

## PLANNING APPLICATIONS COMMITTEE

4 June 2014

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Cossins, L Haszeldine, Johnson, D Lyonette, Macnab, Regan, Stenson and J Taylor. (9)

**APOLOGIES** – The Mayor (Councillor Lee); Councillors Cartwright, Knowles, and Long. (4)

**ABSENT** -

**ALSO IN ATTENDANCE** – Councillor Dixon.

**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 Neighbourhood Services and Resources Group; and Stephen Pollock, Environmental Health Officer, and Owen Wilson, Economy Manager, within Economic Growth. (6)

**PA1. DECLARATIONS OF INTEREST** –Councillor Stenson declared a non-pecuniary interest in Minute PA4(1) below (Ref No. 14/00323/FUL) and left the meeting during consideration of that item. Councillor Regan declared a pecuniary interest in Minute PA4(2) below (Ref No. 13/010006/FUL) and left the meeting during consideration of that item.

**PA2. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 7 May 2014.

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

**PA3. PROCEDURE** – The Assistant Director - Chief Executive’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 :-

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. <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. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
B5	The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. <b>Reason</b> - To ensure the development is carried out in accordance with the planning permission.
E2	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. Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

**PA4. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) 14/00223/DC - Beaumont Street Darlington.** Erection of a Multi Storey Car Park with a capacity for 650 vehicles.

(In reaching its decision, the Committee took into consideration three letters of objection from local business owners, which had been received and the views of the applicant, the applicant's agent, the project designer and the Leader of the Council and one objector all of whom Members heard.)

**RESOLVED** - That planning permission be granted subject to conditions.

1. A3 – Implementation Limit (Three Years).
2. B4 – Details of Materials (Samples).
3. 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, methods for controlling noise and vibration during the construction phase, construction traffic routes; details for wheel washing, road maintenance, warning signage. The development shall not be carried out otherwise than in complete accordance with the approved Plan.  
**Reason** - In the interests of residential amenity and highway safety.

4. Construction, demolition and delivery activities at the site shall be restricted to between 0800 to 1800 hours Monday to Friday, 0800 to 1400 Saturday and no working/demolition or deliveries shall take place on Sundays and Bank Holidays.

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

5. The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

(a) A Phase 1 Preliminary Risk Assessment, carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

(b) A Phase 2 Site Investigation and Risk Assessment shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

(i) A Phase 1 Preliminary Risk Assessment has been completed and agreed in writing with the Local Planning Authority.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established; and

(iii) The extent and methodology of the site investigation and risk assessment have been agreed in writing with the Local Planning Authority.

The Phase 2 Site Investigation and Risk Assessment Report shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

(c) A Phase 3 Remediation Statement for the remediation of land and/or groundwater contamination affecting the site determined through risk assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be implemented and completed in accordance with the agreed Remediation Statement by competent person(s), no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Local Planning Authority.

(d) A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

(e) Any contamination not considered in the Phase 3 Remediation Statement but identified during the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**Reason** - The environmental setting of the development site is considered sensitive with regard to the risk that any land contamination that may be present at the site may pose to controlled waters receptors. This is because the site is underlain by the Magnesium Limestone which is a Principle Aquifer; the site is also bound to the east by the River Skerne.

6. If piling is to take place on site, 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 to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed piling method.  
**Reason** - In the interests of residential amenity and environmental protection.
7. Prior to the commencement of the development details of a programme of archaeological work shall be submitted to and approved by the Local Planning Authority which shall include details of excavation, recording and publication of the findings.  
**Reason** - To comply with Policy CS14 of the Borough of Darlington Core Strategy Development Plan Document 2011.
8. The proposed access off Beaumont Street north cuts across the access to a private car park serving the businesses on Houndgate. Prior to the commencement of works on site further details should be provided as to how this interaction will be managed safely.  
**Reason** - To ensure that the access to the private car park operates effectively.
9. Prior to the completion of the development a scheme which details the provision of bat boxes in accordance with the requirements set out in the Marishal Thompson Group report dated 4th October 2014 shall be submitted to and approved by the Local Planning Authority. The scheme shall be fully implemented in accordance with those approved details.  
**Reason** - To make provision for the roosting of bats.
10. E2 Landscaping.

