

PLANNING APPLICATIONS COMMITTEE

22 October 2014

PRESENT – Councillor Baldwin (in the Chair); Councillors Cartwright, L Haszeldine, Johnson, Knowles, Long, D. Lyonette, Macnab, Regan and Stenson. (10)

APOLOGIES – The Mayor (Councillor Lee); Councillors Cossins and J. Taylor. (3)

ABSENT -

ALSO IN ATTENDANCE - Councillors Curry and I Haszeldine. (2)

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer and Paul Ibbertson, Engineer, within Services for Economic Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (4)

PA39. DECLARATIONS OF INTEREST – Councillor L. Haszeldine declared a non-pecuniary interest in Minute PA42(2) below (Ref No. 14/00828/FUL) and left the meeting during consideration of that item.

PA40. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 24 September 2014.

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

PA41. PROCEDURE – The 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. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of

	<p>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>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p>Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
D19	<p>The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.</p>
E2	<p>A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p>Reason - To ensure a satisfactory appearance of the site</p>

	and in the interests of the visual amenities of the area.
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>

PA42. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

14/00503/FUL - Land At OSGR E429114-N515709, Albert Road, Darlington. Erection of retail units (Use Class A1) and drive-thru restaurant (Use Class A3/A5) with associated access, car parking and landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officers report, two letters of objection from local businesses and the comments of two neighbouring residential properties, the Arboricultural Officer, the Highways Engineer, the Environmental Health Officer, the Environmental Health Officer (Commercial), the Ecology Officer, the Environment Agency and Northumbrian Water all of which had been received, the views of the applicants' agent and an objector, both of whom Members heard).

RESOLVED – (a) That the Director of Economic Growth be authorised to negotiate an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of off-site ecological mitigation works.

(b) That, upon satisfactory completion and signing of the Agreement referred to at (a) above, planning permission be granted subject to the following conditions :-

1. A3 Implementation Limit (3 years)
2. i) Details of Materials (Samples) including ii) details of the west elevation and roof design for units 1,2 and 3 to be submitted and approved, with (ii) to be in consultation with the Chair and Vice-Chair of the Planning Committee.
3. B5 Detailed Application (Accordance with Plans)
4. J2 (Contamination)
5. The use of the premises hereby permitted shall not be commenced until a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor has been submitted to, and agreed in writing with, the Local Planning Authority. Thereafter the operation of the site shall

only be carried out in accordance with the approved details. The lighting impact assessment should include :-

- (a) a description of the proposed lighting units including height, type, angling and power output for all lighting;
- (b) drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- (c) the Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment;
- (d) details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity; and
- (e) the limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Reason – In the interests of amenity.

6. 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 to, 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 and to prevent possible pollution of controlled waters.

7. Prior to the commencement of the development, a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include details of how construction noise will be minimised with reference to recognised best practice guidance. The proposed hours of operation should also be included. The development shall be carried out in accordance with the approved plan.

Reason – In the interests of amenity

8. Prior to the commencement of the development, a Demolition Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Demolition Management Plan shall include details of dust control measures such as those specified in relevant guidance such as that referred to above and BS 6187: Code of Practice for Demolition. The development shall be carried out in accordance with the approved plan.

Reason – In the interests of amenity

9. The details of landscaping submitted with the application, including wildlife friendly habitat areas, shall be provided either within the first planting season after the completion of the development or prior to the use of the premises hereby permitted being commenced 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.

10. The use of the premises hereby permitted shall not be commenced until details of means to ensure that no excessive illumination shines over the landscape planting or vegetation areas to the south and east perimeters of the site have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.
Reason – In the interests of ecology.
11. The proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Ecological Appraisal (Brooks Ecological December 2013).
Reason – in the interests of ecology.
12. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a minimum of 10% of its energy needs from decentralised and renewable or low carbon sources.
Reason – In order that the development meets the requirements for decentralised and renewable or low carbon sources of energy.
13. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall meet as a minimum BREEAM 2011 ‘very good’ rating.
Reason – In order that the development meets the requirements for BREEAM 2011 standards.
14. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect existing trees adjacent to the site. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include, where appropriate, fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work. Notwithstanding the above specification, none of the following activities shall take place within the segregated protection zones in the area of the trees : -
- (a) the raising or lowering of levels in relation to the existing ground levels;
 - (b) cutting of roots, digging of trenches or removal of soil;
 - (c) erecting of temporary buildings, roads or carrying out of any engineering operations;
 - (d) lighting of fires; and
 - (e) driving of vehicles or storage of materials and equipment.
- Reason** – To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.
15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by A Wood and Partners ref 34480 of January 2014 and the following mitigation measures detailed within the FRA : -
- (a) Limiting the surface water run-off generated by the site to a maximum of 3 l/s as indicated within the FRA, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- 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 be agreed, in writing, by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority:
- (a) a preliminary risk assessment which has identified : -
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - (iv) potentially unacceptable risks arising from contamination at the site
 - (b) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (c) the results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason – The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses (i.e. a haulage yard, garage & scrap yard). The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

17. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason – The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses (i.e. a haulage yard, garage & scrap yard). The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

18. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority

detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation stagey shall be implemented as approved.

Reason – Contamination may be discovered during development that will require further assessment as to the risks it may pose to controlled waters.

19. Deliveries to the commercial premises hereby approved and the collection of waste shall only take place between 7.00 am and 11.00 pm Mondays to Saturdays and between 8.00 am and 6.00 pm on Sundays and Bank Holidays.

Reason – in the interests of the amenities of neighbouring residential properties.

20. Prior to any part of the development being first used or occupied, details of the arrangements for storing of refuse or waste shall be submitted to, and approved by, the Local Planning Authority and the use shall not take place other than in accordance with the approved details.

Reason – In the interests of amenity.

21. D19 Ventilation Equipment (Details Required) (modified to include reference to any heating / cooling units).

22. D24 Restriction of PD Rights (Commercial).

23. Unless otherwise agreed in writing by the Local Planning Authority, no machinery shall be operated on the site or any maintenance or repair work carried out which is external to any building before 7.00 am on weekdays and 8.00 am on Saturdays nor after 7.00 pm on weekdays and 1.00 pm on Saturdays and not at any time on Sundays or Bank Holidays.

Reason – In the interests of amenity.

24. Unless otherwise agreed in writing by the Local Planning Authority, no system shall be installed or used for the amplification of music or speech which is external to any building hereby approved.

Reason – In the interests of amenity.

25. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for :-

(a) the proper identification and evaluation of the extent, character and significance of archaeological remains within the SW and SE parts of the application area;

(b) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

(c) 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;

(d) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that 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

(e) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason - To comply with Policy CS14 of the Darlington Core Strategy Document Plan Document 2011 as the site may potentially contain features of local archaeological importance and para. 135 and 141 of the National Planning Policy Framework 2012.

26. 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.

Reason - To comply with para. 141 of National Planning Policy Framework 2012 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.

27. Prior to the commencement of the development, precise details showing the offsite highway works including widening of Albert Road carriageway and footways/cycle ways, creation of the site access junctions, relocated bus lay-by, provision of refuge islands and revised signing and lining shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of highway safety.

28. Prior to the commencement of the development, precise details of secure cycle parking and storage details and cycle access provision shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and suitable access links to Albert Road including signage, and a channel adjacent to one edge of the plaza steps to enable cyclists to wheel their bikes up/down. The development shall not be carried out otherwise than in complete accordance with the approved details. Reason: In order to make satisfactory provision for cyclists.

Reason – In the interests of highway safety.

29. 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, road maintenance, signage and phasing. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason: In the interests of highway safety.

30. A Road Safety Audit Stage 3 and 4 shall be carried out for all of the highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

Reason - In the interests of highway safety.

31. Prior to the commencement of the development, the finished floor levels for each of the proposed buildings shall be submitted to be agreed with the Local Planning Authority. The development shall be in accordance with the agreed levels.

Reason: In order to ensure a satisfactory form of development in relation to its surroundings.

14/00784/FUL - 1 Merrybent, Darlington. Redevelopment of former nursery site and erection of 1 No detached dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of two neighbouring occupiers and the objections of Low Coniscliffe and Merrybent Parish Council which had been received and the views on the applicant's agent whom Members heard).

