

PLANNING APPLICATIONS COMMITTEE

17th December, 2008

PRESENT – Councillor Regan (in the Chair); Councillors M. Cartwright, Freitag, Hartley, Johnson, Lee, D. A. Lyonette, Robson, Stenson and Walker. (10)

APOLOGIES – Councillors Baldwin, Curry and L. Haszeldine. (3)

OFFICERS – Andrew Errington, Planning Law Assistant, 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 Community Services Department.

PA61. DECLARATION OF INTERESTS - In relation to Application Ref. No. 08/00805/FUL, below Councillor Walker declared a prejudicial interest and left the meeting during consideration of that item only.

PA62. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 19th November, 2008.

RESOLVED - That, with the insertion of an additional condition in relation to application Ref. No.08/00777/FUL, the Minutes be approved as a correct record.

PA63. 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 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

	<p>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>
B7	<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 Listed Building Consent.</p>
B8	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no fencing, walls or other means of enclosure shall be placed within two metres of any boundary of the site unless details of their construction and appearance have been agreed with the Local Planning Authority.</p> <p>Reason - To control the appearance of the site during the period of the development, in the interests of the visual appearance of the area.</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>
C26	<p>The occupation of the dwellings shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.</p> <p>Reason - To ensure that the dwelling is occupied by persons connected with agriculture or forestry, as the site is located in open countryside where residential development would not normally be permitted.</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</p>

	<p>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>
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 1.2m high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition works to allow an inspection of the measurements to ensure their 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> <ul style="list-style-type: none"> (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; (v) Driving of vehicles or storage of materials and equipment. <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> <p>Reason - The site lies within 250 metres of a former landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard for environmental and public safety.</p>
AD1	<p>Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p>

	Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD2	Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD3	Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD4	No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD5	No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military). Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.

PA64. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00817/FUL - Former Darlington Wire Mills, Albert Hill Industrial Estate, Dodsworth Street, DARLINGTON

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of Mr. Gauja, applicant, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) Development shall not commence until details of the proposed landscaping screening including tree planting have been submitted to and approved by the Local Planning Authority. Thereafter, the scheme shall only be implemented in accordance with the approved details.
Reason – In the interests of visual amenity.
- (c) B5 - Detailed Application (Implementation in accordance with approved plans).
- (d) Prior to the commencement of the development hereby approved, details of secure covered parking for cycle stands shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
Reason – To ensure that adequate cycle parking provision is provided in accordance

with adopted and emerging planning and transport policy which promotes access by alternative transport modes.

08/00824/FUL - Hopetown Studios, Brinkburn Road, Darlington (as amended by plans received 28 November 2008). Housing development of 14 No. residential units.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the advice from Durham Constabulary Architectural Liaison Officer that had been received and the views of Mr. Good, the applicant's agent, whom Members heard).

RESOLVED - That the Assistant Chief Executive (Regeneration) be authorised to negotiate an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following :-

- (a) Affordable housing in perpetuity in accordance with supplementary planning guidance.
- (b) A financial contribution towards the upgrading and maintenance of an off site area of open space in accordance with the Open Space Strategy.
- (c) A financial contribution towards the upgrading and maintenance of an off site equipped play area in accordance with supplementary planning guidance.
- (d) A financial contribution towards the planting of trees in the area of open space on Darrowby Drive to compensate for the loss of trees on the Brinkburn Road frontage.
- (e) A financial contribution towards off site highway improvements.

That upon satisfactory completion and signing of that Agreement, planning be issued subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samples).
- (c) B9 - Fencing, Walls, Enclosure.
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) J2 - Contamination.
- (f) Prior to the commencement of the development, a noise impact assessment shall be undertaken in order to assess whether any noise protection measures are necessary for the proposed dwellings and apartments. Details of any noise protection measures required as a result of the assessment 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 - In the interests of the residential amenities of the future occupiers of the development.

- (g) 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 - To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.

