

PLANNING APPLICATIONS COMMITTEE

11th February, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors Curry, Freitag, Hartley, Johnson, D.A. Lyonette, Regan, Stenson and Walker. (9)

APOLOGIES – Councillors M. Cartwright, L. Haszeldine, Lee and Robson. (4)

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

PA77. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

PA78. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 14th January, 2009.

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

PA79. PROCEDURE – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

RESOLVED – That the procedure be noted.

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

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

B5	The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. Reason - To ensure the development is carried out in accordance with the planning permission.
B7	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 Listed Building Consent.
J2	The site shall be investigated for landfill gas to the satisfaction of the Local Planning Authority and details of the test, results and measures required to render the development safe shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development. 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. 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.

PA80. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00971/FUL - Darlington Memorial Hospital, Hollyhurst Road. Erection of energy centre; sub station; roof top plant rooms; additional parking at the Marion Centre, and other ancillary operations.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eleven letters of objection and one further letter of objection that had been received and the views of Mr. Harper, an objector, and Mr. Lawrence, the applicant's agent, 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, details of the materials to be used in the construction of the external surfaces including boundary/enclosure treatments of the buildings/structures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of the visual appearance of the development and the surrounding locality.

- (d) The car parking area servicing the Marion Centre indicated on the approved plans, including any disabled car parking spaces contained therein shall not be used until the area has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in accordance with the approved plans.

Reason - In the interests of highway safety.

- (e) Notwithstanding the details shown on the approved drawings, the energy centre shall not be commissioned until the applicant has submitted to and agreed in writing with the Local Planning Authority a programme for the implementation of the additional parking spaces provided under application no. 07/00905/FUL dated 13th December, 2007.

Reason - To ensure a satisfactory level of parking spaces.

- (f) Notwithstanding the details shown on the approved plans, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc).

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

- (g) Prior to the commencement of the development a full noise impact assessment shall be undertaken and approved by the local planning authority. Prior to commencing the assessment the scope of the report including all plant and machinery associated with the energy centre and plant rooms shall be agreed in writing with the local planning authority. The findings of the noise assessment shall be implemented in accordance with a timescale to agree with the Local Planning Authority. The operation of the energy centre and plant rooms shall not commence until the local planning authority has given notice, in writing, that it is satisfied that the level of noise emission from the energy centre and plant rooms respectively are acceptable

Reason - In the interests of residential amenity.

- (h) The level of noise emitted from the energy centre and plant rooms shall be at least 10dB(A) below the background noise level at the noise monitoring position (Position 1) shown in Appendix 1 of the report by RPS Gregory entitled Environmental Noise Assessment of a Proposed Energy Centre, 26th November, 2008, and at any surrounding residential property when measured in accordance with BS 4142:1997. The background noise level to be used shall be that specified in the report by RPS Gregory entitled Environmental Noise Assessment of a Proposed Energy Centre, 26th November, 2008, or if it is the opinion of the Local Planning Authority that these noise levels are no longer applicable, the background noise level shall be measured and agreed in writing with the Local Planning Authority.

Reason - In the interests of residential amenity.

- (i) The development hereby approved shall not be commenced until sectional details showing existing and proposed ground levels for the proposed buildings/structures and the neighbouring dwellings have been submitted to and approved, in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason - In the interests of residential amenity.

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- (j) Before the development hereby permitted is commenced a construction management plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall proceed in accordance with the plan unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the plan should address the matter of dust suppression during the construction of the energy centre.
Reason - In the interest of residential amenity.
- (k) Within six months of the energy centre hereby permitted being fully commissioned a decommissioning plan for the dismantling of the existing chimney, including timescale shall be submitted to the Local Planning Authority and the removal of the existing chimney shall not commence until the plan has been agreed in writing by the Local Planning Authority.
Reason - In the interests of the visual appearance of the surrounding area.
- (l) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (m) J2 – Contamination.
- (n) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing :-
- (i) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development.
 - (ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (1) A desk top study has been completed satisfying the requirements of paragraph (i) above.
 - (2) The requirements of the Local Planning Authority for site investigations have been fully established; and
 - (3) The extent and methodology have been agreed in writing with the Local Planning Authority.
 - (4) Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.
 - (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.
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- (iv) Two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.
- (v) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.
Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.
- (o) 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.
Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
- (p) Prior to the commencement of the development, precise details of a tree planting scheme for Greenbank Road shall be submitted to and approved in writing by the local planning authority.
Reason - In the interests of the visual amenity of the street scene.
- (q) The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Assessment (Ref: SAP1569/GO/MR prepared by RPS and dated 9 December 2008) and the following mitigation measures detailed within the Drainage Assessment :-
 - (i) Surface water run-off will be drained directly to new surface water drains and discharged to be treated within a stone filled trench located off site; and
 - (ii) A method statement detailing how surface water drainage will be dealt with to be prepared by the contractor prior to the commencement of works on site.**Reason** - In the interests of the protection of sensitive ground waters at the site.
- (r) The development hereby permitted shall not be commenced until such time as a scheme for the storage of oils, fuels and chemicals has been submitted to, and approved in writing by, the local planning authority. Within the scheme a bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. The approved scheme shall be implemented for the lifetime of the development.
Reason - In the interests of the protection of sensitive ground waters at the site.

