

PLANNING APPLICATIONS COMMITTEE

9th January, 2008

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, , Hartley, L. Haszeldine, Johnson, Lee, S.J. Jones, D.A. Lyonette, Regan, Robson, Stenson and Walker. (14)

APOLOGIES – Councillor Freitag. (1)

ABSENT – Councillor Lee. (1)

PA74. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

PA75. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 12th December, 2007.

RESOLVED – That, with the deletion of the paragraph in brackets in relation to application Ref. No. 07/01008/FUL, the Minutes be approved as a correct record.

PA76. 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
A1	The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :- (a) siting; (b) design and external appearance; (c) means of access; and (d) landscaping. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
A2	The development shall be commenced prior to the later of the following dates :- (i) five years from the date of the permission; or (ii) two years from the final approval of the reserved matters referred to in Condition (i) or, in the case of approval on different dates, the final approval of the last such matters to be approved. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
A3	The development hereby permitted shall be commenced not later than

	<p>the expiration of five years from the date of this permission.</p> <p>Reason - (one year permission) - Specific reason required to be inserted by case officer.</p>
B4	<p>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.</p> <p>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.</p>
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>
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p>Reason - In the interests of visual and/or residential amenity.</p>
B10	<p>Prior to the commencement of development, a test panel of the proposed materials to be used in the main walls of the development shall be constructed on the development site and approved by the Local Planning Authority and subsequently, the main walls of the development shall be constructed in accordance with the approved test panel.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development.</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>
D9	<p>Prior to the development hereby approved being commenced, a scheme for protecting the proposed residential accommodation from excessive traffic noise shall be submitted to, and approved by, the Local Planning Authority and any works which form part of such a</p>

	<p>scheme shall be completed prior to any part of the development being first occupied or used.</p> <p>Reason - To ensure satisfactory environmental conditions for the occupiers of the proposed building.</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>

PA77. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

07/01182/FUL - Alviston House, Haughton Road, Darlington. Conversion of existing structure and erection of new extensions to create 13 No. residential flats (amended site plan received on 17th December, 2007).

(In reaching its decision the Committee took into consideration one objection and the comments of the Police Architectural Liaison Officer that had been received and the comments of Mr. Blow, the applicant whom Members heard).

RESOLVED – That, subject to no additional objections being received by 11th January, 2008 which raise new issues, 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) 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) The existing Hawthorn trees and shrubs on the western boundary of the site shall be retained and shall not be removed without the prior written approval of the Local Planning Authority.

Reason - To ensure the retention of the existing natural features of the site, which contribute to the amenity of the development and the locality in general.

- (g) Notwithstanding condition (f) above, prior to the commencement of the development hereby approved (including site clearance), details shall be submitted of a scheme to protect existing trees. 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.

- (h) Prior to the commencement of any on site works (including demolition and site clearance), details of a wheel washing facility for construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Such a facility shall be provided, used and maintained on-site until the development is completed.

Reason - To ensure that adequate measures are available to prevent the depositing of soils and debris on the adjoining position of the highway and in the interests of road safety.

- (i) The site shall be enclosed at all boundaries except at the permitted point of access.

Reason - To achieve a satisfactory form of development.

- (j) Detailed drawings showing the details of the following items shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of the development :

- (i) Refuse storage accommodation;
- (ii) Treatment of those parts of the site not covered by buildings, including planting, landscaping, surface treatment, walls, fences and gates; and
- (iii) Secure cycle parking.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In order that the Local Planning Authority may be satisfied as to the details of the development.

- (k) Notwithstanding condition (i) above, 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 time 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.

- (l) D9 - Soundproofing (External Noise).

- (m) Notwithstanding anything shown on the submitted plans, precise details of the windows in the south eastern and western elevation of the building, including opening sections, shall be submitted to, and agreed in writing by, the Local Planning Authority. The above submission shall include specific details of obscured glazing. The development shall not be carried out otherwise than in full accordance with the agreed details and permanently maintained as such thereafter.

Reason - To protect the amenities of neighbouring residential properties against increased overlooking with resultant loss of privacy.

07/01108/FUL - 78 Carmel Road South, Darlington. Erection of single storey side garage/kitchen and rear sun lounge extensions.

(In reaching its decision, the Committee took into consideration one letter of objection which 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).
- (c) B4 - Details of Materials (Samples).
- (d) The close-boarded fence positioned on the rear boundary with 80 Carmel Road South shall be retained in situ and in good repair. The fence shall not be removed or replaced without the express written consent of the Local Planning Authority.
Reason - In order to limit overlooking of the neighbouring property from the approved development in accordance with the requirements Policy H12 of the Borough of Darlington Local Plan.
- (e) The window to be formed in the side elevation of the extension facing onto the boundary of the dwelling with 80 Carmel Road South shall be obscure glazed (hinged to open inwards) and shall not be repaired or replaced other than with obscure glazing.