- (h) Prior to the commencement of the development, a Dust Action Plan 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 - In the interests of residential amenity.
- (i) Notwithstanding the details submitted with the application, a Travel Plan 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 encourage the future occupiers of the development to use different modes of transport.
- (j) Notwithstanding the details shown on the approved plans, precise details of secure cycle parking areas 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 that suitable cycle parking areas are provided for cyclist.
- (k) E2 - Landscaping (Submission).
- (l) Notwithstanding the details shown on the approved plans, precise details of measures to ensure a 20mph speed limit 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 complete accordance with the approved details.
Reason - In the interests of highway safety.
- (m) B5 - Detailed Application (Implementation in accordance with approved plans).

08/00807/FUL - The Paddock, Field 4535, Killerby. Erection of a residential dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of Campaign for the Protection of Rural England and Killerby Parish Meeting 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) Notwithstanding the details shown the approved plans, precise details of windows, doors and rainwater goods shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of the visual appearance of the development.
- (d) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA prepared by Nigel Simpson and received via email dated 3 November 2008) and the dwelling hereby approved shall not be occupied until the following mitigation measures detailed within the Flood Risk Assessment have been implemented.
 - (i) Provision of compensatory flood storage at the site shall be constructed as detailed on Page 3 (para. 42), to provide no less than the capacity stated. The swale shall be implemented and maintained as detailed in the Flood Risk Assessment thereafter;
 - (ii) Flood proofing measures detailed on Page 4 (para. 4.4) in the proposed development;

- (iii) Finished floor levels to be set no lower than 83.07 metres Above Ordnance Datum (OAD); and
- (iv) There shall be no land raising other than the dwelling itself as detailed on Page 3 (para. 2.16).

Reason - To reduce the impact of flooding on the proposed development, future Occupants of the development and surrounding areas.

- (e) Notwithstanding the details shown on the approved drawings, precise details of the access arrangements, including a visibility splay of 2.4 metres x 160 metres shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall not be brought into use until the required details have been satisfactorily implemented.

Reason - In the interests of highway safety.

- (f) C26 – Agricultural Occupancy (restriction).
- (g) 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 to the dwelling, including additions and alterations to the roof and any additional structures/buildings 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.

Reason - In order that the Local Planning Authority is able to retain control over the future development of the site.

- (h) B5 – Detailed applications (Implementation in accordance with the approved plans).

08/00864/FUL - 4 Dibdale Road, Neasham. Erection of dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection 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) C5 - Restriction of Permitted Development Rights (Residential).
- (e) J2 - Contamination.
- (f) Notwithstanding the submitted plans, development shall not commence until details of all boundary treatments have been submitted to and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
Reason - In the interests of the amenity of the development and of the area.
- (g) E11 - Tree Protection.

08/00858/FUL - Ash House, The Green, Brafferton. Erection of detached house (amended plan received 11/11/08)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, the comments of Brafferton Parish Meeting and the Council's Senior Arborist 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) B8 - Fencing, walls, enclosure within two metres.
- (e) C5 - Restriction of Permitted Development Rights (Residential).
- (f) E2 - Landscaping (Submission).
- (g) Protective Fencing.

No demolition, site clearance or building operations shall be commenced until weldmesh fencing (in accordance with BS5837 2005) supported by a scaffolding frame of a height of not less than 2.3 metres has been erected around the trees, which are included in the Group Tree Preservation Order (No.22) 2008 and numbered G1. The distance of the fence from the trunk of each tree on the perimeter of the group shall be whichever is the greater distance of the following:-

- (i) Five metres from the base of the tree; or
- (ii) The area described by the limit of the spread of the branches of the tree.

Such fencing is to be maintained during the course of the development to the satisfaction of the Local Planning Authority.

Reason - To enable the Local Planning Authority to ensure the retention of the maximum number of trees on the site and their protection from damage, in the interests of visual amenity.

08/00867/FUL - 494 Coniscliffe Road, Darlington. Erection of detached residential dwelling house and detached garage.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection that had been received and the views of Mr. Wilson, objector, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) C5 – Restriction of Permitted Development Rights (Residential).
- (d) J2 – Contamination.
- (e) E2 - Landscaping (Submission).
- (f) No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to be retained in and adjacent to the application site. The fencing should be at least 2.3 metres high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.
Reason - To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.
- (g) B5 - Detailed Drawings (Implementation in accordance with the approved plan).

