

PLANNING APPLICATIONS COMMITTEE

10th March, 2010

PRESENT – Councillors Baldwin, M. Cartwright, Dunstone, Hartley, Johnson, DA Lyonette, Robson, Stenson and Walker. (9)

APOLOGIES – Councillors, Freitag, L. Haszeldine, Lee and Regan. (4)

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

PA85. DECLARATION OF INTERESTS – There were no declarations of interest.

PA86. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 10th February, 2010.

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

PA87. 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 |
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| 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 Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. |

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| | Reason - To ensure the development is carried out in accordance with the planning permission. |
| 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> |
| 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. <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> |

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| 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> |
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PA88. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00836/FUL - Mown Meadows, 64 Middleton Lane, Middleton St George. Erection of two detached dwellings with associated car parking, access and landscaping works.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), seven letters of objection; the objections of Middleton St. George Parish Council, the concerns of Campaign to Protect Rural England; the comments of Northumbrian Water, the Council’s Housing Strategy Manager, the Council’s Conservation Officer, the Council’s Urban Design Officer, the Council’s Public Protection Division and the Council’s Highways Engineer that had been received and the views of Mr. Stockley, applicants agent, Mr. Robb and Mr. Sheen, objectors, and Councillor D. Jones, Ward Member, whom Members heard).

RESOLVED - That the Assistant Chief Executive (Regeneration) be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing if a subsequent application is made that would bring the total of dwellings to five or more on the land comprising the existing curtilage of No.64 Middleton Lane.

That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Application (Implementation in accordance with approved plan).
- (d) E2 - Landscaping (Submission).
- (e) E5 - Boundary Treatment Submission.
- (f) E11 - Tree Protection.
- (g) Notwithstanding condition (3) above detailed working drawings at a minimum of 1:20 scale to include verge, eaves and window details, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. 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 within the Middleton One Row conservation area.
- (h) The boundary wall fronting onto Middleton Lane shall be reduced to a height of one metre prior to the occupation of any of the dwelling units hereby approved and thereafter shall be retained at that height.
- Reason** – In the interests of highway safety.
- (i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of the Order shall take place without the prior written consent of the Local Planning Authority, to whom a planning application must be made.
- Reason** - To safeguard the character and appearance of the Middleton One Row Conservation Area and the amenities of adjoining residents.
- (j) Notwithstanding anything shown on the submitted drawings the windows formed in the elevations of the dwellings overlooking no's 63 and 65 Middleton Lane shall be of an obscure level of glazing to be agreed in writing with the Local Planning Authority prior to the commencement of development. The windows shall be hinged to open inwards only and shall not be repaired or replaced other than with the agreed level of obscurity.
- Reason** - To prevent overlooking of the nearby premises.
- (k) No development shall commence until a detailed scheme for the treatment of the foul flows from the development hereby approved, has been submitted to, and approved by, the Local Planning Authority in consultation with Northumbrian water. The dwellings shall not be occupied until the scheme to transfer foul flows from the Middleton One Row Sewage Treatment Works to the Stressholm Sewage Treatment Works has been completed and commissioned.
- Reason** – The sewage treatment works to which the development will discharge. Is at full capacity and cannot accept the foul flows.
- (l) No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to, and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall not take place otherwise than in accordance with the approved details.
- Reason** – To ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 “Development and Flood Risk” and complies with the hierarchy of preference contained within Part H of the Building Regulations 2000, and for environmental reasons to avoid the unnecessary pumping and treatment of surface water.
- (m) The obscure glazed landing windows shown on drawing no.06.554.L (10) 03 Rev:B, shall be hinged to open inwards and shall not be repaired or replaced other than with obscure glazing.
- Reason** - To prevent overlooking of adjoining residential properties.
- (n) Construction work shall not take place outside the hours of 07:30 to 18:00 hours Monday to Friday, 08:00 to 14:00 hours Saturday, with no working on a Sunday, Public Holiday or Bank Holiday, without prior agreement with the Local Planning Authority.
- Reason** - In the interests of residential amenity.
- (o) Details of any proposed lighting scheme, together with a lighting impact assessment shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.
- Reason** - In order to safeguard the amenities of nearby residential properties.

