

PLANNING APPLICATIONS COMMITTEE

27th August, 2008

PRESENT - Councillor Baldwin (in the Chair); Councillors Freitag, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Regan, Robson, and Walker. (10)

APOLOGIES – Councillors M. Cartwright, Hartley, S.J. Jones and Stenson. (4)

OFFICERS - Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Neil Cookson, Solicitor, Harry Alderton, Highways Engineer and Karen Graves, Democratic Support Officer.

PA28. DECLARATION OF INTERESTS – (1) In relation to Application Ref. No. 08/00618/DCLB Councillor Freitag declared a non-prejudicial interest as his company had erected a For Sale Board on the property (2) In relation to Application Ref. 08/00496/DC Councillor Baldwin (the Chair) and Councillor Regan (Vice-Chair) declared a personal and prejudicial interest as he had a child attending the School and left the meeting during consideration of that item only. Councillor Lyonette took the Chair for consideration of that item only.

PA29. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 30th July, 2008 .

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

PA30. 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
A2	The development shall be begun two years from the final approval of the 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.
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.
A5	The development hereby permitted shall be commenced not later than the expiration of five years from the date of this permission. Reason - To accord with the provisions of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

B4	<p>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.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
B5	<p>The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure the development is carried out in accordance with the planning permission.</p>
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p>Reason - In the interests of visual and/or residential amenity.</p>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p>Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
D4	<p>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.</p> <p>Reason - To safeguard the amenities of the area.</p>
E2	<p>A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to</p>

	<p>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>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
G4	<p>The garage or car-parking accommodation, shown on drawing no. _____, shall be provided prior to the dwelling to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.</p> <p>Reason - To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.</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>

PA31. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00541/FUL - Highland Laddie Hotel, 88 Haughton Green, Darlington. Erection of outdoor smoking shelter comprising timber decking and fencing area with jumbrella (Retrospective).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the findings of a site visit recorded at MinutePA27/Aug/08, two letters of objection which had been received and the views of Mr. Donegan, an objector, whom Members heard).

RESOLVED - that planning permission is granted subject to the following conditions :-

- (a) B5 - Detailed Drawings (Implementation in accordance with approved Plan).
- (b) Notwithstanding the details contained within this permission no external amplification equipment or live music shall be used or take place at any time within the outside smoking area.
Reason - In the interests of residential amenity.
- (c) The main rear access doors to the southern elevation of the building shall be opened only for access and egress purposes and shall be closed at all other times.
Reason - In the interests of residential amenity.
- (d) This permission shall be limited for a period of 6 months expiring on 27th February, 2009. Should a further application for permission to retain the development not be received on or before this date, the smoking shelter (umbrella and decking area) shall be removed.
Reason - To enable the Local Planning Authority to monitor the impact of the development on nearby residential properties.
- (e) Notwithstanding the information contained within the approved application, the timber fence shall be measured from the level of the existing decking area.
Reason - In the interests of residential amenity.

08/00397/FUL - Site of Former Alderman Leach Primary School, Leach Grove, Darlington. Residential development consisting of 80 dwelling houses and 15 apartments in two and three storey form together with associated garages, car parking, highways, site works, ponds and soft landscaping (additional information received on 17th June, 2008 and amended plans received on 8th August, 2008).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letter of objection and the comments of Northumbrian Water and the Environment Agency, which had been received and the views of Mr. Mellor, an objector and Mr. Cooper, the applicant, whom Members heard).

RESOLVED - (a) 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 provision of a new cycleway and footpath.
- (e) A financial contribution towards maintenance costs for the balancing pond area/wildlife area including alterations to allotment fencing.

(b) That upon satisfactory completion and signing of that Agreement, planning permission 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) J2 - Contamination.
- (e) 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 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.

- (f) 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.

- (g) Notwithstanding the details shown on the approved plans the following details 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.

- (i) Details for the resurfacing of Leach Grove and School Street;
- (ii) Details for improvements to the existing flagged footways;
- (iii) Details of tactile paving and dropped crossings;
- (iv) Details of measures to ensure a 20mph zone for the development.

