

PLANNING APPLICATIONS COMMITTEE

28 October 2015

PRESENT – Councillor Baldwin (in the Chair); Councillors Cartwright, Johnson, Knowles, Lyonette and Stenson. (6)

APOLOGIES – Councillors Cossins, Galletley, L. Haszeldine, Kelley, Lee, Regan and J Taylor. (7)

OFFICERS – Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, within Services for Economic Growth, and Andrew Errington, Lawyer (Planning), within the Neighbourhood Services and Resources Group. (3)

PA46. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA47. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 30 September and 14 October 2015.

RESOLVED – That the Minutes be approved as correct records.

PA48. PROCEDURE – The Head of Legal Services' 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 condition is referred to in those Minutes granting permission :-

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason – To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
B5	The proposed development shall be carried out in all respects

	<p>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>
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>
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>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
J2	<p>The site shall be investigated for landfill gas to the satisfaction of the Local Planning Authority and details of the test, results and measures required to render the development safe shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development.</p> <p>Where measures are required, they shall be installed prior to the development being occupied or such other time as may be required by the Local Planning Authority.</p> <p>Reason - The site lies within 250 metres of a former landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard for environmental and public safety.</p>
K7	<p>No development shall take place until full details of foul and surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority, the approved works shall be carried out in accordance with those details prior to the occupation of any dwelling.</p> <p>Reason - To protect the local water environment and ensure adequate drainage provision on site.</p>
E11	<p>Prior to the commencement of the development hereby</p>

	<p>approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:</p> <ul style="list-style-type: none"> (a) The raising or lowering of levels in relation to the existing ground levels; (b) Cutting of roots, digging of trenches or removal of soil; (c) Erection of temporary buildings, roads or carrying out of any engineering operations; (d) Lighting of fires; (e) Driving of vehicles or storage of materials and equipment. <p>Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</p>
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PA49. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION - (1) Planning Permission Granted

15/00677/FUL - Durham Tees Valley Airport. Construction of 1.8km link road between Northside and Southside, erection of 2.8m high security fencing and associated infrastructure; and improvements and alterations to the existing highway (additional ecological information received 18 September 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) which included the details of all the objections and comments which had been received, and the Committee heard the views of the applicant's agent and three objectors).

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

1. A3 (Standard 3 year time limit).
2. (A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - (i) The programme and methodology of site investigation and recording;
 - (ii) The programme for post investigation assessment;
 - (iii) Provision to be made for analysis of the site investigation and recording;
 - (iv) Provision to be made for the publication and dissemination of the analysis and records of the site investigation;
 - (v) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A) of this condition;

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason – In the interests of the preservation of any archaeological remains.
3. No construction/building works or deliveries shall be carried out except between the hours of 0800 and 1800 hours on Mondays to Fridays and between 0900 and 1300 hours on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason – To ensure that the development does not prejudice the enjoyment of neighbouring occupiers or their properties.
4. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

Reason – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.
5. A Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development to agree the routing of all HGV movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offside dust/odour monitoring

and communication with local residents.

Reason – In the interests of the occupiers of adjacent and nearby premises and highway safety.

6. Prior to the commencement of development a scheme for the ground preparation works consisting of soil stripping of arable topsoil to reduce nutrient levels, drainage works to ensure a free draining soil (except in agreed areas which may provide wetland habitat in the non-turf trans located areas) for the receptor site to ensure the success of grassland habitat creation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
 - (i) The precise delineation and location of the area to be a minimum of 3.67ha which shall include turf translocation of the 2.03 ha to be lost from situ and additional creation of 1.64ha through green hay and seed planting;
 - (ii) Details of the timing for the delivery and works (to ensure breeding birds are not affected) of the long-term maintenance and management of the site which shall include for the duration of the establishment of the receptor site and the subsequent remediation/maintenance, management and monitoring of the receptor site for the lifetime of the development.

The development shall be carried out in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.

Reason – To ensure the identified ecological impact of the proposed development is appropriately mitigated.

7. In the event that suspected contamination material is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared to show that the remediation has been undertaken to a satisfactory standard, which is subject to the approval in writing by the Local Planning Authority.

Reason – To ensure the proper restoration of the site.

