

## PLANNING APPLICATIONS COMMITTEE

25th August, 2010

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

**APOLOGIES** – Councillor M. Cartwright, Freitag, L. Haszeldine, Lee and Stenson. (5)

**PA30. DECLARATION OF INTERESTS** – (a) In relation to Application Ref No. 10/00466/FUL and Applications Ref No. 10/00471/FUL Councillor Johnson declared a prejudicial interest and left the meeting during considerations of these applications only.

(b) In relation to Application Ref No. 10/00471/FUL Councillor Dunstone declared a prejudicial interest and left the meeting during this application only.

(c) In relation to Application Ref No. 10/00353/DC Councillor D. Lyonette declared a prejudicial interest and left the meeting during this application only.

**PA31. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 28th July, 2010.

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

**PA32. 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

	<p>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>
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p>Reason - In the interests of visual and/or residential amenity.</p>
B11	<p>Notwithstanding any description of the design and fitting of any windows in the application, precise details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The details shall incorporate at least a 12cm external brickwork reveal.</p> <p>Reason - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity.</p>
E1	<p>Details of landscaping 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 any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained.</p> <p>Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally approved and planted.</p> <p>Reason - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.</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>
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</p>

	the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard for environmental and public safety.
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**PA33. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**10/00471/FUL - Former Brickworks Site, Skipbridge.** Variation of condition 20 (None of the static caravans, other than the caravan designated for the site manager, shall be occupied as a person’s sole or main place of residence, or be occupied between 1 December in any one year and the 31 January in the succeeding year) of planning permission 07/01064/FUL granted on appeal APP/N1350/A/08/2071080 dated 18/7/08 (Leisure park for the stationing of static caravans and associated facilities) to allow the occupation of the caravans for holiday purposes from 8th February in any one year to 25th January in the following year.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), nineteen letters of objection, fourteen letters of support, the objections of Hurworth Parish Council and Neasham Parish Council, the views of the Environment Agency, Natural England and the Council’s Highways Engineer that had been received and the views of Mrs. Whaley, applicants agent, Mr. Bellamy, supporter, Mr. Dodwell, Parish Councillor and Councillor Swainston, Ward Member, whom Members heard).

**RESOLVED** - That variation of condition 20 attached to planning permission 07/01064/FUL dated 18th July 2008 to allow the occupation of the caravans for holiday purposes from 8 February in any one year to 25th January in the following year, subject to the following conditions :-

- (a) The lodges shall be occupied for holiday purposes only.  
**Reason** – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.
- (b) The lodges shall not be occupied as a person’s sole, or main place of residence.  
**Reason** –To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.
- (c) The owners/operators of the leisure park shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.  
**Reason** – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

**10/00500/FUL - Thorntree House.** Variation of condition 14 of planning permission 05/00669/FUL dated 31/8/05 to permit using a tarmacadam roadway surface finish in place of block paving.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, the objections of Middleton St. George Parish Council and the views of the Council's Highways Engineer that had been received).

**RESOLVED** - That variation of condition 14 of planning permission 05/00669/FUL dated 31/8/05 to permit using a tarmacadam roadway surface finish in place of block paving be granted subject to the following conditions :-

- (a) Notwithstanding anything shown on the submitted drawings the road surface shall be of a red finish.

**Reason** – To comply with the Council's Design Guide & Specification -Residential and Industrial Development.

- (b) The tarmacadam surface finish shall be completed within two months from the date of this permission.

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

**10/00302/FUL - Car Park, 136 Lawson Street.** Erection of 7 no. terraced dwelling houses (amended plans received 30.7.10).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the views of the Environmental Health Officer, the Highways Engineer and the Urban Design Officer that had been received).

**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 following :-

1. A financial contribution towards the upgrading and maintenance of an off-site area of open space in accordance with the Darlington Open Space Strategy 2007 – 2017.

And that upon the 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 – Development in accordance with the approved plans.

- (d) B9 – Details of means of enclosure.

- (e) B11 – Details of windows.

- (f) J2 – Contamination.

- (g) Prior to the commencement of the development hereby permitted, a scheme for the improvement of land to the rear of the dwellings to provide a 5 metre wide back lane to access the rear of the properties shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the surfacing of the lane together with improvements to the existing access onto Lawson Street. Thereafter, the back lane shall be provided in accordance with the details as approved prior to the first occupation of the dwellings hereby permitted.