Reason - In the interests of pedestrian and highway safety.

- (h) 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.

- (i) Prior to the commencement of the development, precise details of the cycleway and footway 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 highway safety and to ensure that the existing access to the allotments remains unaffected.

- (j) There shall be no discharge of surface water from the site unless in accordance with the agreed scheme shown on Drawing No: 7125/01 dated April 2008.

Reason - To reduce the risk from flooding.

- (k) No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees 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.

- (l) Prior to the commencement of the development, details on the formation and construction of the parking bays 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 the retention of the trees located close to the parking bays and their protection from damage, in the interests of visual amenity.

- (m) E2 - Landscaping (Submission).
- (n) Notwithstanding the details shown on the approved plans, precise details of the balancing ponds and wildlife habitat area, including landscaping, sustainable drainage details, topography details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details.
Reason - In order to increase the biodiversity associated with the development site and in the interests of the visual amenity of the area.
- (o) The development hereby approved shall not be commenced until sectional details showing existing and approved ground levels for the proposed buildings and the neighbouring gardens and dwellings have been submitted to, and agreed in writing, with the Local Planning Authority.
Reason: In order to ensure a satisfactory form of development.
- (p) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (q) Prior to any development commencing on the site the developer shall submit and have approved a Building Management Plan which will cover details such as construction phasing, building material storage, parking of construction vehicles and construction traffic movements.
Reason – To ensure that the residential amenity of nearby residents is protected during the construction period.

08/00066/FUL - Land at rear Of, 39 Harris Street, Darlington. Proposed erection of 5 No. three bedroomed dwellings along with associated garage and car parking spaces (as amended by plans received on 3rd June, 2008).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection and the comments of the Council's Environmental Health Officer, the Rights of Way Officer and Northern Gas Networks which had been received and the views of Mr. Thompson and Mr. Rumney, objectors, whom Members heard).

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

- (a) A3 - Implementation Limits (three years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plans).
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) E2 - Landscaping (Submission).
- (f) E5 - Boundary Treatment (Submission).
- (g) J2 - Contaminated Land.
- (h) Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those details approved.
Reason - In order that the Local Planning Authority may properly assess and confirm the impact of the development on nearby properties as a result of the required remediation scheme, which may alter prevailing levels on the site.
- (i) D4 - Refuse Storage.
- (j) The access road and turning area hereby approved shall be structurally maintained at all times. The access road and turning area shall be maintained in good condition

including regular street sweeping and gully emptying.

Reason – In the interests of amenity and highway safety.

- (k) No development shall commence until details of a boundary fence to be erected to the rear of Number 25 Harris Street have been submitted and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason – To safeguard the amenities of the locality and of adjoining properties.

08/00373/FUL - Lea Close Farm, Great Stainton. Retrospective application for the erection of a livery and equestrian arena comprising ménage and private stables; general purpose storage building; toilet and restroom facilities; covered external storage unit and use of land for exercising horses.

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

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application.
- (c) No later than one month from the date of this permission details of a surface water drainage scheme including attenuation to pre-development discharge rates shall be submitted to, and agreed with, the Local Planning Authority. No later than one month from the date of this permission the agreed surface water drainage and attenuation scheme shall be implemented to the satisfaction of the Local Planning Authority. Subsequently there shall be no discharge of surface water to any watercourse unless in accordance with the agreed scheme.
Reason – To reduce the risk from flooding.
- (d) No external floodlighting shall be used on the site unless details of the floodlighting have been submitted to and agreed in writing with the Local Planning Authority, together with an assessment of the impact on nearby sensitive properties. All lighting will need to be arranged so as not to shine directly towards and sensitive properties and to be shielded to prevent light spillage beyond the site boundary.
Reason – In the interests of visual amenity and to safeguard the amenities of nearby residents.
- (e) No waste products derived as a result of carrying out the development hereby approved shall be burned on site.
Reason – In the interests of residential amenity.
- (f) The off road riding tracks identified on drawing no.1885/01 dated April shall be green field tracks only and not surfaced with any material without the prior written agreement of the Local Planning Authority.
Reason – To safeguard the appearance of the surrounding countryside.
- (g) The improvements to the existing access track including passing bays shown on the approved drawings shall be carried within 60 days from the date of this permission, or within a timescale to be agreed in writing with the Local Planning Authority.
Reason- In the interests of highway safety.
- (h) No horseboxes or other vehicles associated with the equestrian/livery use shall be stored or parked outside the areas identified on drawing no. 1885/08 dated April 2008.
Reason – In the interests of visual amenity.

