

PLANNING APPLICATIONS COMMITTEE

30th May, 2012

PRESENT - Councillor Baldwin (in the Chair); Councillors Cartwright, Cossins, L. Haszeldine, Johnson, Knowles, Lee, Long, D.A. Lyonette, Macnab, Regan Stenson. and J. Taylor. (13)

OFFICERS – Roy Merrett, Development Manager, Andrew Harker, Planning Officer and Andy Casey, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within Resources Group.

PA107. DECLARATION OF INTERESTS – (a) In relation to Planning Application Ref 12/00181/CU Councillor Long declared a personal and prejudicial interest and spoke as a Ward Member on behalf of the objectors and then left the meeting for the consideration of this application only.

(b) In relation to Planning Application Ref 12/00169/FUL Councillor Knowles declared a personal and prejudicial interest due to her knowing the applicant and left the meeting for consideration of this application only.

PA108. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 9th May, 2012.

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

PA109. 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.
A5	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 18(1) of the Planning (Listed Building and Conservation Areas) 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

	<p>development shall not be carried out otherwise than in accordance with any such approved details.</p> <p>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.</p>
B5	<p>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.</p> <p>Reason - To ensure the development is carried out in accordance with the planning permission.</p>
B7	<p>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.</p> <p>Reason - To ensure the development is carried out in accordance with the Listed Building Consent.</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>
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>

PA110. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

12/00267/FUL - 97 Woodlands Way, Hurworth Place, Darlington. Erection of detached double garage.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the comments of the Highways Engineer that were received).

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) 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.

- (c) 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.

- (d) No development shall commence until details of works to widen the existing vehicle crossing of the footway have been submitted 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 highway safety.

- (e) The detached garage shall only be used for purposes incidental to the use of the dwelling on the site and shall not at any time be used for business purposes.

Reason - In the interests of residential amenity.

(2) Planning Permissions Refused

11/00679/FUL - Retro, 82 Skinnergate, Darlington. Internal alterations to facilitate the change of use of the building from public house to public house with night club above, Erection of rear yard infill to create an extension to ground, first and second floors, new entrance onto Mechanics Yard, and alterations to Skinnergate facade including new steps, raised patio, wrought iron railings and disabled lift (amended plans and additional information received 25 April 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection, six letters of support, the objections of Durham Constabulary Liaison Officer, the Durham Constabulary Traffic management Officer from Durham Police, Darlington Association on Disability and the Council's Highways Engineer that had been received and the views of Mr. Barker, applicant's agent and Mr. Rezai and Mr. Pybus, objectors, whom Members heard. A further letter of objection and support was highlighted at the meeting).

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

- (a) The proposed entrance into the building off Mechanics Yard will lead to conflict between vehicles (including emergency vehicles) and pedestrians and disabled persons which would be prejudicial to highway safety. The proposal does not provide safe and convenient access for pedestrians and disabled people and it would be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.
- (b) It is considered that the use of the proposed entrance / exit to the building from Mechanics Yard by virtue of its location will lead to surveillance problems that will make it more difficult to control any instances of public disorder should they arise in this area contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.

12/00169/FUL - The Arches, Walworth Road, Walworth, Darlington. Erection of detached garage to rear comprising 2 No parking bays and associated hardstanding (Resubmission).

(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 Conservation Officer and Walworth Parish Council that had been received and the views of Mr. Good, applicant's agent whom Members heard. The Committee also considered the letter that was circulated at the meeting from Mr. Howard).

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

The proposed detached garage would appear as a large and prominent feature detracting from the open character, appearance and setting of the neighbouring listed buildings which forms an important part of their significance. As such the proposal is not considered to comply with Policy E4 (New Buildings in the Countryside) of the Borough of Darlington Local Plan 1997, Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 and Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012.

12/00217/FUL - Orlands, Norton Road, Sadberge. Loft conversion incorporating erection of 1 no roof dormer window to rear and forward extension to existing garage.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and a letter of support from Sadberge Parish Council that had been received and the views of Mr. Cooper, objector, whom Members heard).