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

1. A3 –Implementation Limit (Three Years).
2. E2 – Landscaping (Submission).
3. B4 – Details of Materials (Samples).
4. Notwithstanding the requirements of condition 12, and prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing, gates or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.
Reason - In the interests of visual and/or residential amenity.
5. The dwelling hereby approved shall achieve Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
Reason - To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
6. C5 – Restriction of PD Rights (Residential).
7. 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 :-
 - (a) a Phase 1 Preliminary Risk Assessment and has been completed and agreed in writing with the Local Planning Authority;
 - (b) the requirements of the Local Planning Authority for site investigations have been fully established; and
 - (c) 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 site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. The site is also situated overlying the Magnesian Limestone Principal Aquifer and located with a SPZII. These are considered to be high sensitivity receptors that could be affected by any land contamination that may be present at the development site. The Local Planning Authority in consultation with the Environment Agency wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 8. No deliveries or construction work shall occur on the site outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1400 on Saturdays with no deliveries or working on Sundays or Public Holidays.

Reason – In the interests of the amenities of adjoining residents.

- 9. The first floor bathroom window formed in the west elevation of the dwelling hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing. The method of opening and the level of obscurity for the window shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of residential amenity.

- 10. Prior to occupation of the development, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:
 - (a) A description of the proposed lighting units including height, type, angling and power output for all lighting
 - (b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;

- (c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.
- (d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- (e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

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

11. Notwithstanding the mitigation measures outlined within the document entitled "Land at Coniscliffe Road, Merrybent - Noise Assessment Report"; reference number MMW/NA/LCR/04/14; dated 29 July 2014 and produced by QEM, precise details of the glazing specifications for all windows and the acoustic vents within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the occupation of the dwelling.

Reason - To protect the amenities of the occupiers of the development.

12. Notwithstanding the mitigation measures outlined within the document entitled "Land at Coniscliffe Road, Merrybent - Noise Assessment Report"; reference number MMW/NA/LCR/04/14; dated 29 July 2014 and produced by QEM, precise details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency prior to the commencement of the development. The details shall include details of the height, design and location of the acoustic fence. The development shall not be carried out otherwise than in complete accordance with the approved details and the acoustic shall be implemented prior to the occupation of the dwelling.

Reason - To protect the amenities of the occupiers of the development and to ensure that the Highways Agency retains reasonable access onto motorway land.

13. Notwithstanding the details provided with the planning application, a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. The scheme shall include measures to prevent surface water from disposing onto the Strategic Highways drainage systems. The development shall not be carried out otherwise than in complete accordance with the approved details and the drainage scheme shall be implemented prior to the occupation of the dwelling.

Reason - In the interests of highway safety.

14. The development, including the demolition works, shall be carried out in complete accordance with the mitigation requirements outlined in the document entitled "Bat Risk Assessment – Merrybent Nursery. Report No 2" dated April 2014 and produced by E3 Ecology Limited unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site and surrounding area.

15. The development, including the demolition works, shall be carried out in complete accordance with the mitigation/countermeasures outlined in the document entitled “Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement – Merrybent Nursery, Merrybent, Darlington. REF: ARB/AE/948” dated June 2014 and produced by Elliot Consultancy Limited unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the life of trees in the interests of visual amenity

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

17. Prior to the commencement of any works on site (including demolition and site clearance) details of a wheel washing facility for construction traffic shall be submitted to and approved by the Local Planning Authority. Such a facility shall be provided, used and maintained onsite until the development is completed.

Reason - To ensure that adequate measures are available to prevent the depositing of soils and debris on adjoining highways in the interests of road safety.

(2) Planning Permission Deferred - Site Visit

14/00828/FUL - Eastbourne School site, The Fairway, Darlington. Alteration of ground levels and other works to those approved under planning permission to construct 76 dwelling reference 13/00769/FUL.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated) and three letters of objection from local residents which had been received, the views of three objectors and the objections of one of the Lingfield Ward Councillors, all of whom Members heard).

RESOLVED - That planning permission be deferred to enable a site visit to be held.

(NOTE – Councillor L Haszeldine was not present during consideration of the above application (Ref No. 14/00828/FUL).)

PA43. THE ISLES WIND FARM PROPOSAL – STAGE TWO CONSULTATION – The Director of Economic Growth submitted as report (previously circulated) requesting Members views on a submitted planning application within Durham County Council’s area of jurisdiction in relation to the construction of a windfarm, comprising 24 wind turbines and associated infrastructure on farmland to the east of Newton Aycliffe, County Durham.