08/00591/FUL - 7 Church View, Sadberge. Construction of vehicular pavement crossing.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of Sadberge Parish Council and the comments of The Council's Highway's Officer which had been received and the views of Mrs. Hodgson, the applicant, whom Members heard).

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

- (a) A3 - Implementation Limit (Three years).
- (b) B5 – Detailed Drawings (Implementation in accordance with approved plans).
- (c) B4 – Material (Samples).

08/00515/OUT - Land to south of Woodlands Hospital, Morton Park. Erection of Children's Nursery and Residential Care Home (Incorporating Critical Care Unit) (Outline).

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

RESOLVED - That subject to no objections being raised to the departure advertisement the Assistant Chief Executive (Regeneration) be given delegated authority to grant planning permission subject to the following conditions: -

- (a) The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters before the development is begun:-
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.

Application for approval of the 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).

- (b) A2 - Outline (Implementation Time).
- (c) 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).

The development shall not be carried out otherwise than in accordance with the approved details and the works shall be implemented prior to the nursery or residential care home being brought into use.

Reason – In the interests of highway safety.

- (d) Notwithstanding anything indicated on the submitted drawings provision shall be made for a pedestrian footpath/cycleway link from Yarm Road directly into the site, details of which shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of development. The approved footpath/cycleway link shall be constructed prior to the occupation of either building.

Reason - To ensure a sustainable link to existing public transport facilities and existing cycle routes.

- (e) 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 shall be made available prior to the occupation of the buildings.

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.

- (f) Notwithstanding any information that has been provided with the application, details of a full travel plan/plans shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. This scheme shall not be implemented otherwise than in accordance with the approved details.

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

- (g) Landscaping (Submission and Implementation).

- (h) No development shall be commenced until a design statement, to 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.

- (i) No development shall commence until a scheme to achieve at least 10 per cent on site energy from renewable sources, has been 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 – in order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- (j) The children's nursery hereby approved, shall not be used for any other purpose, including any other purpose within Class D1 (Non Residential Institutions) of the Schedule to the Town and Country Planning Use Classes Order 1987, or any other Order revoking or re-enacting that Order.

Reason – The application is acceptable as a complementary use within the allocated employment use within the allocated employment area but the Local Planning Authority considers it appropriate to restrict the use of the premises in order not to prejudice development plan policy for the area.

- (k) 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.

- (l) No development shall be commenced until a scheme for the provision and implementation of surface water drainage, including surface water run-off limitation, has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to prevent pollution of the water environment.

(2) Planning Permission Deferred

08/00589/FUL - 17 Linden Avenue, Darlington. Erection of single storey residential dwelling incorporating improvements to existing track surface.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), 22 letters of objection which had been received and the views of Mr. Wood, , Mr. Knapton and Mr. Chambers, objectors, whom Members heard).

RESOLVED – That the application be deferred to enable clarification of ownership of the existing track to be sought.

08/00407/DC - Dinsdale Court, Middleton St George, Darlington. Erection of two storey sheltered housing providing accommodation for 22 No. residents.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection from local residents and several issues raised by residents which could not be taken into consideration as they were not considered to be material planning considerations which had been received and the views of Mrs. Candler, an objector, and Councillor D Jones, Ward and Parish Councillor whom Members heard).

RESOLVED - That planning permission be deferred to enable a site visit to take place.

08/00457/DD - Dinsdale Court, Middleton St George, Darlington. Determination as to whether prior approval is required for demolition of sheltered housing to enable redevelopment.

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

RESOLVED - That planning permission be deferred to enable a site visit to take place.

