

## PLANNING APPLICATIONS COMMITTEE

8 April 2015

**PRESENT** – The Mayor (Councillor Lee); Councillor Baldwin (in the Chair);  
Councillors L Haszeldine, Johnson, Knowles, Long, D Lyonette, Macnab and  
Regan (9)

**APOLOGIES** – Councillors Cartwright, Cossins, Stenson and J Taylor (4)

**ABSENT** -

**OFFICERS** – Roy Merrett, Development Manager, Paul Ibbertson, Engineer,  
within Services for Economic Growth and Andrew Errington, Lawyer (Planning)  
within the Neighbourhood Services and Resources Group. (3)

**PA81. DECLARATIONS OF INTEREST** – Councillor Macnab declared a non-pecuniary interest in Minute PA84 below (Ref No. 15/00100/FUL) as Clerk to Whessoe Parish Council and left the meeting during consideration of that item and took no part in the discussion or voting thereon. Councillor Baldwin declared a non-prejudicial interest in Minute PA84 below (Ref No. 14/01251/FUL). There were no other declarations of interest reported at the meeting.

**PA82. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 11 March 2015.

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

**PA83. 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. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the

	development and the development shall not be carried out otherwise than in accordance with any such approved details. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
B5	The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. <b>Reason</b> - To ensure the development is carried out in accordance with the planning permission.

## **PA84. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **Planning Permission Granted**

**14/01251/FUL - Darlington Rugby Football Club, Grange Road, Darlington.** Remodelling works and formation of additional facilities to accommodate shared use with Darlington Football Club (Phase 1) (amended plans received 17 March 2015; additional information received 17 February 2015 and 6 March 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and one letter of objection and one letter of representation that had been received and the views of the applicant's agent, 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 following :-

- a commuted sum for Traffic Regulation Orders; and
- a commuted sum for an ecological mitigation site

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

1. A3 –Implementation Limit (Three Years).
2. B5 – Details of Materials (Samples).
3. The development shall not be carried out otherwise than in complete accordance with the approved Pitch Use Statement (ref no: A1319/MRC) dated 5 March 2015 unless otherwise agreed in writing by the Local Planning Authority. The approved Statement shall be brought into effect upon the commencement of the ground share.  
**Reason** - To ensure that the development of rugby is not prejudiced by the development.
4. In the event that suspected contaminated material is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Subsequently, an investigation and risk

assessment must be undertaken by a suitably experienced and qualified person, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared to show that the remediation has been undertaken to a satisfactory standard, which is subject to the approval in writing by the Local Planning Authority.

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

5. Prior to the commencement of the development, the approved Arboricultural Impact Assessment shall be updated to consider the erection of the spectator stand on the eastern boundary of the playing pitch. The Assessment shall include details of any necessary tree works to facilitate the development and the development shall not be carried out otherwise in complete accordance with the approved details.

**Reason** - To ensure that the development proposed can be implemented with adequate regard to the trees on the site.

6. Prior to the commencement of the development, an Arboricultural Method Statement shall be submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall include details of tree protection measures; anti-compaction measures; specific locations of services trenches and construction methods for site access routes and drainage ditches close to or within root protection areas of retained trees. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To enable the Local Planning Authority to ensure the retention of the maximum number of trees on the site in the interests of the visual amenity of the site.

7. The development shall not be carried out otherwise than in complete accordance with the recommendations contained within "Grassland Habitat Survey at Darlington RFC, Blackwell Meadows, Grange Road, Darlington, County Durham, DL1 5NR" produced by Innovation Group Environmental Services dated 29<sup>th</sup> January 2015 unless otherwise agreed in writing by the Local Planning Authority

**Reason** - To conserve and enhance the ecological interest of the site and the surrounding area.

8. Prior to the commencement of the use, precise details of biodiversity mitigation area shall be submitted to, and approved in writing by, the Local Planning Authority. The mitigation area shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To compensate for the loss of ecology and habitat due to the creation of the car park area.

9. Notwithstanding the details shown on the approved plans, precise details of the boundary fencing to the north of the approved car parking area and around the perimeter of the ground shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The details shall include the height, design and location of the fence along with details of a gated access for Darlington Public Footpath No 45. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In the interests of the visual appearance of the locality and to ensure that the Darlington Public Footpath No 45 remains fully accessible for public use.

10. The development shall not be carried out otherwise than in complete accordance with recommendations contained within "Proposed Update to Rugby Club

premises, Blackwell Meadows, Darlington. Flood Risk Assessment. Ref No: PC: 615NE” produced by P Constantine and dated 16 December 2014 and the following mitigation measures detailed within the Assessment

- (a) The proposed stands and fences are to be constructed in such a way as to allow flood water to pass through/underneath without restriction as stated in section 7 of the approved Flood Risk Assessment thus not impacting on the flood zones and increasing flood risk
- (b) The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

**Reason** - To reduce the risk of flooding to the proposed development and future occupants.

11. Prior to the commencement of the development, precise details of the car park specification for the Phase 1 car park area shall be submitted to, and approved in writing by, the Local Planning Authority. The construction details shall include details of the surface finish and associated drainage. The development shall not be carried out otherwise than in complete accordance with the approved details and the details shall be fully implemented prior to the commencement of the approved use.

