

PLANNING APPLICATIONS COMMITTEE

15th February, 2012

PRESENT - Councillor Baldwin (in the Chair); Councillors L. Haszeldine, Johnson, Knowles, Landers, Lee, Long, D.A. Lyonette, Macnab, Regan, Stenson J. Taylor. (12)

APOLOGIES – Councillor Cossins. (1)

OFFICERS – Roy Merrett, Development Manager, Adrian Hobbs, Planning Officer and Harry Alderton, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within Resources Group.

PA78. DECLARATION OF INTERESTS – There were no declarations reported at the meeting.

PA79. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 18th January, 2012.

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

PA80. PROCEDURE – The Assistant Director of Resources 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.
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.
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.
E2	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.

PA81. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

11/00748/FUL - The Old Presbytery, Barton Street, Darlington. Demolish existing boundary wall, form new boundary wall and gate to enable extension to playground area, reduction of size of existing bin store and alterations to landscaping (amended plans received 6th January 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection and the comments of the Environmental Health Officer that had been received and the views of Mrs. Boulton, applicant, Mrs. Fort and Ms. Bearpark, objectors, 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) J2 - Contamination.
- (e) E2 - Landscaping (Submission).

- (f) The gate in the boundary wall hereby permitted shall only open inwards and not out over the footway.

Reason – In the interests of pedestrian and highway safety.

- (g) Prior to the development hereby approved being commenced a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include provision for the parking of construction related vehicles, the positioning of skips and the phasing of works and deliveries to the site. Thereafter the development shall be carried out in complete accordance with the approved management plan.

Reason – In order to protect highway safety and residential amenity.

- (h) The pedestrian gate hereby approved shall only be used in the event of an emergency, for example as a fire escape. It shall not be used for the general delivery and collection of children or materials to and from the premises which should continue to be via the main entrance at the front of the building.

Reason – In the interests of highway safety.

11/00838/FUL - Glaisdale Court, Darlington. Variation of planning permission reference number 02/00937/RM2 dated 20th October 2006 for residential development - to permit substitution of house types on thirteen plots and revise the approved layout (Revised Scheme).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection that had been received and the views of Mr. Richardson, applicant, and Mr. and Mrs. Reeves, objectors, whom Members heard).

The Development Manager confirmed that the only change to the layout of the scheme compared to that which was previously refused was the proposed house type on plot 118. To raise issues in relation to the layout of the proposed house types to the rear of the properties on Dale Road may be viewed as unreasonable by the developer as this layout was previously seen to be acceptable by the Committee. In relation to concerns raised about flooding he confirmed that a condition was to be imposed to control surface water drainage from the site with a view to ensuring that the development would not increase the level of flood risk to surrounding properties.

The Development Manager recommended that a condition be imposed to require obscure glazing to the kitchen and utility room windows in the east elevation of plot 17 (Hilliard) in the interests of privacy.

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

- (a) A3 – Implementation Limit (Three Years)
(b) B4 – Details of Materials (Samples)
(c) Prior to the commencement of the development, an Interim Certificate for Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.

Reason - To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.

- (d) Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with condition 3.

Reason - To ensure that the development has been carried out in complete accordance with condition 3 in accordance with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.

- (e) 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 2.3 meter 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 :-

- (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; and
- (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.

- (f) 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 Plot Nos. 17 – 20 and 119 to 122, including any additional structures/building within the curtilage of the dwellings, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

Reason - In order safeguard the health of the trees contained within the Borough of Darlington Tree Preservation (No 17) Order 2006.

- (g) Prior to the commencement of the development a scheme for the disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that that discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of Planning Policy Statement 25 - Development and Flood Risk.

- (h) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (i) The kitchen and utility room windows on the east elevation of plot 17 (The Hilliard) shall be fitted with obscure glazing which shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of protecting the privacy of residents.

11/00810/FUL - 59 Elton Parade, Darlington. Variation of Condition 11 (Approved plans) of planning permission 11/00175/FUL dated 20th June 2011 for Conversion of existing care home

to form single dwelling house, erection of 2 No detached dwellings and 2 No detached double garages to permit revisions to the design of the approved dwellings and existing dwelling and to the layout of the approved development.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection that had been received and the views of Mr. Barker, applicants' agent, whom Members heard. A further letter of objection and two further of letters of support were highlighted at the meeting. Committee agreed that the further letter of objection be condemned due to false allegations made against Members and the Chair requested that a letter be sent to the objector in those terms. The Assistant Director of Resources representative said that he would draw the letter to the Assistant Director of Resources' attention).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) Notwithstanding the details shown on the approved plans, the design and colour scheme of the car port shall be in complete accordance with the details shown on the letter from Prism Planning dated 6 February 2012 (ref no: 212/10 JB) unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of the visual appearance of the locality.
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plan).

(2) Change of Use Granted

11/00836/CU - Twinsburn Farm, Heighington. Retrospective change of use of agricultural building to workshop for repair and maintenance of applicant's vehicles.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection and the comments of the Environmental Health Officer that had been received).

