

## PLANNING APPLICATIONS COMMITTEE

2nd April, 2008

**PRESENT** - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Hartley, Johnson, Lee, S.J. Jones, D.A. Lyonette, Regan, Robson, Stenson and Walker. (12)

**APOLOGIES** – Councillors Freitag and L. Haszeldine. (2)

**PA101. DECLARATION OF INTERESTS** – In relation to Application Ref. No. 07/01151/FUL Councillor Johnson declared a personal and prejudicial interest as he was a friend of the family and left the meeting during consideration of that application only.

**PA102. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 5th March, 2008.

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

**PA103. PLANNING APPLICATIONS SUB-COMMITTEE – MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 5th March, 2008.

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

**PA104. 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   |
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| A3       | The development hereby permitted shall be commenced not later than the expiration of five years from the date of this permission.<br><b>Reason</b> - (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.<br><b>Reason</b> - 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  |

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|     | <p>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><b>Reason</b> - 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><b>Reason</b> - In the interests of visual and/or residential amenity.</p>  |
| B10 | <p>Prior to the commencement of development, a test panel of the proposed materials to be used in the main walls of the development shall be constructed on the development site and approved by the Local Planning Authority and subsequently, the main walls of the development shall be constructed in accordance with the approved test panel.</p> <p><b>Reason</b> - In order that the Local Planning Authority may be satisfied as to the details of the development.</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><b>Reason</b> - 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><b>Reason</b> - To safeguard the amenities of the area.</p>   |
| D18 | <p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p><b>Reason</b> - In the interests of the residential amenities of the area.</p>  |
| D19 | <p>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</p>  |

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|    | <p>development shall not be carried out otherwise than in accordance with any approval given.</p> <p><b>Reason</b> - 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.</p>   |
| E1 | <p>Details of landscaping 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 any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained.</p> <p>Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally approved and planted.</p> <p><b>Reason</b> - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.</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 the satisfaction of the Local Planning Authority.</p> <p><b>Reason</b> - 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><b>Reason</b> - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>  |
| E9 | <p>None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority :-</p> <ul style="list-style-type: none"> <li>(i) the raising or lowering of levels in relation to the existing ground level;</li> <li>(ii) cutting of roots, digging of trenches, removal of soil;</li> <li>(iii) the construction of buildings, roads or the carrying out of other engineering operations;</li> <li>(iv) the lighting of fires;</li> <li>(v) driving vehicles over the area below the spread of the branches of the tree; and</li> <li>(vi) the storing of materials or equipment.</li> </ul> <p><b>Reason</b> - In the interests of the visual amenities of the area and to</p> |

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|    | safeguard the well being of the tree(s) on the site.  |
| 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><b>Reason</b> - 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> |
| J5 | <p>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.</p> <p><b>Reason</b> - 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.</p>   |

## **PA105. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **(1) Planning Permission Granted**

**07/01151/FUL - West Newbiggin Farm, Norton Back Lane, Sadberge, Darlington.** Conversion of redundant agricultural buildings to form 9 No. dwelling houses, with garages and parking spaces (amended plans received on 20th February, 2008).

(In reaching its decision the Committee took into consideration eleven letters of objection, the objections of East and West Newbiggin Parish Meeting and the concerns of Council for the Protection of Rural England which had been received and the views of Mr. Twizell, the applicant, Mrs. Barker, Mr. McAuley and Mrs. Tostevin, all objectors, whom Members heard and the findings of a site visit recorded at Minute PA100/Mar/08).

**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) J2 – Contamination.
  - (e) The development shall not be carried out otherwise than in accordance with the mitigation measures set out in the submitted bat report dated July 2007 prepared by Veronica Howard.
- Reason** – In order to maintain the habitats of protected species.
- (f) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in

writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

**Reason** – To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- (g) No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to, and approved by, the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and shall thereafter be retained throughout the life of the development.

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

- (h) Prior to the commencement of the development, precise details of the improvements to the existing adopted road, and to the local highway network in the vicinity of the site, to include the following, shall be submitted to, and approved in writing by, the Local Planning Authority :-

- (i) Provision of passing places (including edge restraint and associated soak away provision);
- (ii) Traffic calming;
- (iii) Widening of access road to a minimum width of 4.8m between the C51 and the first passing place;
- (iv) Road safety measures on the C51 to consist of advance signage;
- (v) Improvements to the existing carriageway (including making good of the existing running surface of the adopted road between the C51 and the development to an appropriate standard).