08/00778/OUT - Proposed Faverdale Business Park, Samian Way, Darlington. Outline application for B1 (c), B2 and B8 development including 2 No. access roads.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, the comments of Northumbrian Water, North East Assembly, One North East and Tees Valley Joint Strategy Unit that had been received and

the views of Mr. Calvert, the applicant's agent and Councillor Armstrong, Ward Councillor, whom Members heard).

RESOLVED - That the Assistant Chief Executive (Regeneration) be authorised to negotiate an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- (a) A financial contribution to the upgrading of two bus stops in Faverdale North.
- (b) Financial contribution to enhance frequency of existing bus services around peak a.m and p.m hours.
- (c) Financial contribution to Highway improvements at the A68/Woodland Road roundabout and A68 Cockerton Green roundabout.
- (d) A travel plan.
- (e) And subject to the satisfactory completion of a 106 Agreement.

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

- (a) Approval of the following details (“the reserved matters”) in respect of each building or phase of development shall be obtained from the Local Planning Authority, in writing, before the commencement of that building or phase of development:
 - (i) Appearance;
 - (ii) Landscaping;
 - (iii) Layout to include car and HGV parking including overnight parking for HGV vehicles associated with the development.; and
 - (iv) Scale.
- (b) Application(s) for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 (as amended).
- (c) The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.
Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
- (d) Prior to submission of the reserved matters/full planning application within or involving part of the areas labelled as areas 19 and 66.1 upon the plan entitled “Recorded Archaeological Sites Figure 7.1; Drawing No R.0180_13-1a” the developer must secure the implementation of and undertake an agreed programme of archaeological works 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 in an area of high archaeological potential as shown by the submitted geophysical survey report. The results of the evaluation will be needed to help determine the future reserved matters/full planning application.
- (e) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be

implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme will be maintained and managed after completion.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- (f) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from 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.

- (g) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason - To prevent pollution of the water environment.

- (h) Prior to commencement of development or occupation of any part of the permitted development, 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 - This is to confirm that the risks to controlled waters are appropriately addressed.

- (i) 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 :-

A preliminary risk assessment which has identified :-

- (i) all previous uses;
- (ii) potential contaminants associated with those uses; and
- (iii) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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.

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.

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. former fuel tanks on site and a former waste transfer station on site]. The environmental setting of the site is sensitive as it lies on the Magnesium Limestone major aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

- (j) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing :-
- (i) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development;
 - (ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until :-
 - A desk top study has been completed satisfying the requirements of paragraph (a) above;
 - The requirements of the Local Planning Authority for site investigations have been fully established;
 - The extent and methodology have been agreed in writing with the Local Planning Authority; andTwo copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.
 - (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority;
 - (iv) Two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within two months of completion of the development; and
 - (v) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.
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Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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.

- (k) No development pursuant to this outline consent shall take place until an investigative report assessing the viability of on site renewable energy sources for this particular development including its ability to reduce the CO2 emissions through their use by 10 per cent has been submitted to and approved in writing by the Local Planning Authority. Should it be shown that the use of such initiatives are viable, before the development is occupied the approved renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy and efficiency for the development for as long as the development remains in existence.

Reason - To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.”

- (l) Notwithstanding the details shown on the Illustrative Masterplan submitted with the approved application, an Environmental Masterplan, to include precise details of conservation management plans, landscaping, habitats, ponds, wetland areas, wildlife corridor, drainage systems shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To demonstrate how the development will achieve the enhancement of the biodiversity of the area and to accord with the Regional Spatial Strategy.

- (m) A Noise Impact Assessment in respect of each building or phase of development shall be submitted to and approved, in writing, by the Local Planning Authority, before the commencement of that building or phase of development. The Assessment should include measurement of the existing background noise levels at the identified noise sensitive properties (to be agreed with the Local Planning Authority). The noise impact assessment shall clearly demonstrate that an acceptable noise climate shall be achieved at the agreed noise sensitive receptors. The details of any noise mitigation measures shown to be necessary shall be submitted to and agreed with the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that nearby properties and future developments are not adversely affected by noise.

