

PLANNING APPLICATIONS COMMITTEE

8th April, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors Curry, Hartley, Johnson, Lee, D.A. Lyonette, Robson and Walker. (8)

APOLOGIES – Councillors M. Cartwright, Freitag, L. Haszeldine, Regan and Stenson. (5)

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.

PA95. DECLARATION OF INTERESTS – There were no declarations of interests reported at the meeting.

PA96. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 11th March, 2009.

RESOLVED - That with the inclusion of the extra conditions in relation to application Ref No. 08/00991/FUL and application Ref No. 08/00950/FUL, the Minutes be approved as a correct record.

PA97. 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	<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>
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>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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 - In the interests of the visual amenities of the area.</p>
E11	<p>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 2.3m 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:</p> <ul style="list-style-type: none"> (a) The raising or lowering of levels in relation to the existing ground levels; (b) Cutting of roots, digging of trenches or removal of soil; (c) Erection of temporary buildings, roads or carrying out of any engineering operations; (d) Lighting of fires; (e) 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.
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>

PA98. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00019/FUL - Proposed Residential Development, Collingsway. Erection of 13 no. dwellings in two and three storey form (amended plans received 3rd February 2009 and 10th March 2009).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and the views of Mr. Ellis, 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) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (d) E3 – Landscaping.
- (e) Before any works are commenced, detailed drawings or other specifications relating to temporary external lighting to be utilised during construction works shall be submitted to, and approved by, the Local Planning Authority.
Reason - In order to control external lighting, which may be required during the implementation of the development, in the interests of traffic safety and public amenity.
- (f) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding associated with non-residential development shall be passed through an oil interceptor installed in accordance with a scheme submitted to, and approved by, the Local Planning Authority.
Reason - To prevent pollution of the water environment.
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order all services

to dwellings shall be provided via underground pipework or cabling.

Reason - In the interest of the appearance of the development.

08/00904/FUL - Lancaster House, Durham Tees Valley Airport, Middleton St George.
Formation of a new vehicular access to Lancaster House.

(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. Longstaff, applicant's agent, whom Members heard).

RESOLVED – That subject to the completion of a unilateral obligation by the applicants towards the costs of relocating the 30 miles per hour speed limit planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Five Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (c) E2 - Landscaping (Submission).
- (d) E11 - Tree Protection Measures.
- (e) No development shall commence until a scheme for the relocation of the 30mph zone on the adjoining highway, to include the frontage of the site, has been 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 scheme shall be implemented prior to the occupation of the hotel.

Reason - In the interests of highway safety.

(2) Change of Use Granted

09/00021/CU - Mewburn Road, Darlington. Change of use of commercial vehicle training centre to waste transfer station including the erection of a detached building (amended description and amended plan received 18 March 2009).

(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. Gordon, 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) J2 – Contamination.
- (d) The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with this planning permission shall be at least 5 dB(A) below the background noise level at the noise monitoring position 1 as specified in section 3 of the Atkins Noise Assessment Report (Document Ref. Jan/1/5079044/IU, dated January 2009), when measured in accordance with BS 4142:1997. The background noise levels to be used shall be agreed with the Local Planning Authority prior to the approved use commencing.

Reason - In interests of amenity.

- (e) Prior to the commencement of the development, precise details of a sound insulation scheme for the existing and proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an

assessment of the sound reduction achieved by the proposed sound insulation scheme, taking into account the machinery and processes that will be operated. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To prevent noise and disturbance to nearby properties.

- (f) Operations shall not commence on the site until a Noise Management Plan has been submitted to, and approved by, the Local Planning Authority. The details of the Noise Management Plan shall be agreed with the Local Planning Authority but it will include details regarding the management of fire exit doors, roller shutter doors, vehicle reversing alarms and drop heights for scrap material and control of noise from the external loading and unloading of skips. It will also provide details of all machinery and operations that are to take place within the buildings and external parts of the site.

Reason - To prevent nuisance from noise in the interests of amenity.

- (g) The proposed use shall not operate outside of the hours detailed in “Draft Planning Statement – Proposed Waster Transfer Station at Premises at Mewburn Road, Darlington, DL3 0XE for Stonegrave Aggregates, Aycliffe Quarry, Aycliffe Village, Darlington, DL5 6NB.”

Reason - In the interests of amenity.

- (h) Only the machinery specified in Atkins Noise Assessment Report (Document Ref: Jan/1/5079044/IU dated January 2009) shall be used on the site. Any additional or replacement machinery shall only be used with the prior approval of the Local Planning Authority. Full details of any such machinery, including an updated Noise Impact Assessment, shall be submitted to, and agreed with, the Local Planning Authority.

Reason - To prevent nuisance from noise in the interests of amenity.

- (i) Prior to commencement of development, a Dust Action Plan, including all measures from the construction and operational phases of the development shall be submitted to and agreed by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that nearby properties are not adversely affected by dust.

