

## PLANNING APPLICATIONS COMMITTEE

25 November 2015

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Cossins, Galletley, Johnson, Kelley, Knowles, Lee, Lyonette, Regan, Stenson and J Taylor. (11)

**ABSENT** – Councillors Cartwright and L. Haszeldine. (2)

**OFFICERS** – Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, within Services for Economic Growth, and Andrew Errington, Lawyer (Planning), within the Neighbourhood Services and Resources Group. (3)

**PA54. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA55. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 28 October 2015.

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

**PA56. PROCEDURE** – The Head of Legal Services' 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 condition is 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. <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.
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

	<p>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>
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><b>Reason</b> - 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>

**PA57. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION - (1) Planning Permission Granted**

**15/00909/DC - Land to the West of Hammond Drive, Hammond Drive, Darlington.**  
Erection of 18 No dwellings comprising three blocks of apartments, including car parking and landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) which included the details of the objections and comments received, the objections of the Campaign to Protect Rural England, and the Committee heard the views of two objectors).

**RESOLVED** - That planning permission be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions:

1. A3 Implementation Limit (3 years).
2. B5 Detailed application (Accordance with Plans).
3. B4 Details of Materials (samples).
4. J2 (Contamination).
5. 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.
6. No development shall commence until details of measures to enhance the ecological value of the remaining space have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.  
**Reason** – in order to enhance the ecology value of the area.
7. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of

an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% climate change surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus 30% climate change should also be provided.

**Reason** - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to an approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

**Reason** – To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012.

9. No development shall commence until detailed drawings of the proposed highway works associated with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved plans.

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

10. 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 and amenity.

## **(2) Consultation by Neighbouring Planning Authority**

**Richmondshire District Council 15/00806/FUL - Land West of A6108 Barracks Bank, Scotch Corner, North Yorkshire.** Designer outlet centre (Class A1 non-food) with restaurants (Class A3) and associated landscaping, car parking, servicing and access arrangements.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

**RESOLVED** - That Members object to this application on the basis that:

1. The application is contrary to National Planning Policy Framework (NPPF) in that:
  - (a) The sequential approach has not been applied properly;

- (b) The Retail Impact Assessment (RIA) methodology is flawed and therefore cannot be relied upon to provide an accurate level of impact on Darlington town centre;
  - (c) The proposal will potentially impact on planned investment in Darlington town centre.
  - (d) The location of the proposed development is unsustainable.
2. The suggested planning conditions relating to the control of the sale of goods are unenforceable.

**PA58. NOTIFICATION OF APPEALS** – The Director of Economic Growth reported that Aldi Stores Limited had appealed against this Authority’s decision to refuse planning permission for variation of condition 13 of planning permission 91/00703/FUL dated 24 December 1991 (erection of a food store and frozen food store and outline planning application for residential development to rear of site) to allow deliveries to take place on Mondays to Saturdays between 07:00 and 18:00 and Sundays between 09:00 and 17:00 instead of Mondays to Saturdays between 08:00 and 18:00 at Aldi Foodstore Ltd, 255 Yarm Road, Darlington (Ref No. 14/01265/FUL).

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

**PA59. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Section 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA60. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA53/Oct/15, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 13 November 2015.

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