The development shall not be carried out otherwise than in accordance with the approved details and the improvements fully implemented prior to any occupation of the dwellings.

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

- (i) Prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.

- (i) Joinery details (including doors and windows);
- (ii) Details of flues, vents and meter boxes;
- (iii) Fences, walls and gates;

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

**Reason** – To ensure that the details submitted are suitable for the conversion works proposed in the interests of visual amenity.

- (j) Prior to the commencement of the development, or within such extended period as may be agreed, in writing, by the Local Planning Authority, details of the external colour finish of the windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority. The windows and doors shall be finished in accordance with the details as approved and maintained as such thereafter.

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

- (k) The windows and doors approved under condition (i) shall be permanently retained and not altered or removed unless previously agreed in writing by the Local Planning Authority.

**Reason** – To safeguard the character and appearance of the buildings and in the interests of visual amenity.

- (l) All gutters and rainwater down pipes shall be of cast iron fixed on metal brackets to either the rafters or the external brickwork and shall be painted in a colour to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The gutters and rainwater down pipes shall be

finished in accordance with the details approved and maintained as such thereafter.

**Reason** – To safeguard the character and appearance of the building and in the interests of visual amenity.

(m) C5 - Restriction of Permitted Development Rights (Residential).

(n) Prior to the commencement of the development, or such other period as may be agreed with the Local Planning Authority, details of the hard surfacing to be used on the site shall be submitted to and approved in writing by the Local Planning Authority, together with a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details and thereafter be so maintained.

**Reason** – To safeguard the setting of the building in the interests of visual amenity.

(o) All doors and windows shall be recessed from the front face of brickwork to from face of joinery framing in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority.

**Reason** – In order to ensure a satisfactory appearance to the development in the interests of visual amenity.

(p) The parking/garage spaces indicated on drawing number 1820/26 shall be maintained as private parking purposes for the dwellings hereby approved and shall not be used, let or sold for any other purposes.

**Reason** – To ensure that satisfactory garaging is provided for the approved dwellings.

(q) Prior to the commencement of the development, a plan to show the relocation of the door to the northern elevation of dwelling one (utility room door) to the gable elevation of the building, shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

**Reason** – To achieve a satisfactory form of development.

**07/01124/FUL - Darlington Football Stadium, Neasham Road, Darlington.** Hybrid application for outline planning permission for a 100 bed hotel, 1 No. public house, 1 No. coffee shop, 929 m2 office block ancillary to the football club, educational building with internal leisure facilities, football academy, new car parking and internal access provision. Full planning permission for 3 No. training pitches (1 floodlit all weather artificial turf pitches to act as relief car parking), 10 No. indoor six a side pitches, Darlington FC training building, infrastructure, access plus car parking and an increased area plus volume balancing pond (amended car parking management statement and additional transport assessment plus addendum to transport assessment received on 14th December, 2007 and amended supplementary environmental information received on 24th December, 2007) (amended description, amended plans, amended design and access statement, amended impact assessment and needs analysis, amended supplementary environmental information and amended floodlighting information received on 21st December, 2007, additional information received on 29th January and 11th February, 2008), (amended description received on 20th March, 2008).

(In reaching its decision, the Committee took into consideration the comments of the Environment Agency, Natural England, Ramblers Association (Darlington Group), Highways Agency, One North East, North East Assembly, CE Electric UK, Northern Gas Networks and Eastbourne Community Partnership, the objections of Council for the Protection of Rural England and 11 further letters of objection and one letter of representation which had been received together with the findings of a Statement of Community Involvement undertaken by the applicant).

**RESOLVED** - That Members are minded to grant planning permission in both outline and detail subject to the following :

- (A) That the Assistant Chief Executive [Regeneration] be authorised to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following :-
- (a) Commuted sum for off-site habitat creation
  - (b) Commuted sum for off-site improvements to bridleway network
  - (c) Commuted sum for enhancement of public transport facilities (raised kerbs and shelters at 2 bus stops on Neasham Road and any other adjustments to existing bus drop-off lay-by to enable it to be used as a bus stop). The commuted sum shall include support for the local bus service.
- (B) The following conditions:
- (a) TIME LIMITS (Outline standards to be attached to Outline permission) (Detailed standards to be attached to Detailed permission)
  - (b) B4 - Details of Materials (Samples).
  - (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
  - (d) B9 - Fencing, Walls, Enclosure.
  - (e) B10 - Test Panel of Materials.
  - (f) E1 - Submission and Implementation.
  - (g) E9 - Tree Protection (During Development).
  - (h) J5 - Wheel Washing Facility (Details).