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

- (a) The proposed roof extension would be out of keeping with the character and appearance of the existing dwelling and locality by reason of its design and would thereby conflict with Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan.
- (b) The proposed extension would be detrimental to the privacy of the adjoining property to the south by reason of its siting and overlooking of its garden area and would thereby be contrary to Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan.

(3) Change of Use Granted

12/00224/CU - Danesmoor House, 158 Carmel Road North, Darlington. Change of use from offices (B1) to children's day nursery (D1) along with the creation of new pedestrian access to the site; erection of a temporary disabled access ramp to front entrance of the building, and the erection of fencing and a story tellers chair within the grounds (additional information received 3 April 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection and the comments of the Council's Environmental Health Officer that had been received and the views of Mr. Crompton, applicant, whom members heard).

RESOLVED - is hereby granted planning permission 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 day nursery use hereby approved shall operate between the hours of 07:30 to 18:30 Monday to Friday only and shall not operate on Saturdays, Sundays or on Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.
Reason - In the interests of residential amenity.
- (c) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-
 - (i) A Phase 1 Preliminary Risk Assessment, carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.
 - (ii) A Phase 2 Site Investigation and Risk Assessment shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (1) A Phase 1 Preliminary Risk Assessment and has been completed and agreed in writing with the Local Planning Authority.
 - (2) The requirements of the Local Planning Authority for site investigations have been fully established; and

- (3) The extent and methodology of the site investigation and risk assessment have been agreed in writing with the Local Planning Authority.

The Phase 2 Site Investigation and Risk Assessment Report shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

- (d) A Phase 3 Remediation Statement for the remediation of land and/or groundwater contamination affecting the site determined through risk assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be implemented and completed in accordance with the agreed Remediation Statement by competent person(s), no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Local Planning Authority.
- (e) A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.
- (f) Any contamination not considered in the Phase 3 Remediation Statement but identified during the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

- (g) Notwithstanding the submitted details and prior to the commencement of the pedestrian footway hereby approved, a Method Statement for the construction of the footway shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved Statement.

Reason - In order to safeguard the life of the preserved trees in the interests of visual amenity.

- (h) Measures to protect the trees covered by the 2008 (No 9) Tree Preservation Order shall be erected prior to the construction phase of the approved development. The measures shall accord with 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. Notwithstanding the above approved 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) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires;
- (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.

- (i) Prior to the commencement of the development, precise details of works within the public highway will be submitted to and approved in writing by the Local Planning

Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interest of highway safety.

- (j) Prior to the commencement of the use, a Parking Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include measures to be adopted to ensure that vehicles can safely access and egress the site. The use shall be implemented and operated in complete accordance with the details within the approved Plan.

Reason - In the interests of highway safety.

- (k) Prior to the commencement of the use, a Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include precise details of the location and number of parking spaces within the site; the provision of a turning head area for vehicles; a safe pedestrian footway to the building; the method of ensuring the entrance gates are open at appropriate times and measures to be adopted to ensure that vehicles can safely access and egress the site such as signage and speed limit restrictions. The use shall be implemented and operated in complete accordance with the details within the approved Plan.

Reason - In the interests of highway and pedestrian safety.

- (l) 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.

(4) Change of Use Refused

12/00181/CU - 29 Corporation Road, Darlington. Conversion of existing building to form 7 No self contained apartments (additional information received 27 April 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection, two further letters of objection one containing eight signatories and the other containing six signatories and two further letters of objection following the submission of the additional Traffic Survey and the comments of the Council's Highway Engineer and the Council's Environmental Health Officer that had been received and the views of Mr. Good, applicants agent, Mrs. Richardson and Mrs. Stocker, objectors and Councillor Long Ward Member, whom members heard).

