

PLANNING APPLICATIONS COMMITTEE

14th January, 2009

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

APOLOGIES – Councillors Hartley, Freitag and Regan (3)

OFFICERS – Neil Cookson, Solicitor, within the Corporate Services Department; Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

PA70. DECLARATION OF INTERESTS - In relation to Application Ref. No. 08/00938/FUL, below Councillors Johnson and Stenson both declared a prejudicial interest due to them knowing the applicant and left the meeting during consideration of that application only.

PA71. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 17th December, 2008.

RESOLVED - That, with the amendment of the wording of the resolved paragraph in relation to application Ref. No. 08/00429/CU, the Minutes be approved as a correct record.

PA72. 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 accordance with the proposals contained in the application and the

	<p>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>
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>
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>

PA73. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00928/FUL - Moor House Farm, Newbiggin Lane, Darlington. Conversion of redundant agricultural building to form residential dwelling (amended design and access statement received 8th December, 2008).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the advice given to the applicant and the Local Planning Authority, the comments from Heighington Parish Council and Natural England that had been received and the views of Mr. Swarbick, the applicant's agent, 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) C5 – Removal of Permitted Development Rights (Residential).
- (d) J2 – Contaminated Land.
- (e) Prior to the commencement of development details of the proposed visibility splay relating to the vehicle egress from the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed visibility splay shall be implemented prior to the dwelling hereby approved being brought into use and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.
Reason - In the interests of highway safety.
- (f) The dwelling hereby approved shall be occupied by a member of the family of the owner of the host dwelling (Moor House Farm) unless otherwise agreed in writing by the Local Planning Authority.
Reason - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity to exercise control over subsequent occupancy in the event of the premises becoming vacant.
- (g) Notwithstanding the details shown on the approved plans, precise details of doors, windows and rainwater goods 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 the visual amenity of the development.
- (h) B5 – Detailed Drawings (Implementation in accordance with approved Plan).

Members took into account policies E5 (Change of Use of Buildings in the Countryside) and H7 (Areas of Housing Development Restraint) of the Darlington Local Plan 1997. They considered that the merits of the buildings were on the borderline of what was acceptable for conversion but that the personal circumstances of the applicant justified the grant of a personal permission. The following local and national planning policies were taken into consideration :-

Planning Policy Guidance Note 3 – Housing (PPG3).

Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS 7).

Borough of Darlington Local Plan 1997

E2 - Development Limits.

E5 - Change of Use of Buildings in the Countryside.

E8 - The Area of High Landscape Value.

H7 - Areas of Housing Development Restraint.

08/00938/FUL - Skipbridge Brickworks Site, Neasham Road, Hurworth Moor. Erection of Two Brick Piers (Retrospective Application).

(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. Ward, applicant, whom Members heard).

RESOLVED – That Planning Permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three years).
- (b) Notwithstanding anything shown on the submitted plans, a rumble strip shall be constructed in the roadway between the brick piers, details of which shall be submitted to the Local Planning Authority within 28 days of the date of this permission. The rumble strip shall be constructed within 28 days of any approval and shall not be constructed otherwise than in accordance with the approved details.
Reason - In the interests of highway safety.

(2) Planning Permission Refused

08/00942/FUL - Model T Public House, 136 Fulthorpe Avenue, Darlington, DL3 9XT.
Erection of a lean to shelter (retrospective application).

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

RESOLVED – That Planning Permission be refused for the following reason :-

The shelter subject of this application encourages a use that is considered harmful to the quiet enjoyment of neighbouring residential properties contrary to Policy H15 (The Amenity of Residential Areas) of the Borough of Darlington Local Plan 1997.

PA74. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mr. H. Kenyon had appealed against this Authority's decision to refuse planning permission for Conversion of existing commercial property to form residential dwelling house, including internal alterations, insertion of 2 No. velux roof windows to rear and erection of front entrance canopy at 17 Whessoe Road, Darlington (Reference No. 08/00393/CU);
- (b) Mr. and Mrs. R. Wind had appealed against this Authority's decision to refuse planning permission for erection of two poles for CCTV cameras (retrospective application) at The Meadows, Houghton Le Side, Darlington (Reference No. 08/00214/FUL); and
- (c) Mr. P. Cairns had appealed against this Authority's decision to refuse planning permission for erection of two storey side extension to form garage and en-suite bedroom at 14 Trueman Grove, Darlington (Reference No. 08/00782/FUL) contained flats at 85 Corporation Road, Darlington (Reference No. 07/00983/FUL).

RESOLVED - That the reports be received.

PA75. 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 involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA76. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA69/Dec/08, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5th January, 2009.

RESOLVED - That the report be received.