**12/00753/FUL - Alexander Le Skerne, Unit 37, Cleveland Trading Estate.** Variation of condition 2 (hours of operation), 13 (storage heights), 17 (approved plans) and removal of condition 4 (structural survey) of planning permission 08/00429/CU dated 16 October 2012 (for change of use to processing ferrous and non-ferrous metals) to permit operating hours between 08:00 am to 17:00 pm Mondays to Fridays, 08:00 am to 13:00 pm Saturdays, and not on Sundays or Bank Holidays; storage height restriction only within 9m of site perimeter; use of eastern access for deliveries, relocation of weighbridges, and amend external site layout (Amended Site Layout Plan and Planning Statement received 15 January 2013, Ground Investigation Report received 18 February 2013; Additional information and amended plans received 9 August 2013; Traffic Management Plan received 2 October 2013; amended Noise Assessment received 14 May 2014).

(In reaching its decision, the Committee took into consideration 16 standard letters of objection, a further 10 letters of objection from surrounding businesses and the comments of the Environment Agency which had been received).

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

1. The site shall not operate outside the hours of 0800 to 1700 Monday to Friday, 0800 to 1300 on Saturdays and not on Sundays and Bank Holidays.  
**Reason** - In order to allow the Local Planning Authority to retain control over the development in the interests of residential amenity.
2. All external machinery shall be fixed to the exact locations shown on the Site Plan entitled Figure E.1 contained within the Noise Assessment dated May 2014 entitled "Ward Bros (Steel) Ltd, Darlington" produced by URS unless otherwise agreed in

writing by the Local Planning Authority.

**Reason** - To prevent nuisance from noise in the interests of amenity.

3. The Rating Level (as defined in BS 4142:1997) as a result of site operations shall not exceed a level of 5dB(A) above the background noise level at the residential location referred to within Noise Assessment dated May 2014 entitled "Ward Bros (Steel) Ltd, Darlington" produced by URS.

**Reason** - To prevent nuisance from noise in the interests of amenity.

4. The noise barriers, including the perimeter barrier and the internal bays, which have been erected to reduce noise impact at neighbouring buildings shall thereafter be retained in perpetuity and to a condition that is satisfactory to the Local Planning Authority.

**Reason** - To prevent nuisance from noise in the interests of amenity.

5. Notwithstanding the details shown on the approved plans and within one month of the date of the planning permission, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details regarding the management of fire exit doors, roller shutter doors, vehicle reversing alarms and drop heights for scrap metal and the Plan shall be implemented within a timescale to be agreed with the Local Planning Authority

**Reason** - To prevent nuisance from noise in the interests of amenity.

6. Only the machinery shown in Figure E.1 contained within the Noise Assessment dated May 2014 entitled "Ward Bros (Steel) Ltd, Darlington" produced by URS shall be used on the site and only in the positions shown therein. Any additional or replacement machinery shall only be used with the prior approval of the Local Planning Authority. Full details of any such machinery, including an updated Noise Impact Assessment, shall be submitted to, and agreed with, the Local Planning Authority.

**Reason** - To prevent nuisance from noise in the interests of amenity.

7. The use hereby approved shall operate in complete accordance with the Dust Action Plan received 9 August 2013 produced by England Lyle unless otherwise agreed in writing, by the Local Planning Authority.

**Reason** - In the interests of the amenity of the surrounding area.

8. The integrity of the works to the concrete yard, referred to in the document entitled "Desk-Based Environmental Risk Assessment. Ward Bros (Steel) Ltd, Alexander le Skerne, Darlington" Project No 13-0361.01 produced by Delta-Simons Environmental Consultants dated June 2013, shall be maintained, unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - To ensure that the development can be occupied with adequate regard to environmental and public protection.

9. The height of any material stored externally within the bays along the north façade of the existing building and within 9m of the eastern perimeter of the site shall not exceed 4 metres. The height of any material stored within the remaining bays on the north facade shall not exceed 6 metres.

**Reason** - To prevent nuisance from noise from the site and the interests of the amenity of the surrounding area.

10. The height of any material stored externally within the open bays located on the northern perimeter fence shall not exceed 4 metres.

**Reason** - To prevent nuisance from noise from the site and the interests of the amenity of the surrounding area.

11. The use hereby approved shall operate in complete accordance with the Traffic Management Plan received 2 October 2013 produced by England and Lyle unless

otherwise agreed, in writing, by the Local Planning Authority.

