

## PLANNING APPLICATIONS COMMITTEE

2 September 2015

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Cossins, Galletley, Johnson, Kelley, Knowles, Lee, Lyonette, Regan, Stenson and J. Taylor. (11)

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

**OFFICERS** – Roy Merrett, Development Manager, 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. (4)

**PA32. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA33. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 5 August 2015.

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

**PA34. 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.
B4A	The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building. Reason - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.
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.
D4	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. Reason - To safeguard the amenities of the area.
E8	All work to trees shall be carried out to BS Specification 3998 (as amended). Reason - To safeguard the health of the trees.
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.

**PA35. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION - (1) Planning Permission Granted**

**15/00571/FUL - Skipbridge, Hurworth Moor.** Erection of a detached bungalow for holiday accommodation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objections of two local residents, Hurworth Parish Council and the Campaign to Protect Rural England that had been received, and the views of three objectors and the Applicant's Agent, of whom Members heard).

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

1. A3 - Implementation Limit.
2. B5 - Detailed Application.
3. Before the development hereby approved commences the applicant must either:-
  - (a) Investigate the site for landfill/ground gas and carry out a gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details shall be submitted to, and approved by, the Local Planning Authority; or,
  - (b) Install gas protection measures as a precautionary measure without first investigating the site. The details of the gas protection measures shall be submitted to, and approved by, the Local Planning Authority. The applicant

shall draw up suitable gas protection measures in consultation with a qualified contaminated land consultant, and

- (c) The details of gas protection measures to be installed within all buildings shall be submitted and approved in writing by the Local Planning Authority prior to installation. The means of validating the installation of gas protection measures shall be agreed with the Local Planning Authority and a Validation Report submitted to the Local Planning Authority prior to the first occupation of the development.

For a), b) and c) all required measures shall be installed before the development is first occupied.

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

4. The building shall be occupied for holiday purposes only.

**Reason** – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

5. The building shall not be occupied as a person's sole or main place of residence.

**Reason** – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

6. The owners/operators of the building shall maintain an up-to-date register of the names of all owners/occupiers of the chalet, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason** – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

7. Before development takes place, details of two on site car parking space provision shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** – To ensure access to neighbouring properties is not obstructed.

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before other development commences on site.

**Reason** – To ensure that adequate measures are taken for the disposal of foul drainage.

**15/00243/FUL - Land Adjacent To 37 The Wayside, Hurworth, Darlington.** Modification of Planning Permission 11/00187/FUL dated 5 September 2011 (erection of 2 No detached dwellings) to allow changes to the design of Plot 2 including to increase floor area to rear and alteration to roof on south elevation; and to reposition detached garage to Plot 2 further to the north (amended plans received 13 July 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objections of three local residents.

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

1. The conditions attached to and specified on the notice of planning permission 11/00187/FUL dated 5 September 2011 are reiterated and are still in force.

**Reason** – The conditions specified on the original grant of planning have to be complied with.

2. The first floor bedroom window on the north side elevation shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

**Reason** – To prevent overlooking of the nearby premises.

3. Prior to Plot 2 being occupied, a fence of no less than 1.8 metres in height shall be constructed along the side boundary of the property with 37 The Wayside in accordance with details to be previously agreed by the Local Planning Authority. The fence shall not be replaced other than with a fence of the same height and position unless otherwise agreed with the Local Planning Authority.

**Reason** – To prevent overlooking of the nearby premises.

**15/00513/FUL - Woodburn Nursery, Salutation Road, Darlington.** Redevelopment of site including demolition of existing buildings and erection of 27 No dwellings and access improvements (Amended and Additional Plans Received 5 August 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and objections from nine local residents, and the occupiers of Woodburn Cottage, 298 Coniscliffe Road, Darlington, together with the concerns of the Durham Constabulary Architectural Liaison Officer, and the Applicant, the Applicant's Agent and one objector, of whom Members heard).

The Development Manager explained that officers considered the conclusions in the noise assessment provided by Blue Tree Acoustics about anticipated night time noise impact were not robust and that the environmental health officer raised no objections to the proposed development.