- (n) The hours of operation of construction activities should be restricted to 08:00-18:00 hours Mon to Fri, 08:00-13:00 hours Saturdays and no working on Sundays or Bank Holidays, unless previously agreed with the Local Planning Authority.

Reason - To ensure that nearby properties and future developments are not adversely affected by noise.

- (o) Noise from the development should not exceed a Rating Level (LAeq, 1 hour) of more than 3 dB (A) above the background noise level during the daytime (07:00-23:00 hours), and a Rating Level (LAeq, 5 minutes) of 2 dB (A) below the background noise level at night (23:00-07:00 hours). The background noise levels shall be measured and agreed with the Local Planning Authority.

Reason - To ensure that nearby properties and future developments are not adversely affected by noise.

- (p) Notwithstanding the details of the proposed development, a Noise Impact Assessment for all external plant and machinery shall be submitted to and approved, in writing by

the Local Planning Authority prior to the commencement of the particular phase of development that the machinery and plant in question relates to. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that nearby properties and future developments are not adversely affected by noise.

- (q) Noise levels due to construction activities shall not exceed 70 dB(A) LAeq, 1 hour, and 80 dB(A) LA Max, at the identified noise sensitive receptors (to be agreed with the Local Planning Authority). Noise levels shall be monitored at a frequency to be agreed with the Local Planning Authority. (Noise monitoring points to be agreed with the Local Planning Authority).

Reason - To ensure that nearby properties and future developments are not adversely affected by noise.

Prior to commencement of development, a Dust Action Plan shall be submitted to and agreed by the Local Planning Authority, thereafter the development shall be carried out in accordance with the agreed plan.

Reason - To ensure that nearby residential properties are not adversely affected by dust.

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

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

- (s) Notwithstanding the details shown on the approved plans, a Lighting Assessment including the details of the location, design and height of any external lighting, shall be submitted to and approved, in writing with the Local Planning Authority prior to the commencement of the development. The approved details shall include the lighting specification, luminance and field of illumination of all external lights. The development and any shall not be carried out otherwise than in complete accordance with the approved details and any mitigation measures.

Reason - In the interest of both the visual amenity of the area and the amenity of the nearby properties.

- (t) Notwithstanding the details shown on the approved plans, an Odour Assessment for any uses which may create odours shall be submitted to and approved, in writing with the Local Planning Authority prior to the commencement of each phase of the development. The development shall not be carried out otherwise than in complete accordance with the approved details and any mitigation measures.

Reason - In the interest of amenity of the nearby properties.

- (u) No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to be retained in and adjacent to the application site. The fencing should be at least 2.3 metres high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.

Reason - To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.

- (v) Notwithstanding the details shown on the Illustrative Masterplan submitted with the approved application, precise details of all pedestrian footways and cycle ways shall be submitted to and approved, in writing, by the Local Planning Authority prior to the

commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In order ensure that the development provides safe and convenient access arrangements for pedestrians and cyclists.

- (w) Notwithstanding the details submitted with the approved application, a Travel Plan, based on the findings and measures contained within the “Faverdale Business Travel Plan Rev C” dated November 2008 and prepared by Halcrow, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To encourage sustainable means of travel.

- (x) Notwithstanding the details shown in the approved application the proposed development shall provide 24-hour toilet/washrooms/showering facilities for HGV drivers and secure cycle parking areas with associated showering and changing facilities. Details of which must be submitted to and approved, in writing, prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In order to achieve a satisfactory form of development.

- (y) Notwithstanding the details shown in the approved application the proposed development shall provide secure cycle parking areas with associated showering and changing facilities. Details of which must be submitted to and approved, in writing, prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In order to achieve a satisfactory form of development.

- (z) Prior to the commencement of the development, details of the highway improvement works for Samian Way and Legion Avenue shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise in complete accordance with the approved details.

