

## PLANNING APPLICATIONS COMMITTEE

19th November, 2008

**PRESENT** – Councillor Regan (in the Chair); Councillors M. Cartwright, Freitag, Johnson, Lee, D.A. Lyonette, Robson, Stenson and Walker. (9)

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

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

**PA53. DECLARATION OF INTERESTS** - There were no declarations of interest reported at the meeting.

**PA54. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 22nd October, 2008.

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

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

**RESOLVED** – That the procedure be noted.

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

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
A4	The development hereby permitted shall be commenced not later than one year from the date of this permission. Reason - (one year permission) - Specific reason required to be inserted by case officer.
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. Reason - To ensure the development is carried out in accordance with the planning permission.
C1	The permission hereby granted shall be for a limited period only expiring on    when the buildings shall be removed and the site restored to its previous condition as Reason - (example) The type of building is not one that the Local Planning Authority is prepared to approve, other than for a limited period, in view of its appearance and construction.
D4	The use hereby permitted shall not commence until details of the arrangements for storing of refuse or waste have been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied. Reason - To safeguard the amenities of the area.
D19	The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given. Reason - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.
E5	Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.
H3	The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow them to observe the excavations and record items of interest and finds. Reason - (example) The site is that of a Scheduled Ancient Monument and the Local Planning Authority would wish for access to be allowed to the site in the interests of recording and/or recovering any historical data and artefacts.
J2	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

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

**(1) Planning Permission Granted**

**08/00777/FUL - Barmpton Lane, Barmpton.** 60 metre high Wind Monitoring Mast.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the concerns of CPRE Darlington and Durham Branch, the comments of Seven Parishes Action Group that had been received and the views of Mr. Earle, the applicant’s agent and Mrs. Wise, an objector, whom Members heard).

**RESOLVED** - That Planning Permission be granted with the following conditions :

- (a) A4 – Time limit.
- (b) B5 - Detailed Drawings (Implementation in accordance with approved Plan).
- (c) The construction of the development hereby approved shall take place between 1st October and 1st March inclusive in any particular year.
- (d) C1 – Limited period of three years, after which time, and within a period of three months, the mast shall be decommissioned and dismantled from the site, which shall be made good to the satisfaction of the Local Planning Authority.

**Reason** – The Local Planning Authority does not wish to see this structure remain within this sensitive rural location beyond a period of time that is reasonably necessary.

**08/00703/FUL - Proposed Business Park, Durham Tees Valley Airport, Middleton St George, Darlington.** Office development comprising 11 No. Units, car parking, access and associated landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), one letter of objection, the comments of Middleton St. George Parish Council, North East Assembly, One North East, Tees Valley Regeneration, Durham Constabulary Architectural Liaison Officer, Northumbrian Water and The Highways Engineer, the concerns of Campaign to Protect Rural England which had been received and the views of Mr. Barker, the applicant’s agent whom Members heard).

**RESOLVED** - That the Assistant Chief Executive (Regeneration) be authorised to enter into a Section 106 agreement to secure the provision of a minibus service from the site linking it with local bus stops ,the airport terminal and Dinsdale Railway Station and that subject to the completion of that agreement, planning permission be granted subject to the following conditions: -

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) E5 - Boundary Treatment (Submission).
- (e) J2 – Contamination.
- (f) Details of landscaping, to include precise details of the wildlife friendly habitat areas shown on the submitted drawings, shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.  
**Reason** – To create biodiversity and ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.
- (g) The B1 development hereby permitted shall not be used other than for aviation/airport related uses, including :-
  - (i) Ancillary to business based at the airport;
  - (ii) Accommodation for airport and airline administration and facilities;
  - (iii) Accommodation for airline sales, reservation and booking offices, including call centres;
  - (iv) Accommodation for airline and airport training services;
  - (v) Accommodation required in connection with the movement or maintenance of aircraft, or the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods by air;
  - (vi) Accommodation for in flight and terminal catering, preparation and storage facilities;
  - (vii) Accommodation for high intensity users of the airport’ passenger and facilities;
  - (viii) Accommodation for businesses that require a location at or adjacent to the Airport;
  - (ix) Accommodation for regulatory authorities (e.g. Customs, immigration services, police and security services);
  - (x) Accommodation for air freight forwarders and agents; and
  - (xi) Accommodation for businesses involved in, the storage, maintenance, supply or manufacture of aircraft, aircraft parts or airport equipment.**Reason** – In order to limit the occupation of the office units to those businesses and uses that require a location at or adjacent to the airport in order not to prejudice development plan policy for the area.
- (h) Development shall not be commenced until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to, and approved by, the Local Planning Authority. The development shall not be occupied until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.  
**Reason** - The sewage treatment works to which the development will discharge is at full capacity and cannot accept the foul flows.
- (i) Development shall not commence until a detailed scheme for the disposal of Surface water from the development hereby approved has been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall not be carried out otherwise than in accordance with the approved details.  
**Reason** – To ensure the discharge of surface water from the development does not

increase the risk of flooding from sewers in accordance with the requirements of PPS 25 “Development and Flood Risk” and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000, and for environmental reasons to avoid the unnecessary pumping and treatment of surface water.

