

PLANNING APPLICATIONS COMMITTEE

21st December 2011

PRESENT - Councillor Baldwin (in the Chair); Councillors Cossins, L. Haszeldine, Johnson, Knowles, Landers, Long, Macnab, Regan and Stenson. (10)

APOLOGIES – Councillors Lee, D.A. Lyonette and J. Taylor. (3)

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principle Planning Officer and Harry Alderton, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within Resources Group.

PA60. DECLARATION OF INTERESTS – (a) In relation to application 11/00705/FUL Councillor Baldwin declared a personal and prejudicial interest due to a member of his family being a member of the golf club and left the meeting for this application only.

(b) In relation to application 11/00705/FUL Councillor Mcnab declared a personal and prejudicial interest due to the application being within close proximity to his own residence and spoke as an objector and then left the meeting for the consideration of this application only.

PA61. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 23rd November, 2011.

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

PA62. PROCEDURE – The Assistant Director of Resources 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.
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.

PA66. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

11/00705/FUL - Darlington Golf Club, Haughton Grange, Whinfield Road, Darlington. Construction of new link road between Sparrow Hall Drive and the existing golf club access road (detailed application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the letters of objection from local residents and Whinfield Residents Association and the comments from local residents, members of Darlington Golf Club, the Highways Engineer, the Arboricultural Officer and Barmpton Parish Council that had been received and the views of Mr. Proud, applicant, Councillor Macnab, Mr. Atkinson, Mrs. Shepherd, objectors, Mr. Peat, representative and Councillor B. Jones, Ward Member, whom Members heard. A further letter of objection was also highlighted by the Development Manager at the meeting).

In relation to the request for a condition preventing the proposed road being used to access future housing development (should this be proposed), the Development Manager stated that such a condition would be unreasonable in this case and that any such application, if made would be considered on its own merits at the time. The granting of permission for the road would not make it any more likely that housing development would be forthcoming.

The Development Manager confirmed that a planning agreement was no longer being recommended to achieve the traffic barrier but that this would need to be achieved through a planning condition instead due to uncertainties over landownership. Highway legislation would be used to further justify and formulate the barrier which would be likely to take the form of bollards to prevent cars passing between Green Lane and the new road with the recognition that the central bollard would need to be demountable so as to allow any party with an existing legal right of access between Green Lane and the road hereby granted planning permission to be able to exercise that right in future. The Development Manager reported that there were likely to be legal obstacles to the placing of further bollards at the Whinfield Road end of Green Lane.

Concerns were raised about vehicles parking on Green Lane at present and that provision for parking should be made within the adjacent playing field area instead. The Development Manager stated that the relative merits of parking on Green Lane or on the playing field by users of the field were not material to the planning application being considered.

The Development Manager stated that the Police Architectural Liaison Officer had confirmed that he did not believe the proposed link road would create an increased risk of burglary.

The Highway Officer confirmed that the Manual for Streets had been taken into account together with his own professional judgement before submitting his consultation response to the proposed development. The Highways Officer advised that in the interests of highway safety it would be preferable to mark the boundary for Green Lane at its junction with the current access track. This could be achieved by the use of bollards, the central one being demountable. Any person with a right to use the access track would be issued with a key. These works would be carried out pursuant to section 81 of the Highways Act.

A question was raised as to whether bollards could be placed at Whinfield Road entrance of Green Lane or further up the lane and officers responded to the question raised and highlighted that as a Highway Authority, the Council did have the right to place bollards in the highway if it was necessary for highway safety, however, that section of Green Lane was designated as a bridleway with vehicular rights. That section of the lane was used by vehicles of people such as footballers using the adjacent field. It would therefore be impracticable to place demountable bollards at the Whinfield Road entrance as keys would need to be issued to every person who used the lane. The Highway Officer further advised that the bollards could not be placed halfway up the lane as there would be insufficient space for a turning area.

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

- (a) 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.
- (b) 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.
- (c) The section of hedgerow to be removed to facilitate the development is suitable for nesting birds and consequently vegetation clearance shall not take place between 1 February and 31 August unless it is under ecological supervision and following the submission and approval, by the Local Planning Authority, of a nesting bird survey.
Reason - In the interests of ecology.
- (d) No development shall commence until details of the provisions made for ensuring that surface water does not discharge onto the public highway, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not take place other than in accordance with the approved details.
Reason - To ensure that surface water does not discharge onto the public highway.
- (e) No development shall commence until details of a tree planting scheme have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not take place other than in full accordance and implementation of the approved details.
Reason - The proposal would result in the removal of part of a hedgerow and a tree planting scheme is required to mitigate this loss.
- (f) No development shall commence until details of the provisions made for access by pedestrians including dropped crossings/tactile paving, and a short section of footway within the highway verge to the south of Sparrow Hall Drive, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not take place other than in accordance with the approved details.
Reason - The new access would attract use by pedestrians which should be adequately accommodated.
- (g) No development shall commence until details of a scheme to prevent vehicular traffic movements between Green Lane and the road hereby granted planning permission have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the road hereby granted planning permission being brought into use. The approved scheme shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to prevent the movement of vehicles between Whinfield Road and Whinbush Way in the interests of highway safety.

- (h) No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the hours outside which work will not take place on the development. Thereafter the development shall only be implemented in accordance with the approved details.

Reason - In the interests of residential amenity and highway safety.

PA67. NOTIFICATION OF APPEALS – The Director of Place reported that Mr. Coleman had appealed against this authority’s decision to refuse planning permission for erection of dwelling house on site of former electricity sub-station at 53A Parkland Drive, Mowden Park, Darlington (Reference Number 11/00517/FUL).

PA68. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- (a) Allowed the appeal by Mr. Robinson against this Authority’s decision to refuse planning permission for the insertion of entrance door to first floor bedroom and erection of railings to existing garage roof to form balcony at 10 Riverside Way, Darlington (Reference Number 11/00441/FUL);
- (b) Allowed the appeal by Mr. Cairney against this Authority’s decision to refuse planning permission for change of use of land to mixed use equestrian and private gypsy site, including siting of 3 No. touring caravans (but excluding the erection of stable block, tack room and amenity block) with associated hard standing and car parking spaces at field at OSGR E42885 N521385, Aycliffe Lane, Brafferton, Darlington (reference Number 10/00840/FUL);
- (c) Allowed the appeal by Mr. Cairney and quashed the enforcement notice issued by this authority at land on west side of Aycliffe Lane, Darlington; and
- (d) Dismissed the appeal by Mr. Blyth of Lidl UK against this authority’s decision to refuse planning consent for display of non-illuminated 48 sheet advertising hoarding fix to west elevation at Lidl Supermarket, Yarm Road, Darlington (Reference Number 11/00356/ADV).

RESOLVED - That the reports be received.

PA69. 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.

PA70. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA59/Nov/11, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 9th December, 2011.

RESOLVED - That the report be received.