RESOLVED - That planning permission be granted with the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B5 – Detailed Drawings (Implementation in accordance with approved plans).
- (c) E2 – Landscaping Scheme (amended).
- (d) This permission shall relate to the repair and servicing of vehicles associated with the applicant's business at Twinsburn Farm only and no other unrelated business.
Reason – In the interests of the amenities of nearby residents and the character of the locality.
- (e) The Rating Level (as defined in BS 4142:1997), as a result of the use of any tools, equipment or machinery associated with the development shall be at least 5 dB(A) below the background noise level, at the boundary of any residential property, when measured in accordance with BS 4142:1997. The background noise level to be used shall be measured by the applicant during appropriate time periods and the levels agreed in writing with the Local Planning Authority. The maximum noise level, LAMax, shall not exceed 57 dB(A) at the boundary of any residential property.
At the reasonable request of, and following a justified complaint to, the Local Planning Authority/Environmental Health, the applicant shall employ a suitably qualified and experienced person, at his/her expense, to measure the level of noise emissions from

the development following a procedure to be agreed with the Local Planning Authority to show whether the noise limits in this condition are being complied with.

Reason – In the interests of residential amenity.

11/00633/CU - Shalter's Bridge, Lime Lane Brafferton. Change of use to Residential site for one Gypsy family, including one mobile home, two touring caravans and one utility block.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection, the objection of the Parish Council and the comments of Campaign to Protect Rural England, Network Rail and the UK Association of Gypsy Women that had been received and the views of Mr. Flannigan, applicant, Mr. Hodgson, objector, and Councillor B. Jones, Ward Member, whom Members heard).

Concern was raised by Mr. Hodgson (objector) that he felt it was unfair that planning permission was refused on this site previously but was being recommended for approval in this case. The Development Manager confirmed that different policy considerations were relevant in this case. Mr. Hodgson also raised concerns in relation to the number of unauthorised sites relating to this type of development. The Development Manager confirmed that he did not support developments going ahead prior to permission being secured, however, the ability to make retrospective applications was a feature of the system.

The Chair stated that he would wish to encourage all applicants to contact the Council for advice about any permissions that might be needed for proposed developments before proceeding with those developments.

RESOLVED - That planning permission be granted with the following conditions :-

- (a) A3 – Time limit (Three Years).
- (b) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (c) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
Reason - In order that the development complies with the Darlington Local Development Framework Core Strategy.
- (d) No commercial activities shall take place on the land, including the storage of materials.
Reason – In the interests of the character of the locality.
- (e) No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan) shall be stationed on the site at any time.
Reason – In the interests of the character of the locality.
- (f) There shall be no more than one pitch on the site, occupied by one family.
Reason – In the interests of the character of the locality.
- (g) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) and (ii) below :-
 - (i) Within three months of the date of this decision a scheme for: the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; the internal layout of the site, including the siting of caravans, hardstanding, access roads, parking and amenity areas together with external treatment of existing boundary fencing

and gates; and tree, hedge and shrub planting, and cutting back at the site entrance, including details of species, plant sizes and proposed numbers and densities; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

- (ii) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason - In the interests of the character of the locality, visual amenity and highway safety.

- (h) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason – In the interests of the character of the locality.

PA82. NOTIFICATION OF APPEALS – The Director of Place reported that :-

- (a) Mr. S. Burn had appealed against this authority's decision to refuse planning permission for variation of planning permission reference number 02/00937/RM2 dated 20th October, 2006 for residential development – to permit substitution of house types on thirteen plots and to revise the approved layout at Glaisdale Court, Darlington (Reference Number 11/00468/FUL); and
- (b) Mr. P. Turnbull had appealed against condition 5, that prior to the extended premises coming into use, details of toilet facilities at ground floor level suitable for use by disabled persons shall be fully implemented prior to the extended premises being brought into use and shall thereafter be retained at 97 Bondgate, Darlington (Reference Number 11/00268/CU).

PA83. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- (a) Dismissed the appeal by Mr. J. Lees against this authority's decision for demolition of existing dwelling and erection of replacement dwelling and retrospective slope stabilisation works (revised application) at 51 Blackwell, Darlington (Reference Number 10/00780/FUL);
- (b) Dismissed the appeal by Mr. J. Lees against this authority's decision for variation of condition 3 of planning permission 05/00788/FUL dated 18th November, 2005 for substitution of house types relating to plots 1 and 2 (demolition of 2 No. existing dwellings and construction of 5 No. detached dwellings to include upgrading of the river bank) and retrospective slope stabilisation works at Site of Former Number 59 Blackwell, Darlington (Reference Number 09/00908/FUL);
- (c) Dismissed the appeal by Mr. J. Jones against this authority's decision for erection of detached garage to rear comprising 3 No. parking bays and associated hard standing at The Arches, Walworth Road, Walworth, Darlington (Reference Number 11/00577/FUL);
- (d) Dismissed the appeal by Mr. R. Rogers against this authority's decision for change of use to mixed use to include private gypsy site with associated development including stationing a mobile home, erection of amenity block, construction of hard standing for 2 No. touring caravans, car parking and access track at Land at Aycliffe Lane, Brafferton, Darlington (Reference Number 11/00279/FUL); and

- (e) Dismissed the appeal by Mr. R. Rogers against this authority's enforcement notice against a residential gypsy caravan site keeping of horses with variation to allow 12 months as time for compliance.

RESOLVED - That the reports be received.