- (j) The hours of construction and demolition (if required) are restricted to 7.30 a.m. to 5.00 p.m. Monday to Friday and 7.30 a.m. to 2.00 p.m. on Saturday. No work shall take place on Sundays or Bank Holidays.

Reason - In the interests of amenity.

- (k) No waste or other contaminated material shall be stored outside of the buildings on the site unless otherwise agreed by the Local Planning Authority.

Reason - In the interests of amenity.

- (l) Prior to the commencement of the development, precise details of any lighting scheme, including lux contour plans and a light impact assessment, shall be submitted to and approved by the Local Planning Authority. The proposed development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of amenity.

- (m) There shall not be any offensive odour from the development beyond the site boundary, as assessed by the relevant Local Authority Officer.

Reason - In the interests of amenity.

- (n) Notwithstanding the details shown on the approved plans, details of a secure cycle storage area 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 - In order to encourage the use of cycles.

- (o) The proposed visibility splay must be carried out in accordance with Drawing No HN/22508 (10) 02 and the splay must be maintained free of obstruction at all times thereafter. Notwithstanding the details shown on the Drawing, precise details of the new boundary fence 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 complete accordance with the approved details.
Reason - In the interest of highway safety.
- (p) Notwithstanding the details shown on the approved drawings, a tree-planting scheme to replace the existing Black Poplar tree shall be submitted to and approved by the Local Planning Authority prior to the occupation of the application site. The scheme shall include details of timescales for the replacement tree.
Reason - In the interests of the visual amenity of the locality.
- (q) Prior to the occupation of the application site, a scheme shall be submitted to and approved by the Local Planning Authority to upgrade the hedgerow on the eastern boundary.
Reason - To enhance the wildlife and biodiversity of the application site and the surrounding area.
- (r) B5 – Detailed Drawings (Implementation in accordance with approved plan).

(3) Darlington Borough Council Granted

08/00994/DC - Play Area, Pensbury Street, Darlington. Erection of entrance feature.

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

RESOLVED – That pursuant to Regulation three 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).

PA99. ERECTION OF AN AGRICULTURE CENTRE TO INCLUDE REPLACEMENT LIVESTOCK MARKET AND EQUINE CENTRE AND ANCILLARY USES (IN OUTLINE) AT HUMBLETON FARM, WEST AUCKLAND ROAD, BURTREE – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) informing Members of the position reached in determining applications for planning permission at Humbleton Farm and Neasham Road associated with the proposed relocation of the Auction Mart from Clifton Road following a meeting with representatives of Darlington Farmers Auction Mart and their agents on 17th March, 2009.

It was highlighted that the applicants and their agents have indicated that they were willing to undertake further work in respect of the outstanding issues identified and would hold discussions on the planning conditions and appropriate matters would be included within a Section 106 legal agreement before the Humbleton Farm application was referred to the Secretary of State for Communities and Local Government.

RESOLVED – That the report be noted.

PA100. FORTHCOMING CHANGES TO THE PLANNING APPEAL SYSTEM – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) informing

Members of the proposed changes to the planning appeal system that would come into force from 6th April, 2009.

The submitted report highlighted the proposed key changes to the appeal system which were that the Planning Inspectorate will now be empowered to determine which appeal procedure would be followed in all planning and enforcement cases; a new 'fast track' Householder Appeal Service would be introduced and a time limit for submitting householder appeals would be twelve weeks from the date of the decision notice and the costs regime would be extended to cover appeals decided through the written representation procedure.

RESOLVED – That the report be noted.

PA101. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mr. C. Brockbank has appealed against this Authority's decision to refuse planning permission for Erection of 2 No. detached dwelling houses, car parking, access and landscaping works at Mown Meadow, 64 Middleton Lane, Middleton St. George, Darlington (Reference No. 08/00354/FUL); and
- (b) Mr. P. Dowse has appealed against this Authority's enforcement appeal for change of use of land for the purpose of stationing a mobile home for human habitation at Site at Field at Middleton St. George, Darlington, DL2 1AY.

RESOLVED - That the report be noted.

PA102. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Allowed the appeal by Mr. P. Cairns against this Authority's decision to refuse planning permission for erection of two storey side extension to form garage and ensuite bedroom at 14 Trueman Grove, Darlington, DL3 OYE (Reference No. 08/00782/FUL); and
- (b) Dismissed the appeal by Mrs. H. Kenyon 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 type roof windows to rear and erection of front entrance canopy at 17 Whessoe Road, Darlington, DL3 0QP (Reference No. 08/00393/CU).

RESOLVED - That the report be noted.

PA103. 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.

PA104. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA94/Mar/09, the Assistant Chief Executive (Regeneration) submitted a report

(previously circulated) detailing breaches of planning regulations investigated by this Council, as at 31st March, 2009.

RESOLVED - That the report be received.