

PLANNING APPLICATIONS COMMITTEE

1st July, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Freitag, Hartley, Johnson, Lee, D.A. Lyonette, Regan, Robson, Stenson and Walker. (11)

APOLOGIES – Councillors Dunstone and L. Haszeldine. (2)

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.

PA13. DECLARATION OF INTERESTS – In relation to Application Ref. No. 09/00306/FUL, Councillors Johnson and Stenson declared personal, but non-prejudicial interests; in relation to Application Ref. No. 09/00228/DC, the Chair, Councillor Baldwin, and Councillor Regan, declared personal and prejudicial interests, as the Chair was Vice-Chair of the Governors at Alderman Leach Primary School and a member of Councillor Regan’s family attended the school, both Members left the meeting and Councillor Walker took the Chair for consideration of that application only; and in relation to Application Ref. No. 09/00280/DC, Councillor Hartley declared a personal and prejudicial interest, as she was a Governor at Borough Road School, and left the meeting during consideration of that application only.

PA14. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 21st May and 2nd June, 2009.

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

PA15. 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.
B2	Detailed drawings of _____ shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development, and the development shall not

	<p>be carried out otherwise than in accordance with any such approval.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development.</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>
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> <p>(a) The raising or lowering of levels in relation to the existing ground levels;</p> <p>(b) Cutting of roots, digging of trenches or removal of soil;</p> <p>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</p> <p>(d) Lighting of fires;</p> <p>(e) Driving of vehicles or storage of materials and equipment.</p> <p>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.</p>

PA16. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00276/FUL - 34 Stanhope Road South. Demolition and reconstruction of chimney stack to rear extension, lowering to original height, demolition of existing external staircase and erection of replacement external staircase and creation of hardstanding to front and side (additional plans and information, amended design and access statement received 18 May 2009).

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

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

- (a) A3 – Implementation Limit (3 years).
- (b) Notwithstanding any details of the proposed replacement chimney submitted as part of the application, the chimney on the north elevation must be rebuilt reusing the existing bricks and chimney pot, to match the existing chimney minus the top thirteen courses, within six months of this permission.
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.
- (c) The replacement staircase shall be constructed from bricks to match the house, reclaimed if an exact match cannot be found and the steel balustrade and handrails shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.
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.
- (d) Prior to the car parking spaces hereby approved first being brought into use the existing vehicle crossing shall be widened to the satisfaction of the Local Planning Authority.
Reason – In the interests of road safety.
- (e) The existing trees and hedges on the site shall be retained and shall not be pruned, lopped or felled without the prior written agreement of the Local Planning Authority.
Reason – In the interests of the visual amenities of the area.

(2) Planning Permission Refused

09/00306/FUL - Skipbridge, Neasham Road, Hurworth Moor. Erection of a detached dormer bungalow and detached garage.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments received from Hurworth Parish Council and Northumbrian Water and the views of the applicant, whom Members heard).

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

- (a) The application proposes the development of a single dwelling on a site in the open Countryside outside the approved development boundaries identified in the Borough of Darlington Local Plan 1997. In such locations development plan policy provides that new dwellings will normally only be permitted where the proposal is to meet an identified agricultural or forestry need or it involves the conversion of existing

buildings. The application proposes a new build property for which there is no demonstrable agricultural or other appropriate justification and is therefore contrary to policy E2 (Development Limits) and H7 (Areas of Housing Development Constraint) of the Borough of Darlington Local Plan 1997.

- (b) The proposal would result in an unsustainable form of development in which the occupiers of the dwelling would be solely reliant on the private motorcar for day to day travel needs. The site is remote and poorly served by public transport nor does it have reasonable access to local amenities and services. The proposed development would thereby be contrary to policies 2 (Sustainable Development) and 4 (The Sequential Approach to Development) of The North East of England Plan Regional Spatial Strategy to 2001.