08/00586/CU - 9-10 Horsemarket, Darlington. Retrospective application for the change of use from A1 (sports shop) to Mixed A1/A3 Use (café/shop).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection which had been received and the views of Mr. G. Pybus, on behalf of Darlington Association on Disability whom Members heard).

RESOLVED – That planning permission be deferred to enable further investigations to take place on provision of an alternative access for the disabled.

(3) Darlington Borough Council Granted

08/00597/DC - Arriva Bus Depot, Feethams. Demolition of former Bus Station and change of use to Public Car Park.

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

RESOLVED - That planning permission be granted subject to Regulation 3 of the Town and Country Planning General Regulations 1992 and 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) Notwithstanding the details shown on the approved plans, plans showing precise details of the means of enclosure; lighting columns; and CCTV tower 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 the visual amenity of the locality.

- (c) Prior to the commencement of the development, precise details of the accurate location, protection of and access arrangements to any Northumbrian Water apparatus shall be submitted to, and approved by, the Local Planning Authority in consultation with Northumbrian Water.

Reason - Northumbrian Water 's apparatus is located in/near to the development site and unrestricted access to the apparatus is required at all times. Northumbrian Water will not permit the erection of any buildings or structures over or close to the apparatus. Any proposed crossing, landscaping, parking areas or tree planting must comply with Northumbrian Water guidelines.

- (d) Notwithstanding the details shown on the approved plans, precise details of the following shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details:

(i) Method of reinstating redundant accesses to footways;

(ii) Construction of the new bus top (including raised kerbs; platform; road markings; and bus stop pole);

(iii) Dropped kerb crossings and tactile paving.

Reason - In the interests of highway safety.

- (e) This permission hereby granted shall be for a limited period only expiring on 27th August 2013.

Reason – To enable the Local Planning Authority to reassess the redevelopment of the application site.

- (f) 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.

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

(i) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses;

a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination of the site.

(ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason – When consulted about this application, we have objected to the development as proposed as a preliminary Risk Assessment has not been supplied with the application, and the risk to controlled waters is unacceptable as there is no information to indicate otherwise. However, we understand that the Local Planning Authority is minded to overrule this objection and grant permission for the proposed development. The information provided with the planning application indicates that the site has been subjected to a potentially contaminative land use i.e. a bus depot. The environmental setting of the site is sensitive as it is within 50m of a main river. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed by the development.

- (h) Prior to commencement of 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 – The information provided with the planning application indicates that the site has been subjected to a potentially contaminative land use i.e. a bus depot. The environmental setting of the site is sensitive as it is within 50m of a main river. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed by the development.

- (i) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

- (j) Flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction,

Reason – To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

- (k) 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 an approved in writing by the Local Planning Authority.

Reason – to prevent pollution of the water environment.

- (1) No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to the east of the application site. The fencing should be at least 2.3 m 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.

08/00593/DC - Dodmire Infants School, Rydal Road, Darlington. Retention of existing single storey module temporary classroom building.

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

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

This permission is granted for a temporary period expiring on 27th August, 2010. Any buildings, structures or works implemented under this permission shall be removed from the site no later than the expiry date.

Reason - In order to assist the function of the school in accordance with Policy R25, Provision of Community Facilities and Services of the Borough of Darlington Local Plan by providing temporary classroom facilities.

08/00510/DC - 1-3 Hammond Drive, Skerne Park, Darlington. Conversion of Existing Neighbourhood Housing Office into 2 No. Residential Dwelling Houses (including change of use from B1 to C3).

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

- (a) A3 - Implementation Limit (3 years)
- (b) B5 – Implementation in accordance with approved plans.
- (c) G4 – Parking (Private Dwelling).

08/00496/DC - Alderman Leach Primary School. Siting and installation of 2 No. single storey temporary modular buildings, comprising classroom area with separate cloaks and toilet facilities (as amended by plans received on 29th July, 2008).

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

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

- (a) A3 - Implementation Limit (Three Years).
- (b) The permission hereby granted shall be for a limited period only expiring on 27th August 2010 when the buildings shall be removed and the site restored to its previous condition as a field.