Reason - In the interest of highway safety.

(2) Planning Permission Refused

08/00805/FUL - West View Cottage, Darlington Road, Sadberge. Erection of a dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated) and the views of Mr. Dickson, the applicant’s agent, whom Members heard).

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

- (a) The proposal would result in a cramped form of development, which would have a detrimental impact on the character and appearance of the Sadberge Conservation Area and would thereby be contrary to Planning Policy Guidance Note 15 – Planning and the Historic Environment.
- (b) The proposed development fails to make provision for adequate levels of private amenity space within the site which would result in an unsatisfactory living environment for the future occupiers of the site and would thereby be contrary to policy H11 – Design and Layout of New Housing Development of the Borough of Darlington Local Plan 1997.
- (c) The visibility splays provided at the vehicular access to the site are considered to be inadequate to secure the visibility necessary for the safety and convenience to the

traffic associated with the development and would thereby be contrary to policy T13 – New Development –Standards and policy T24- Parking and Servicing Requirements for New Development of the Borough of Darlington Local Plan 1997.

- (d) Adequate car parking provision cannot be made on site for the parking of vehicles in a satisfactory manner and would thereby be contrary to Policy T24 – Parking and Servicing Requirements of the Borough of Darlington Local Plan 1997.

(3) Change of Use Granted

08/00429/CU - Alexander Le Skerne, Unit 37 Cleveland Trading Estate (as amended by plans received 2 September 2008). Change of use to processing ferrous and non ferrous metals.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), five letters of objection and a further seven letters of objection, the comments of Charter Self Drive and the Environment Agency that had been received and the views of Mr. Good, the applicant’s agent, whom Members heard).

RESOLVED – That subject to the receipt of a legally binding unilateral agreement from the applicant relinquishing the permitted use rights in relation to the applicant’s existing site planning permission be granted subject to the following conditions :-

- (a) 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.

- (b) The site shall not operate outside the hours of 08:00 to 17:00 Hrs Monday to Friday, 08:00 to 13:00 hours on Saturdays, and not on Sundays or Bank Holidays (subject to the agreement of the Environmental Health Officer).

Reason - In order to allow the Local Planning Authority to retain control over the Development.

- (c) External machinery shall be fixed to the exact locations outlined on the site plan shown as Figure 3 contained in the Noise Impact Assessment Report (ENG_LYLE_16345/RevC).

Reason - To prevent nuisance from noise in the interests of amenity.

(d)The existing eastern gable wall of Warehouse Bays 1 and 2 shall be the subject of a structural survey in order to check it's stability and integrity prior to the development being brought into use (The assessment shall only be carried out by a person qualified to undertake such structural surveys). Any improvement works recommended as a result of the structural survey shall be implemented prior to the development being brought into use. The gable wall shall unless otherwise agreed with the Local Planning Authority be retained in perpetuity. Should the structural survey recommend that the gable wall is removed or if the wall is removed in any event, an alternative solid noise barrier, of a construction and height to be agreed with the Local Planning Authority, shall be erected in its place prior to the development being brought into use and shall thereafter be retained in perpetuity unless otherwise agreed with the Local Planning Authority.

REASON - To prevent nuisance from noise in the interests of amenity

(e) The Rating Level (as defined in BS 4142:1997) as a result of site operations shall not exceed the background noise level value by more than 5dB(A) at the receptor locations specified in Figure 2 of the AES Noise Impact Assessment report reference ENG_LYLE_16345/RevC, when measured in accordance with BS 4142:1997. The background noise level to be used shall be that specified in the AES Noise Impact Assessment report reference ENG_LYLE_16345/RevC, or if it is the opinion of the Local Planning Authority that these noise levels are no longer applicable, the background noise level shall be measured and agreed with the Local Planning Authority. (For monitoring purposes, where it is not possible to access the receptor locations specified in Figure 2 of the AES report, noise measurements shall be taken at the nearest boundary location to each receptor and the resulting noise level at that receptor determined using calculation).

Reason - To prevent nuisance from noise in the interests of amenity.

