

PLANNING APPLICATIONS COMMITTEE

31 July 2013

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

APOLOGIES – Councillors Cartwright, Regan and J. Taylor (3)

ALSO IN ATTENDANCE – Councillors Copeland, B. Jones, D. Jones and C. Taylor. (4)

OFFICERS – Dave Coates, Principal Planning Officer and Andrew Casey, Traffic and Road Safety Manager within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

PA18. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA19. MINUTES - Submitted - The Minutes (previously circulated) of a meeting of this Committee held on 3 July 2013.

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

PA20. 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.
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.
B9	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. Reason - In the interests of visual and/or residential amenity.
E2	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, and 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.

PA21. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

Planning Permission Granted

13/00262/FUL - Site Of Former Eastbourne Nursery School, Belgrave Street. Proposed erection of a residential development comprising 2 No semi detached dwellings; 6 No terraced properties and 4 No apartments (additional plans received on 27 April, 13 June and 5 July 2013).

Following questions by Members, the Committee requested Officers to submit, to a future meeting of this Committee, the applicant's submission in relation to the boundary treatment (condition 3) and also requested that the Council's Arboricultural Officer re-assess the Poplar trees to the northern edge of the site to ascertain whether they were worthy of a Tree Preservation Order.

(In reaching its decision, the Committee took into consideration nine letters of objection to the original plans, two letters of objection to the amended plans and one letter of objection to the further amended plans that had been received, the comments of Durham Constabulary's Architectural Liaison Officer, the views of an objector who

spoke on behalf of a number of residents, the views of the Chair of the Friends of Eastbourne Park, and the views of one of the Ward Councillors (Councillor C. Taylor), all of whom Members heard).

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

1. A3 – Implementation Limit (Three Years).
2. B5 – Details of Materials (Samples).
3. B9 – Fencing, Walls, Enclosure.
4. 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 premises, including any additional structures/building 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 that the Local Planning Authority is able to exercise control over future development of the site in the interests of residential amenity and to safeguard the life of the trees in the interests of visual amenity.

5. 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. 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. 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 uses or as a result of material left on the land 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.

6. E2 – Landscaping (Submission).
7. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within 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. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of

the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) 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.

8. Notwithstanding the details of condition 7) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Statement shall include precise details about how the dwellings, garden footpaths, garden sheds, boundary fencing will be constructed and where materials will be stored and where portacabins will be located during the construction phase to ensure that the root systems of the trees, shown to be retained on the approved plans, will not be adversely affected.

Reason - To safeguard the life of the trees in the interests of visual amenity.

9. 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 for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

10. No vegetation removal or tree felling should be undertaken during bird breeding season (March to August) unless the site is surveyed for breeding birds by a suitably qualified ecologist prior to any works being carried out. If any active nests are found, the nest and an appropriate buffer zone shall be created around it until the nesting attempt is completed.

Reason - To ensure that appropriate measures are taken in relation to breeding birds and their habitats.

11. Prior to the commencement of any preparatory works associated with the development hereby approved, details of a scheme for controlling surface water runoff from the site shall 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 order to ensure the development does not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites.

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

13. Notwithstanding the requirements of condition 9, construction works shall not take place outside 08:00 to 18:00 Monday to Friday with no working on Saturdays, Sundays or Public Holidays.

Reason - In the interests of residential amenity.

13/00363/FUL - The Cumby Arms, Beech Crescent, Heighington. Discharge of Section 106 planning agreement (restrictive covenant over land) dated 7 November 1997 attached to planning permission 8/97/249/DM.

(In reaching its decision, the Committee took into consideration three letters of objection and the objections of Heighington Parish Council that had been received and the views of the applicant's agent, the applicant and an objector, all of whom Members heard).

RESOLVED - That permission be granted to discharge the Section 106 planning agreement (restrictive covenant over land) dated 7 November 1997 attached to planning permission Ref No. 8/97/249/DM.

13/00340/FUL - The Bungalow, The Cumby Arms, Beech Crescent, Heighington. Application under Section 73 of the Town and Country Planning Act 1990 for removal of condition No 6 (occupancy condition) attached to planning permission 8/97/249/DM.

(In reaching its decision, the Committee took into consideration three letters of objection and the objections of Heighington Parish Council that had been received and the views of the applicant's agent, the applicant and an objector, all of whom Members heard).

RESOLVED - That permission be granted to remove condition 6 (occupancy condition) attached to planning permission 8/97/249/DM.

13/00349/FUL - The Cumby Arms, Beech Crescent, Heighington. Change of use from public house (A4) to residential use as a single dwelling (C3) with associated external alterations.

(In reaching its decision, the Committee took into consideration three letters of objection and the objections of Heighington Parish Council that had been received and the views of the applicant's agent, the applicant and an objector, all of 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 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 premises, including any additional structures/building 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 that the Local Planning Authority is able to exercise control over future development of the site in the interests of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no development of the types described in Schedule 2, Part 2, Class A shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

Reason - In order that the Local Planning Authority is able to exercise control over future development of the site in the interests of visual amenity.

5. The dwelling for which permission is hereby granted shall be used only for residential purposes connected to the use and occupiers of the existing adjacent bungalow. The dwelling shall not be occupied, let, or otherwise disposed of as a separate dwelling to any persons not related to the occupiers of the bungalow.

Reason – To allow the Local Planning Authority to retain control over the development and due to the close proximity of the properties.

6. Prior to the occupation of the dwelling hereby approved, a scheme for the storage and collection of refuse shall be submitted to and agreed in writing by the Local Planning Authority and the development shall not be completed otherwise than in complete accordance with the approved details.

Reason - In the interests of highway safety and the general amenity of the locality.

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

PA22. NOTIFICATION OF APPEALS – The Director of Director of Place reported that Mr J Brown had appealed against this Authority’s decision to refuse planning permission for the erection of detached dwelling house (in outline) at 28 Highside Road, Heighington, Newton Aycliffe (Ref No. 12/00688/OUT).

RESOLVED - That the report be received.

PA22. 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.

PA23. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA17, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 19th July, 2013.

RESOLVED - That the report be received.