Reason – The buildings are not something that the Local Planning Authority is prepared to approve, other than for a limited period, in view of their appearance and the need to provide alternative short term classroom accommodation.

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

(4) Darlington Borough Council Listed Building Granted

07/00893/DCLB - Clock Tower, West Row, Darlington. Listed Building Consent for temporary attachment of Christmas lighting comprising small, white LED curtains (additional plan received on 15th July, 2008).

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

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

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) The white LED curtains shall be removed from the Clock Tower on or before 1st March in any one year and not re-installed until after 1 October in the same year.
Reason - To ensure that the lights are of a seasonal nature and not permanently attached to the Clock Tower.
- (c) The fixing bolts in connection with the white LED curtains shall only be inserted into mortar joints unless otherwise agreed, in writing, by the Local Planning Authority.
Reason – in order to ensure that the fixing of the lights does not harm the fabric of the Clock Tower.

08/00617/DCLB - 12 High Row, Darlington. Listed Building Consent to display replacement wall mounted signage unit advertising business units in Clark's Yard.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated). It was reported at the meeting that English Heritage had no objections to the proposal).

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

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) Should either of the signage boards be permanently removed the wall underneath should be made good using a 'lime rich' mortar to infill any holes as a result of the removal of fixings.
Reason: To safeguard the listed building in the event of the artworks hereby approved being removed from the property.

08/00616/DCLB - 18 High Row, Darlington. Listed Building Consent to display replacement wall mounted signage unit advertising business units in Buckton's Yard.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated). It was reported at the meeting that English Heritage had no objections to the proposal).

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

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) Should either of the signage boards be permanently removed the wall underneath should be made good using a 'lime rich' mortar to infill any holes as a result of the removal of fixings.

Reason: To safeguard the listed building in the event of the artworks hereby approved being removed from the property.

08/00618/DCLB - 78 Skinnergate, Darlington. Listed Building Consent to display replacement wall mounted signage units advertising business units in Buckton's Yard and Clark's Yard.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated). It was reported at the meeting that English Heritage had no objections to the proposal).

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

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) Should the either of the signage boards be permanently removed the wall underneath should be made good using a 'lime rich' mortar to infill any holes as a result of the removal of fixings.

Reason - To safeguard the listed building in the event of the artworks hereby approved being removed from the property.

(5) Applications Withdrawn

08/00429/CU - Alexander Le Skerne, Unit 37 Cleveland Trading Estate. Change of use to processing ferrous and non ferrous metals.

RESOLVED – That the above application be withdrawn.

08/00485/FUL - Moor House Farm, Newbiggin Lane. Conversion of agricultural building to form residential dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of Northern Gas Networks and Natural England which had been received and the views of Mr. Swarbrick, the applicant's agent, whom Members heard).

RESOLVED – That, following deliberation of the application, the application be withdrawn at the request of the applicant.

PA32. NOTIFICATION OF APPEALS – The Assistant Chief Executive, Regeneration reported that :-

- (a) Mr. K. Marsh has appealed against this Authority’s decision to refuse planning permission for the erection of two storey residential dwelling incorporating access improvements to existing track at 17 Linden Avenue, Darlington (Reference No. 08/00301/FUL);
- (b) Mrs. Jean Murray has appealed against this Authority’s decision to refuse planning consent for works to fell 2 no. Horse Chestnut trees (T129, T130) protected under Tree Preservation Order (No. 8) 1079 at 10 Thorntree Villas, Middleton St. George, Darlington (Reference No. 08/00402/TF);
- (c) Mr. Henry Kenyon has appealed 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 (Reference No. 08/00388/CU);
- (d) Mr. and Mrs. R. Wind have appealed against this Authority’s decision to refuse planning permission for erection of two poles for CCTV cameras (retrospective application) at the Meadows, Houghton Le Side, Darlington (Reference No. 08/00214/FUL); and
- (e) Mr. Henry Kenyon has appealed 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 (Ref. No. 08/00267/CU)

RESOLVED - That the reports be received.

PA33. 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.

PA34. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PAPA26/Aug/08, the Assistant Chief Executive, Regeneration submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 15th August, 2008.

RESOLVED - That the report be received.