

PLANNING APPLICATIONS COMMITTEE

24 September 2014

PRESENT – Councillor Baldwin (in the Chair); Councillors Cossins, Johnson, Knowles, Long, Macnab, Regan and Stenson. (8)

APOLOGIES – The Mayor (Councillor Lee); Councillors Cartwright, L Haszeldine, D Lyonette and J Taylor. (5)

ABSENT -

OFFICERS – Roy Merrett, Development Manager, 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. (4)

PA32. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA33. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 30 July 2014.

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

PA34. 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
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	<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>
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>
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>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</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</p>

	and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard for environmental and public safety.
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PA35. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

14/00618/FUL - 22 Friars Pardon, Hurworth, Darlington. Erection of 1 No dwelling.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and 29 letters of objection from neighbouring properties and the objections of Hurworth Parish Council which had been received, the views of the applicant's agent and two objectors all of whom Members heard).

That planning permission be granted subject to the following conditions:

1. A3 - Statutory Time limit (3 Years).
2. B5 – Detailed Drawings (Accordance with Plan).
3. 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 strict accordance with any such approved details. Such details should consider the use of timber cladding to part of the frontage of the building as this is a local feature.
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.
4. C5 - Restriction of PD Rights (Residential).
5. No development shall commence until a scheme for the provision and implementation of a surface water drainage scheme incorporating run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
Reason – To reduce the risk of flooding.
6. Before the first occupation of the dwelling hereby permitted the velux windows (rooflights) in the east and west elevations and the en-suite window in the west elevation shall be fitted with obscured glass and shall be permanently retained in that condition.
Reason – in the interests of the amenities of occupiers of adjacent residential premises.
7. E5 - Boundary Treatment Submission.
8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning

authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees adjacent to the site and in the interests of the visual amenities of the area.

9. Notwithstanding any information provided in the submitted application, a minimum of two in-curtilage parking spaces shall be provided for the proposed dwelling.

Reason – In the interests of highway safety.

10. Prior to the commencement of the development precise details showing the creation of a footway to link the proposed dwelling to the existing pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

14/00507/FUL - Field at OSGR E430367 N512578, Neasham Road. Erection of hotel incorporating associated vehicular access, parking and servicing arrangements (amended plans and additional Ground Investigation information received 22 July 2014 and 5 August 2014) (Flood Risk Assessment received 13 August 2014).

The Development Manager reported that a representation had been received from the Mowden Park Rugby Club. This stated that Club were not objecting to the proposal but were not in a position to formally support the proposals without certain conditions being in place in the interests of sustaining the Arena for example in terms of the size/specification for the hotel restaurant. The Development Manager advised the Committee that concerns over competition for business was not a matter that could be taken into account as a material planning consideration.

The Development Manager also explained that a previous proposal for mixed use development involving this site (incorporating a hotel) that Members were minded to approve subject to a s. 106 planning agreement had not yet been determined as the agreement had not been signed. He said that if Members were minded to grant permission for the current development it would no longer be a straight forward matter of signing the outstanding planning agreement to secure a planning permission for the earlier proposals as the circumstances of the site would have changed and would need to be a reassessed.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and five letters of objection from local residents and three letters of objection from local hoteliers which had been received, the views of the

applicant's agent and a representative from Hotel Solutions both 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. J2 - Contamination.
4. Prior to the commencement of the development, a Construction Management Plan shall be submitted 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.
5. Notwithstanding the details shown on the approved plans and prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In order to achieve a satisfactory form of development to promote sustainable nodes of transport.
6. Prior to the commencement of the development, precise details of works within the public highway on Neasham Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include provision of raised curbs at the bus stops on Neasham Road directly opposite the arena, provision of tactile paving at the existing dropped crossing to the south of the existing bus stops and extension of the footway from the roundabout of Neasham Road/A66 to the car park at the Southern access to the hotel. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of highway and pedestrian safety.
7. Prior to the commencement of the development, a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Surface water drainage from the site to the watercourse shall be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required as part of the details to be submitted to the Local Planning Authority for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event are also required as part of the details to be submitted to the Local Planning Authority for approval. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area.
8. E2 – Landscaping (Submission).
9. Glazing and ventilation levels at the specification, or equivalent level, as set out in Apex Acoustics Report Number 3713.2 (which accompanied the application) shall

be completed prior to any part of the development being first occupied or used. Mechanical services noise should be limited to no more than 26dB(A) in bedrooms as specified in the report.

Reason - To protect the amenities of the occupiers of the development.

10. The development hereby approved shall be carried out in complete accordance with the mitigation and compensation measures outlined in "Ecological Assessment: Proposed Hotel, Darlington Arena, Neasham Road, Darlington, Co. Durham" dated May 2014 and produced by Barrett Environmental Limited unless otherwise agreed in writing by the Local Planning Authority

Reason - To preserve protected species and their habitats.

11. B5 – Detailed Drawings (Accordance with Plan).
12. The development shall not be brought into use until the approved details have been fully implemented.

(2) Planning Permission Withdrawn

14/00276/FUL - 182 Woodland Road, Darlington. Residential development comprising 2 No apartment blocks to accommodate 46 dwellings, with associated access and landscaping (additional plans and information and amended plans received 27 August 2014).

RESOLVED – That, at the request of the applicant, the application be withdrawn.

PA36. 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 James Gareth Orpen against this Authority's decision to refuse planning permission for the erection of dwelling house at 7 Croft Road, Hurworth Darlington, DL2 2HD (Ref No. 14/00086/FUL) (copy of Inspector's decision letter enclosed); and
- (b) dismissed the appeal by Lord Barnard (Raby Estates) against this Authority's decision to refuse planning permission for the demolition of a derelict single storey barn at Denton Hall Farm, Denton, Darlington, DL2 3TY (Ref No 13/00788/FUL) (copy of Inspector's decision letter enclosed).

RESOLVED –That the reports be received.

PA37. 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.

PA38. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA31/Aug/14, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 15 September 2014.

RESOLVED - That the report be received.