(d) Operations shall not commence on the site until the modifications intended to improve the noise insulation properties of the existing warehouse building (as detailed in Paragraphs 8.3 & 8.4 of the AES report reference ENG_LYLE_16345/Rev C) have been undertaken, and a report demonstrating that these modifications have been undertaken has been approved by the Local Planning Authority.

Reason - To prevent nuisance from noise in the interests of amenity.

(e) Operations shall not commence on the site until the noise barriers intended to reduce the noise impact at neighbouring buildings as detailed in Paragraphs 8.5 & 8.6 of the AES report reference ENG_LYLE_16345/RevC (The locations of these noise barriers is shown in green in Figure 4 of that report) have been constructed, and a report demonstrating their completion has been approved by the Local Planning Authority. The barriers shall thereafter be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority

Reason - To prevent nuisance from noise in the interests of amenity.

(f) Operations shall not commence on the site until a Noise Management Plan has been submitted to, and approved by, the Local Planning Authority. The Noise Management Plan shall include details regarding the management of fire exit doors, roller shutter doors, vehicle reversing alarms and drop heights for scrap material.

Reason - To prevent nuisance from noise in the interests of amenity.

(g) Only the machinery shown in Figure 3 of the AES report reference ENG_LYLE_16345/RevC shall be used on the site and only in the positions shown therein. Any additional or replacement machinery shall only be used with the prior approval of the Local Planning Authority. Full details of any such machinery, including an updated Noise Impact Assessment, shall be submitted to, and agreed with, the Local Planning Authority.

Reason - To prevent nuisance from noise in the interests of amenity.

(h) Prior to commencement of development, a Dust Action Plan shall be submitted to and agreed by the Local Planning Authority, thereafter the development shall be carried out in accordance with the agreed plan.

Reason - To ensure that nearby residential properties are not adversely affected by dust.

(i) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

- (i) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development;
- (ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until;
- (iii) A desk top study has been completed satisfying the requirements of paragraph (a) above;
- (iv) The requirements of the Local Planning Authority for site investigations have been fully established; and
- (v) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.

A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.

Two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.

Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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.

- (j) Prior to the commencement of the development, precise details of the 3.5 metres high perimeter barrier and the 4m high internal yard barrier mentioned in AES report reference ENG_LYLE_16345/RevC shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

- (k) The height of any materials stored externally shall not exceed 4 metres.

Reason - To prevent nuisance from noise in the interests of amenity.

- (l) Details of highway improvements to the development site including the access road to the site office/staff parking area; access onto Forge Way paving to the warehouse shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out

otherwise than in complete accordance with the approved details.

Reason - In the interests of highway and pedestrian safety.

- (m) Prior to the commencement of the development, details of a secure cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that the site provides a secure storage area for cyclists.

- (n) Prior to the commencement of the development, precise details of the surface material for the external areas and their associated drainage systems shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To prevent the increased risk of flooding of local watercourses and surrounding land by ensuring satisfactory means of surface water disposal.

- (o) 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.

Reason - To ensure the development is carried out in accordance with the planning permission.

- (p) There shall be no burning of materials anywhere within the site.

Reason – In the interests of protecting the environment and the amenities of the area.

- (q) Within the external areas of the site, outside the storage bays delineated by the 4 metres high noise barriers, there shall be no storage of any scrap metal related material.

Reason – In the interests of protecting the visual amenities of the area.

08/00878/CU - 36 Duke Street. Change of use from shop (A1) to shop with hot food takeaway (A5) (retrospective).

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

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

- (a) A3 – Time limit for implementation (Three Years).
(b) B5 – Detailed Application (Implementation in accordance with approved plans).
(c) The premises shall not be used for the sale of food or for any other business purposes other than between 09:00 and 00:00(Midnight) hours Monday to Saturday and 12:00 to 20:00 hours on Sundays and Bank Holidays.

Reason - In order to safeguard the amenities of adjoining and nearby premises.

(4) Darlington Borough Council Listed Building Granted

08/00859/DCLB - North Lodge, Northgate, Darlington. Listed Building Consent for removal of security screen and brick structure to ground level on the east elevation.

