

PLANNING APPLICATIONS COMMITTEE

24th September, 2008

PRESENT - Councillor Regan (in the Chair); Councillors M. Cartwright, Freitag, L. Haszeldine, Johnson, Lee, , D.A. Lyonette, , Stenson and Walker. (10)

APOLOGIES – Councillors Baldwin, Hartley and Robson. (3)

ABSENT – Councillor S.J. Jones. (1)

OFFICERS - Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Neil Cookson, Solicitor, Harry Alderton, Highways Engineer and Abbie Metcalfe, Democratic Support Officer.

PA36. DECLARATION OF INTERESTS - In relation to Application Ref. No. 08/00660/ADV Councillors Freitag, L. Haszeldine and Johnson each declared a personal and prejudicial interest as Councillor Freitag was the agent for the property and Councillors Haszeldine and Johnson each had retail outlets on Skinnergate and left the meeting during consideration of that item only.

PA37. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 27th August, 2008 and the Site visit held on 22nd August, 2008.

RESOLVED - That the Minutes be approved as correct records.

PA38. 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.
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

	<p>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>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</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>
AD1	<p>Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Reason - To accord with the Town and Country Planning (Control of</p>

	Advertisement) Regulations 1992.
AD2	Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD3	Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD4	No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD5	No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military). Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.

PA39. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00635/FUL – Asda Supermarket, Whinbush Way, Darlington. Erection of a smoking shelter to side of store (north facing elevation) (retrospective application).

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

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved Plan).

08/00526/FUL – Stodhoe Farm, Neasham Road, Middleton St. George – Conversion of existing pig farm building, redevelop site to form three residential dwellings with garage and car parking provision (amended plans received on 1st September, 2008).

(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 Mrs. Walton, the applicant, whom Members heard).

RESOLVE D– 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 - Contaminated Land.
- (e) E2 – Landscaping.
- (f) No development shall take place unless in accordance with the mitigation detailed within the protected species report ‘Bat and Barn Owl Surveys for Outbuildings at Stodhoe Farm, Middleton St George, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods.
Reason – To conserve protected species and their habitat.
- (g) Prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the Local Planning Authority :-
 - (i) Joinery details (including doors and windows);
 - (ii) Details of flues, vents and meter boxes; and
 - (iii) Fences, walls and gates;
 The development shall not be carried out otherwise than in full accordance with the approved details.
Reason – To ensure that the details submitted are suitable for the conversion works proposed in the interests of visual amenity.
- (h) Prior to the commencement of the development, or within such extended period as may be agreed, in writing, by the Local Planning Authority, details of the external colour finish of the windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority. The windows and doors shall be finished in accordance with the details as approved and maintained as such thereafter.
Reason – In the interests of visual amenity.
- (i) The windows and doors approved under condition (h) shall be permanently retained and not altered or removed unless previously agreed, in writing, by the Local Planning Authority.
Reason – To safeguard the character and appearance of the buildings and in the interests of visual amenity.
- (j) All gutters and rainwater down pipes shall be of cast iron fixed on metal brackets to either the rafters or the external brickwork and shall be painted in a colour to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The gutters and rainwater down pipes shall be finished in accordance with the details approved and maintained as such thereafter.
Reason – To safeguard the character and appearance of the building and in the interests of visual amenity.
- (k) C5 - Removal of Permitted Development Rights (Residential).
- (l) Prior to the commencement of the development, or such other period as may be agreed with the Local Planning Authority, details of the hard surfacing to be used on the site shall be submitted to, and approved in writing by, the Local Planning Authority, together with a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details and thereafter be so maintained.
Reason – To safeguard the setting of the building in the interests of visual amenity.
- (m) Prior to the commencement of the development, full details of improvements to the access road, to include widening, re-surfacing and passing bays, shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be fully completed in accordance with the agreed details prior to the commencement of any clearance or development of the site.
Reason – In the interests of highway safety.

- (n) All doors and windows shall be recessed by 100mm from the front face of brickwork to from face of joinery framing.
Reason – In order to ensure a satisfactory appearance to the development in the interests of visual amenity.
- (o) The parking spaces and garaging indicated on plan dhh016/01/A shall be maintained as private parking purposes for the dwellings hereby approved and shall not be used, let or sold for any other purposes.
Reason – To ensure that satisfactory garaging and parking is provided for the approved dwellings.
- (p) The foul drainage from the approved dwellings shall be discharged to a package treatment plant in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The plant shall be in operation prior to occupation of the dwellings.
Reason – To prevent pollution of the water environment

(2) Planning Permission Refused

08/00589/FUL – 17 Linden Avenue, Darlington. Erection of single storey residential dwelling incorporating improvements to existing track surface.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twenty two letters of objection that had been received and the views of Mr. Ellis, the applicant's agent, Mr. Lavender, Miss Dickenson and Mr. Wood, objectors, whom Members heard).

