritage policies contained in the National Planning Policy Framework. The roof plant was not considered to be unduly prominent and screening proposals were considered to be acceptable.

It was confirmed that Darlington Association on Disability had withdrawn its objection to the scheme on the basis of ramped access being provided to the new building from the Town Hall.

The Environment Agency had raised no objection subject to the inclusion of two conditions with regard to minimum floor levels and surface water attenuation in the interests of flood risk.

Northumbrian Water had raised no objection to surface water discharge to the existing sewer based on a satisfactory attenuation of flow rates.

The Police Architectural Liaison Officer raised no objection to the overall design of the building and provided advice on the detailed design with a view to gaining Secured by Design Certification.

A question was raised by a Member about the durability of the roofing material for the building and an assurance was given that this would be taken into account by Officers in determining appropriate materials.

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

1. A3 – Implementation time limit.
2. B5 – In accordance with plans.
3. No development shall be carried out unless, and until, a vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and delivery vehicles, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to, and approved by, the Local Planning Authority.  
**Reason** – In the interests of highway safety.
4. Prior to the development being brought into use, precise details showing the cycle and pedestrian infrastructure linking into the surrounding network and vehicular access to the development, including remodelling of the remaining Pay and Display Car Park shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason** – In the interests of highway safety.
5. 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 details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, compound set up and temporary parking arrangements for the general public and construction staff, road maintenance, and

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

**Reason** – In the interests of highway safety and public amenity.

6. No development shall take place until the completion of a programme of archaeological work in accordance with details to be previously submitted to, and agreed in writing by, the Local Planning Authority. This programme must be set out in a final mitigation strategy document in accordance with the submitted document (Proposed Office Development, Feethams, Darlington. Written Scheme of Archaeological Investigation for Archaeological Excavation by Archaeo-Environment for Willmott-Dixon and Darlington Borough Council. August 2013). The development shall then be carried out in full accordance with the approved details.

**Reason** - To comply with Policy CS14(E)(12) of Borough of Darlington Core Strategy Document (2011) and Section 12 of the NPPF (paragraphs 129 and 135) as the site contains features of regional archaeological importance.

7. 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. Final 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 paragraph 141 of NPPF 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.

8. Before the development hereby approved commences, a gas risk assessment which demonstrates whether or not gas protection measures are required and, if so, details these measures shall be submitted to, and agreed in writing by, the Local Planning Authority. All required gas protection measures shall be installed before the development is first occupied or used.

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

9. Any contamination not considered in the Phase 2 Site Investigation but identified during the construction works shall be subject to further risk assessment and, if required, remediation proposals, which shall be submitted to, and agreed in writing with the Local Planning Authority. The development shall then be completed in accordance with any further agreed amended specification of works.

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

10. Prior to any external plant being installed on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure and air borne sound, in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

11. The rating level of noise emitted from external plant whether operating individually or when all plant is operating simultaneously, shall be at least 5 dB below the background noise level, when measured and assessed in accordance with BS4142:1997. The background noise level and the location at which the measurements will be taken shall be agreed in writing with the Local Planning Authority.

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

12. Before the commencement of any works on site, a scheme for controlling dust and noise during the construction phase of the development 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 and noise emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall also detail when piling of foundations at the development will take place and the measures taken to minimise noise and vibration during this aspect of the construction phase. The development shall be constructed in accordance with the approved scheme.

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

13. Removal of permitted development rights in relation to boundary treatments.

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

14. Prior to the development being brought into use, details of a lighting scheme shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

**Reason** - In the interest of bats and in the interests of protecting the setting of the adjacent Grade 1 listed building.

15. Unless otherwise agreed with the Local Planning Authority, no tree and shrub removal work shall be carried out outside the nesting season of mid-March to mid-August.

**Reason** - In the interest of nesting birds.

16. Prior to the implementation of external materials and hard landscaping areas, final details of external materials to be used in the construction of the building and the proposed hard landscaping areas shall be submitted to, and agreed by, the Local Planning Authority.

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

17. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be implemented in accordance with the Travel Plan submitted by WSP dated 16 August 2013.

**Reason** - In order to promote sustainable means of travel to the site.

18. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref 13569 of August 2013 by Willmott-Dixon and the following mitigation measures detailed with the FRA :-

(a) finished floor levels are set no lower than 38.3 metres above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by, the Local Planning Authority.

**Reason** – To reduce the risk of flooding to the proposed development and future occupants and to prevent the increased risk of flooding.

19. Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason** – To prevent the increased risk of flooding, both on and off site.

### **(3) Conservation Area Consent - Granted -**

**13/00533/CAC - 17 Church View Bishopton.** Demolition of Single Detached Garage

(In reaching its decision, the Committee took into consideration the concerns of Sadberge and Whessoe Parish Council and the comments of the Highways Engineer and the Conservation Officer, which had been received and the views of the applicant, whom Members heard).

**RESOLVED** - That Conservation Area Consent be Granted.

**PA36. TREE PRESERVATION ORDER – MEYNELL ROAD** – The Director of Place submitted a report (previously circulated) requesting that consideration be given to an objection which had been received from the landowner to the making of a Tree Preservation Order in respect of a Norway Maple tree situated at Meynell Road/Whessoe Road.

The submitted report outlined the background to the making of the Tree Preservation Order together with the nature of the objection and the views of the Council's Arboricultural Officer.

**RESOLVED** – That the Tree Preservation Order made on the 30 July 2013 be confirmed.

**PA37. NOTIFICATION OF APPEALS** – The Director of Director of Place reported that Mr Brian Paxton had appealed against this Authority's decision to refuse planning permission for the erection of two detached houses with integral double garages at 49-57A Teesway, Neasham, Darlington (Ref. No. 13/00210/FUL).

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

**PA38. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA39. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA31/Aug/13, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 13 September 2013.

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