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

- (a) In the opinion of the Local Planning Authority the existing level of parking congestion in the vicinity of the site means that the availability of off street parking space to serve the development would be inadequate to the detriment of highway safety and the living conditions of residents contrary to saved policy H18 (House in Multiple Occupation in Other Area) of the Borough of Darlington Local Plan 1997.
- (b) In the opinion of the Local Planning Authority the proposed number of self contained apartments will result in the building being over-developed and an inadequate standard of internal space being available for prospective residents of the apartments to the detriment of their living conditions.

(5) Listed Building Consent Granted

12/00221/LBC - Danesmoor House, 158 Carmel Road North, Darlington. Listed Building Consent for a change of use from offices to day nursery including the installation of internal ground floor toilets and erection of disabled access ramp to front entrance. Erection of palisade fencing and creation of new pedestrian footway.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection that had been received).

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 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 Listed Building Consent.

(6) Listed Building Consent Refused

11/00680/LBC - Retro, 82 Skinnergate, Darlington. Listed Building Consent for internal refurbishment works including in filling rear yard to create an extension to ground, first and second floors, new structural openings, formation of a separate entrance off Mechanics Yard to first floor nightclub, toilet facilities, kitchen and back of house storage areas. Alterations to Skinnergate facade including new steps, raised patio and wrought iron railings, also form first floor drinking patio and smoking area to rear elevation (Amended plans and additional information received 25 April 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and two letters of support that had been received and the views of Mr. Rezai, objector, whom Members heard).

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

In the opinion of the Local Planning Authority the proposed three storey extension to the side elevation of the building, by virtue of its design and use of contemporary materials would cause substantial harm to the special architectural character of the building contrary to policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy and the National Planning Policy Framework.

PA111. NOTIFICATION OF APPEALS – The Director of Place reported that Ms. T. Barr had appealed against this Authority's decision to refuse planning permission for erection of single storey extension, first floor side extension and detached garage rear to 98 Stooperdale Avenue, Darlington DL3 0UD (Reference Number 12/00060/FUL).

PA112. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Place reported that the Inspectors appointed by the Secretary of State for Environment have :-

RESOLVED - (a) Dismissed the appeal by Lion Head Properties Limited against this Authority's decision to refuse planning permission for change of use from shop (A1) to restaurant/bar (A3) as extension to existing Tapas Bar/Restaurant and installation of a new shop front at 97 Bondgate, Darlington DL3 7JY (Reference Number 11/00268/CU);

(b) Allowed the appeal by Miss. J. Gregory against this Authority's decision to refuse planning permission for construction of hard surfacing to field entrance and parking area, setting back existing gate from field boundary (revised application) at field at OSGR E437631 N521999, Mill Lane, Bishopton (Reference Number 11/00634/FUL); and

(c) Allowed the appeal by Persimmon Homes Teesside Limited against this Authority's decision to refuse planning permission for variation of planning permission Reference Number 02/00937/RM2 dated 20th October, 2006 for residential development – to permit substitution of house types on thirteen plots and to revise the approved layout (Additional information and amended plans received 9th August, 2011 and 12th October, 2011 and 10th November, 2011; Arboricultural Method Statement and Implications Assessment received 19th August, 2011) at Glaisdale Court, Darlington (Reference Number 11/00468/FUL).

PA113. 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.

PA114. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA106/May/12, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 19th May, 2012.

RESOLVED - That the report be received.

PA115. UNAUTHORISED ALTERATIONS TO GRADE II LISTED BUILDING AT MANOR FARM BISHOPTON, DARLINGTON – The Director of Place submitted a report (previously circulated) seeking Members endorsement of the proposed course of action in relation to these unauthorised developments.

RESOLVED – (a) That no further action be taken in relation to the cowl, aerial and satellite dish because these developments have caused no significant harm and it would not be expedient in the public interest to take enforcement action.

(b) That listed building enforcement be served in connection with the flue requiring its removal and making good of the affected brickwork. With time for compliance of three months.