

## PLANNING APPLICATIONS COMMITTEE

13 March 2013

**PRESENT** – The Mayor (Councillor Baldwin) (in the Chair); Councillors Cossins, L. Haszeldine, Johnson, Knowles, Lee, Long, D A Lyonette, Macnab and J Taylor. (10)

**APOLOGIES** – Councillors Cartwright, Regan and Stenson (3)

### ALSO IN ATTENDANCE –

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

**PA187. DECLARATION OF INTERESTS** – There were no declarations of interest reported at the meeting.

**PA188. MINUTES** - Submitted - The Minutes (previously circulated) of meetings of this Committee held on 6 and 13 February 2013.

**RESOLVED** – That the Minutes be approved as correct records.

**PA189. 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.
B1	Detailed drawings showing the details of the following items shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development :- (i) the design, siting, height and internal planning of the buildings; (ii) the external appearance of the buildings and the materials to be used on all external surfaces including colours and textures; (iii) means of access and service roads, including road widths, sight lines and space for loading, off-loading

	<p>and manoeuvring and turning of vehicles;</p> <p>(iv) details of car-parking layout(s) and parking for people with disabilities;</p> <p>(v) refuse storage accommodation and access thereto;</p> <p>(vi) treatment of those parts of the site not covered by buildings, including planting, landscaping, surface treatment, walls, fences and gates; and</p> <p>(vii) preservation and planting of trees and shrubs.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development.</p>
B4	<p>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.</p> <p><b>Reason</b> - 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>
B4A	<p>The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.</p> <p><b>Reason</b> - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.</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>
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><b>Reason</b> - 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>

**PA190. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**12/00684/FUL - Balmoral Guest House, 63 Woodland Road.** Change of use of existing guest house cellar to form restaurant (A3) incorporating erection of lantern style roof light and flight of external steps to front.

(In reaching its decision, the Committee took into consideration four letters of objection and a letter of explanation from the applicant in relation to the operating hours of the restaurant that had been received).

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

1. A3 – Implementation Limit (Three Years).
2. Prior to the commencement of the development hereby permitted details of the stone, including samples, to be used in the construction of the steps to the front of the property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved materials shall be used in the construction of the steps hereby approved and thereafter be so maintained.  
**Reason** – In the interests of visual amenity.
3. The glazed lantern hereby approved shall be constructed of timber and thereafter be so maintained.  
**Reason** – In the interests of visual amenity.
4. B5 – Compliance with the approved plans
5. The A3 restaurant extension hereby approved shall not be used beyond 11.00 p.m. on any evening.  
**Reason** – In order to protect the residential amenity of adjacent residential property

**13/00022/FUL - 7 Chapel Row Sadberge, Darlington.** Demolition of outbuildings and erection of two storey dwelling.

(In reaching its decision, the Committee took into consideration six letters of objection, one letter of support and the support of Sadberge Parish Council that had been received and the views of the applicant and his agent, both of whom Members heard).

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

1. A3 - Time limit.
2. B4A - Materials.
3. B5 - Implementation.
4. Construction work shall not take place outside of the hours of 07:30 to 18:00 Monday to Friday, 08:00 to 14:00 Saturday, with no working on Sundays or Public Holidays.  
**Reason** – In the interests of residential amenity.
5. The south elevation bathroom window shall consist of obscure glazing to a level no lower than Pilkington Level Three and shall be installed and retained in

perpetuity on the first floor.

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

**12/00672/FUL - Land to the rear of 31 Teesway, New Lane, Neasham.** Erection of 4 dwellings and associated access.

(In reaching its decision, the Committee took into consideration twelve letters of objection to the original scheme and a further two letters of objection to the amended scheme, the views of Neasham Parish Council, the Council's Environmental Health Officer and Highways Engineer, all of which had been received and the views of a resident who spoke in support of the application, whom Members heard).

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

1. A3 – Implementation Limit (Three Years).
2. B4 – Details of Materials (Samples).
3. Notwithstanding the details shown on the approved plans, precise details of the windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In the interests of the visual appearance of the development and the appearance and character of the village,

4. J2 – Contamination.
5. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment [FRA] Civils updated report of October 2013 and the following mitigation measures detailed in the FRA;
  - Limiting the surface water run off generated by the site to a maximum peak rate of 5l/s so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site
  - Identification and provision of safe route[s] into and out of the site to an appropriate safe haven.
  - Finished floor levels are set no lower than 23.96m above Ordnance Datum [AOD]

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing by the LPA.

**Reason 1** - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**Reason 2** - To ensure safe access and egress from the site.

