

## PLANNING APPLICATIONS COMMITTEE

28th July, 2010

**PRESENT** - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Dunstone, Hartley, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Regan, Robson, Stenson and Walker. (12)

**APOLOGIES** – Councillor Freitag. (1)

**PA23. DECLARATION OF INTERESTS** – In relation to Application Ref No. 10/00106/FUL Councillor D. Lyonette declared a personal and prejudicial interest and left the meeting during consideration of this application only.

**PA24. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 20th May and 23rd June and 30th June, 2010.

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

**PA25. 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 Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. 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>
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>
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>
K4	<p>No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such a scheme shall be implemented to the satisfaction of the Local Planning Authority before other development commences on site.</p> <p>Reason - To ensure that adequate measures are taken for the disposal of surface water.</p>

**PA26. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**10/00167/FUL - Wilton House Nursing Home, Wilton Close, Darlington.** Two single storey rear extensions for nine bedrooms.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments of the Senior Arboricultural Officer that had been received and the views of Mr Kilburn, applicant, whom Members heard).

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

- (a) The development hereby permitted shall be commenced no 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.
- (b) The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.  
**Reason** - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.
- (c) 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.  
**Reason** - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
- (d) The parking, loading and turning spaces, shown on the approved layout plan, shall be constructed and available for use prior to the first occupation of any part of the development and such spaces shall not be used for any other purposes.  
**Reason** - In order to prevent obstruction and inconvenience to users of the adjacent highway and the premises, and in the interests of road safety.
- (e) Before development commences details shall be submitted to and approved in writing by the Local Planning Authority showing a scheme linking the existing footway network to the proposed scheme. Such approved details shall be implemented as part of the overall development hereby approved.  
**Reason** - In the interests of pedestrian safety.

**10/00226/FUL - 1 Carnaby Road, Darlington DL1 4NR.** Erection of two storey rear extension.

(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 Mrs. Wigham, objector, 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 application (Implementation in accordance with approved plans).

**10/00304/FUL - Site of former St Andrews School, Haughton Road Darlington.** Creation of Memorial Garden and associated car park.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection; the comments of the Environment Agency, Environmental Health and Highways Engineer and a letter from the applicant responding to the objectors which had been received and the views of Reverend David Bryan, applicant, and Nigel Potter, applicant's agent, whom Members heard).

**RESOLVED** - That the development be approved with the following conditions :-

- (f) A3 – Implementation Limit (Three Years).
- (g) This permission shall relate to the revised plan showing the omission of the proposed provision of temporary Hears parking on Haughton Road received by the Local Planning Authority on 15th July, 2010.
- (h) K4 – Surface water drainage.
- (i) J2 – Contaminated land survey.
- (j) Before development takes place, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: all surface treatments, memorial wall construction and materials, gates, fences and other features as shown on the submitted plans.
- (k) E2 – Landscaping scheme.
- (l) E3 – Implementation of E2.

**10/00106/FUL - 8 St Andrew's Close, Darlington DL1 2EB.** Erection of detached two storey dwelling house and detached double garage (amended plans and supplementary letter dated 28th June, 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection; the comments of the Environmental Health Officer, the Arboricultural Officer, the Arboricultural Officer, the Environment Agency, Northumbrian Water and Northern gas Network that had been received and the views of Mrs. Carlyon, an objector, and Mr. Place, 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 Plans).
- (d) J2 - Contamination.
- (e) No development shall commence until details of the proposed lighting scheme together with a lighting impact assessment 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 the amenities of occupiers of neighboring properties.
- (f) No development shall commence until details of a scheme for the diversion of the Northumbrian Water apparatus which crosses the site or details which illustrate that a diversion of the apparatus is not required 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** – A public sewer crosses the site and building work over or close to this apparatus will not be acceptable.

- (g) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees on the site. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 metre height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to 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 specification, none of the following activities shall take place within the segregated protection zones in the area of the trees :-

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erecting of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) 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.

