

**PLANNING APPLICATIONS COMMITTEE**

23rd June, 2010

**PRESENT** – Councillors Baldwin (Chair), M. Cartwright, Dunstone, Hartley, L. Haszeldine, Johnson, Lee, D. Lyonette, Robson, Stenson and Walker. (11)

**APOLOGIES** – Councillors Freitag, Regan and Robson. (3)

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

**PA13. DECLARATION OF INTERESTS** – There were no declarations of interest reported at the meeting.

**PA14. 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.

**PA15. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**10/00182/FUL - 630 Whessoe Road, Darlington.** Full Planning Permission for Waste Transfer, Waste Recycling and Processing Operation, Importation and Exportation of Waste, Excavation and Landfill Tipping to Engineered Level, Erection of Associated Buildings [Phase1]. Outline Planning Permission for [B2] General Industrial Use and Waste Transfer Recycling and Processing Operations and Erection of Associated Buildings [Phase2].

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), one letter of support; twenty five letters of objection; the comments of The Campaign to Protect Rural England, Natural England, The Environment Agency and the Council’s Highways Officer that had been received and a further four letters of support which were highlighted at the meeting and the views of Mr. Gelley, applicant, Mr. Orr, applicants agent, Mr. Ferry and Mr. Pattison and Councillor G. Gartwright, Ward Member, whom members heard.

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

- (a) The development hereby permitted shall be commenced not later than the expiration of two years from the date of this permission unless otherwise agreed in writing with the Local Planning Authority.

**Reason** - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

- (b) Prior to the commencement of development, and notwithstanding the information already submitted to the Local Planning Authority, a Phase II intrusive investigation report and remediation method statement (including the detailed phasing and method for engineering of remediated ground works to the water's edge in the north and east of the site) will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in accordance with the approved remediation statement.  
**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 land filled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.
- (c) No later than 6 months after the commencement of development, a method statement for the engineered landform to be provided to the water's edge in the north and east of the site will be submitted to and approved by the Local Planning Authority, and thereafter implemented within 12 months unless otherwise agreed with the Local Planning Authority.  
**Reason** - In the interests of amenity.
- (d) The development hereby permitted shall be carried out in accordance with the phasing indicated on plan Ref: [Overall Site Indicative Phasing Plan 03/100 dated 14.06.2010] submitted as part of the application.  
**Reason** - To ensure the development is carried out in accordance with the planning permission in the interests of visual amenity.
- (e) The remediation phase (Phase 1a on plan Ref: [Overall Site Indicative Phasing Plan 03/100 dated 14/06/2010]) shall be completed no later than 3 years from the date of commencement of the remediation works (in accordance with the approved remediation method statement required by condition 2 to this permission).  
**Reason and Informative** - In the interests of residential amenity. The principal purpose of the remediation works is to enable excavation of any historically deposited unsuitable material and its removal from the site, followed by the commercial tipping of the resultant void with appropriate inert material to achieve suitable levels and ground stability for the end use development (hereby permitted in outline). The temporary negative effects of the remediation are considered able to be time limited to provide local residents with a finite position.
- (f) At the completion of the remediation phase (Phase 1a of plan ref: [Overall Site Indicative Phasing Plan 03/100 dated 14/06/2010]) the resultant engineered ground levels shall be in accordance with plan ref: [02/L2 [10/04/2010] submitted with the application.  
**Reason and Informative** - In the interests of visual amenity and fit with neighbouring ground levels. The resultant ground levels to be achieved will be of an appropriate fit with the surrounding land and uses, in order to accommodate an appropriate form of the proposed end use development.
- (g) No later than six months after commencement of development, a scheme of landscaping to the remediated ground works on the north and east boundaries, and boundary treatments of all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason** - In the interests of visual amenity.
- (h) The approved landscaping scheme shall be carried out within 6 months following completion of the approved remediation groundworks, or in accordance with a programme agreed with the Local Planning Authority.  
**Reason** - In the interests of visual amenity.

- (i) The Rating Level (as defined in BS 4142:1997) as a result of Phase 1 a and b site operations shall be not greater than 5 dB (A) above the background noise level at the noise monitoring position 1 as specified in section 3 of the Atkins Noise Assessment Report (Document Ref. Jan/1/5079044/IU, dated January 2009), when measured in accordance with BS 4142:1997. The background noise levels to be used shall be agreed with the Local Planning Authority prior to the approved use commencing.  
**Reason** - In interests of amenity.
- (j) The Rating Level (as defined in BS 4142:1997) as a result of Phase 2 (the outline part) site operations hereby permitted shall be not less than 5 dB (A) below the background noise level at the noise monitoring position 1 as specified in section 3 of the Atkins Noise Assessment Report (Document Ref. Jan/1/5079044/IU, dated January 2009), when measured in accordance with BS 4142:1997. The background noise levels to be used shall be agreed with the Local Planning Authority prior to the approved use commencing.  
**Reason** - In interests of amenity.
- (k) All proposed equipment used on site shall not exceed the noise levels listed in the above condition.  
**Reason** – To prevent nuisance from noise in the interests of amenity.
- (l) Prior to commencement of Phase 1 operations on the site, a Phase 1 Noise Management Plan shall be submitted to, and approved by, the Local Planning Authority. The details of the Noise Management Plan shall be agreed with the Local Planning Authority but it will include details of all machinery and operations that are to take place within the buildings and external parts of the site. Thereafter, the development shall be carried out in complete accordance with the approved details.  
**Reason** - To prevent nuisance from noise in the interests of amenity.
- (m) Prior to commencement of Phase 2 (the outline part) operations, a Phase 2 (the outline part) Noise Management Plan shall be submitted to, and approved by, the Local Planning Authority. The details of the Noise Management Plan shall be agreed with the Local Planning Authority but it will include details of all machinery and operations that are to take place within the buildings and external parts of the site. Thereafter, the development shall be carried out in complete accordance with the approved details.  
**Reason** - To prevent nuisance from noise in the interests of amenity.
- (n) Prior to commencement of development, a Dust Action Plan, in respect of the remediation and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.  
**Reason** - To ensure that nearby properties are not adversely affected by dust.
- (o) An application for approval of reserved matters relating to Phase 2 (the outline part)(as shown on plan Ref: []) shall be submitted to the Local Planning Authority no later than 4 years from the date of this permission. Matters reserved for approval are as follows:
- (i) Layout;
  - (ii) Scale;
  - (iii) Appearance;
  - (iv) Means of access; and
  - (v) Landscaping.
- Reason** - In the interests of amenity. Reserved matters relating to the end use of the Phase 2 (the outline part) land should be submitted for approval by the Local Planning Authority following the completion of the remediation phase 1a (duration of 3 years) in order that the most appropriate layout and design outcomes can be achieved.
- (p) Prior to the commencement of development of any building on site, details of a sound insulation scheme for the proposed buildings shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in complete accordance with the approved details.

