

PLANNING APPLICATIONS COMMITTEE

18th November, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors Dunstone, Freitag, Hartley, Johnson, Lee, D.A. Lyonette, Robson, Stenson and Walker. (10)

APOLOGIES – Councillor M. Cartwright, L. Haszeldine and Regan. (3)

OFFICERS – Neil Cookson, Solicitor, within the Corporate Services Department, Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

PA53. DECLARATION OF INTERESTS – (a) In relation to Application Ref No. 09/00706/FUL Councillor Dunstone declared a personal and prejudicial interest due to him being a member of Darlington Cricket Club and a resident of Victoria Embankment and left the meeting during consideration of that application only.

(b) In relation to Application Ref No. 09/00592/FUL Councillor Lee declared a personal and prejudicial interest due to him knowing the people involved and left the meeting during consideration of that application only.

(c) In relation to Application Ref No. 09/00688 Councillor Freitag declared a personal and prejudicial interest due to him being a Governor at the hospital and left the meeting during consideration of that application only.

PA54. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 21st October, 2009.

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

PA55. PROCEDURE – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

RESOLVED – That the procedure be noted.

NOTE - APPLICATIONS FOR PLANNING PERMISSION – The following standard conditions are referred to in those Minutes granting permission or consent :-

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in

	<p>writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
B5	<p>The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure the development is carried out in accordance with the planning permission.</p>
B9	<p>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 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.</p> <p>Reason - In the interests of visual and/or residential amenity.</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>
C23	<p>No machinery shall be operated on the premises during the hours of _____ to _____ Mondays to Fridays and _____ to _____ Saturdays and not at any time on Sundays or public holidays.</p> <p>Reason - In order to safeguard the amenities of adjoining residential properties.</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 and in the interests of the visual amenities of the area.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within</p>

	<p>such extended period which 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 - In the interests of the visual amenities of the area.</p>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels;</p> <p>(b) Cutting of roots, digging of trenches or removal of soil;</p> <p>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</p> <p>(d) Lighting of fires;</p> <p>(e) Driving of vehicles or storage of materials and equipment.</p> <p>Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</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>

	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.
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PA56. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00706/FUL - Site Of Former Darlington Football Club, South Terrace, Darlington. Development of former Feethams Football Ground to provide 146 units of residential accommodation including family housing apartments, retirement flats, open space and associated access road from South Terrace, landscaping and associated works.

(In reaching its decision, the Committee took into consideration the Planning Officer's (previously circulated), 1 letter of objection; the comments of Natural England, the Durham Constabulary Architectural Liaison Officer, English Heritage, the Highways Engineer, the Environmental Health Officer, the Senior Arboriculture Officer, the Transport Policy Officer and the Housing Renewal Officer and the recommendations of Northumbrian Water that had been received; further comments of the Joint Strategy Unit, the Environment Agency, the Durham County Council Archaeology Section, Sport England and One North East were reported verbally at the meeting and the views of Mr. Woodcock, applicants agent, Mr. Bielby, Mr. Embleton and Mr. Inness, objectors, whom Members heard).

RESOLVED - (a) The Assistant Chief Executive (Regeneration) be authorised to negotiate under section 106 of the Town and Country Planning Act to secure the following :-

- (a) To provide 21 units of affordable housing on site in accordance with the requirements of Policy H9 (Meeting Affordable Housing Needs) of the Borough of Darlington Local Plan and Supplementary Planning Document on Affordable Housing.
- (b) A commuted sum in respect of provision and maintenance of equipped play space within the Park East Ward in accordance with Supplementary Planning Document for Commuted Sums from New Housing Developments for the Enhancement of Existing Play Areas.
- (c) A commuted sum in respect of the provision for off site open space in accordance with the Darlington Open Space Strategy 2007 – 2017.
- (d) Funding for a Light Controlled Crossing.
- (e) Funding for Traffic Regulation Orders, a Residents Parking Scheme and for a 20mph speed limit.