**Reason** - In the interest of ensuring satisfactory in curtilage parking is provided in the interests of highway safety.

12. Prior to the commencement of the Phase 2 car parking area, precise details of the car park specification for the car park area shall be submitted to, and approved in writing by, the Local Planning Authority. The construction details shall include details of the surface finish and associated drainage. The development shall not be carried out otherwise than in complete accordance with the approved details and the details shall be fully implemented prior to the commencement of the approved use.

**Reason** - In the interest of ensuring satisfactory in curtilage parking is provided in the interests of highway safety.

13. In the event that road planings, or any other materials which could leach significant contamination to ground waters or surface waters, are used as part of the approved development, the respective phase of car park hereby permitted shall not commence until a scheme and methodology to assess the risks to ground/surface waters from potential contamination/leachate from the said materials, compiled by a suitably experienced and qualified person/environmental consultancy, has been submitted to, and agreed in writing, by the Local Planning Authority. Thereafter, prior to importation of any such material on to the site, a risk assessment which follows the agreed methodology shall be undertaken by a suitably experienced and qualified person/consultancy. Thereafter, the results of the risk assessment shall be submitted to the Local Planning Authority and the material being considered shall only be imported onto the site once the Local Planning Authority has provided written acceptance of the contents and conclusions of the risk assessment. Prior to importation of the relevant material onto the site, the applicant shall submit evidence to show that the material to be imported onto the site is the same material which was the subject of the submitted risk assessment.

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

14. Prior to the commencement of the development, precise details of disabled parking, motorcycle parking and secure cycle parking and storage details shall be submitted

to, and approved in writing by, the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details and they shall be fully implemented prior to the commencement of the use.

**Reason** - To encourage the use of sustainable modes of transports in the interests of highway safety and general amenity.

15. Prior to the ground share arrangements being brought into operation, the Phase 1 car parking area for 250 spaces shall be constructed and made available for use.

**Reason** - In order to make satisfactory provision for car parking.

16. 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 deliveries, construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In the interests of highway safety and the general amenity of the locality.

17. Prior to the commencement of the development, an appropriate street lighting scheme to cover the car park and access road 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 and they shall be fully implemented prior to the commencement of the use.

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

18. Notwithstanding the requirements of condition 18 and prior to the commencement of the development hereby approved a lighting impact assessment for all external lighting, including floodlights, shall be submitted to, and agreed in writing by, the Local Planning Authority. The assessment must show that the lighting levels are limited to those specified in Environmental Zone E2 in Table 2 of the Institution of Lighting Professionals Guidance Notes for the reduction of Obtrusive Light. The development shall not be carried out otherwise than in accordance with the approved details.

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

19. Prior to the construction of new floodlights, details of the design, number and location of floodlights shall be submitted to, and agreed in writing with, the Local Planning Authority.

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

20. Prior to the commencement of the use, a scheme for the planting of replacement trees shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement trees shall be planted within a timescale to be agreed by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To ensure a satisfactory appearance of the site in the interests of the visual amenity of the locality.

21. Prior to the commencement of the use, a Travel Plan 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 Plan.

**Reason** - To promote sustainable modes of transport in the interests of highway safety.

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

(NOTE - The Chair informed the Applicants that the Council's Legal team would proceed to the drafting and completion of the Agreement under Section 106 of the

Town and Country Planning Act 1990 without delay, once all matters had been finalised).

**15/00100/FUL - 51 Beaumont Hill, Darlington.** Demolition of existing outbuildings and erection of vehicle and boat storage facility to rear.

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

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

1. A3 - Implementation Limit (3 years).
2. B4 - Details of Materials (Samples).
3. B5 - Detailed Drawings (Accordance with Plan).
4. The proposed building hereby granted planning permission shall be used for domestic purposes only in connection with the residential dwelling and shall not at any time be used for commercial business purposes.

**Reason** - To enable the Local Authority to retain control over the development and in the interests of residential amenity.

(NOTE – Councillor Macnab was not present during consideration of the above application (Ref No. 15/00100/FUL).)

**PA85. NOTIFICATION OF DECISIONS ON APPEAL** – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had :-

- (a) dismissed the appeal by the Wood Floor Company against this Authority's decision to refuse consent to the display of one none-illuminated fascia sign to gable wall (retrospective) at Jazz's Fish Bar, 318 North Road, Darlington (Ref No. 14/00759/ADV) (copy of Inspector's decision letter previously circulated);
- (b) dismissed the appeal Mr Karl Dryden against this Authority's decision to refuse outline permission for the erection of one detached dwelling with access off Friars Pardon with some matters reserved at land adjacent to 63 Friars Pardon, Hurworth, Darlington (Ref No. 14/00727/OUT) (copy of Inspector's decision letter previously circulated); and
- (c) dismissed the appeal by Mr Ben Quintrell against this Authority's decision to refuse permission for sub-division of property to form 4 self-contained apartments at 46 Greenbank Road, Darlington (Ref No. 14/00514/FUL) (copy of Inspector's decision letter previously circulated).

**RECOMMENDED** – That the report be noted.

**PA86. 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.

**PA87. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA80/Mar/15, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 27 March 2015.

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