

PLANNING APPLICATIONS COMMITTEE

30 July 2014

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

APOLOGIES – Councillors Cartwright, Knowles and Regan (3)

ABSENT -

OFFICERS – Dave Coates, Principal Planning Officer and Paul Ibbertson, Engineer, within Services for Economic Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (3)

PA16. DECLARATIONS OF INTEREST – (1) Councillor Johnson declared a non-pecuniary interest in Minute PA19(1) below (Ref No. 14/00367/FUL) as he had visited the site alone and met with the applicant and the objectors.
(2) Councillor Macnab declared a non-pecuniary interest in Minute PA19(1) below (Ref No. 14/00414/OUT) as the clerk to Whessoe Parish Council.

PA17. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 2 July 2014.

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

PA18. PROCEDURE – The Chief Executive’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
A1	<p>The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :-</p> <ul style="list-style-type: none">(a) access(b) appearance(c) landscaping(d) layout(e) scale <p>Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p>

A2	<p>The development shall be begun two years from the final approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved.</p> <p>Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.</p>
A3	<p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</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>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>
B9	<p>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.</p> <p>Reason - In the interests of visual and/or residential amenity.</p>
C5	<p>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.</p> <p>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.</p>

D5	<p>The refuse storage arrangements, shown on the approved plan (Drawing No. _____), shall be completed prior to any part of the accommodation hereby permitted being occupied.</p> <p>Reason - To ensure that refuse can be properly stored and removed from the site as soon as the proposed use of these premises commences.</p>
E2	<p>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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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.</p> <p>Reason - In the interests of the visual amenities of the area.</p>
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), 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:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels;</p> <p>(b) Cutting of roots, digging of trenches or removal of soil;</p> <p>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</p>

	<p>(d) Lighting of fires; (e) Driving of vehicles or storage of materials and equipment.</p> <p>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.</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. 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>

PA19. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

14/00367/FUL - 10 Woodland Terrace, Darlington. Erection of a single storey extension.

(In reaching its decision, the Committee took into consideration the findings of a site visit, 3 letters of objection from neighbouring residents and the comments of the Highways Engineer and the Conservation Officer which had been received, and the views of an objector, the applicant and the applicant's agent, all of whom Members heard).

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

1. A3 (Standard 3 year time limit).
2. B4 (Details of external materials to be submitted).
3. B5 (Development in accordance with the approved plans).

(Note - Councillor Long was not present during consideration of this item and therefore took no part in the discussion or decision thereon).

13/00799/FUL - West Newbiggin Farm. Change of use of agricultural barns to four dwellings.

(In reaching its decision, the Committee took into consideration two letters of objection, the objections of the Campaign for the Protection of Rural England, and the comments from the Environment Agency, Environmental Health, Whessoe Parish Council, the

Highways Engineer, the County Archaeologist and the Ecology Officer all of which had been received and the views of the applicant whom Members heard).

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

1. A3 – Implementation time
2. B4 – Details of materials
3. D5 – Accordance with plans
4. J2 – Contaminated land
5. The development hereby approved shall only be carried out in accordance with measures described within the “Bat and Barn Owl Report – Summer 2013” prepared by Ruth Hadden which was submitted with the planning application.
Reason – To maintain the habitats of protected species.
6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and the timetable agreed and shall be designed in line with SuDS philosophy.
Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and shall thereafter be retained throughout the life of the development.
Reason - To prevent pollution of the water environment
8. Prior to the commencement of the development, precise details of the improvements to the existing adopted access road that include for provision of passing places, traffic calming and associated improvements to the existing carriageway shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
Reason - In the interests of highway safety.
9. Prior to the commencement of the development, the following details shall be submitted to, and approved in writing by, the Local Planning Authority :-
 - i) Joinery details (including doors and windows);
 - ii) Details of flues, vents and meter boxes;
 - iii) Fences, walls and gates.The development shall not be carried out otherwise than in full accordance with the approved details.
Reason – To ensure that the details submitted are suitable for the conversion works proposed in the interests of visual amenity.
10. Prior to the commencement of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, details of the external colour finish of the windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority. The windows and doors shall be finished in accordance with the details as approved and maintained as such thereafter.
Reason – In the interests of visual amenity.
11. The windows and doors approved under condition (9) above shall be permanently retained and not altered or removed unless previously agreed in writing by the Local Planning Authority.

Reason – To safeguard the character and appearance of the buildings and in the interests of visual amenity.

12. All gutters and rainwater down pipes shall be of cast iron fixed on metal brackets to either the rafters or the external brickwork and shall be painted in a colour to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The gutters and rainwater down pipes shall be finished in accordance with the details approved and maintained as such thereafter.

Reason – To safeguard the character and appearance of the building and in the interests of visual amenity.