**RESOLVED** - That the Director of Economic Growth be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:-

- on site affordable housing (4 units)
- off site contribution for affordable housing
- a commuted sum for childrens' play equipment in the south west area of Darlington
- a commuted sum for a contribution for primary school places in Darlington
- a commuted sum for expanding, maintaining playing pitches in the south west area of Darlington
- a commuted sum towards the cost of bus shelters at the elm ridge garden centre bus stops on Coniscliffe Road
- a commuted sum for a replacement tree

and planning permission be granted subject to the following conditions:-

1. A3 – Implementation Limit (Three Years).
2. 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 dwellings on Plots 22 to 27, 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.

**Reason** - In order not to prejudice the amenities of the neighbouring properties on Stonehurst Drive and Stonecliffe Drive and in order that the Local Planning Authority is able to exercise control over future development of the site.

3. J2 - Contamination.
4. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
  - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
  - (b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
  - (c) Site compound details and location
  - (d) Details of Parking for the Show Houses
  - (e) Construction Traffic Routes.
  - (f) Details of wheel washing.
  - (g) Road Maintenance.
  - (h) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

**Reason** - In the interests of residential amenity and highway safety.

5. Construction and demolition work, including deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14:00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

**Reason** - In the interests of residential amenity.

6. If piled foundations are proposed, prior to the development commencing details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved Plan.

**Reason** - In the interests of residential amenity.

7. Prior to the commencement of the development a detailed scheme for the disposal of surface water and foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012.

8. 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 plus 30% climate change 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. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Sustainability & Energy Statement – Proposed Residential Development. Former Woodburn Nursery Site, Salutation Road, Darlington" produced by Trivselhus dated April 2015 unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of promoting sustainable development.

10. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Bat Roost Surveys" produced by Penn Associates dated July 2015 unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the protected Species and their habitats.

11. Prior to the occupation of the development, precise details of a piece of art or craft work shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include an agreed timescale for the erection of the piece of art or craft work and the development shall not be completed otherwise than in complete accordance with the approved details.

**Reason** - In the interests of the appearance and character of the site.

12. Prior to commencement, a full photographic survey shall be undertaken of the former stable building hereby approved to be demolished. The photographic survey shall be carried out using a high quality digital camera producing TIFF and / or RAW files. Prints of selected images to be printed on archival quality paper using archival stable inks. Selected digital files to be archived with OASIS EASY IMAGES.

**Reason** - To comply with Policy CS14 (E) of the Borough of Darlington Core Strategy Document (2011) to record the historic features of this traditional building.

13. Prior to the development being beneficially occupied, a copy of the report on any analysis, and/or publication about the former stable building shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

**Reason** - To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible

14. Prior to the commencement of the development precise details of works to be carried out within the existing public highway including the formation of the access junction and removal of the existing bus stop shall be submitted to and approved in writing by the Local Planning Authority. There are proposals for works to be submitted for adoption including new internal access roads, and these will be subject to a Section 38 Agreement under the Highways Act 1980 and details should

be submitted to and approved in writing by the Local Planning Authority.

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

15. The development shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Method Statement For Trees at the Former Council Nursery, Salutation Road, Darlington" produced by All About Trees dated 3<sup>rd</sup> August 2015 unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the visual amenity of the site and surrounding areas.

16. Notwithstanding the details shown on the approved landscaping scheme (Drawing Nos 2197 01 Rev B and 2197 02 Rev B dated May 2015) all new trees shall be containerised or air potted unless otherwise agreed in writing by the Local Planning Authority.

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

17. E8 - Tree Surgery (TPO Trees).

18. Notwithstanding the details shown on the approved plans, precise details of the means of enclosure on the all boundaries of the development site 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** - In the interests of residential amenity and the visual appearance of the development.

19. B5 – Detailed Drawings (Accordance with Plan).

20. Prior to the development hereby approved being commenced details of traffic calming measures within the site shall be submitted to and approved in writing by the LPA. The approved details shall thereafter be implemented prior to the development being occupied.

**Reason** - In the interests of residential amenity and highway safety.

## **(2) Planning Permission Deferred**

**15/00462/FUL - 120 Gladstone Street, Darlington.** Erection of single storey extension in yard to rear of No. 3 Thornton Street to create extension to existing shop at 120 Gladstone Street (Amended Description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objections of three local residents, and the Applicant's Agent and one objector, of whom Members heard).

**RESOLVED** - That consideration of the above application be deferred to enable a site visit be held.

**PA30. 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.

**PA31. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA31/Aug/15, the Director of Economic Growth submitted a report (previously

circulated) detailing breaches of planning regulations investigated by this Council, as at 21 August 2015.

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