(b) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samples).
- (c) At least 10 per cent of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change, December 2007). Details and a timetable of how this can be achieved, including details of physical works on

site, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote a sustainable development in accordance with planning policy.

- (d) The development shall be carried out in complete accordance with the mitigation measures detailed within the protected species report entitled “Feethams. Former Football Ground Ecological Assessment” by AJT Environmental Consultants Ref No: RO2 June 2009, including but not restricted to adherence to timing and spatial restrictions, provision of mitigation in advance, undertaking confirming surveys as stated and adherence to precautionary working methods.

Reason: In order to safeguard and enhance the wildlife and ecology of the site

- (e) Prior to the commencement of the site, details of a 10 metre buffer zone for otters, sited on the east boundary of the site shall be submitted to and approved to the Local Planning Authority and the development shall be carried out in complete accordance with the approved.

Reason: In the interests of protecting the wildlife on the site.

- (f) Prior to the commencement of the development, a detailed scheme for any external lighting, including LUX contours, along the eastern boundary of the site shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason: To ensure and protect the functionality of the wildlife corridor along the River Skerne.

- (g) Details of landscaping for the approved development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The scheme shall include details of new habitat creations, tree planting, shrubs, grasslands and a Management Plan for the wildlife area on the east boundary of the site. The scheme shall be provided either within the first planting season after the completion of the development or any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained. Any trees or other landscaping features removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced.

Reason: To ensure a satisfactory appearance of the site and in the interests of biodiversity.

- (h) Prior to the commencement of the development hereby approved, an Arboricultural Implications Assessment and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority. The details shall include the construction methods for the cycleway/footway on the eastern boundary, the access road around the cricket pitch and car parking areas. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason: To ensure that the works do not have an adverse impact upon the tree coverage on the eastern boundary in the interests of the visual amenity of the area.

- (i) Prior to the commencement of the development hereby approved a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. Details shall be submitted of a scheme to protect any existing trees, and the trees to be protected shall be agreed with the Local Planning Authority. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 metre high, consisting of a scaffolding frame braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning

Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements and extent of the measures to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

- (j) Notwithstanding the details shown on the approved drawings, details of the secure cycle parking areas shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason: In order to encourage the use of other modes of transport in the interests of sustainable development.

- (k) Construction and demolition activities shall be restricted to between 08:00 to 18:00 hours Monday to Friday, 08:00 to 14:00 hours Saturday and no working on Sundays and Bank Holidays.

Reason: In the interests of residential amenity.

- (l) Before the commencement of any works on site a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall be implemented and reviewed at the request of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (m) 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 and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed piling method.

Reason: In the interests of residential amenity.

- (n) In line with the recommendations in "Report Number 0002, May 2009 - Noise Assessment", trickle vents should be fitted to bedroom windows of approved dwellings prior to the dwellings being occupied.

Reason: In the interests of the residential amenities of the future occupiers of the development.

- (o) Prior to the commencement of the housing development hereby approved by this planning permission a scheme for the protection of the proposed residential accommodation from commercial noise from nearby premises shall be submitted to and approved by the Local Planning Authority. The scheme shall include predicted noise levels at residential properties, a BS4142 assessment and include details of any sound attenuation methods to be used. The scheme shall achieve internal noise levels of less than 35 dB(A) Laeq in living rooms, less than 30 dB(A) Laeq in bedrooms, less than 55dB(A) Laeq in gardens and individual noise events not to exceed 45dB LAFmax in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing

development being first occupied or used.

Reason: In order to protect the future occupiers of the development from any commercial noise from nearby premises.

(p) J2 – Contamination.