8. B5 (Development in accordance with approved plans).

(2) Darlington Borough Council Planning Permission Granted

15/00673/DC - Fenby Avenue, Darlington. Erection of 28 dwellings, comprising 24 apartments and 4 houses plus internal roads, car parking and landscaping.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) which included the details of all the objections and comments which had been received, and the Committee heard the views of an objector).

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

1. A3 - Implementation Limit.
2. B5 – Accordance with plans.
3. B4 - Materials.
4. E2 – Landscaping.

5. J2 – Contaminated land.
6. K7 – Foul and Surface water disposal details.
7. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme.
8. The discharge rates from the site to be agreed with Northumbrian Water and approved by the Local Authority. There must be sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.
Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.
9. E11 – Tree Protection.
10. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles refuse and service vehicles, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.
Reason – In the interests of highway safety.
11. Before development commences, a Construction Management Plan shall be submitted and include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage.
Reason – In the interests of the amenities of local residents.

(3) Conservation Area Consent – Granted

15/00726/CU - Savage Sandwich, 26A Longfield Road, Darlington. Change of use from sandwich shop (Use Class A1) to hot food takeaway (A5) incorporating installation of extractor fan and external flue to rear wall.

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

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

1. A3 (Standard 3 year time limit).
2. The use hereby approved shall not operate outside the hours of 1200 and 2000 Monday to Saturday unless otherwise approved in writing by the Local Planning Authority.
Reason – In the interests of residential amenity.
3. Prior to the commencement of the development, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scope of the assessment shall be agreed with the Local Planning Authority but shall take account of noise from all commercial activities connected with the approved ground floor use, including the arrival and leaving of customers, and noise and

vibration from all fans, louvres, ducts and external plant associated with the hot food takeaway, along with an assessment for the need for any sound insulation between floors and walls of the premises and the neighbouring dwelling and the flat above. The agreed scheme of noise mitigation measures shall be fully implemented prior to the commencement of the use hereby approved and shall be retained and maintained in accordance with the manufacturer's specifications as long as the premises shall continue to operate as a hot food takeaway.

Reason – In the interests of the amenities of the existing residential properties in the surrounding area and the occupants of the first floor flat.

4. 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 agreed scheme shall be fully implemented prior to the commencement of the use and shall be retained and maintained in accordance with the manufacturer's specifications as long as the premises shall continue to operate as a hot food takeaway.

Reason – In the interests of the amenities of the existing residential properties in the surrounding area and the occupants of the first floor flat.

5. Prior to the use hereby permitted commencing, details of a scheme for the provision of a disabled access ramp to the premises shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the approved details have been implemented in full and shall be retained as long as the premises shall continue to operate as a hot food takeaway.

Reason – To ensure that a disabled person can use the services that are provided within the building in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan 2011 and the Equalities Act 2010.

6. Prior to the hot food takeaway hereby permitted commencing, a litter bin shall be placed on the forecourt for the use of patrons of the hot food takeaway and shall thereafter be retained as long as the premises shall continue to operate as a hot food takeaway.

Reason - In the interest of visual and residential amenity.

7. B5 (Development in accordance with the approved plans).

PA50. NOTIFICATION OF APPEALS – The Director of Director of Place reported that Aldi Stores Limited had appealed against this Authority's decision to refuse permission for Certificate of Lawfulness – to permit deliveries without adherence to condition 13 (Restriction of delivery times) of planning permission 8/91/703/DM) dated 24 December 1991 (Erection of a food store and frozen food store and outline application for residential development to rear of site) at Aldi Foodstore Limited, 255 Yarm Road, Darlington (15/00638/LU).

RESOLVED - That the reports be received.

PA51. NOTIFICATION OF DECISIONS ON APPEALS - Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Partner Construction Limited against this Authority's decision to refuse permission for proposed redevelopment of the site for residential purposes comprising two three-storey apartment buildings to accommodate 46 dwellings (39 Class C2 and 7 Class 3 units) with associated access, car parking and landscaping (revised description) (additional plans and information and amended plans received 27 August 2014 and 3 November 2014) (Ref No. 14/00276/FUL) (copy of Inspector's

decision letter enclosed).

RESOLVED – That the report be received.

PA52. 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.

PA53. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA43/Sep/15, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 16 October 2015.

RESOLVED - That the report be received.