(3) Darlington Borough Council Granted

09/0122/DC - Red Hall Playing Area, Headingley Crescent, Darlington. Installation of multi use games area (MUGA), junior play area, link footpath, shelter and 4 No. lighting columns.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments received from the Headteacher of Red Hall Primary School, this Council's Environmental Health Officer and Anti-Social Behaviour Officer, Durham Police's Archaeological Liaison Officer, Durham County Council's Assistant Archaeology Officer and Sport England and the views of the applicants agent, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) No development shall commence until a full lighting impact assessment, undertaken by an independent assessor, for the proposed floodlighting has been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details. The lighting impact assessment must include:
 - (i) a description of the proposed lighting units including height, type, shape and luminance output of the floodlights;
 - (ii) the proposed level of lighting (in lumens) and a justification specifying which guidance has been used to choose this;
 - (iii) drawing(s) showing the luminance levels both horizontal and vertical on the Multi Use Games Area to demonstrate that no light falls into the curtilage of neighbouring properties or onto the public highway;
 - (iv) the direction and aiming angle of each floodlight and the upward waste light ratio for each light; and
 - (v) the Environmental Zone which the site falls within, in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution.
- Reason** – In the interests of visual amenity and residential amenity.
- (c) Any external floodlighting, approved under Condition (b) above, shall be switched off each day and shall not operate between 21:00 hours and 09:00 hours the following day.
Reason – In the interests of visual amenity and residential amenity.
- (d) No development shall commence until details of the arrangements for the management of the games area have been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the

approved details.

Reason – In the interests of visual amenity and residential amenity.

- (e) B2 - Detailed Drawings (Specific) [insert: the replacement junior play area].
- (f) No development shall commence until a programme of archaeological works, including a mitigating strategy and publication arrangements have been submitted to, and approved by, the Local Planning Authority. The details shall be in accordance with a written statement of investigation which should also be submitted and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason – The site is in an area of high archaeological potential.

- (g) Prior to the completion of the development, an archaeological interpretation strategy shall be submitted to, and approved by, the Local Planning Authority. The development shall only be implemented in accordance with the approved interpretation strategy.

Reason – In order to mitigate the damage caused to the setting of the monument by the new development and to raise awareness in the local community of the history and significance of the site.

09/00228/DC - Alderman Leach Primary School, Alderman Leach Drive, Darlington.
Erection of single storey extension to form additional classrooms.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments received from this Council's Planning Policy Section, Highways Officer and Environmental Health Officer and Sport England).

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

- (a) A3 - Implementation Limit (3 years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Accordance with Plan).
- (d) 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.

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.

- (e) Prior to the commencement of the development a Community Use Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon completion of the development and shall thereafter be operated in perpetuity unless otherwise agreed with the Local Planning Authority.

Reason – To comply with the requirements of Sport England.

09/00353/DC - Playing Area, Prescott Street. Upgrade existing play area provision.

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

from this Council's Highway Officer and Arboricultural Officer and Durham Police's Architectural Liaison Officer and the views of the objector, whom Members heard).

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

- (a) A3 - Implementation Limit (Five Years).
- (b) B5 - Detailed Drawings (Accordance with Plan).
- (c) E11 - Tree Protection.
- (d) Any excavation works within the root protection area (RPA) of trees shall be undertaken by hand. The Council's Senior Arboricultural Officer shall be notified prior to the commencement of such works.

Reason – To safeguard the health of trees.

09/00280/DC - Borough Road Nursery, Borough Road Darlington. Demolition of existing staff room and erection of single storey rear extension incorporating external ramp for disabled persons, and infilling of existing canopy to the rear.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objection received from Darlington Association on Disability).

RESOLVED - That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, 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 (Accordance with Plan).
- (d) Notwithstanding anything shown in the application precise details of the external access ramp to the extension including support railing and surfacing shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development and the development shall not be carried out otherwise than in accordance with the approved details.

Reason- To ensure that satisfactory provision is made for persons with disabilities to access and egress the building.