(q) Prior to the commencement of the development a detailed scheme for the diversion of Northumbrian Water apparatus or a redesign of the proposal to avoid building over Northumbrian Water apparatus shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason: A 1800mm public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

(r) Prior to the commencement of the development a detailed scheme for the disposal of surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

(s) Notwithstanding the details shown on the approved plans, no demolition of the entrance gates to the Cricket Ground shall take place until details of a scheme have been submitted to and approved by the Local Planning Authority to preserve and incorporate the gate feature. The details shall include a survey of the gates which confirms those parts of the structure to be retained (in whole or part) and those parts that will need to be removed along with details of how the gates will be incorporated into the development and the development shall be carried out in accordance with the approved details. If the survey shows that it is not practical, safe or cost effective to retain the gates, details of a scheme for a replacement feature, incorporating where possible elements of architectural salvage from the existing gates, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details and carried out within a timescale to be agreed with the Local Planning Authority.

Reason: The entrance gates are considered to be of local heritage value and the Local Planning Authority considers it appropriate to examine the potential of incorporating the existing gates into the development before otherwise agreeing to their demolition and rebuilding.

(t) Notwithstanding the details shown on the approved plans, precise details of the methods and means of enclosure to be used to prevent cricket balls from the adjacent Cricket Pitch entering the application site shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and within a timescale to be agreed with the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity.

(u) The development shall be carried out in accordance with "Residential Travel Plan Framework – Residential Development at Former Feethams Football Ground" by SAJ Transport Consultants Limited updated October 2009.

Reason: In order to achieve a sustainable form of development.

- (v) B5 – Detailed Drawings (Accordance with Plan).
- (w) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment “Proposed Development at Former Feethams Stadium, Darlington” by Billhurst George & Partners – BGP REF: 07T638/JC and the following mitigation measures detailed with the Flood Risk Assessment:
 - (i) Notwithstanding the requirements of condition 18) the surface water run off generated by the site shall be limited to less than the original site run off and not increase the risk of flooding off site.
 - (ii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 - (iii) Finished floor levels are set no lower than 37.25m above Ordnance Datum (AOD).

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

- (x) No ground disturbance or development works shall take place until an archaeological mitigation strategy for archaeological survey and monitoring followed by full excavation and publication results (if required) has been submitted to and approved in writing by the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Historic Environment Records within one year of the date of the completion of the scheme hereby approved or such other period as agreed in writing by the Local Planning Authority.

Reason: The site is within an area of archaeological potential.

- (y) All works within the public highway shall be subject to a Road Safety Audit at both design and completion stages. The Audit shall be carried out in accordance with Road Safety Audit Standard (HD19/03) in the Design Manual For Road and Bridges (DMRB) and shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and in the interests of highway safety.

- (z) Prior to the completion of the development hereby approved, or in such time as may be agreed in writing with the Local Planning Authority, details shall be submitted of a scheme of historical interpretation which links the development site to its previous occupation of the site by Darlington Football Club. The agreed scheme shall be provided on site and maintained in the approved manner.

Reason: The application site has had a long association with Darlington Football Club dating from the late 19th century and it is considered appropriate to provide, on site, interpretive or other information or physical features that illustrates that long-standing historical connection.

09/00688/FUL - County Durham And Darlington NHS Foundation Trust, Darlington Memorial Hospital, Hollyhurst Road. Installation of replacement telecommunications and associated apparatus on existing tower block.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), two letters of objection and the comments of the Council’s Environmental Health Officer that had been received, and the views of Mr. Lawrence, Applicants Agent, whom Members heard).

RESOLVED – That, subject to further information being provided to the satisfaction of the Local Planning Authority planning, permission be granted subject to the following conditions:

- (a) A3 – Implementation Limit (Three Years).
- (b) Prior to the commencement of the development, precise details of any equipment cabinets or apparatus associated with the telecommunications equipment shall be submitted to and approved by the Local Planning Authority. If the cabinets or associated apparatus contain cooling fans, the details shall include a Noise Impact Assessment. The development shall not be carried out in other than in complete accordance with the approved details.
Reason: In order to assess the impact of noise from the development in the interests of residential amenity.
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plan).