**NATURAL ENGLAND CONDITION**

- (i) No development shall take place unless in accordance with the mitigation detailed within the protected species report (Darlington Football Club, Darlington Community Sports Village and Educational Centre, Supplementary Environmental Information, May 2007, including at Appendices 3, 4 and 5A Phase 1 Habitat Survey; A Bat Tree Risk Assessment & Breeding Bird Survey by E3 Ecology Limited vR03; vR01 and vR01 respectively) including, but not restricted to provision of mitigation in advance and undertaking confirming surveys in advance of any tree felling.

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

**SPORT ENGLAND CONDITIONS**

- (j) Prior to commencement of the development/use hereby permitted:
    - (i) A detailed assessment of ground conditions of the land proposed for the proposed grass pitches shall be undertaken (including drainage and topography) to identify constraints which could affect playing pitch quality; and
    - (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the grass playing pitches will be provided to a quality (which is also capable of accommodating managed community use) to include the indoor football facility, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The approved scheme shall be complied with in full prior to commencement of the remainder of the permitted development.

**Reason** – To ensure that the playing surfaces are fit for purpose and constructed to the standards set out by Sport England.

- (k) The grass playing pitches shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note ‘Natural Turf for Sport’ (Sport England, March 2000).

**Reason** – To ensure that the playing surfaces are fit for purpose and constructed to the standards set out by Sport England.

- (l) Prior to the commencement of the development details of the construction, drainage, surfacing, layout and enclosure of the Synthetic Turf Pitch which shall comply with Sport England guidance 'A Guide to the Design, Specification and Construction of Multi Use Games Areas (MUGAs) including Multi-Sport Synthetic Turf Pitches (STPs) 'Access for Disabled People 2002) and the FA's guidance 'Artificial Grass Part 2 – Their Design Specification and Construction', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The STP shall be constructed in accordance with the approved design and layout details.  
**Reason** – To ensure that the playing surfaces are fit for purpose and constructed to the standards set out by Sport England.

- (m) Prior to the commencement of the use a Community Use Scheme for the Synthetic Turf Pitch and grass pitches shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access, and management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

**Reason** – To ensure that Community benefit is secured following completion.

#### **DARLINGTON BOROUGH COUNCIL ECO CONDITIONS**

- (n) Prior to the use hereby permitted commencing details of the external lighting shall be submitted 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 any sensitive properties and to be shielded to prevent light spillage beyond the site boundary.

**Reason** – To protect the amenities of nearby residential properties.

- (o) The floodlighting associated with the sports pitches hereby permitted shall not be operated between the hours of 21.00 and 09.00 Monday-Friday and 17.00 and 09.00 Saturday and Sunday.

**Reason** - To protect the amenities of nearby residential properties.

- (p) J2 – Contamination.

- (q) Prior to the commencement of the development a scheme for controlling dust shall be submitted and agreed, in writing, by the Local Planning Authority. The scheme shall include information on measures to be taken to suppress dust emissions, monitoring procedures and relevant contact details. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To protect the amenities of the neighbouring dwellings.

- (r) Construction activities (including demolition, land preparation and foundation works) shall be restricted to between the hours of 08.00 and 18.00 on weekdays, 08.00 and 13.00 on a Saturday and not at all on a Sunday or a Bank Holiday, unless otherwise agreed, in writing, by the Local Planning Authority.

**Reason** - To ensure that nearby residential properties are not adversely affected by noise, vibration and dust emissions.

- (s) D4 - Refuse Storage (Details to be Submitted).

- (t) D18 - Control of Fumes.

- (u) D19 - Ventilation Equipment (Details Required).

- (v) Prior to development commencing details of measures to address the generation of energy from renewable sources and the use of sustainable building methods shall be submitted to and approved by the Local Planning Authority.

**Reason** – To ensure that sustainable means of generating energy and construction measures form part of the scheme in accordance with Policy E25 Energy Conservation and Policy 26 Energy from Renewable Sources.



## **ENVIRONMENT AGENCY CONDITIONS**

- (w) Development shall proceed only in accordance with the findings and recommendations of the flood risk assessment and drainage strategy (including supplements provided January 2008).