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

12. Notwithstanding the details shown on the approved plans and within three months of the date of the planning permission, precise details of a secure cycle parking area shall be submitted to and approved on writing by the Local Planning Authority and the details shall be implemented within a timescale to be agreed with the Local Planning Authority.

**Reason** - To ensure that the site provides a secure storage area for cyclists.

13. There shall be no burning of materials anywhere within the site.

**Reason** - In the interests of protecting the environment and the amenities of the surrounding area.

14. Within the external areas of the site, outside of the designated storage bays, there shall be no storage of any scrap metal related material. Within 1 month of the date of this permission a plan shall be submitted to the Local Planning Authority for approval to define the 'external' areas of the site. The site shall only be operated in accordance with the approved details.

**Reason** - In the interests of protecting the visual amenities of the surrounding area.

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

**14/00323/FUL - Field 0083, Merrybent, Darlington.** Erection of multi-purpose agricultural building (Revised application) (as amended by plans received 19 May 2014).

(In reaching its decision, the Committee took into consideration three letters of objection from local residents, a letter of representation and the objections of Low Coniscliffe/Merrybent Parish Council which had been received).

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

1. A3 – Implementation Limit (Three Years).
2. The building hereby approved shall not be used as a commercial livery or for any other activities other than the keeping of horses for personal use without the consent of the Local Planning Authority first being obtained.

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

3. In the event that suspected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason** - To ensure that the development can be implemented and used with adequate regard for environmental and public safety.

4. Notwithstanding the details shown on the approved plans no burning of waste materials shall take place on the site and the waste materials shall be disposed of in an appropriate manner.

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

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

(NOTE – Councillor Stenson was not present during consideration of the above application (Ref. No. 14/00323/FUL)).

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

**13/01006/FUL - Land at Rear of 3-4 Hill Garth.** Erection of a two and 1.5 storey housing development comprising 5 No dwellings (Amended plans received 7 April 2014 and revised Contaminated Land Report received 15 April 2014).

(In reaching its decision, the Committee took into consideration the findings of a site visit by Members, 16 letters of objection submitted by local residents and the comments of the Durham Constabulary Architectural Liaison Officer, which had been received and the views of the applicants agent and the objections of a Cockerton West Ward Councillor and a local resident all of whom Members heard).

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

1. The development would not provide adequate car parking within the site for either residents or visitors and others who may visit the site. The parking of vehicles on the highway would interrupt the free flow of traffic and prejudice the safety of road users. The development would be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.
2. The development would not provide safe and convenient pedestrian access from the highway (Prior Street) and thereby it would be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.
3. The development would have an unacceptable impact when viewed from the rooms and gardens of the properties on Hillgarth due the proposals proximity, resulting in an adverse impact on the residential amenities of the occupiers of those dwellings. The development would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

(NOTE – Councillor Regan left the table for the above item of (Ref No. 13/01006/FUL) and. after speaking as one of the Ward Councillors. left the room whilst the application was discussed.)

**PA5. NOTIFICATION OF APPEAL** – The Director of Economic Growth reported that :

- (a) Mr J Burnside had appealed against this Authority's decision to refuse planning permission for conversion, extension and alteration of existing outbuildings to for 2 No residential dwellings (as amended by plans received 20 December 2013) at Black Banks Farm, Snipe Lane, Hurworth Moor, Darlington (Ref. No. 13/00792/FUL);
- (b) Mr James Gareth Orpen had appealed against this Authority's decision to refuse planning permission for the erection of dwelling house at 7 Croft Road,

Hurworth, Darlington (Ref. No. 14/00086/FUL); and

- (c) Lord Barnard had appealed against this Authority's decision to refuse planning permission for Denton Hall Farm, Denton, Darlington (Ref. No. 13/00788/FUL).

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

**PA6. NOTIFICATION OF DECISIONS ON APPEALS** - The Director of Economic Growth reported that the Inspectors appointed by the Secretary of State for the Environment had dismissed the appeal by Mr Gerald Trayner against this Authority's decision to refuse permission for the erection of a detached garage/workshop and conversion of integral garage into habitable accommodation at 9 Yeadon Walk, Middleton St George, Darlington, DL2 1UJ (Ref. No. 13/00909/FUL).

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

**PA7. 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.

**PA8. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA98/May/14, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 23 May 2014.

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