09/00868/FUL - Holy Trinity Community and Youth Centre, Pierremont Road, Darlington. Erection of gazebo to side and shed to rear of building (amended description and plan received 17 February 2010).

(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 condition :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application (Implementation in accordance with approved plan).
- (c) Notwithstanding the submitted plans, the shed shall not be installed until details of a colour scheme for the external finish have been submitted to and approved by the Local Planning Authority. Thereafter, these works shall be carried out and retained in accordance with the approved details.

Reason - In the interests of the visual amenity of the area and in accordance with Policy E29 (The Setting of New Development) of the Borough of Darlington Local Plan.

09/00847/FUL - 155 Neasham Road, Darlington. Installation of externally mounted air conditioning unit to rear.

(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 (Three Years).
- (b) B5 - Detailed Application (Implementation in accordance with approved plan).
- (c) The air conditioning unit hereby approved shall only operate between the hours of 8.45am – 5.45pm, Monday to Friday and 9.00am – 12pm. Saturday, and not at all on Sundays.

Reason – In order to safeguard the amenities of nearby residents.

(2) Darlington Borough Council Granted

10/00023/DC - Green Park, Oakdene Avenue, Darlington. Refurbishment of equipped play area providing separate toddler and junior play area and construction of link footpaths (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection; sixty five letters of support; a letter of support from a Ward Member for Park East Ward; a letter of support from The Friends of Green Park; representations of support from St. Augustine's R.C. Primary School; the comments of The Architectural Liaison Officer from Durham Constabulary and the Council's Senior Arboricultural Officer that had been received and the views of Ms. Kwok, applicant's agent, Mr. Ruck, Mr. O'Connor and Mr. Derbyshire, objectors, Miss. Barker, Mrs. Easton and Councillor Hughes, who spoke in support of the application, Inspector Chris Reeves and Councillor Ruck, Ward Member, whom members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) Prior to the commencement of the development, an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. The details shall include construction methods for the footpaths; tree protection measures in accordance with BS5837 2005; confirmation of the site entrance to be used by the developer; areas for the storage of materials and associated temporary buildings. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To safeguard the trees within and around the site in the interests of the visual amenity of the area.

- (c) J2 - Contamination.
- (d) Notwithstanding the details shown on the approved plans, precise details, including the colour scheme, of the fencing to be erected around the toddlers play 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 the interests of the visual appearance of the locality.

- (e) B5 - Detailed Application (Implementation in accordance with approved plan).
- (f) The feasibility of resiting the play areas within the Park shall be investigated and any details showing the amended layout of the development shall be submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the amended details. If the investigations conclude that it is not feasible to resite the play areas within the Park, the applicant shall submit a Justification Statement to be agreed with the Local Planning Authority and the development shall be carried out in complete accordance with Drawing No WDD1392.04 dated January 2010 by Groundwork West Durham and Darlington.

Reason - In order to achieve a satisfactory form of development.

10/00014/DC - Land North of Richmond Close, Darlington. Erection of 13 dwelling houses.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of Northumbrian water, Northern Gas Networks, the Ramblers, the British Horse Society, the Police Architectural Liaison Officer, the Council's Rights of Ways Officer, Senior Arboricultural Officer, Highways Engineer and Environmental Health Officer that 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 (Five Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Application (Implementation in accordance with approved plan).
- (d) J2 - Contamination.
- (e) Details of landscaping, to include wildlife friendly habitat areas, shall be submitted to, and approved by, the Local, Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying,

severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

Reason - To create biodiversity and ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

- (f) Notwithstanding anything shown on the submitted drawings, precise details of the boundary fences/walls to the forward of the dwellings, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In the interests of highway safety.

- (g) Development shall not commence until a detailed scheme for the accurate location, protection of and access to its apparatus during construction and afterwards, of the development hereby approved, has been submitted to, and approved in writing, by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason - An existing rising main is located within the development site. Northumbrian Water require unrestricted access to this apparatus at all times and will not permit the erection of buildings or structures over or within a 5m easement either side of the pipe. Any proposed crossing, landscaping, parking areas or tree planting must comply with the standard Northumbrian Water guidelines.

