

PLANNING APPLICATIONS COMMITTEE

26th August, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors Dunstone, Freitag, Hartley, Johnson, Lee, D.A. Lyonette, Robson and Walker. (9)

APOLOGIES – Councillors M. Cartwright, L. Haszeldine, Regan and Stenson. (4)

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 Ken Major, Traffic Manager, within the Community Services Department.

PA29. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

PA30. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 29th July, 2009.

RESOLVED - That with the inclusion of the word noise and the amendment of the numbering in relation to application Ref No. 08/00638/OUT the Minutes be approved as a correct record.

PA31. 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 plans submitted therewith and approved by the Local Planning

	<p>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>

PA32. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00140/FUL - Asda Supermarket, Whinbush Way, Darlington.

Erection of loading dock extension and enclosed external marshalling area within existing services yard.

(In reaching its decision, the committee took into consideration the Planning Officer's report (previously circulated) and three 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) B4 - Details of Materials (Samples).
 - (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
 - (d) There shall be no deliveries to the unit outside the hours of 7.30 – 20.00 Mondays – Saturdays and 8:30 –16.00 on Sundays or Bank Holidays. Furthermore vehicles waiting to enter the site on the access road shall not have their engines or chiller units running outside of this time.
- Reason** – In order to safeguard the amenities of neighbouring residents.
- (e) Prior to any use of the proposed facility, a Delivery Management Plan (DMP) shall be submitted to and agreed in writing by, the Local Planning Authority, to include full

details of controls in place to minimise noise impact on adjoining residential properties. This shall include, but is not restricted to, matters such as restrictions in place on engines running whilst stationary, and restrictions on large vehicles entering the service yard outside the hours set out in Condition (d) (above).

Reason – In the interests of residential amenity.

- (f) Prior to the commencement of the development, or within such extended time as may be agreed in writing with the Local Planning Authority, details of the external colours of the proposed extension shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.
- (g) Prior to the commencement of development full details of the proposed roller shutter doors including their operating mechanism, shall be submitted and approved by the Local Planning Authority. The roller shutter doors shall be installed and operated in accordance with these agreed details.

Reason – In the interests of visual amenity.

09/00419/FUL - 324 – 326 North Road Darlington.

Convert offices/retail accommodation to 4 flats.

(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 subject to the receipt of revised plans relating to access to the bin storage area, planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) Traffic noise protection scheme to be submitted.
- (c) Notwithstanding the submitted details, revised plans shall be submitted to and approved in writing by the Local Planning Authority, relating to appropriate access to bin storage areas by occupiers of the proposed flats. These arrangements shall be fully implemented thereafter.

Reason – In the interests of the amenities of residents of the proposed flats.

09/00491/FUL - Former Thorntree House, Middleton Lane, Middleton St George.

Erection of detached dwelling and garage (amended plan).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and the objection of Middleton St. George Parish Council 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).
- (c) E2 - Landscaping (Submission).
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) All doors and windows shall be recessed from the front face of the brickwork to the face of joinery framing in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority.

Reason - In order to ensure a satisfactory appearance to the development in the interests of visual amenity.

09/00498/DC - Reid Street Primary School, Reid Street, Darlington.

Demolition of existing WC block and erection of new classroom with WC's.

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

RESOLVED – That provided no objections are received once the publicity exercise has expired on 28th August 2009, planning permission be granted, subject to regulation three of the Town and Country Planning General Regulations 1992 and the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Material Samples.
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plans).
- (d) Prior to the commencement of the development joinery details (including doors and windows) shall be submitted to, and approved 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 that the details submitted are suitable for the extension in the interests of visual amenity.

(2) Planning Permission Refused

09/00423/FUL - The Old Steel Store, Albert Hill Industrial Estate, Dodsworth Street

Variation of condition 2 of planning permission 07/00340/FUL dated 21.9.2007 (for change of use of wood re-cycling unit to waste transfer station) to permit an extension of operating hours to 0600 – 2100 Monday to Friday; 0700 – 1600 on a Saturday and 0800 – 1200 on a Sunday, Bank Holiday and Public Holiday.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection and two further letters of objection from Ward Councillors that were reported verbally at the meeting, the objection from Campaign to Protect Rural England which had been received and the views of Mr. McHale, applicant, Mrs. Shellhorn and Mr. Robson, objectors, and Councillor Wallis, Ward Councillor, whom Members heard).

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

The proposed extension of the approved hours of operation is considered to have an unacceptable adverse impact on the amenities of residential properties to the north and east of the application site, in terms of noise, nuisance and disturbance. The proposal is therefore considered to be contrary to Policies E48 (Noise-Generating/Polluting Development) and H15 (The Amenities of Residential Areas) of the Borough of Darlington Local Plan 1997.

09/00239/FUL - Snipe Lane Darlington

Change of use of land to private gypsy site and the siting of one mobile chalet and extension of stables to form amenity block.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection; the concerns of Hurworth Parish Council, Environmental Health and the Highways Engineer; and the objection of Campaign to Protect

Rural England that had been received and the views of Mr. Wheeler, the applicants agent, whom Members heard).

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

- (a) In the opinion of the Local Planning Authority the proposed development by virtue of its design and the prominence of the site, would amount to an unacceptable encroachment into open countryside contrary to policy H21 of the Darlington Local Plan. This consideration is not outweighed by the importance by any argument of the need for the accommodation requirement to be met in this rural location.
- (b) In the opinion of the Local Planning Authority the proposed development being served by access directly from the A66 road would result in an adverse affect on highway safety contrary to policy H21 of the Darlington Local Plan.

PA33. APPLICATION FOR PLANNING CONSENT

(1) Listed Building Consent Refused

09/00368/LBC - 4 Chapel Row, Sadberge, Darlington.

Listed Building Consent for Fixing Satellite Dish to Front Elevation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the recommendation of approval from Sadberge Parish Council that had been received).

RESOLVED – That Listed Building Consent be refused for the following reason :-

The erection of a satellite dish on this prominent front elevation would have a detrimental effect on the character and appearance of the Grade II Listed Building and would be contrary to advice contained in Planning Policy Guidance 15: Planning and the Historic Environment.

PA34. 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.

PA35. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA28/Jul/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 17th August, 2009.

RESOLVED - That the report be received.