

## PLANNING APPLICATIONS COMMITTEE

12 December 2012

**PRESENT** – The Mayor (Councillor Baldwin) (in the Chair); Councillors Cartwright, Knowles, Long, D A Lyonette, Macnab, Regan, Stenson and J Taylor. (9)

**APOLOGIES** – Councillors Cossins and Lee (2)

**ALSO IN ATTENDANCE** – Councillors Curry and Lister (2)

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

**PA162. DECLARATION OF INTERESTS** – There were no declarations of interest reported at the meeting.

**PA163. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 14 November 2012.

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

**PA164. 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 :-

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. <b>Reason</b> - 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 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.
J2	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. 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. 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.

**PA165. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**12/00669/FUL - The Granary, Thorntree Farm, Neasham Road, Middleton St George.** Erection of a single-storey rear extension.

(In reaching its decision, the Committee took into consideration two letters of objection and the objections of Low Dinsdale Parish Council that had been received).

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

1. A3 Implementation Limit (3 years).
2. B4 Details of materials (Samples).
3. B5 Detailed application (Accordance with Plans).

**12/00663/FUL - Former Walled Garden, Walworth Road, Walworth.** Erection of a single-storey holiday lodge with associated log/bike store and construction of vehicular access within existing boundary wall (revised application).

(In reaching its decision, the Committee took into consideration four letters of objection, one letter of support, the objections of the Council for the Protection of Rural England

and Walworth Parish Council that had been received and the views of a representative of the applicant, whom Members heard).

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

1. A3 – Implementation Limit (Three Years).
2. The lodge 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.
3. The lodge 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.
4. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the lodge 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.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the lodge, including any additional structures/building/fencing within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.  
**Reason** - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site in the interests of the visual appearance and character of the locality
6. Notwithstanding any description of the external materials in the submitted application, details of all external materials for the lodge, the log/bike store and the refuse store (including samples and details of courses and pointing) 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.
7. Notwithstanding any description of the external materials in the submitted application, details of the external materials for the new boundary wall (including samples, details of courses and pointing, repair work to existing sections) 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.
8. Notwithstanding any description of the external materials in the submitted application, details of the main entrance gate 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.

9. Notwithstanding the details shown on the approved plans, details of any external lighting on the lodge or within its curtilage shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the location and design of any lighting along with a Lighting Impact Assessment 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 and to prevent light pollution and spillage of any neighbouring properties

10. Notwithstanding the details shown on the approved plans, details of any TV aerials and/or satellite dishes on the lodge or with the curtilage of the site shall be submitted to, and agreed in writing with, the Local Planning Authority, prior to the occupation 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.

11. 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. The details shall include the location, number, species and size of the trees and details of hard landscaped areas. 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.

12. Prior to the commencement of the development, a Construction Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approved details. The Plan shall include the proposed hours of construction, a Dust Action Plan, routes for construction vehicles, warning signage.

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

13. J2 – Contamination.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work as defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out :-

- a) Measures to ensure the preservation in situ or the preservation by record, of archaeological features of identified importance.
- b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- c) Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
- d) Report content and arrangements for dissemination.
- e) Archive preparation and deposition with recognised repositories.

- f) 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 strategy.
- g) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- h) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- i) The written scheme of investigation must be submitted by the developer, and approved in writing by the local planning authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

**Reason** - To comply with Policy CS14 of Borough of Darlington Core Strategy Document (2011) as the site is known to contain features of local archaeological importance.

15. 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. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

**Reason** - To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

16. B5 – Detailed Drawings (Accordance with Plan).

**(2) Planning Permission Deferred - 12/00562/FUL - Garage Block Adjoining 31 Pendower Street.** Residential development comprising 5 No flats and 1 No studio (revised application) (additional plan received 2 October 2012) (Design of the building amended by plans received 24 November 2012).

(In reaching its decision, the Committee took into consideration twenty letters of objection that had been received to the original application and a further twelve letters of objection to the amended plans that had been received and the views of two objectors, a representative of Westbrook Villas Residents' Association and the objections of Councillor Lister, one of the Northgate Ward Councillors, all of whom Members heard).

**RESOLVED** – That consideration of the above application be deferred to permit a site visit to be held.

**(3) Listed Building Consent – Granted - 12/00664/LBC - Former Walled Garden, Walworth Road Walworth.** Listed Building Consent for creation of a vehicular access within a curtilage listed boundary wall to facilitate the siting of a holiday lodge and the erection of a log/bike store (revised application).

(In reaching its decision, the Committee took into consideration five letters of objection, one letter of support, the objections of the Council for the Protection of Rural England and Walworth Parish Council that had been received and the views of a representative of the applicant, whom Members heard).

**RESOLVED** - That Listed Building Consent be granted subject to the following conditions:

1. A5 – LB Applications (Implementation Limit).
2. Notwithstanding any description of the external materials in the submitted application, details of all external materials for the log/bike store (including samples and details of courses and pointing) 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 to safeguard the character of the boundary wall which is a listed building.

3. Notwithstanding any description of the external materials in the submitted application, details of the external materials for the new boundary wall and refuse store (including samples, details of courses and pointing, repair work to existing sections) 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 to safeguard the character of the boundary wall which is a listed building.

4. Notwithstanding any description of the external materials in the submitted application, details of the main entrance gate 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 to safeguard the character of the boundary wall which is a listed building.

5. B7 – Detailed Application (Listed Buildings).

**PA166. GOVERNMENT CONSULTATION REGARDING EXTENSION OF PERMITTED DEVELOPMENT RIGHTS** – The Director of Place submitted a report (previously circulated) seeking Members’ approval to respond to a Government consultation in relation to the proposed extension of planning permitted development rights for various categories of land use.

The submitted report outlined the background to the consultation, together with the proposed changes and the categories of land included, which related to householder, industrial, office, shops and telecommunication (broadband) equipment and the views of the Officers that whilst, the proposed relaxation of planning controls in these cases would allow developments to proceed sooner and potentially with some cost savings to developers in terms of professions fees and plan preparation, it was considered that this did not outweigh the importance of the Local Planning Authority being able to retain control of the design of the developments in the interests of living and working conditions of neighbours.

**RESOLVED** – That the views of the Officers, as outlined above and as detailed in the submitted report, be reflected in the Council’s response to the consultation document.

**PA167. NOTIFICATION OF DECISION ON APPEAL** - The Director of Place reported that Inspectors, appointed by the Secretary of State for the Environment had allowed the enforcement appeal by Mr and Mrs Martin to a limited degree on ground (g) only,

and reported that, otherwise, the appeal had been dismissed and the enforcement notice upheld at Meadow House, Coatham Mundeville, Darlington (Reference Number E/12/02) (copy of the Inspector's decision letter previously circulated).

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

**PA168. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA169. OCCUPATION OF DWELLING IN CONTRAVENTION OF PLANNING CONDITION AND LEGAL AGREEMENT (EXCLUSION NO. 7)** – The Director of Place submitted a report (previously circulated) requesting that consideration be given to whether a condition and legal agreement governing the residency of a bungalow (as shown on the submitted plan) should be enforced.

The submitted report outlined the historic background to the site, together with the current position and the options available.

**RESOLVED** – (a) That the clause of the Section 52 Agreement and the planning condition governing the occupation of the bungalow be not enforced by the Council.

(b) That, if applications are made, an Agreement be entered into with the owner of the bungalow to discharge the clause of the Section 52 Agreement and the planning condition governing the occupation of the bungalow.

**PA170. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA161, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 30<sup>th</sup> November, 2012.

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