**Reason** – To reduce the risk from flooding.

## **HIGHWAYS/TRANSPORT POLICY/HIGHWAYS AGENCY CONDITIONS**

- (x) Prior to the commencement of development Anti-skid surfacing on the Neasham Road/A66 roundabout and all legs of roundabout shall be carried out to the satisfaction of the Highways Authority.

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

- (y) Prior to first use or occupation of any part of the development, the required transport infrastructure (as set out in the Interim Travel Plan document Darlington Community Sports Village & Education Centre Interim Travel Plan, March 2008 ref JN0111-Rep-0002.4 prepared by SAJ Transport Consultants) shall be provided to the satisfaction of the Local Planning Authority and Highways Agency.

**Reason** – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- (z) For as long as the site is occupied, the developer shall implement the measures and procedures set out in the Interim Travel Plan (Darlington Community Sports Village & Education Centre Interim Travel Plan, March 2008 ref JN0111-Rep-0002.4 prepared by SAJ Transport Consultants). Any proposed changes to this document shall be submitted to and approved in writing by the Local Planning Authority and the Highways Agency.

**Reason** – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- (aa) For as long as the site is occupied, the developer shall implement the measures and procedures set out in the Car Parking Management Statement (Darlington Community Sports Village & Education Centre Car Parking Management Statement, March 2008 ref JN0111-Rep-0004.3 prepared by SAJ Transport Consultants). Any proposed changes to this document shall be submitted to and approved in writing by the Local Planning Authority and the Highways Agency.

**Reason** – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- (bb) As set out in the Interim Travel Plan document (Darlington Community Sports Village & Education Centre Interim Travel Plan, March 2008 ref JN0111-Rep-0002.4, prepared by SAJ Transport Consultants), a detailed travel survey shall be undertaken within six months of first occupation and on an annual basis (at the same time of year) for as long as the development remains occupied. The results of these surveys shall be provided to the Local Planning Authority and Highways Agency within one month of their completion. Where the agreed person trip generation, mode share targets or outcomes are not achieved within specified timescales, the Travel Plan Co-ordinator shall then review, update and submit the Travel Plan to the Local Planning Authority and Highways Agency for approval within two months of the completion of the surveys. The updated Travel Plan shall be implemented within one month of the date of the Local Planning Authority's and Highways Agency's approval.

**Reason** – In the interests of minimising the use of the private car, promoting the use of

sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- (cc) Prior to commencement of development works on the site, details of improvements to the A66/Neasham Road junction, as illustrated in principle on Wardell Armstrong drawing 34476-HA278-002, shall be submitted to and approved in writing by the Local Planning Authority. The proposed works shall be subject to a Stage 1 (preliminary design) and a Stage 2 (detailed design) Road Safety Audit. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

**Reason** – In the interest of safety and the free flow of traffic on the A66 and its junctions.

- (dd) Prior to first use or occupation of any part of the development, the required improvements to the A66/Neasham Road junction (as set out in Condition 28) shall be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

**Reason** – In the interest of safety and the free flow of traffic on the A66 and its junctions.

- (ee) Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in Conditions 28 and 29) become operational. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

**Reason** – In the interest of safety and the free flow of traffic on the A66 and its junctions.

#### **COUNTRYSIDE/RIGHTS OF WAY CONDITIONS**

- (ff) Prior to the commencement of development, details regarding the crossing of the proposed bridleway by vehicles to access the proposed pitches and facilities to the north east of the stadium building shall be submitted. These details shall demonstrate that the bridleway has priority over the access road and the level of the bridleway does not change.

**Reason** - To help safeguard the safety of pedestrians and cyclists.

**08/00071/FUL - Site Of Former Beaumont Hill Senior School, Glebe Road, Darlington.** Erection of 29 No. 2 storey dwellings and 27 No. apartments in two and a half storey form together with associated access, parking and garages (additional information received on 26th February, 2008 and 12th March, 2008) (amended plans received on 14th March, 2008).

(In reaching its decision the Committee took into consideration ten letters of objection, the objections of the Environment Agency and the concerns of the Council's Arboricultural Officer which had been received and the views of Mr. Young, an objector and Councillor G. Cartwright, Ward Member, 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) B5 - Detailed Drawings (Implementation in accordance with approved Plan).
- (d) 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 in

writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

**Reason** – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk.

- (e) Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied on site until the scheme has been completed and commissioned in accordance with the approved details.

**Reason** – The sewerage system to which the development will discharge has reached its design capacity and cannot accept the anticipated flows.