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

- (q) No machinery shall be operated externally at any time unless otherwise agreed by the Local Planning Authority, no external process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 7.30 am to 6.00 pm; 8.00 am to 2.00 pm on Saturdays. Nor at any time on Sundays, Bank or Public Holidays.

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

- (r) In respect of Phase 1b, and Phase 2 (the outline part) of the development, no machinery shall be operated within a building, no internal process and no deliveries taken at or despatched from the site shall be carried out outside the following times: 7.30 am to 6.00 pm; 8.00 a.m. to 2.00 p.m. on Saturdays. Nor at any time on Sundays, Bank or Public Holidays.

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

- (s) No hazardous waste shall be used, stored or treated on site.

**Reason** - In the interests of environmental protection.

- (t) No waste, except for waste which is the subject of the remediation statement, shall be stored outside of the buildings on the site unless otherwise agreed by the Local Planning Authority.

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

- (u) Prior to commencement of waste recycling/transfer operations in respect of Phase 1b (as shown on plan Ref: [Overall Site Indicative Phasing Plan 03/100 dated 14/06/2010]) the associated buildings of Phase 1b will be completed. Thereafter, no waste recycling/transfer operations shall take place other than within the associated buildings.

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

- (v) There shall not be any offensive odour from the development beyond the site boundary, as assessed by the relevant Local Authority Officer.

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

- (w) Notwithstanding the details shown on the approved plans, details of a secure cycle storage area shall be submitted to and approved by the Local Planning Authority prior to the use of the buildings. The development of the cycle storage area shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In order to encourage the use of cycles.

- (x) Prior to commencement of development of any building on site, and 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 in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

**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.

- (y) No development of buildings shall take place until full details of both hard and soft landscape works to non-boundary parts of the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed planting scheme, including plans and written specifications; vehicle and pedestrian access and circulation areas; hard surfacing materials; general drainage arrangement and written specifications.

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

- (z) Prior to occupation of the development, all hard and soft landscape works shall be carried out in accordance with the approved details. The date of completion of the works shall be submitted to and approved in writing by the Local Planning Authority.

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

- (aa) 'No development shall take place unless in complete accordance with the requirements of the 'Method Statement for the Development of Whessoe Road – Great Crested Newts' included at Appendix 4 of '*An Extended Phase 1 and Protected Species Survey of Land at Whessoe Road, Darlington*', E3 Ecology Ltd, 4<sup>th</sup> June 2010.'

**Reason** - To conserve protected species and their habitat.

- (bb) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- (i) A preliminary risk assessment which has identified:
  - a) all previous uses
  - b) potential contaminants associated with those uses
  - c) a conceptual model of the site indicating sources, pathways and receptors
  - d) potentially unacceptable risks arising from contamination at the site.
- (ii) 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.
- (iii) The site investigation results and the detailed risk assessment (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.

The suitability of importing waste to remediate the site will not be determined until the site investigation works and risk assessment (2) have been completed and approved. As part of the options appraisal and remediation strategy the applicant should submit details of any waste proposed to be imported on site and include an assessment of the risks posed from the waste to both ground and surface waters.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason** - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. storage/use of hydrocarbons, importation/storage of waste, vehicle storage. 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.

- (cc) Prior to occupation of any part of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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, and for the reporting of this to the local planning authority.

**Reason** - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. storage/use of hydrocarbons, importation/storage of waste, vehicle storage. 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.

- (dd) 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, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason** - Unsuspected contamination may exist at the site, which may pose a risk to controlled waters.

- (ee) The main access will be retained as the vehicular and pedestrian access to the site. It is a requirement that some remedial works will be required at the access, to tidy the existing verge and to reinstate redundant accesses. Details of these arrangements shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with those agreed details prior to any implementation of any part of this permission.

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

- (ff) An intercept drainage system must be provided to ensure that water from the site does not discharge onto the public highway prior to any part of this permission being implemented.

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

- (gg) Details of a safe pedestrian access must be provided to the proposed offices. A pedestrian route, segregated from the vehicular access, must be provided to link the main entrance to the offices to the existing footway on Whessoe Road, prior to any building works on site.

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

- (hh) Prior to the commencement of any part of this permission an on site vehicle management plan for the site (this should include provision of an operational plan for wheel washing systems to be in place that would prevent vehicles exiting the site carrying debris or soil onto the public highway). It shall be submitted to and approved by the Local Planning Authority and thereafter implemented by the operator.

**Reason** – To prevent vehicles exiting the site carrying debris or soil onto the public highway.