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

- (h) The footway to the front of the application site on Crosby Street shall be reinstated to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.

**Reason** - In the interests of highway safety.

- (i) The parking spaces to be provided within the rear yards of the dwellings hereby approved shall be available for use prior to the first occupation of the dwellings hereby approved.
- (j) **Reason** - To ensure that there is adequate space available at all times within the curtilage of the site to enable private motor vehicles to stand clear of the adjacent highway and in order to prevent danger, obstruction and inconvenience to users of the public highway.
- (k) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority :-
  - (A) A preliminary risk assessment which has identified :-
    - (i) all previous uses;
    - (ii) potential contaminants associated with those uses;
    - (iii) a conceptual model of the site indicating sources, pathways and receptors;
    - (iv) potentially unacceptable risks arising from contamination at the site.
  - (B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason** - The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use, i.e. it is described as a garage repair yard. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

- (l) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
 

**Reason** - To confirm that any unacceptable risks to controlled waters associated with contamination have been adequately addressed.
- (m) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
 

**Reason** - Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

(n)

**10/00314/FUL - 11-17 High Street, Bishopton.** Erection of part two storey, part single storey rear extensions, and formation of vehicular access and car parking spaces.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, one letter of representation, the objections of Bishopton Parish Council and the views of Durham County Council Archaeology Section, the Councils Public Protection Division, the Council's Highway Engineer and the Council's Senior Arboricultural Officer that had been received and the views of Councillor B. Jones, Ward Member, whom Members heard).

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

- (b) A3 - Implementation Limit (Three Years).
  - (c) B4 - Details of Materials (Samples).
  - (d) B5 - Detailed Drawings (Accordance with the Plans).
  - (e) J2 - Contamination.
  - (f) E1 - Landscaping (Submission and Implementation).
  - (g) E5 - Boundary Treatment Submission.
  - (h) (A) No development works shall take place until the applicant, or their agents successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for :-
    - (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief issued by the County Durham Archaeology Section; the evaluation is to be undertaken following the approval of planning permission,
    - (ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
    - (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
    - (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
    - (v) notification in writing to the County Durham and Borough of Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works."
  - (B) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.
  - (C) Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.
- Reason** - To comply with policy E34 of the Borough of Darlington Local Plan and

Policies HE7.7 and 12.1-12.3 of PPS5 as the site may potentially contain features of local archaeological and/or architectural interest.

- (i) (A) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which is submitted to, and approved in writing by, the local planning authority as follows:

- (i) Methodologies for a Level 2 EH-style building record prior to any conversion works or stripping out of fixtures and fittings.
- (ii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
- (iii) Monitoring arrangements, including the notification in writing to the County Durham County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- (iv) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

(B) The archaeological mitigation strategies shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

(C) Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategies shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

**Reason** - To comply with policy E34 of Borough of Darlington Local Plan and Policies HE7.7 and 12.1-12.3 of PPS5 as the site may potentially contain features of local archaeological and/or architectural interest.

- (j) Notwithstanding anything shown on the submitted drawings precise details of the alterations to the boundary wall fronting onto High Street shall be submitted to, and approved by the Local Planning Authority, prior to work commencing on the vehicular access into the site.

**Reason** - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

## **(2) Planning Permission Refused**

**10/00466/FUL - Open Land Adjoining, Carmel Road North, Darlington.** Erection of temporary construction site compound and welfare facilities, including car parking.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), thirty one letters of objection and the views of the Environmental Health Office and the Arboricultural Officer that had been received and the views of Mr. Farnish, Mr. Langham, Mr. Allcard and Mrs. Gray, objectors, Councillor Johnson and Councillor Coultas, Ward Members, whom Members heard).

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

- (a) In the opinion of the Local Planning Authority the proposed development would generate additional traffic that would be detrimental to highway and pedestrian safety in what is already a congested area contrary to Policy T24 Parking and Servicing requirements for new developments.

### **(3) Planning Permission Deferred**

**10/00356/FUL - 94 Blackwell Lane, Darlington.** Erection of two storey extension to side, two storey extension to rear, two single storey extensions to rear and first floor bay window to front (amended description 8th June 2010) (amended plans received 14th July 2010) (additional plans received 26th July 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eleven letters of objection that had been received and the views of Mr. Mitchell, applicant, and Mr. Barker and Mr. Hatfield, objectors, whom Members heard).