13. C5 Restriction of PD Rights (Residential).

14. Prior to the commencement of the development, or such other period as may be agreed with the Local Planning Authority, details of the hard surfacing to be used on the site shall be submitted to, and approved in writing by, the Local Planning Authority, together with a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details and thereafter be so maintained.

Reason – To safeguard the setting of the building in the interests of visual amenity.

15. All doors and windows shall be recessed from the front face of brickwork in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason – In order to ensure a satisfactory appearance to the development in the interests of visual amenity.

16. B9 - Boundary treatment.

17. E2 - Landscaping.

18. This permission shall be carried out in accordance with the recommendations of the Flood Risk Assessment prepared by RAB Consultants in May 2014.

Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

14/00414/OUT - 20 Burtree Lane, Darlington. Erection of 3 no. dwellings (outline).

(In reaching its decision, the Committee took into consideration one letter of objection and the comments of the Highways Engineer, the Environmental Health Officer, the Planning Policy Officer, the Environment Agency and Northumbrian Water all of which had been received).

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

1. A1 (Submission of reserved matters).
2. A2 (Implementation limit).
3. B4 (Details of materials).
4. The dwellings hereby approved shall achieve Level 3 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for them certifying that Code Level 3 has been achieved.
Reason – To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Revised Design of New Development Supplementary Planning Document 2011.
5. E2 (Submission of landscaping scheme).
6. E11 (Submission of tree protection measures).

7. Notwithstanding the details of condition 6, an Arboricultural Implications Assessment and an Arboricultural Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The Statement shall include precise details of how the proposed dwellings will be constructed to ensure that the root systems of the trees along the eastern boundary of the site will not be adversely affected.
Reason – To safeguard the life of the trees in the interest of visual amenity.
8. J2 (Land contamination).
9. Prior to the commencement of development hereby permitted 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 highway safety and general amenity.
10. Prior to the commencement of the development hereby permitted, precise details of a bin storage facility and location shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason – In the interests of highway safety and general amenity.

14/00478/FUL - ASDA Supermarket, Whinbush Way, Darlington. Installation of van loading canopy, small extension and alterations to exterior of building.

(In reaching its decision, the Committee took into consideration the objections of a number of local residents and the comments of the Environmental Health Officer which were received by Members.)

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

1. A3 Time limit.
2. B5 Accordance with plans.
3. Before development commences, an assessment of the potential for noise from the 'Home Shopping' operation affecting residential properties in the area shall be submitted to, and been approved in writing by, the Local Planning Authority. The assessment shall include noise from loading and unloading of vehicles, traffic noise and any noise from associated machinery or plant.
If the noise impact assessment indicates that noise from the development is likely to affect residential properties in the area, then a detailed scheme of noise mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.
The noise mitigation measures shall be designed so that nuisance or loss of residential amenity will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.
The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".
The approved scheme shall be fully implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason – To ensure there are no unacceptable impacts with regard to noise which may affect the occupiers of nearby residential property.

(2) Change of Use Granted

13/00968/FUL - Green Lane Farm, Neasham Road, Hurworth Moor, Darlington.
Change of use of land for siting of 6 No. log cabins to provide supported accommodation for vulnerable young people and families and extension of manager's accommodation/training room with associated landscaping, access and car parking.

(In reaching its decision, the Committee took into consideration 57 letters of objection, the objections of Hurworth Parish Council and the Campaign to Protect Rural England, the comments of the Highways Engineer, the Environmental Health Officer, the Environment Agency and Northumbrian Water, all of which had been received and the views of two objectors, the applicant and the applicant's agent all of whom Members heard).

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

1. A3 Implementation Limit (3 years).
2. J2 Contamination.
3. No development shall commence until details of all external illumination (including means to ensure that no excessive illumination shines over the landscape planting or vegetation areas) have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.
Reason – In the interests of amenity and ecology.
4. No vegetation shall be removed between 1 February and 31 August (in any year) unless it is under ecological supervision and following the submission and approval, by the Local Planning Authority, of a nesting bird survey and strategy.
Reason – In the interests of ecology.
5. The proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Extended Phase 1 Habitat Survey (Delta-Simons September 2013).
Reason – in the interests of ecology.
6. Notwithstanding the approved plans, no log cabins or other structures shall be erected on the site until details of their external appearance including materials have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.
Reason – In the interests of visual amenity.
7. No replacement log cabins or other structures meeting the definition of a caravan in the Caravan Sites and Control of Development Act 1960 shall be erected or installed onsite without the prior agreement, in writing, of the Local Planning Authority.
Reason – in order to retain control of the use/development in the interests of visual amenity.
8. The log cabins shall only be occupied by persons receiving support and training at Green Lane Farm on a temporary basis and shall not be occupied as a person's sole or main place of residence.
Reason – In order that the log cabins are not used as separate dwelling houses.