The submitted report highlighted that the proposed wind farm was positioned approximately one kilometre north of Darlington’s northern boundary and that, as a neighbouring authority, this Council’s views were only being sought on specific issues relative to Darlington, such as any visual impact implications that there might be on the Borough itself as a result of the proposals.

Discussion ensued on the size of the wind farm; the relevance of the Arup Report : “wind farm landscapes”; and the visual and traffic impact that the proposal could have on a number of villages and individual residencies within the Darlington Borough.

RESOLVED – That Durham County Council be advised that this Committee objects to the proposed development on the following grounds :-

- (a) the proposal conflicts with the recommendations of the Arup Wind Farm and Landscape Capacity Study in respect of the scale of the proposed development, in particular the number of wind turbines proposed;
- (b) residents and others in, and around, Great Stainton are likely to suffer visual intrusion in the landscape from the proposed development. In addition, two other wind farms recently granted planning permission at Lambs Hill (Stillington, Co. Durham) and Moor House to the south will be likely to cause a cumulative impact that will be likely to result in residents and others in Great Stainton feeling as if they are living in a “windfarm landscape” with turbine developments being seen in relatively close proximity in three directions; and
- (c) whilst there are not expected to be highway safety issues, the proposed southern route for construction traffic via Elstob Lane gives rise to amenity concerns in terms of disruption and inconvenience to local residents that should be taken into account by the decision making authority.

PA44. SCOTCH CORNER RETAIL PLANNING APPLICATION - CONSULTATION REQUEST FROM RICHMONDSHIRE DISTRICT COUNCIL – The Director of Economic Growth submitted a report (previously circulated) requesting Members’ views on a submitted planning application within Richmondshire District Council’s area of jurisdiction in relation to full planning permission for a designer outlet centre (class A1 non-food) with restaurants (class 3) and associated landscaping, car parking, servicing and access arrangements, at land to the west of A6108 Barracks Bank, Scotch Corner, North Yorkshire.

It was reported that the proposed development was located approximately nine miles to the South West of Darlington and that, as a neighbouring authority, this Council’s views were only being sought on specific issues relative to Darlington, such as the likely affect, if any, of the proposed shopping development on Darlington Town Centre as a shopping destination.

Particular reference was also made to a briefing document (also previously circulated) which had been prepared, on the instructions of this Council, by White Young Green (Planning Consultants) which examined the methodology used in the preparation of the planning application and which arrived at some conclusions regarding the likely impact that the proposals might have as far as they related to Darlington Town Centre.

The Principal Planning Officer reported that the briefing document had raised significant concerns about the methodology used by the applicants’ agents, Peter Brett Associates, in seeking to justify the application proposal, a number of which were fundamental to the assessment of trade diversion impacts and that it had been suggested within that briefing document, that Richmondshire District Council should provide the applicants’ agents, PBA, with the opportunity to amend its Retail Statements in order to respond or take appropriate account of the concerns so that the merits of the application proposal could be accurately assessed.

RESOLVED – (a) That Richmondshire District Council be advised that this Committee strongly objects to the proposed development on the grounds that the methodology used by the applicants’ agents, in relation to the impact of the proposal on Darlington Town Centre is inadequate and that the impact has been grossly under estimated.

(b) That this Committee request that the Chief Executive write to all Town Centre Traders to encourage them to respond to the consultation.

(NOTE – The Chair (Councillor Baldwin) left the meeting after consideration of the above items and the Vice-Chair (Councillor Regan) took the Chair for the remainder of the meeting).

PA45. NOTIFICATION OF APPEALS – The Director of Economic Growth reported that Mr Chris Woodley-Stewart had appealed against this Authority’s decision to refuse permission for a loft conversion incorporating the erection of roof dormer to rear at 82 Neville Road, Darlington, DL3 8NE (Ref No. 14/00596/FUL).

RESOLVED - That the report be received.

PA46. NOTIFICATION OF DECISIONS ON APPEAL – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mr Robin Hurst against this Authority’s decision to refuse planning permission for erection of 2 No. detached dwellings at 2 Sockburn Lane, Neasham, Darlington, DL2 1QX (Ref No. 13/00927/FUL) (copy of the Inspector’s decision letter previously circulated).

RESOLVED –That the report be received.

PA47. 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.

PA48. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA38/Sep/14, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 12 October 2014.

RESOLVED - That the report be received.