**RESOLVED** - That planning permission be deferred to enable a site visit to take place.

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

**10/00353/DC - Carmel Roman Catholic Comprehensive School.** Construction of new footway and refurbishment of existing footway incorporating lighting and signage (additional information received 2nd August 2010).

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

**RESOLVED** - That planning permission be granted pursuant to 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 and machinery to be used for the footpaths and bollard lighting units; 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 any 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) B5 – Detailed Drawings (Accordance with Plan).

### **(5) Change of Use Granted**

**10/00443/CU - Former Taylor Woodrow Site, Lingfield Way, Darlington.** Change of use to waste transfer/recycling facility (Revised Scheme).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of representation and the views of the Environment Agency and the Council's Highways Engineer that had been received a further letter of objection that was highlighted at the meeting and the views of Mr. Hall, applicants agent, and Mr. Foreman, applicant, whom Members heard).



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

- (a) A3 – Implementation Limit (Three Years).
- (b) B5 - Detailed Application.
- (c) Within 6 calendar months of the date of this permission a phase 2 site investigation shall be carried out in accordance with the recommendations set out in the revised report on the Phase 1 Desk Top Study by GEOINVESTIGATE Ltd. Dated November 2009.  
**Reason** – To safeguard the amenities of the area.
- (d) No plant or machinery other than that detailed in the Planning Statement by England & Lyle dated June 2010 shall be permitted on site without the prior written approval of the Local Planning Authority.  
**Reason** - To prevent nuisance from noise in the interests of amenity.
- (e) Within two calendar months from the date of this permission a Noise Management Plan shall submitted to the Local Planning Authority. The Noise Management Plan shall include details regarding the management of fire exit doors, roller shutter doors, vehicle reversing alarms and drop heights (where applicable) for waste materials being handled on site. The approved Waste Management Plan shall be implemented within 28 days from the date of any approval given and shall not be carried out otherwise than in accordance with the approved details.  
**Reason** - To prevent nuisance from noise in the interests of amenity.
- (f) Within two calendar months from the date of this permission a dust action plan shall be submitted to, and approved by the Local Planning Authority. The approved dust action plan shall be implemented within 28 days from the date of any approval given and shall not be carried out otherwise than in accordance with the approved details.  
**Reason** - To ensure that nearby premises are not adversely affected by dust.
- (g) Within two calendar months from the date of this permission an odour management plan shall be submitted to, and approved by the Local Planning Authority. The approved odour management plan shall be implemented within 28 days from the date of any approval given and shall not be carried out otherwise than in accordance with the approved details.  
**Reason** - To ensure that nearby premises are not adversely affected by odours.
- (h) The hours of operation of the site shall be 06:00hrs to 18:30hrs Monday to Friday, 07:00hrs to 14:00hrs, Saturdays, and not at all on Sundays or Bank Holidays.  
**Reason** - In order to allow the Local Planning Authority to retain control over the Development in the interests of the amenity of the area.
- (i) Screen fencing shall be erected along the northern, southern and western boundaries of the site details of which shall be submitted to the Local Planning Authority within two calendar months from the date of this permission. The approved fencing shall be erected within 28 days from the date of any approval given (or any such later time as may be agreed in writing with the Local Planning Authority). The screen fencing shall not be erected otherwise than in accordance with the approved details.  
**Reason** – To minimise any adverse visual effects upon the adjoining business premises.
- (j) External storage of materials shall not exceed a height of 2m above ground level.  
**Reason** - To minimise any adverse visual effects upon the adjoining business premises.
- (k) A footpath link shall be provided to the footpath on Lingfield Way, including improvements to the existing site footpath and dropped crossing points, details of which shall be submitted to the Local Planning Authority within two calendar months from the date of this permission. The approved scheme of works shall be implemented within 28 days from the date of any approval given (or any such later time as may be

agreed in writing with the Local Planning Authority). The work shall not be carried out otherwise than in accordance with the approved details.

**Reason** – In order to provide a safe pedestrian access to the site in the interests of highway safety.

- (l) Within two calendar months from the date of this permission precise details of secure covered cycle parking provision shall be submitted to the Local Planning Authority. The approved cycle parking shall be provided within 28 days from the date of any approval given (or any such later time as may be agreed in writing with the Local Planning Authority). The cycle parking provision shall not be carried out otherwise than in accordance with the approved details.