09/00592/FUL - Land adjoining 2 Hall Lane, Heighington. Demolition of existing double garage and erection of a dormer bungalow.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and the comments of CE Electric UK, Northern Gas Networks, Northumbrian Water, the Council's Conservation Officer and the Council's Highway Engineer that had been received).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samples).
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (d) The windows formed in the east and west elevations of the dwelling hereby approved shall be obscure glazed, in accordance with the plan entitled 'Proposed Elevations to Bungalow' dated June 2006, and shall thereafter be so maintained.
Reason – To prevent overlooking of the nearby premises.
- (e) C5.
- (f) E2.
- (g) E5.

09/00670/FUL - Redworth Hall Hotel & Country Club, Redworth Road, Redworth. Erection of extension to ground floor bar and first floor meeting room with terrace, in central courtyard.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objection of Heighington Parish Council that had been received).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B5 – Detailed Drawings (Implementation in accordance with approved plan).

(2) Planning Permission Refused

09/00279/FUL - Bishopton Equestrian Centre, Mill Lane, Bishopton. Erection of Dwellinghouse.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of support; the comments of the Council's Highway Officer and the Council's Conservation Officer that had been received and the views of Mr. Lyle, Applicants Agent, whom Members heard).

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

- (a) The proposal fails to demonstrate that there is a clear functional need for a dwelling to be erected at Bishopton Equestrian Centre as the functional requirements of the centre are currently being met by a property nearby. The proposal therefore fails the test measures set out in Planning Policy Statement 7 –'Sustainable Development in Rural Areas' and is contrary to Policies H7 and E2 of the Borough of Darlington Local Plan.
- (b) The development does not fall within the categories of development appropriate within the open countryside and is therefore inappropriate. In the absence of very special circumstances being demonstrated, to outweigh the harm caused to the countryside and adjacent Bishopton Conservation Area, the proposal is contrary to Policy H7 and H11 of the Borough of Darlington Local Plan.
- (c) The applicant has not adequately demonstrated that residential development on top of a in filled quarry does not pose a risk to future occupants in terms of contamination and potential gassing from the fill material.

09/000484/FUL - 23 Thorntree Gardens, Middleton St George. Erection of wooden smoking shelter in front garden (retrospective).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and the comments of the Council's Environmental Health Officer that had been received).

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

- (a) The proposed would be detrimental to the visual amenities of the street scene by reason of its design and prominent siting in front of the dwelling house and would thereby be contrary to Policy E29 of the Borough of Darlington Local Plan 1997.
- (b) The development would set a precedent for other developments of a similar nature, forward of dwellings, which would be detrimental to the character and appearance of the area and would thereby be contrary to Policy E29 of the Borough of Darlington Local Plan 1997.

(3) Darlington Borough Council Granted

09/00240/DCE - Salters Lane. Erection of community services depot comprising two storey office, single garage space, garage workshop, joinery workshop and storage for council fleet vehicles. External space and waste storage, salt storage, fuel storage and vehicle wash/service facilities.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection; the comments of Association of North East Councils, One North East, Durham County Council Archaeology Section, Environment Agency,

Northumbrian Water, English Heritage, Highways Agency, Natural England, the Council's Highways Engineer, the Council's Transport Section, The Council's Countryside Section, the Council's Senior Arboriculture Officer that had been received; a further letter of concern had been received from Cummins, which was reported verbally at the meeting and the views of Mr. Smithson, an objector, whom Members heard).