Reason -To prevent the overlooking of nearby premises in accordance with Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan.

07/01126/FUL - 19 St John's Crescent, Darlington. Conversion of residential dwelling into two No. self-contained flats (amended description and amended plans received on 11th December, 2007).

(In reaching its decision, the Committee took into consideration two letters of objection which had been received and the views of Ms. Leyland, the applicant, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) Prior to the commencement of the development hereby approved, details of secure covered parking for cycle stands shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the cycle parking provision shall be made available prior to the occupation of the apartments.

Reason – To ensure that adequate cycle parking provision is provided in accordance with adopted and emerging planning and transport policy which promotes access by alternative transport modes.

07/01062/OUT - Garage Workshop Adjoining, 25 Fulford Place, Darlington. Outline application for erection of dwelling following demolition of existing garage.

(In reaching its decision, the Committee took into consideration one letter of objection, one letter of concern and the comments of CE Electric UK and Northern Gas Networks which had been received).

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

- (a) A1 - Outline (Reserved Matters).
- (b) A2 - Outline (Implementation Time).
- (c) B4 - Details of Materials (Samples).
- (d) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (e) B9 - Fencing, Walls, Enclosure.
- (f) B10 - Test Panel of Materials.
- (g) C5 - Restriction of Permitted Development Rights (Residential).
- (h) J2 – Contamination.
- (i) Demolition or construction activities shall only take place within the hours of 8am – 7pm Monday to Saturday and not at all on Sundays or Bank Holidays unless with the prior written approval of the Local Planning Authority.

Reason – In the interest of safeguarding the amenities of adjacent residential properties.

- (j) Prior to the commencement of the development hereby permitted a scheme for the improvement to the street lighting on the back lane between Crosby Street and Thompson Street West shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason – In the interest of the safety of users of the back lane.

(2) Planning Permission Deferred

07/01064/FUL - Skipbridge Brickworks Site, Neasham Road, Hurworth Moor, Darlington. Leisure Park for the stationing of static caravans and associated facilities (amended details received on 14th December, 2007, amended description).

(In reaching its decision the Committee took into consideration 44 letters of objection, the objections of Hurworth and Neasham Parish Councils and the Campaign to Protect Rural England and 38 letters of support which had been received and the views of Mrs. Smith, an objector, a Parish Councillor, Mr. Tweddle, the applicant's agent and a Ward Councillor whom Members heard).

RESOLVED – That the application be deferred to enable a site visit to take place and further reports to be prepared.

(3) Darlington Borough Council Granted

07/01096/DC - Lascelles Playing Area, Fenby Avenue, Darlington. Construction of a footpath link across existing open space together with associated works to include: a BMX area, upgraded play area, kick wall, lighting columns and landscaping works.

(In reaching its decision, the Committee took into consideration the comments of the Police Architectural Liaison Officer and the Council's Highways Officer which had been received).

RESOLVED - That pursuant to Regulation 3 of the Town and Country Planning General Regulations 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).
- (c) E2 - Landscaping (Submission).
- (d) E5 - Boundary Treatment (Submission).
- (e) Precise details of external lighting shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any approval given.
Reason – To protect the amenities of nearby residents and in the interests of public safety.
- (f) Notwithstanding the details contained in the approved plans, full and precise details of the proposed BMX area and kick wall indicated on plan no. WD001 dated September 2007 shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with the approved details.
Reason – To ensure a satisfactory form of development.

07/01095/DC - Brinkburn Dene, Hollyhurst Road, Darlington. Proposed replacement play area and associated footpath network.

(In reaching its decision, the Committee took into consideration one letter of objection and the comments of Darlington Association on Disability which had been received).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) Notwithstanding the details shown on the approved plans, precise details of the means of enclosure around the play areas and footpath handrails shall be submitted to, and approved 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 - To safeguard the visual appearance of the locality.
- (c) Protective fencing shall be erected around trees, indicated by a representative of the Local Planning Authority, in accordance with BS5837 2005. The extent of the protection shall also be inspected by a representative of 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 - To ensure the retention of the trees, in the interests of visual amenity.
- (d) The footpaths hereby approved shall be of non dig construction.
Reason - To ensure the retention of the trees, in the interests of visual amenity.
- (e) B5 - Detailed Drawings (Implementation in accordance with approved plan).

PA78. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that Mr. Thomas Walker-Coates had appealed against this Authority’s decision to refuse planning permission for retention of change of use of land for the purpose of stationing a caravan for human habitation by a traveller and the siting on the land of dog kennels and compounds – personal, temporary permission at Field to the North of Lea Close Middleton Road, Sadberge, Darlington (Reference No. 07/00385/CU).

RESOLVED – That it be noted that appeal has now been withdrawn.

PA79. 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.

PA80. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 13) - Pursuant to Minute PA72/Dec/07, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28th December, 2007.

RESOLVED - That the report be received.