

PLANNING APPLICATIONS COMMITTEE

16 November 2016

PRESENT – Councillor Baldwin (in the Chair); Councillors Galletley, I Haszeldine, L Haszeldine, Johnson, Kelley, Knowles, Lee, Lister, Lyonette, Regan and J Taylor. (12)

APOLOGIES – Councillors Cartwright and Stenson. (2)

ABSENT –

ALSO IN ATTENDANCE – Councillors Mills, S Richmond and H Scott. (3)

OFFICERS – Dave Coates, Planning Development Manager, Paul Ibbertson, Engineer (Highways Development Control), Andrew Errington, Lawyer (Planning) and Steve Todd, Principal Environmental Health Officer. (4)

PA43. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA44. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 19 October 2016.

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

PA45. PROCEDURE – The Assistant Director Law and Governance'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 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	<p>The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason – To ensure the development is carried out in accordance with the planning permission.</p>
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>
E11	<p>Prior to the commencement of the development hereby 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>
CL1	<p>Prior to the commencement of the development and any site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a “suitably competent person(s)” and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site</p>

	<p>Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.</p> <p>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.</p>
CL2	<p>Prior to the commencement of the development and any site investigative works a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a “suitably competent person(s)” in accordance with published technical guidance (e.g. BS10175 and CLR11) and submitted to and agreed in writing with the Local Planning Authority, unless the LPA dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>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.</p>
CL3	<p>Prior to the commencement of the development and any remediation works the Phase 2 Site Investigation works shall be conducted, supervised and documented by a “suitably competent person(s)” and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a “suitably competent person(s)”, in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the LPA dispenses with the requirement specifically and in writing.</p> <p>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.</p>
CL4	<p>Prior to the commencement of the development a Phase 3 Remediation and Verification Strategy shall be prepared by a “suitably competent person(s)” to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new</p>

	<p>use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the LPA dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a “suitably competent person(s)” and in accordance with the approved Phase 3 Remediation and Verification Strategy.</p> <p>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.</p>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p>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.</p>
CL6	<p>A Phase 4 Verification and Completion Report shall be compiled and reported by a “suitably competent person(s)”, documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p>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.</p>

PA46. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

16/00977/FUL - Site of Former Blackwell Grange Golf Club, Darlington. Demolition of existing electricity substation and erection of replacement substation in revised location.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, two objectors and one of the Ward Councillors who spoke against the application, all of whom Members heard).

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

1. A3 (Standard 3 year time limit).
2. E11 (Tree protection measures).
3. B5 (Development in accordance with the approved plans).

(2) Darlington Borough Council Planning Permission Granted

16/00750/DC - Darlington Borough Council Car Park. Construction of landscaped park with formal walkways, fixed seating and lighting (additional autotrack plans received 20 October 2016).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's representative, whom Members heard).

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

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. The development shall be carried out in strict accordance with the mitigation measures set out in the 'Feethams Riverside Construction Management Plan' dated August 2016.
Reason – In the interest of users of the highway.
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the written scheme of investigation submitted with the application (Northern Archaeological Associates WSI NAA 16/83).
Reason – To comply with paragraphs 135 and 141 of the National Planning Policy Framework because the site is of archaeological interest.
5. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving as part of a mitigation strategy shall be deposited at the County Durham Historic Environment Record.
Reason – To comply with paragraph 141 of the National Planning Policy Framework to ensure information gathered becomes publicly accessible.

6. CL1 (Phase 1 Preliminary Risk Assessment).
7. CL2 (Phase 2 Site Investigation Strategy).
8. CL3 (Phase 2 Site Investigation Works).
9. CL4 (Phase 3 Remediation and Verification Strategy).
10. CL5 (Any additional contamination).
11. CL6 (Verification and Completion Report).
12. Prior to the commencement of development, or other such timescale as agreed with the Local Planning Authority, details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the details as approved.
Reason – In the interest of security and surveillance of the site and to ensure the proposed lighting scheme minimises any increase in illumination of the river channel.
13. No tree or shrub removal shall take place within the bird breeding season (March to September inclusive) unless a nesting bird survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.
Reason - In the interest of nesting birds.
14. E2 (Landscaping scheme to be submitted).
15. E11 (Tree Protection).
16. B5 (Development in accordance with the approved plans).

(3) Planning Permission Deferred

16/00880/FUL - Aldi Regional Distribution Centre, Faverdale North, Darlington. Proposed extension to Regional Distribution Centre including extension to warehouse (Class B8), extension to offices (Class B1), replacement of existing car park with new two-storey car park, creation of additional yard / hardstanding and extension to existing truck wash facility, relocation of external plant equipment and other associated works (Additional Ecological Assessment Report received 17th October 2016).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agents, two objectors and one of the Ward Councillors, who spoke on behalf of a resident, all of whom Members heard).

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

16/00809/FUL - 30 The Green, Darlington. Demolition of all structures to the rear of original house and erection of a single storey rear extension, removal of 2 no. dormer windows to front elevation and construction of dormer window and 2 No. rooflights to rear elevation and erection of detached double garage/workshop/store and pergola to rear of garden and associated alterations.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of a representative of Hurworth Parish Council, whom Members heard).

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

(4) Listed Building Consent - Deferred

16/00812/LBC - 30 The Green, Darlington. Listed Building Consent for the demolition of all structures to the rear of original house and erection of a single storey rear extension, removal of 2 no. dormer windows to front elevation and construction of dormer window and 2 No. rooflights to rear elevation and erection of detached double garage/workshop/store and pergola to rear of garden and associated alterations.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of a representative of Hurworth Parish Council whom Members heard).

RESOLVED - That Listed Building Consent be deferred to enable a site visit to take place.

PA47. NOTIFICATION OF APPEAL – The Director of Economic Growth reported that Wooler Limited had appealed against the conditions to consent to fell trees set by this Authority at Amora Hall, Middleton Lane, Middleton St George (Ref No. 16/006746/TF).

RESOLVED - That the report be noted.

PA48. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment had :-

- (a) dismissed the appeal by Miss Susan Lay against this Authority's decision to refuse Planning Consent for works to fell Ash tree (T1) protected under Tree preservation Order (No. 3) 2004 (amended structural engineer's report received 19 October 2015) at Flat 1, Polam House, 2 Blackwell Lane (Ref No. 15/00940/TF) (copy of Inspector's decision letter previously circulated); and
- (b) dismissed the appeal by Mrs Denise Vassilounis against this Authority's decision to refuse planning permission for demolition of existing garages and erection of detached dwelling with single garage to rear (as amended by plans received on 9 March 2016 and additional plans received 18 March 2016) at garages and garden to the rear of 38 Langholm Crescent (Ref No. 15/01216/FUL) (copy of Inspector's decision letter previously circulated).

RESOLVED – That the report be noted.

PA49. 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.

PA50. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA42/Oct/16, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 4 November 2016.

RESOLVED – That the report be noted.