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

**Reason** - To prevent pollution of the water environment.

- (k) The approved Umbrella Travel Plan prepared by Saville Bird Axon reference Final Rev A and dated November 2008 shall be implemented and monitored in accordance with the details set out in the plan and the results of the monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period.

**Reason** – In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13 “Transport”. The condition is made to ensure that the A66 continues to fulfil its purpose as part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980, maintaining the safety of traffic on the road.

- (l) Unless otherwise agreed in writing by the Local Planning Authority, the development will be limited to seven office buildings or the equivalent gross area of 11,648 Sqm until it has been demonstrated to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency that the trip rate targets set out in the approved Umbrella Travel Plan referenced Final Rev A dated November 2008 have been achieved.

**Reason** – In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13 “Transport”. The condition is made to ensure that the A66 continues to fulfil its purpose as part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980, maintaining the safety of traffic on the road.

- (m) The improvements to the A67/Airport Access Road/C52 roundabout set out in the Transport Assessment prepared by Saville Bird Axon dated August 2008 shall be implemented prior to the occupation of the office units hereby approved.

**Reason** – To avoid problems of congestion at the roundabout in the interests of highway safety.

- (n) Before the development hereby permitted is commenced a signage strategy in respect of the local road network shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not be occupied for its intended use until the approved strategy has been implemented.

**Reason** – To improve the signage to the development on the local highway network.

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

- (i) Dropped crossings/tactile paving at all pedestrian crossing points within the site;
- (ii) Provision of a rear access zone of 1.2m on disabled car parking spaces (not to encroach onto the vehicle circulation area between the parking spaces); and
- (iii) Improvements to the existing street lighting along the site access road.

The development shall not be carried out otherwise than in accordance with the approved details and the works shall be implemented prior to the occupation of the office units.

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

- (p) Prior to the commencement of development precise details of secure covered cycle parking for staff and visitors shall be submitted, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the cycle parking provision (including the provision of showering and changing facilities within the individual office block units), shall be made available prior to the occupation of the office units.

**Reason** - To ensure that adequate parking provision is provided in accordance with the adopted and emerging planning and transport policies which promote access by alternative transport modes.

- (q) Improvements for pedestrian and vehicular access to the site set out on plan No.7 in the Transport Assessment prepared by Saville Bird Axon dated August 2008 shall be implemented prior to the occupation the occupation of the office units hereby approved.

**Reason** – In the interests of pedestrian safety and the safe movements of vehicles.

- (r) Notwithstanding anything shown in application the car park shall be designed with the intention of achieving the ‘Park Mark’ Safer Parking Award. Unless otherwise agreed the car park shall incorporate CCTV measures in accordance with details to be previously agreed.

**Reason** – In the interests of crime prevention.

- (s) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, details of site lighting and the specification of windows and doors serving the building shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

**Reason** – In the interests of crime prevention.

- (t) 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% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

**Reason** - In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- (u) No development shall be commenced until a design statement, BREEAM Standards, for the development has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details.

**Reason** – In order that the Local Authority are satisfied as to the details of the development and to ensure that the development is carried out in a sustainable manner.

**08/00733/FUL - Proposed Business Park (DTVA Ltd) Durham Tees Valley Airport, Middleton St George, Darlington.** Application to vary condition 13 (Landscaping/landscaping bund) of outline planning permission 04/01428/OUTE dated 21 February 2007 for development

of site to provide a business park comprising B1 office development, hotel and pub restaurant, land at Durham Tees Valley Airport, Middleton St George, Darlington.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of Middleton St. George Parish Council which had been received).

**RESOLVED** - That variation of condition 13 of outline planning permission Ref No 04/01428/FUL for development of site to provide a business park comprising B1 office development, hotel and pub restaurant be approved subject to the following conditions: -

- (a) No development shall take place on Plots A to D on approved Master plan drawing MP07 until details of the landscaped works to the northern boundary of Plots A to D and the western boundary of Plots A to D have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall provide for a landscaped bund to create a visual and acoustic screen from adjoining houses. The approved landscaped works shall be carried out in full before any of the buildings on Plots A to D are occupied.

**Reason** – To ensure appropriate visual and landscape mitigation for the proposed development and to protect the amenity of occupants of nearby housing as set out in the Environmental Statement.

- (b) No development shall take place on Plot E on approved Master plan drawing MP07 until details of the landscaped works to the western boundary of Plot E have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall provide for a landscaped bund to create a visual and acoustic screen from adjoining houses. The approved landscaped works shall be carried out in full before any of the building on Plots E is occupied.