- (h) Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the River Skerne shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include :-

- (i) plans showing the extent and layout of the buffer zone;
- (ii) details of the planting scheme (for example, native species); and
- (iii) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

**Reason** – Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

- (i) The siting of the house should be as shown on drawing number PL01 Rev B.
- Reason** – To ensure that the development lies outside of the area shown to be at risk from flooding.
- (j) The development hereby permitted shall not be commenced until such time as a scheme for the surface water disposal system has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason** – To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

**10/00246/FUL - 21 Osborne Close, Darlington, DL3 9YE.** Erection of a two storey side extension.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and the comments of the Council's Highways Officer that had been received and the views of Mrs. Flint, whom Members heard).

**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 plans).
- (c) Notwithstanding any of the details submitted with the application, plans showing the finished levels of the footpath hereby approved shall be submitted to, and approved in writing, prior to the commencement of the development and the footpath shall thereafter be carried out in accordance with the details as approved.

**Reason** - In the interest of residential amenity.

**10/00310/FUL - Mowden Infant School.** Construction of footpath linking school buildings (amended plans received 7th July, 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the comments of Sport England that had been received and the views of Mr. Rhoades, objector, Mr. Taylor, applicant, whom Members heard).

**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 plans).
- (c) Notwithstanding any of the details submitted with the application, plans showing the finished levels of the footpath hereby approved shall be submitted to, and approved in writing, prior to the commencement of the development and the footpath shall thereafter be carried out in accordance with the details approved.

**Reason** – In the interests of residential amenity.

## **(2) Darlington Borough Council Granted**

**10/00326/DC - Newton Grange Farm, Sadberge.** Change of use from agricultural land to form vehicular and pedestrian access track to existing play area.

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

**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 footpath link; construction methods for the widening of the existing footpath and tree protection measures in accordance with BS5837 2005 and 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) Notwithstanding the details shown on the approved plans, precise details of the trees to be planted within the application site shall be submitted to and approved by the Local Planning Authority. The details shall include the species and position of each individual tree and 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.

- (d) No thinning of existing shrubs and hedges shall take place during the bird-nesting season (beginning of March to beginning of August) unless otherwise agreed with the Local Planning Authority.

**Reason** - To protect wildlife habitats.

- (e) B5 – Detailed Drawings (Implementation in accordance with approved plans).  
(f) A clear visibility splot of 2.4 metres x 160 metres shall be created prior to use of the access hereby approved. Thereafter this visibility splay shall be maintained.

**Reason** – In the interest of highway safety.

- (g) Prior to the commencement of the development hereby approved, details of security gates and fences (including height, design and materials) shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be constructed in accordance with the approved plans and specifications.

**Reason** – In the interests of highway safety and visual amenity.

**PA27. NOTIFICATION OF DECISION ON APPEALS** – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for Environment have :-

- (a) Allowed the appeal by Mr. Andrew Peacock against this authority's decision to refuse planning permission for Retention of balcony, removal of raised decking area and construction of rear entrance canopy at School House, Denton (Reference Number 10/00046/FUL).
- (b) Dismissed the appeal by Mr. R. Ward against this authority's decision to refuse planning permission for construction of entrance porch and first floor extension providing additional bedrooms to existing dwelling at Neasham Abbey Farm Cottage, Neasham Road, Hurworth Moor, Darlington (Reference Number 10/00053/FUL).
- (c) Mr. Malcolm Bruton has withdrawn his appeal for Erection of 8 No. semi detached dwellings (outline) at 51 Beaumont Hill, Darlington (Reference Number 09/00361/OUT).

**RESOLVED** - That the report be received.

**PA28. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100B(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.

**PA29. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA22, the Assistant Chief Executive (Regeneration) submitted a report (previously

circulated) detailing breaches of planning regulations investigated by this Council, as at 15th July, 2010.

**RESOLVED** - That the report be received.