**Reason** - To ensure that adequate cycle parking provision is provided to promote access and accessibility.

- (m) To minimise the likelihood of wind blown litter there shall be no storage of loose material outside the buildings and the site shall be kept free of litter able to be carried by the wind off the site.

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

- (n) Notwithstanding the details submitted with the application, an onsite traffic management plan shall be submitted and approved by the Local Planning Authority. The approved details shall be fully implemented within two months of the approval of these details.

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

#### **(6) Approval of Details Refused**

**07/00152/RM3 - Croft House, 2 Tees View, Hurworth Place.** Details of appearance, landscaping and scale pursuant to outline planning permission 07/00152/OUT dated 17/7/07 for conversion of existing dwelling to form 4 No. apartments and erection of 2 No. detached houses, and 13 No. townhouses with access roads and associated landscaping (Duplicate Application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eleven letters of objection, the objections of Hurworth Parish Council, the comments of the Environment Agency, the Council's Highway Officer and Council's Environmental Health Section and the objections of Campaign for the Protection of Rural England that had been received two further letters of objection from Councillor Swainston and Mrs. Briggs were highlighted at the meeting and the views of Mrs. Dell and Mrs. Williams, objectors, Mrs. Peacock, Parish Councillor, and Councillor Swainston, Ward member, whom members heard).

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

- (a) By virtue of its scale the development is considered inappropriate on this plot on the edge of Hurworth Place Village. Of particular concern is the overbearing impact on the public footpath to the north of the site and the existing single storey residential dwellings to the south and the development's appearance in the Countryside.
- (b) The proposal fails to respect the character of its landscape setting in terms of landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the locality and is therefore contrary to Policies E7 and E10 of the Borough of Darlington Local Plan.
- (c) In addition to the overbearing impact of the proposed dwellings the proposed footpath located towards the southern boundary will directly overlook Cumana bungalow and its

- rear curtilage significantly compromising the residential amenity it is currently afforded. The proposal is therefore contrary to Policy H11.
- (d) The proposed works to modify ground levels result in an unacceptable impact upon the protected trees and other trees identified for retention within the application site and in particular trees T764 (Weeping Beech) , T761 (Common Lime) and several Mature Limes on the western boundary.
  - (e) Whilst mitigation measures have been suggested to minimise damage to these trees it is not considered sufficient to guarantee the long term health and viability of these trees which not only have value as individual specimens but also play a key role in the long term landscaping of the proposed development.
  - (f) The proposal is therefore contrary to Policies E11 E12 and E14 of the Borough of Darlington Local Plan.
  - (g) The sunken garden area is larger than that indicated on the outline submission. Whilst it is acknowledged additional storage is beneficial on a site vulnerable to flooding this additional capacity has been created at the expense of the health and wellbeing of the protected mature Lime trees on the western boundary.
  - (h) Works to create this sunken garden will result in trees having their crown spread breached by the proposed landscaping due to the removal of soil to facilitate the proposed lowering of the soil levels, root loss and the change of the water table, which could stress the trees creating a possible avenue for disease to drastically reduce the lives of the trees. The loss of these trees, which represent a key landscape feature, would have a devastating affect on the landscape and street scene of this area.
  - (i) The proposal is therefore contrary to Policies E11 E12 and E14 of the Borough of Darlington Local Plan.

## **(7) Planning Permission Withdrawn**

**07/00152/RM2 - Croft House, 2 Tees View, Hurworth Place.** Details of APPEARANCE, SCALE and LANDSCAPING pursuant to outline planning permission 07/00152/OUT dated 17/7/07 for conversion of existing dwelling to form 4 No. Apartments and erection of 2 No. Detached houses, and 13 No. Townhouses with access roads and associated landscaping (additional plans received 7/7/10).

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

**RESOLVED** - That planning permission be withdrawn at the applicants request.

**PA35. NOTIFICATION OF APPEALS** – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mrs. Craig had appealed against this Authority's decision to refuse planning permission for demolition of existing dwelling and erection of replacement dwelling, 1 No. detached dwelling and 2 No. semi-detached dwellings at 20 Milton Street, Darlington (Reference Number 09/00818/FUL); and
- (b) Mr. Wilks had appealed against this Authority's decision to refuse planning permission for residential development comprising 7 No. flats and 1 No. studio (revised application) at Garage Block adjoining 31 Pendower Street, Darlington (Reference Number 10/0015/FUL).

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

**PA36. 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.

**PA37. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA29, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 12th August, 2010.

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