- (e) Notwithstanding anything shown in the application precise details of the roller shutters to the canopy shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development and 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 in the interests of visual amenity.

PA17. CONSTRUCTION OF WIND FARM AT ELSTOB LANE, MORDON, CO. DURHAM – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) informing Members of the recently submitted planning application within Durham County Council's area of jurisdiction to construct a wind farm, comprising of ten turbines and associated sub-station and 70 metre high anemometry mast plus new access roads at Elstob Lane, Mordon, Co. Durham; and inviting comments thereon, bearing in mind similar proposals that were likely to be submitted to this Council in the near future in the Barmpton and Newbiggin areas.

The submitted report gave further information on the application and made particular reference to the a recently completed document prepared by Ove Arup, on behalf of the North East Assembly, relating to wind farm impacts on the landscape.

RESOLVED – (a) That the report be noted and Durham County Council be requested to require the applicants to provide full and detailed photomontages of the views of the proposed development as seen from the village of Sadberge.

(b) That Durham County Council take into account the recommendations of the recently completed Ove Arup study, in respect of the scale of the proposed development.

(c) That consultation be undertaken on an additional photomontage viewed from the Sadberge viewpoint, to incorporate existing and proposed windfarms, and this Council reserve the right to comment further following that consultation

PA18. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

(a) Mr. B. Ward has appealed against this Authority’s decision to refuse planning permission for alterations to existing bungalow to form two-storey dwelling house at Merrifield Lodge, No. 1a Low Coniscliffe, Darlington (Reference Number 09/00225/FUL);

(b) Mr. A. Wise has appealed against this Authority’s decision to refuse planning permission for the erection of a single storey extension to enlarge an existing ground floor flat and erection of a single storey extension to create a new flat at No. 43 Greenbank Road, Darlington (Reference Number 08/00967/FUL);

(c) Messrs S. Thompson and son have appealed against this Authority’s decision to refuse planning permission for the erection of agricultural workers dwelling, detached block of 4 No. garages and associated agricultural building at Southfields Farm, Great Stainton (Reference Number 08/00018/FUL); and

(d) Mr. Singh has appealed against this Authority’s decision to refuse planning permission for change of use of ground floor shop (A1) to hot food takeaway (A5) incorporating internal alterations and installation of extractor flue at No. 91 Surtees Street, Darlington (Reference Number 09/00099/CU).

RESOLVED - That the report be noted.

PA19. NOTIFICATION OF DECISIONS ON APPEALS – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment had :-

(e) dismissed the appeal made by Mr. C. Brockbank against this Authority’s decision to refuse planning permission for the erection of 2 No. detached dwelling houses, car parking, access and landscaping works at Moun Meadows, No. 64 Middleton Lane, Middleton St. George (Reference Number 08/00354/FUL);

(f) dismissed the appeal made by Susan Mawer against this Authority’s decision to refuse planning consent for the removal of two Yew trees but has allowed the appeal in

respect of the removal of seven Lawson Cypress trees at Greystones Drive, Darlington (Reference Number 08/00682/TF) (split decision);

- (g) allowed the appeal by Mr. T.G. Oxley against this Authority's decision to refuse planning consent for works to fell 1 No. Yew tree at No. 39 Blackwell, Darlington (Reference Number 08/00820/TF); and
- (h) allowed the appeal by Voyage against this Authority's decision to refuse planning permission for internal alterations and proposed erection of single and two storey extensions to existing building to create an 8 bed residential care home with storage to the existing roof space and the erection of detached bin store and 1.8m high timber fence enclosure to rear garden with new hard standing to frontage for 8 No. off-street car parking spaces at No. 59 Elton Parade, Darlington (Reference Number 08/01002/FUL) (Copy of Inspector's decision letter enclosed).

RESOLVED - That the report be noted.

PA20. 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.

PA21. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA12/Jun/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22nd June, 2009.

RESOLVED - That the report be received.