- (f) J2 – Contamination.

- (g) 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 as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.

- (h) A landscaping scheme, to include heavy standards 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 the satisfaction of the Local Planning Authority.

**Reason** – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

- (i) Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:

- (i) The reinstatement of the existing footways on the site frontage to include dropped kerbs/tactile paving at the access and reinstatement of redundant accesses; and

- (ii) Traffic calming within the development to consist of a 20 mph speed zone.

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use.

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

- (j) Prior to the commencement of the development, the developer shall provide to the Council its proposed arrangements, in writing, for dealing with the provision of Affordable Housing as part of the development. The development shall not commence until the Local Planning Authority has approved the arrangements in writing.

**Reason** – To ensure that the development is in accordance with the development plan policies and the Council's adopted Affordable Housing Supplementary Planning Document.

- (k) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees to be retained on the site, as detailed on plan number S:59:02.02 dated 13 November 2007. The submitted details shall comprise generally the specification laid down within BS5837:

2005 and shall include fencing of at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition work and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition work 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:

- (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.

**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.

- (l) Prior to the commencement of the development, a survey shall be undertaken by a qualified ecologist, to determine the presence of any protected species or their habitats, within the trees indicated as being removed as part of the development, together with a scheme for mitigation, where applicable. The development shall not be carried out otherwise than in accordance with any mitigation proposed.

**Reason** – To ensure that the development does not have a negative impact on protected species and that any responsibilities under the Wildlife & Countryside Act 1981 (As amended) are not breached.

- (m) C5 - Restriction of Permitted Development Rights (Residential).
- (n) Prior to the commencement of the development hereby approved, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be in place prior to the occupation of the development and completed fully in accordance with the approved details.

**Reason** – To achieve a satisfactory form of development.

- (o) Prior to the commencement of the development hereby approved, details of secure cycle parking to the apartment blocks, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the agreed details and shall be available for use prior to the occupation of the related dwellings.

**Reason** – to ensure adequate provision for cycle parking within the site.

**08/00072/FUL - Site Of Former Beaumont Hill Middle School, Glebe Road, Darlington.**

Erection of 39 No. dwellings in one, two and two and a half storey form together with associated access, parking and garages (amended description received on 14th February, 2008) (additional information received on 26th February, 3rd March, 2008 and 12th March 2008) (amended plans received on 14th March, 2008).

(In reaching its decision, the Committee took into consideration 7 letters of concern which 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) 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 in writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
**Reason** – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk.
- (e) Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied on site until the scheme has been completed and commissioned in accordance with the approved details.  
**Reason** – The sewerage system to which the development will discharge has reached its design capacity and cannot accept the anticipated flows.
- (f) J2 – Contamination.
- (g) 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 as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.
- (h) A landscaping scheme, to include heavy standards 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 the satisfaction of the Local Planning Authority.  
**Reason** – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
- (i) Prior to the development hereby-approved being commenced a noise and vibration impact assessment shall be undertaken. A scheme for the protection of the proposed residential accommodation from railway noise shall be submitted to, and approved by, the Local Planning Authority. Any works that form part of such a scheme shall be completed in accordance with the scheme and prior to any part of the development being first occupied or used.  
**Reason** – To protect the occupiers of the properties from impact of railway noise in the interests of providing and maintaining an acceptable level of residential amenity.
- (j) Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:
- (i) The reinstatement of the existing footways on the site frontage to include dropped kerbs / tactile paving at the access and reinstatement of redundant accesses; and
  - (ii) Traffic calming within the development site to consist of a 20 mph speed zone.
- The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use.  
**Reason** – In the interests of highway safety
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- (k) Prior to the commencement of the development, the developer shall provide to the Council its proposed arrangements, in writing, for dealing with the provision of Affordable Housing as part of the development. The development shall not commence until the Local Planning Authority has approved the arrangements in writing.

**Reason** – To ensure that the development is in accordance with the development plan policies and the Council’s adopted Affordable Housing Supplementary Planning Document.

- (l) C5 - Restriction of Permitted Development Rights (Residential).

- (m) Prior to the commencement of the development hereby approved, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be in place prior to the occupation of the development and completed fully in accordance with the approved details.

**Reason** – To achieve a satisfactory form of development.

**08/00073/FUL - Site Of Former Beaumont Hill First School, Glebe Road, Darlington.**

Erection of 33 No. dwellings in one, two and two and a half storey form together with associated access, parking and garages (amended description received on 14th February, 2008) (additional information received on 26th February, 2008 and 12th March, 2008) (amended plans received on 14th March, 2008).