(2) Planning Permission Refused

08/01002/FUL - 59 Elton Parade. Internal alterations and proposed erection of single and two storey extensions to existing building to create an eight bed residential care home with storage to the existing roof space. Erection of detached bin store and 1.8 metre high timber fence enclosure

to rear garden with new hard standing to frontage for 8 No. off street car parking spaces (as amended by plans received 26th January, 2009).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objection and five further letters of objection that had been received and the views of Dr. Walker and Mr. Barker, objectors, and Mrs. Kilgour, applicant, whom Members heard).

RESOLVED – That planning permission be refused for the following reason :-

In the opinion of the Local Planning Authority the proposed development by virtue of its size and scale would be detrimental to the character and appearance of the Stanhope Road / Grange Road Conservation Area contrary to policy E35 of the Borough of Darlington Local Plan 1997.

(3) Planning Permission Deferred

08/00991/FUL - Gilly Flatt Farm, Little Stainton. 51 metre high Wind Monitoring Mast.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), fifteen letters of comments from residents, a prepared/circulated letter signed by four residents, the objections of East and West Newbiggin Parish Meeting, Bishopton Parish Council, Great Stainton Parish Council and Seven Parishes Action Group, and the concerns of CPRE Durham Branch that had been received and the views of Lorraine Toslevin, Susan Bell and Claire Wise, objectors, and Mr. Miller, applicant, whom Members heard).

RESOLVED - That the application be deferred to enable a site visit to take place and further reports to be prepared.

PA81. APPLICATION FOR PLANNING CONSENT

(1) Listed Building Consent Granted

08/00972/LBC - Memorial Hall, Hollyhurst Road. Listed building consent for installation of boiler and flue pipes.

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

RESOLVED – That Listed Building consent be granted subject to the following conditions :-

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) Notwithstanding the details shown on the approved plans, precise details of the louvers to be installed in the existing openings at basement level shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - To maintain the special architectural and historical interest of the building.
- (c) Notwithstanding the details shown on the approved plans, precise details of the external roof flue terminal clay pot shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the

approved details.

Reason - To maintain the special architectural and historical interest of the building.

- (d) B7 – Detailed Application (Listed Buildings).

PA82. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Punch Taverns PLC had appealed against this Authority's decision to refuse planning permission for installation of kitchen extract with wooden covering structure (Retrospective) at the Otter and Fish, 1 Strait Lane, Hurworth, Darlington, DL2 2AH (Reference No. 08/00349/FUL);
- (b) Mr. P. Dowse had appealed against this Authority's decision to refuse planning permission for Certificate of Lawfulness (Existing Use) for residential caravan at Field at OSGR E436133 N511391 Middleton St. George, Darlington (Reference No. 08/00575/LU);
- (c) Mr. A. Ward had appealed against this Authority's decision to refuse planning permission for erection of residential dwelling house (additional information received 26th August, 2008) at Green Gables, 36 Carmel Road South, Darlington, DL3 8DJ (Reference No. 08/00596/FUL); and
- (d) W.K. Mounstey had appealed against this Authority's decision to refuse planning permission for erection of fodder store at Stable Block, Snipe Lane, Darlington (Reference No. 08/00888/FUL).

RESOLVED - That the reports be received.

PA83. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Allowed the appeal by Mrs. J. Murray against this Authority's decision to refuse the application for works to fell 2 No. Horse Chestnut trees (T.129, T.130) protected under Tree Preservation Order (No. 8) 1979 at 10 Thorntree Villas, Middleton St. George, Darlington, DL2 1BJ (Reference No. 08/00402/TF);
- (b) Dismissed the appeal by Mrs. D. Ives against this Authority's decision to refuse the application for erection of two storey side extension, single storey extension and larger conservatory to rear at 84 Neville Road, Darlington, DL3 8NE (Reference No. 08/00606/FUL);
- (c) Dismissed the appeal by Hazel Tarakji against this Authority's decision to refuse the application for variation of condition four of planning permission reference number 07/00537/CU dated 30th August, 2007 (The number of children within the site at any one time shall not exceed the upper limit of 38 without the prior written permission of the Local Planning Authority) to permit an upper limit of 60 children at Day Nursery, West View, 4 Middleton Lane, Middleton St. George, Darlington, DL2 1BW (Reference No. 08/00445/FUL); and

- (d) Withdrew the appeal by Mr. P. Dowse against this Authority's decision to refuse the application for Certificate of Lawfulness (Existing Use) for residential caravan at Field at OSGR E436133 N511391, Middleton St. George, Darlington (Reference No. 08/00575/LU).

RESOLVED - That the report be received.

PA84. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA85. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA76/Jan/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 2nd February, 2009.

RESOLVED - That the report be received.