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

- (a) A3 – Implementation Limit (Seven Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Application (implementation in accordance with approved plan).
- (d) E11 - Tree Protection.
- (e) The Rating Level (as defined in BS4142:1997) as a result of site operations and plant noise shall not exceed the background noise level at the receptor locations as indicated on Appendix C.2: "Noise Sensitive Receptor Monitoring Location Plan" of the Environmental Statement Report Ref N7192, when measured in accordance with BS4142:1997."
Reason- To protect the amenities of nearby occupiers.
- (f) Operations shall not commence on site until a scheme to reduce noise levels from any plant, machinery and equipment which is audible at the site boundary has been submitted and approved by the Local Planning Authority. The scheme shall include full details of noise attenuation measures to be carried out such as the selection of quieter plant, acoustic enclosures and noise barriers as recommended by the Noise Impact Assessment included within Section 6.0 of the Environmental Statement Report Ref N7192. The development shall not be carried out otherwise in accordance with the approved scheme.
Reason- To safeguard the amenities of nearby occupiers.
- (g) Any equipment and or machinery used within the garage and workshop area shall only be operated with the doors to the western facade of the garage and workshop being closed, unless with the doors open the noise emissions are not audible at the site boundary, unless otherwise agreed in writing by the Local Planning Authority.
Reason- To prevent noise and disturbance to nearby properties.
- (h) The waste management activities and use of the workshop and garage shall not be carried out outside the hours of 07.00am - 10.00 pm Monday to Friday, 08.00am - 6.00pm Saturday, Sunday and Bank Holidays.
Reason- To prevent noise and disturbance to nearby properties.
- (i) Construction work shall not take place outside the hours of 07:30 – 18:00 Monday to Friday, and 08:00 - 14:00 on Saturday, with no working on a Sunday or Bank Holiday.
Reason- In the interests of Residential Amenity.
- (j) In the event of a biomass boiler being installed on site, prior to installation a full specification and technical details of the biomass boiler including plant size, fuel to be used and maintenance schedule shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be implemented otherwise than in accordance with the approved details.
Reason- To prevent noise and disturbance to nearby properties.
- (k) Before the commencement of any works on site a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall be implemented in accordance with the approved details and reviewed at

the request of the Local Planning Authority.

Reason - To safeguard the amenities of the area.

- (l) Prior to commencement of the development, a full lighting impact assessment for the lighting proposals, undertaken by an independent assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:
 - (i) A description of the proposed lighting units including height, type, shape for all lighting;
 - (ii) Hours of operation;
 - (iii) The proposed level of lighting (in lumens) and a justification specifying which guidance has been used to choose this;
 - (iv) Drawing(s) 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;
 - (v) The direction and aiming angle and upward waste light ratio for each type of light;
 - (vi) The Environmental Zone, which the site falls within, in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution; and
Reason – In order to safeguard the amenities of nearby residential properties and to protect the adjoining local nature reserve from light pollution.
 - (vii) No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10 per cent through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.
Reason: In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.
 - (viii) No development or groundworks shall take place until the applicant has secured the implementation of an agreed programme of archaeological evaluation works (including publication if required) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. 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 within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.
Reason – The site is an area of high archaeological potential, which must be evaluated.
- (m) No development or groundworks shall take place until an archaeological mitigation strategy (including publication if required) has been submitted to, and approved by, the Local Planning Authority. 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 within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.

Reason- In order to mitigate the impact of the development on archaeological features identified in the evaluation carried out in condition 12.

- (n) The development hereby approved shall be implemented and monitored in accordance with the Travel Plan prepared by RPS Planning & Development (Issue5) dated 14 August 2009.

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

- (o) Notwithstanding anything indicated on the submitted drawings the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development: -

- (i) Improvement works at the McMullen Road/Yarm Road/Salters Lane Roundabout;
- (ii) Improvements to the road surface of Salters Lane South between the McMullen Roundabout and the site, together with improvements to street lighting and footways along this stretch of roadway;
- (iii) Provision of a cycleway connecting the site to the wider cycleway network to the north;
- (iv) Details of the turning head at the access to the site from Salters Lane;
- (v) Secure covered cycle parking provision; and
- (vi) A traffic regulation order on Salters Lane.

The development shall not be carried out otherwise than in accordance with the approved details and the works shall be implemented prior to the occupation of any part of the depot unless otherwise agreed in writing by the Local Planning Authority.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development and in the interests of highway safety.