(In reaching its decision the Committee took into consideration five letters of objection and the concerns of the Council’s Arboricultural Officer which had been received).

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

- (a) Implementation Limit (Three Years).  
(b) B4 - Details of Materials (Samples).  
(c) B5 - Detailed Drawings (Implementation in accordance with approved Plan).  
(d) 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 in writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

**Reason** – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk.

- (e) Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied on site until the scheme has been completed and commissioned in accordance with the approved details.

**Reason** – The sewerage system to which the development will discharge has reached its design capacity and cannot accept the anticipated flows.

- (f) J2 – Contamination.

- (g) 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 as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.

- (h) A landscaping scheme, to include heavy standards 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 the satisfaction of the Local Planning Authority.

**Reason** – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

- (i) Prior to the development hereby-approved being commenced a noise and vibration impact assessment shall be undertaken. A scheme for the protection of the proposed residential accommodation from railway noise shall be submitted to, and approved by, the Local Planning Authority. Any works that form part of such a scheme shall be completed in accordance with the scheme and prior to any part of the development being first occupied or used.

**Reason** – To protect the occupiers of the properties from impact of railway noise in the interests of providing and maintaining an acceptable level of residential amenity.

- (j) Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:

(i) The reinstatement of the existing footways on the site frontage to include dropped kerbs/tactile paving at the access and reinstatement of redundant accesses; and

(ii) Traffic calming within the development to consist of a 20 mph speed zone.

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use.

- (k) Prior to the commencement of the development, the developer shall provide to the Council its proposed arrangements, in writing, for dealing with the provision of Affordable Housing as part of the development. The development shall not commence until the Local Planning Authority has approved the arrangements, in writing.

**Reason** – To ensure that the development is in accordance with the development plan policies and the Council's adopted Affordable Housing Supplementary Planning Document.

- (l) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees to be retained on the site, as shown on plan no. S:57:02.02 dated 5th December, 2007. The submitted details shall comprise generally the specification laid down within BS5837: 2005 and shall include fencing of at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition work and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition work 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:

(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.

**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.

- (m) Prior to the commencement of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by the Local Planning Authority. The boundary treatment shall be in place prior to the occupation of the development and completed fully in accordance with the approved details.

**Reason** - To achieve a satisfactory form of development.

- (n) C5 - Restriction of Permitted Development Rights (Residential).

**08/00118/FUL - Aldam Street Motors, Gurney Street, Darlington, DL1 2HR.** Demolition of existing garage and erection of 6 No. single bedroom apartments (amended plans received on 11th March, 2008).

(In reaching its decision, the Committee took into consideration one letter of objection which had been received and the views of Mr. Kinsella, 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) Notwithstanding the details shown on the approved plans, the ground and first floor bathroom windows in the north elevation of the building shall be obscure glazed and shall not be replaced or repaired other than with obscured glazing.

**Reason** - To prevent overlooking of neighbouring dwellings.

- (d) J2 – Contamination.
- (e) Notwithstanding the details shown on the approved plans, details of a secure cycle parking area 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** - To ensure a satisfactory secure cycle parking area is provided.

- (f) A scheme for the reinstatement of redundant footpath crossings to footways shall be submitted to 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 pedestrian safety.

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

**08/00078/FUL - The Grey Horse, 39 Haughton Green, Darlington.** Construction of smoking shelter to rear elevation.

(In reaching its decision, the Committee took into consideration three letters of objection which had been received).

**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 Plan).
- (c) B4 - Details of Materials (Samples).



**08/00088/FUL - Proposed Phase 4, Morton Palms Business Park, Alderman Best Way, Darlington.** Erection of four storey office with associated car parking and external works (amended and additional plans received on 25th February, 2008).