- (h) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to, and approved by, the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason - To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

- (i) Construction work shall not take place outside the hours of 07:30 to 18:00 hours Monday to Friday, 08:00 to 14:00 hours Saturday, with no working on a Sunday, Public Holiday or Bank Holiday, without prior agreement with the Local Planning Authority.

Reason - In the interests of residential amenity.

- (j) The 2.1 metre high timber fencing indicated on the approved drawings shall be of a close boarded type.

Reason - In the interests of crime prevention.

- (k) Notwithstanding anything shown on the approved drawings, precise details of window surrounds shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. 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 the visual amenity of the area.

- (l) Prior to commencement of development details of finished floor levels shall be submitted to, and approved by, the Local Planning Authority 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.

09/00912/DC - Woodburn Nursery, Salutation Road. Renewal of temporary planning permission (reference number 05/00017/DC dated 21 March 2005 for erection of temporary extensions to existing polytunnels and temporary detached polytunnel) for a further 5 years, and

variation of condition No. 2 to increase the hours of operation to 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection that had been received and the views of Mr. And Mrs. Ord, objectors, and Mr. Poole, Assistant Director – Technical Services, whom Members heard).

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

- (a) The permission hereby granted shall be for a limited period of five years.
Reason - The Local Planning Authority would wish to review the permission at the end of the time period in the interests of the residential amenity and visual appearance of the locality.
- (b) Only private/personal vehicles shall access or egress the application site, outlined in red on SITEPLAN001 dated February 2010, outside the hours of 07:30 - 18:00 Monday to Friday and 10:00 - 17:00 Saturdays and Sundays, with the exception of vehicles used by the Darlington Borough Council's Forestry Team for emergency tree related works.
Reason - In the interests of the residential amenities of the neighbouring dwellings.

09/00897/DC - Open Space West of Faverdale Hall. Erection of wooden sculpture.

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

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) B5 – Detailed Application (Implementation in accordance with approved plan).

09/00915/DC - Roundabout at Legion Avenue, Roundhouse Road, Centurion Way Junction, Legion Avenue, Faverdale East Business Park. Erection of 1 no. free standing stainless steel sculpture.

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

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) B5 – Detailed Application (Implementation in accordance with approved plan).

10/00027/DC - Hummersknott School, Edinburgh Drive. Installation of free standing garage and steel storage container.

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

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application (Implementation in accordance with approved plan).

(3) Applications Withdrawn

09/00918/DCLB - 11, 12 And 13 Horsemarket, Darlington. Listed building consent for internal alterations to layout and for installation of replacement sliding door to front (amended description and amended plans received 25th February, 2010).

09/00919/DC - 11, 12 And 13 Horsemarket, Darlington. Change of use from A1(shops) to A2 (financial and professional services) and installation of replacement sliding door to front (amended description and amended plans received 25th February, 2010).

PA89. NOTIFICATION ON APPEALS – The Assistant Chief Executive (Regeneration reported that :-

- (a) Mr. R. Smith had appealed against this Authority’s decision to refuse planning permission for change of use of land from equestrian to the mixed use of equestrian and a private gypsy site and erection of amenity block and chalet, incorporating the positioning of 1 No. mobile chalet, 1 No. touring caravan space, amenity block and parking space at land at Southfields, Snipe Lane, Darlington (Reference Number 09/00239/FUL);
- (b) Mr. M. Brunton had appealed against this Authority’s decision to refuse planning permission for erection of 8 No. semi detached dwellings (outline) at 51 Beaumont Hill, Darlington (Reference Number 09/00361/OUT); and
- (c) Asda Stores Limited had appealed against this Authority’s decision to refuse planning permission for erection of temporary storage marquee (retrospective) at Asda Supermarket, Whinbush Way, Darlington (Reference Number 09/00646/FUL).

RESOLVED – That the report be noted.

PA90. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Mr. I. Richardson against this Authority’s decision to refuse planning permission for a single storey rear conservatory and amend rear extension at 33 Pierremont Road, Darlington (Reference Number 09/00751/FUL).

RESOLVED – That the report be noted.

PA91. 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.

PA92. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA84/Feb/10, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 1st March, 2010.

RESOLVED - That the report be received.