- (p) All works within the public highway shall be subject to a Road Safety Audit at both design and completion stages. The Audit shall be carried out in accordance with Road Safety Audit Standard (HD19/03) in the Design Manual for Roads and Bridges (DMRB) and shall be submitted to and approved in writing by the Local Planning Authority.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development and in the interests of highway safety.

- (q) The development shall not be carried out otherwise than in accordance with the on-site mitigation and habitat measures for wildlife as detailed in paragraphs; 12.13.1, 12.13.2, 12.13.3.3 & 12.13.5.1 of the submitted Environmental Statement dated 22 May 2008 and Section E of the Great Crested Newt report by E3 Ecology Ltd. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

Reason – To conserve protected species and their habitat.

- (r) The development shall not be carried out otherwise than in accordance with the off-site mitigation and habitat measures for wildlife as detailed on drawing no. 589/01 dated 14th September 2009, together with a management agreement as suitable mitigation as described in paragraphs; 12.13.1, 12.3.2, 12.13.3.3, & 12.13.5.2 of the submitted Environmental Statement dated 22nd May 2008 and Section E of the Great Crested Newt report by E3 Ecology Ltd. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

Reason – To conserve protected species and their habitat.

- (s) Full details of the off site newt mitigation measures outlined on drawing no. 589/01 dated 14th September 2009, shall be submitted to, and approved by, the Local Planning

Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

Reason- In order that the Local Planning Authority are satisfied with the details of the development and to ensure the conservation of protected species and their habitats.

- (t) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to, and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason – To prevent pollution of the water environment.

- (u) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of maintenance and management after completion. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason – To prevent pollution of the water environment.

- (v) Notwithstanding details of landscaping submitted with the application a revised scheme shall be submitted to the Local Planning Authority once the precise location of the water mains that passes through the site has been established. The approved landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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 landscape 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 in the interests of the visual amenities of the area and in order to avoid the building over of a public water main which passes through the site.

09/00676/DC - Dinsdale Close Middleton St George. Erection of 10 Apartments and associated car parking and landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and the requests of Northumbrian Water and the Council's Environmental Health Officer that had been received).

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

- (a) A3 (Time limit to implement).
(b) B4A (Matching materials).
(c) B5 (Accordance with plan).
(d) Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

Reason - The Sewage Treatment Works to which the development will discharge is at

full capacity and cannot accept the foul flows. There is no spare sewage treatment capacity at the Middleton St. George STW for any developments and further flows cannot be accepted until planned investment to upgrade the works is completed.

- (e) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason - To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

- (f) J2 (Land Contamination).
- (g) C23 (time limit) 7:30 – 18:00 Monday to Friday 8:00 – 14:00 Saturdays.
- (h) Prior to the commencement of the housing development, a noise impact assessment is required to be carried out by the applicant and must be approved by the Local Planning Authority. This noise impact assessment should consider the effect of noise from traffic and the nearby railway line on the proposed development. The assessment should include details of predicted noise levels at residential properties and include details of any sound attenuation methods to be used. The assessment should also consider the effects of vibration from the nearby railway line on the proposed residential properties. Any scheme for the protection of the proposed residential properties shall achieve internal noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55dB(A) LAeq in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works forming part of this scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing development being first occupied or used.
- (i) E2.
- (j) E3.
- (k) B9.

09/00677/DC - Linden Drive Hurworth Place. Erection of 8 Apartments and associated car parking and landscaping.

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

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the requests of the Highway Engineer, the Police Architectural Liaison Officer and the Environmental Health Officer, and the comments of Northumbrian Water that had been received).

- (a) A3 (Time limit to implement).
- (b) B4A (Matching materials).
- (c) B5 (Accordance with plan).
- (d) Notwithstanding the above, the development hereby approved shall not be commenced until revised plans have been submitted and approved in writing by the Local Planning Authority, in relation to the correspondence sent to the applicants dated 8th October 2009 concerning parking and footway layouts and correspondence sent to the applicant on 13th October 2009 concerning elevational amendments and external materials.