**Reason** – To ensure appropriate visual and landscape mitigation for the proposed development and to protect the amenity of occupants of nearby housing as set out in the Environmental Statement.

**08/00806/FUL - Darlington Railway Athletic Club, Brinkburn Road, Darlington.** 20 metre high Monopole Telecommunication Mast and associated equipment cabinets.

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

**RESOLVED** - That Planning Permission be granted with the following conditions:

- (a) A3 – Time limit.  
(b) B5 – Detailed Drawings (Implementation in accordance with approved Plan).

**08/00706/FUL - 25 Low Coniscliffe, Darlington.** Demolition of existing bungalow and erection of a replacement dwelling with associated access arrangements (amended plans received 14 October 2008 and 31 October 2008)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection and the objections of Campaign to Protect Rural England and Low Coniscliffe/Merrybent Parish Council which had been received and the views of Mr. Ellis, the applicant's agent, whom Members heard).

**RESOLVED** - 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 on the approved plans, details of the garden wall 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 order to achieve a satisfactory form of development in the interests of the visual appearance of the development and the street scene

- (d) Notwithstanding the details shown on the approved plans, precise details of the windows; rainwater goods and garage door 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 order to achieve a satisfactory form of development in the interests of the visual appearance of the development and the street scene

- (e) C5 - Restriction of Permitted Development Rights (Residential).
- (f) The windows formed in the east elevation of the dwelling hereby approved shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

**Reason** - To prevent overlooking of the nearby premises.

- (g) The roof lights formed in the rear roof slope of the dwelling hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

**Reason** - To prevent overlooking of the nearby premises.

- (h) The existing redundant access shall be reinstated to match the adjacent footway with the scoria replaced by 255 x 200 bullnosed kerbing. Details of the work 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 interest of highway safety.

- (i) B5 - Detailed Drawings (Implementation in accordance with approved Plan).

**08/00808/FUL - Total Petrol Station, 66 – 76 Grange Road, Darlington.** Installation of a freestanding ATM pod.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection which had been received).

**RESOLVED** - 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) Notwithstanding the details shown on the approved plans, no additional lighting to serve the ATM shall be erected without prior written approval of the Local Planning Authority.

**Reason** – In the interests of the residential amenity.



## **(2) Change of Use Granted**

**08/00798/CU - 44 Tubwell Row, Darlington.** Change of use to tea room café (A3).

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

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

- (a) A3 - Implementation (3 Years).
- (b) D4 - Refuse Storage (Details to be Submitted).
- (c) D19 – Ventilation Equipment (Details Required).
- (d) B5 – Detailed Application (Implementation in accordance with approved Plans).

## **PA57. Approval of Details Granted**

**04/01428/RM1 - Proposed Business Park (DTVA Ltd) Durham Tees Valley Airport, Middleton St George, Darlington.** Details of access, appearance, landscaping, layout and scale for hotel development, pursuant to outline planning permission 04/01428/OUTE dated 21 February 2007 for development of site to provide a business park comprising up to 18,600 m<sup>2</sup> (use class B1), 4,200 m<sup>2</sup> 100 bed hotel (use class C1) and 560 m<sup>2</sup> public house/restaurant (use class A3) associated car parking and structural landscaping, land at Durham Tees Valley Airport, Middleton St George, Darlington.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), which stated that no objections had been received from Middleton St. George Parish Council whom had been consulted as part of the consultation exercise).

**RESOLVED** - That reserved matters relating to access, appearance, landscaping layout and scale for hotel development pursuant to outline planning permission 04/01428/OUTE for development of site to provide a business park comprising up to 18,600 sqm (use Class B1), 4,200 sqm 100 bed hotel (Use Class C1) and 560 sqm public house/restaurant (Use Class A3) associated car parking and structural landscaping be approved.

**PA58. NOTIFICATION OF DECISIONS ON APPEALS** - The Assistant Chief Executive, Regeneration reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Allowed the appeal by Mr. B. Thompson against this Authority's decision to refuse planning permission for the conversion of existing garage building to form holiday accommodation incorporating internal and external alterations at Low Middleton House, Middleton St. George, Darlington DL2 1AX (Ref. No. 08/00240/CU);
- (b) Dismissed the appeal by Mr. K. Burnside against this Authority's decision to refuse planning permission for the erection of a detached bungalow at 60 Cobden Street, Darlington, DL1 4JD (Reference No. 08/00251/FUL); and
- (c) Dismissed the appeal by Mr. F. Maguire against this Authority's decision to refuse outline planning permission for the erection of 6 No. Town Houses (outline) at 26 Abbey Road, Darlington, DL3 8LR (Reference No. 07/01012/OUT).

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

**PA59. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA60. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA52/Oct/08, the Assistant Chief Executive, Regeneration submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 19th November, 2008.

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