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

RESOLVED - That no objection be raised to the proposed alterations and that the application be referred to the Department Committees and Local Government Office of the Deputy Prime Minister (Government Office for the North East) for determination with consideration given to the following conditions :-

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) B7 - Detailed Application (Listed Buildings).
- (c) On completion of the demolition works, the building and landscaping shall be made good. The precise details of these works (including materials) shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development and work shall not be carried out otherwise than in accordance with the approved details.

Reason - To safeguard the character and appearance of the Listed Building.

PA65. APPLICATION FOR PLANNING CONSENT

(1) Planning Consent Granted

08/00883/ADV - 10 Northgate. Display of internally illuminated fascia and projecting sign.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection that had been received and the views of Mr. Bartlett, objector, whom Members heard).

RESOLVED - That consent be granted subject to standard advertisement conditions AD1 – AD5.

PA66. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Punch Taverns had appealed against this Authority's decision to issue an enforcement notice for carrying out development consisting of the installation of a kitchen ventilation extract without the required planning permission at the Otter and Fish, 1 Strait Lane, Hurworth (three applications have been submitted since the breach which have been refused planning permission on grounds of impact on visual amenity) (Reference No. 07/01046/FUL, 08/00349/FUL and 08/00603/FUL);
- (b) West View Day Nursery had appealed against this Authority's decision to refuse planning permission for Variation of condition four of planning permission reference number 07/00537/CU dated 30th August, 2007 (The number of children within the site at any one time shall not exceed the upper limit of 38 without the prior written permission of the Local Planning Authority) to permit an upper limit of 60 children at West View, 4 Middleton Lane, Middleton St. George (Reference No. 08/00445/FUL);
- (c) Mr. T. Oxley had appealed against this Authority's decision to refuse planning consent for Works to fell 1 No. Yew tree protected by Group Tree Preservation Order (No.1) 1970/G.2 at 39 Blackwell, Darlington, DL3 8QT (Reference No. 08/00820/TF); and
- (d) Miss. S. Mawer had appealed against this Authority's decision to refuse planning consent for Works to fell 9 No. Conifer and 1 No. Silver Birch trees protected under

Group Tree Preservation Order (No. 3) 1962/A2 at Greystones Drive, Darlington (Reference No. 08/00503/TF).

RESOLVED - That the reports be received.

PA67. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Dismissed the appeal by Mr. H. Kenyon against this Authority's decision to refuse planning permission for Change of use from commercial unit to residential dwelling (ground floor) including alteration to elevations at 5 Whessoe Road Darlington, DL3 0QP (Reference No. 08/00267/CU);
- (b) Dismissed the appeal by Mr. H. Kenyon against this Authority's decision to refuse planning permission for Conversion of existing commercial property to form residential dwelling house including internal alterations, insertion of 2 No. velux type roof windows to rear and erection of front entrance canopy at 7 Whessoe Road, Darlington, DL3 0QP (Reference No. 08/00388/CU);
- (c) Dismissed the appeal by Mr. H. Kenyon against this Authority's decision to refuse planning permission for Conversion of existing commercial property to form residential dwelling house including internal alterations, insertion of 2 No. velux type roof windows to rear and erection of front entrance canopy at 8 Whessoe Road, Darlington, DL3 0QP (Reference No. 08/00450/CU);
- (d) Allowed the appeal by Mr. And Mrs. J. Strachan against this Authority's decision to refuse planning permission for the Erection of two detached dwelling houses with associated garaging, parking and access at 63 Middleton Lane, Middleton St. George, DL2 1AD (Reference No. 08/00216/FUL); and
- (e) Dismissed the appeal by Mr. K. Mash against this Authority's decision to refuse planning permission for Erection of two storey residential dwelling incorporating access improvements to existing track at 17 Linden Avenue, Darlington, DL3 8PS (Reference No. 08/00301/FUL).

RESOLVED - That the report be received.

PA68. 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 involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA69. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA60/Nov/08, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 9th December, 2008.

RESOLVED - That the report be received.