- (e) Development shall not commence until a detailed scheme for the diversion of Northumbrian Water apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason - An existing public sewer crosses the proposed development site and is shown built over on the application. Northumbrian Water Ltd will not permit a building over or close to its apparatus.

- (f) J2 (Land Contamination).

- (g) C23 (time limit) 7:30 – 18:00 Monday to Friday 8:00 – 14:00 Saturdays.

- (h) If piled foundations are required full details of the piling method shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of the amenities of local residents.

- (i) E2.

- (j) E3.

- (k) E11.

- (l) B9.

09/00648/DC - Argos Distribution Centre, Roundhouse Road. Erection of 3 no. stainless steel sculptures.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of the Council's Highway Engineer that had been received).

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

- (a) A3.

- (b) Notwithstanding any details of the siting of the sculptures as submitted with the application hereby approved, the sculptures shall be sited at least 500mm back from the carriageway edge and shall thereafter be so maintained.

Reason – In the interest of highway safety.

- (c) B5.

09/00678/DC - Reid Street School, Reid Street. Erection of dining hall extension incorporating kitchen store (amended plans received 29/10/09).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and the comments of the Council's Highway Officer that had been received).

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

- (a) A3 – Statutory Time Limit (Three Years).

- (b) B4 – Material Samples.

- (c) B5 – Detailed application (Implementation in accordance with approved plans).

- (d) J2 – Contamination.

- (e) Prior to the commencement of the development joinery details (including doors and windows) shall be submitted to, and approved in writing by the Local Planning

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

Reason: To ensure that the details submitted are suitable for the extension in the interests of visual amenity.

(4) Listed Building Consent Granted

09/00671/LBC - Redworth Hall Hotel & Country Club, Redworth Road, Redworth. Listed Building Consent for erection of extension to ground floor bar and first floor meeting room with terrace, in central courtyard.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of Heighington Parish Council and the comments of the Council's Conservation Officer that had been received).

RESOLVED – That Listed Building consent be granted subject to the following conditions:

- (a) LB Applications (Implementation Limit).
- (b) Detailed Application (Listed Buildings)

(5) Application Withdrawn

09/00586/FUL - Site of the former Sadberge Primary School, Norton Crescent, Sadberge. Variation of condition 4 (iii) of planning permission 07/00676/FUL dated 31/8/08 (a ramped access to the open space to the north to provide maintenance access for vehicles. The ramp must be at a gradient suitable for safe access by disabled users) to provide a viewing platform instead.

RESOLVED – That the application be withdrawn at the applicants request.

PA57. NOTIFICATION ON APPEALS – The Assistant Chief Executive (Regeneration reported that :-

- (a) Mr. Jordan has appealed against this Authority's decision to refuse planning permission for erection of single storey garden room extension to rear at 8 Beech Rise, Darlington (Reference Number 09/00398/FUL);
- (b) Mr. Blair has appealed against this Authority's Enforcement Notice for the use of land as a waste transfer station. The use of land as a recycling centre. The importation to the land of controlled waste or other waste materials. Carrying out on the land of engineering works consisting of deep excavations and creation of earth mounds and tips at 630 Whessoe Road, Darlington; and
- (c) Albert Hill Skip Hire Limited and Mr. Shepherd have appealed against this Authority's Enforcement Notice for the use of the land as a waste transfer station. The use of the land as a recycling centre. The importation to the land of controlled waste or other waste materials. Carrying out on the land of engineering works consisting of deep excavations and creation of earth mounds and tips at 630 Whessoe Road, Darlington.

RESOLVED – That the report be noted.

PA58. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Mr. Bonyadi against this Authority's decision to refuse planning permission for erection of single storey rear dining room extension at 1 Peterhouse Close, Darlington (Reference Number 09/00344/FUL).

RESOLVED – That the report be noted.

PA59. 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.

PA60. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA52/Oct/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 10th November, 2009.

RESOLVED - That the report be received.