**Reason 3** - To reduce the risk of flooding to the proposed development and future occupants.

6. Prior to the commencement of the development a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details on the hours of construction, a Dust Action Plan, designating and signing for construction vehicle and plant routes, methods for keeping public roads clear of debris. The development shall not be carried out otherwise than in complete accordance with the proposed Plan

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

7. Should piling be required a piling risk assessment, which includes details of the piling method to be employed, including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognized guidance shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with the approved details.  
**Reason** - To safeguard the amenities of the area.
8. Notwithstanding the details shown on the approved drawings, precise details of improvements to the highway, including footways and the provision of dropped crossings shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - In the interests of pedestrian safety.
9. B5 – Detailed Drawings (Accordance with Plan).
10. During the construction phase, no building or construction work shall take place at the site outside the hours of 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 2.00 p.m. on Saturdays. No work shall be undertaken on Sundays or Bank Holidays.  
**Reason** – To protect the residential amenity of nearby residents during the construction phase.

## **(2) Planning Permission Deferred**

**12/00619/FULE - Manor Farm, Low Dinsdale Neasham.** Erection of 3 no poultry houses and associated feed bins, access and hardstanding areas.

(In reaching its decision, the Committee took into consideration eight letters of objection, three letters of support, the objections of the Campaign to Protect Rural England, the comments of the Ramblers' Association, English Heritage, Durham County Council's Archaeology Section, Natural England and the Council's Highways Engineer, the Countryside Access Officer and the Environmental Health Officer, all of which had been received, and the views of the applicant's agent and an objector, both of whom Members heard).

In addition, the Development Manager referred to a letter which had been received from a Planning Consultant, working on behalf of the objectors, which questioned the findings of the Environmental Statement which had been undertaken and which requested a deferment of the application to enable a site visit to take place).

**RESOLVED** – That consideration of the application be deferred to enable Officers to consider and respond to the Planning Consultant's response and to enable a site visit to take place.

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

**12/00789/CU - Cobby Castle Lane, Bishopton.** Change of use of garage to holiday let.

(In reaching its decision, the Committee took into consideration four letters of objection, three letters of support, the objections of Sadberge Parish Council and the comments of

the Council's Environmental Health Officer, all of which had been received, and the views of the applicant's agent, whom Members heard).

**RESOLVED** - That permission be granted with the following conditions ;

1. A3 – Time limit.
2. B5 – Accordance with plans.
3. Before the development hereby approved commences the applicant must either: -
  - (a) Investigate the site for landfill/ground gas and carry out a gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details shall be submitted to, and approved by, the Local Planning Authority; or,
  - (b) Install gas protection measures as a precautionary measure without first investigating the site. The details of the gas protection measures shall be submitted to, and approved by, the Local Planning Authority.
  - (c) For a. and b. all required measures shall be installed before the development is first occupied.

**Reason** – In the interests of the amenities of the occupiers of the approved development.

4. The building 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.

5. The building 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.

6. The owners/operators of the building shall maintain an up-to-date register of the names of all owners/occupiers of the chalet, 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.

7. B1 – further details to be submitted.

**PA191. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Place reported that Inspectors, appointed by the Secretary of State for the Environment, had :-

- (a) dismissed the appeal by Mr Alistair Powell against this Authority's decision to refuse listed building consent for internal refurbishment works including infilling rear yard to create an extension to ground, first and second floors, new structural opening, formation of a separate entrance off Mechanics Yard to first floor nightclub, toilet facilities, kitchen and back of house storage areas. Alteration to Skinnergate façade including new steps, raised patio and wrought iron railings, also form first floor drinking patio and smoking area to rear elevation at Retro, 82 Skinnergate, Darlington (Ref No. 11/00680/LBC);

- (b) dismissed the appeal by Mr Alistair Powell against this Authority's decision to refuse planning permission for 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 façade including new steps, raised patio, wrought iron railings and disabled lift at Retro, 82 Skinnergate, Darlington (Ref No. 11/00679/FUL);
- (c) allowed the appeal by Mr Paul Armstrong against this Authority's decision to refuse planning permission for the erection of a detached dwelling house at land north east of 5A The Spinney, Middleton St George, Darlington (Ref No. 12/00428/FUL); and
- (d) allowed the appeal by Mr J Richardson against this Authority's decision to refuse planning permission for the erection of a single-storey dwelling at 54 Barmpton Lane, Darlington (Ref No. 12/00271/FUL).

**PA192. 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 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.

**PA193. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA186, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28 February 2013.

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