9. When the operation to provide supported accommodation for vulnerable young people and families ceases, the use hereby permitted shall cease, all the cabins shall be removed and the ground conditions shall be restored to the satisfaction of the Local Planning Authority.
Reason – The cabins are only permitted for the specific use (to provide supported accommodation for vulnerable young people and families) and if they are no longer needed for this purpose they must be removed and the land restored.
10. The Manager's Accommodation hereby approved shall only be occupied by a person solely or mainly employed at the operation at Green Lane Farm to provide supported accommodation for vulnerable young people and families or any resident dependants of such an employee or as ancillary accommodation to Green Lane Farm. The Managers Accommodation shall not be occupied as a separate dwelling house unconnected to the operation at Green Lane Farm.
Reason – In order that the Manger's Accommodation is not used as a separate dwelling house.
11. E3 Landscaping (Implementation).
12. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the extension to create the Manager's Accommodation (including samples) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.
Reason – In the interests of visual amenity.
13. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall be implemented as approved.
Reason – To protect the local water environment.
14. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect existing trees and hedgerows. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include, where appropriate, fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work. Notwithstanding the above 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) Erecting of temporary buildings, roads or caring 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 wellbeing of the trees on the site and in the interests of the visual amenities of the area.
15. The permission hereby granted shall ensure for the benefit of the applicant and the charitable incorporated organisation 'Parent & Child Together North East' only.
Reason – The application is considered acceptable as a departure from the development plan based on the specific business model submitted with the planning application.
16. Prior to the commencement of development, details of access arrangements including junction layout and visibility splays and on-site parking arrangements shall

be submitted to and approved by The Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approved details.

Reason – In the interests of highway safety.

(3) Variation of Planning Permission

14/00393/FUL - Gatehouse Lodge, Low Middleton, Middleton St George, Darlington. Variation of condition 5, attached to planning permission Ref No. 13/00810/FUL dated 6 December 2013 (for erection of detached garage in former paddock incorporating a renewable energy plant facility, workshop and store to first floor with associated access road; and erection of conservatory to rear of existing dwelling) to permit a reduced width to the right of way.

(In reaching its decision, the Committee took into consideration the objections of Middleton St George Parish Council and the comments of the Rights of Way Officer, which had been received).

RESOLVED - That the variation of condition 5, attached to planning permission Ref No. 13/00810/FUL be granted subject to the following condition :-

1. Unless otherwise agreed in writing, the other conditions attached to and specified on the notice of planning permission Ref No. 13/00810/FUL relating to this development are reiterated and are still in force insofar as the same have not been discharged to the satisfaction of the Local Planning Authority.

Reason –The conditions specified on the original grant of planning permission are still in force and have to be complied with.

PA20. NOTIFICATION OF APPEALS – The Director of Economic Growth reported that England and Lyle had appealed against this Authority's decision to refuse planning permission for the erection of a two and 1.5 storey housing development comprising 5 no. dwellings (amended plans received 7 April 2014 and revised Contaminated Land Report received 15 April, 2014) at Land at Rear 3-4 Hill Garth, Darlington (Ref No 13/01006/FUL).

RESOLVED - That the report be received.

PA21. NOTIFICATION OF DECISIONS ON APPEAL – The Director of Economic Growth reported that Inspectors appointed by the Secretary of State for the Environment had :-

- (a) allowed the appeal by Mr T Mounsey against this Authority's decision to refuse permission for change of use of land to private gypsy site for residential purposes on 2 no. plots, each plot incorporating the siting of a mobile home and touring caravan. Erection of 2 no. amenity buildings, fencing, hard standings, installation of shared septic tank and construction of an internal access road, and landscaping (Revised application) at OSGR E424077 N521153 Walworth Road, Heighington (Ref No 13/00594/FUL) (copy of Inspector's decision letter previously circulated);

- (b) allowed the appeal by Mrs T Harker against this Authority's decision to refuse permission for change of use of land to private gypsy site for residential purposes on 2 no. plots, each plot incorporating the siting of a mobile home and touring caravan. Erection of 2 no. amenity buildings, fencing, hard standings, installation of shared septic tank and construction of an internal access road, and landscaping (Revised application) at OSGR E424077 N521153 Walworth Road, Heighington (Ref No 13/00592/FUL) (copy of Inspector's decision letter previously circulated); and
- (c) allowed the appeal by Mr and Mrs LJ and C Rafferty against this Authority's decision to refuse permission for the erection of single storey rear extension (re-submission) at 10 Trinity Road, Darlington (Ref No 14/00304/FUL) (copy of Inspector's decision letter previously circulated).

RESOLVED –That the reports 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 PA15/Jul/14, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 2 July 2014.

RESOLVED - That the report be received.