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

- (a) The proposed dwelling would have a detrimental impact upon the amenities of No 19 Linden Avenue by reason if its size and its close proximity to the neighbouring rear garden area. The dwelling would be a prominent and overbearing building and would not comply with Policy E29 (The Setting of New Development) and H11 (Design and Layout of New Housing Development) of the Borough of Darlington Local Plan 1997
- (b) The proposed dwelling would have a detrimental impact upon the character and visual appearance of the Stanhope/Grange Road conservation Area by reason of its location and design. The development would be contrary to Planning Policy Guidance Note 15 – Planning and the Historic Environment.

(3) Application Withdrawn

08/00018/FUL – Southfields Farm, Glebe Road, Great Stainton – Erection of agricultural workers dwelling, detached block of 4 garages and associated agricultural building (amended description) (additional plans received on 4th and 5th September, 2008).

RESOLVED – That the application be withdrawn as additional information had been received.

(4) Darlington Borough Council Granted

08/00407/DC – Dinsdale Court, Middleton St. George, Darlington – Erection of two storey sheltered housing providing accommodation for 22 residents.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the findings of a site visit recorded at Minute PA35/Sept/08, four letters of objection that had been received from local residents and the views of Mrs. Candler, an objector, 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 - Contaminated Land.
- (e) Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those details approved.

Reason - In order that the Local Planning Authority may properly assess and confirm the impact of the development as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.

- (f) E2 – Landscaping.
- (g) Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following :
 - (i) Footways to the frontage of the site; and
 - (ii) Parking areas to the south of the site;The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use.

Reason – In the interests of highway safety.

- (h) Prior to the commencement of the development hereby approved, the existing access road to the rear (east) of the site shall be formally stopped-up.

Reason – In the interests of highway safety.

- (i) E5 - Boundary treatment (Submission).
- (j) Notwithstanding the details shown on the approved plans, and the requirements of conditions (f) and (k), the existing natural features forming the eastern boundary of the site (consisting of trees and hedges) shall be retained in their entirety.

Reason – In the interests of residential amenity.

- (k) Prior to the commencement of the development hereby approved (including demolition or clearance work), a survey shall be carried out of all trees and hedgerows to be retained within the application site and full details shall be submitted of a scheme to protect these existing trees and hedges to be retained, as detailed on drawing number 2007/014(90) 01. The submitted details shall comprise generally the specification laid down within BS5837: 2005 and shall include fencing of at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition work and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition work to allow an inspection of the measurements to ensure their 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.

- (l) Prior to the commencement of the development, or within such extended time as may be agreed, in writing, with the Local Planning Authority, final details of the eastern elevation of the building to incorporate revisions to the window openings / apertures at first floor level, shall be submitted to and agreed in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the agreed details.

Reason – In order to protect existing residential properties from increased overlooking with resultant loss of privacy.

PA40. APPLICATIONS FOR PLANNING CONSENT

(1) Planning Consent Granted

08/00660/ADV – 78 Skinnergate, Darlington – Display of 4 wall mounted signage units advertising businesses located at the entrances to Buckton’s Yard and Clark’s Yard (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated)).

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

- (a) AD1 - AD5 Advertisements

08/00057/TF – St. Laurence’s Church, Church Lane, Middleton St. George – Felling of two Sycamore trees (T1 and T2) protected under Tree Preservation Order No. 3 1981.

RESOLVED – That the application be withdrawn at the applicant’s request.

PA41 NOTIFICATION OF DECISION ON APPEALS - The Assistant Chief Executive, Regeneration reported that the Inspectors appointed by the Secretary of State for the Environment have allowed the appeal by Phillip Wilks Group Limited against this Authority’s decision to refuse planning permission for change of use from car showroom to mixed A1, A3 and A5 use, replacement canopy, wash bay and footpaths at Haughton Road Service Station, Haughton Road, Darlington (Ref. No. 07/01190/CU).

RESOLVED – That the report be received.

PA42 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.

PA43. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA34/, the Assistant Chief Executive, Regeneration submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 24th September, 2008.

RESOLVED - That the report be received.