**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) E2 - Landscaping (Submission).
- (e) E5 - Boundary Treatment (Submission).
- (f) Prior to the occupation of any part of the buildings, the loading, unloading and turning space and parking spaces (including spaces for people with disabilities) shall be provided within the curtilage of the site, in accordance with the scheme shown on drawing no. 07051/005B and such spaces shall be permanently available and not used for any other purpose.  
**Reason** – In order that adequate on-site parking is available prior to the use of the buildings.
- (g) Prior to the commencement of the development hereby approved, a detailed Travel Plan shall be submitted and agreed with the Local Planning Authority. The Travel Plan shall follow current best practice to achieve reductions in the use of the private car throughout the development. Thereafter, the development shall be carried out in accordance with the terms of these agreed Travel Plan documents.  
**Reason** – To ensure that the site operates according to sustainable transport principles.
- (h) Prior to the commencement of the development hereby approved a travel plan coordinator shall be appointed and in post and the post shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.  
**Reason** – To ensure that all elements of the site operate according to sustainable transport principles.
- (i) J2 - Contamination.
- (j) Prior to the commencement of the development hereby approved, details of secured cycle parking provision on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved stands shall be provided and maintained in the approved manner.  
**Reason** – To ensure adequate provision for cycle parking on the site.

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

**08/00166/CU - 47 - 49 Brankin Road, Darlington.** Change of use to shop (A.1) on ground floor.

(In reaching its decision, the Committee took into consideration five letters of objection which 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) Prior to the commencement of the development hereby approved, elevations to show the alterations to the shop front, namely the relocation of the entrance door, shall be

submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

**Reason** – In the interests of visual amenity and to achieve a satisfactory form of development.

### **(3) Darlington Borough Council Granted**

**08/00170/DC - Sugar Hill Park, Prior Street, Darlington.** Installation of metal archway features to three entrances, 4 No. metal benches, replacement weldmesh type fencing and handrails fitted to entrance on Stooperdale Avenue.

(In reaching its decision, the Committee took into consideration one letter of objection 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) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved Plan).

### **(4) Variation of Planning Permission Granted**

**07/01232/FUL - (Unit 2) Site Of Former Petrol Filling Station, 28 - 56 West Auckland Road, Darlington.** Application to vary condition 4 attached to planning permission reference 06/01147/FUL granted on 5th February, 2007 to extend trading hours by 1 hour until midnight.

(In reaching its decision, the Committee took into consideration two letters of objection which had been received).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) The unit shall not be used for the (preparation of) or sale of food or for any other business purposes between the hours of 12 midnight and 8am.

**Reason** – In order to safeguard the amenities of nearby residential properties.

### **(5) Approval of Details Granted**

**07/00599/RM1 - Eastbourne Academy, Hundens Lane, Darlington.** Details of layout, scale and appearance pursuant to outline planning permission 07/00599/DC dated 22nd October, 2007 for academy school with associated parking, sport facilities and infrastructure (amended plans received on 18th March, 2008).

(In reaching its decision the Committee took into consideration one letter of objection which had been received).

**RESOLVED** - That reserved matters relating to layout, scale and appearance, pursuant to outline planning permission 07/00599/DC for the erection of Eastbourne Academy School with associated parking, sports facilities and infrastructure be approved.

**07/00599/RM2 - Eastbourne Academy, Hundens Lane, Darlington.** Details of landscaping pursuant to Outline Planning Permission 07/00599/DC dated 22nd October, 2007 for academy school with associated parking, sports facilities and infrastructure (amended plans received on 17th March, 2008).

(In reaching its decision, the Committee took into consideration one letter of objection which had been received).

**RESOLVED** - That reserved matters relating to landscaping, pursuant to outline planning permission 07/00599/DC for the erection of Eastbourne Academy School with associated parking, sports facilities and infrastructure be approved.

## **PA106. APPLICATION FOR PLANNING CONSENT**

### **(1) Planning Consent Granted**

**08/00059/TF - 84 St Paul's Place, Darlington.** Felling of Horse Chestnut Tree (T.40) protected under Tree Preservation Order, 1977 (No. 8).

(In reaching its decision the Committee took into consideration one letter of objection and the views of the Council's Arboricultural Officer which had been received)

**RESOLVED** - That consent be granted subject to the following condition :-

Not later than the next planting season following this consent, a Horse Chestnut (*Aesculus hippocastanum*) 18-20cm girth and containerised shall be planted and the tree shall deemed to be included in the preservation order which this consent is given, as though it had originally been specified therein.

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

**PA107. NOTIFICATION OF APPEALS** – The Assistant Chief Executive (Regeneration) reported that Hewa Saleh had appealed against this Authority's decision to refuse planning permission for Change of Use to hot food take away at 86 Victoria Road, Darlington DL1 5JW (Reference No. 07/00562/CU).

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

**PA108. 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.

**PA109. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA99/Mar/08, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20th March, 2008.

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