

PLANNING APPLICATIONS COMMITTEE

17 December 2014

PRESENT – Councillor Baldwin (in the Chair); Councillors Cossins, Johnson, Long, D Lyonette, Macnab, Stenson and J Taylor. (8)

APOLOGIES – The Mayor (Councillor Lee); Councillors Cartwright, L Haszeldine, Knowles and Regan. (5)

ABSENT -

ALSO IN ATTENDANCE - Councillor Kelley.

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, within Services for Economic Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (4)

PA59. DECLARATIONS OF INTEREST – There were no declarations of interest at the meeting.

PA60. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 19 November and 3 December 2014.

RESOLVED – That the Minutes be approved as correct records.

PA61. 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.
A4	The development hereby permitted shall be commenced not later than one year from the date of this permission. Reason - (one year permission) - Specific reason required to be inserted by case officer.
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

	<p>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>
D4	<p>The use hereby permitted shall not commence until details of the arrangements for storing of refuse or waste have been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied.</p> <p>Reason - To safeguard the amenities of the area.</p>
D18	<p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the residential amenities of the area.</p>
D19	<p>The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.</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</p>

	<p>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>
E6	<p>Prior to the commencement of the development, details of the boundary walls/fences shall be submitted to, and approved by, the Local Planning Authority and such walls/fences shall be erected in accordance with the approved details prior to any part of the development being occupied (or any such later time as may be agreed in writing with the Local Planning Authority).</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of road safety.</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;</p> <p>(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>

K5	No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before other development commences on site. Reason - To ensure that adequate measures are taken for the disposal of foul drainage.
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.

PA62. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

14/00951/FUL - Oxmoor Nurseries, Heighington. Two additional gypsy pitches.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection from a local resident, the objections of Heighington Parish Council and the comments of the Environmental Health Officer and the Highways Officer all of which had been received).

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

1. A3.
2. B5
3. The site shall only be occupied by gypsies as defined in Government advice note "Planning Policy For Traveller Sites – 2012."
Reason – In order that the development complies with the Darlington Local Development Framework Policy CS13 (Accommodating Travelling Groups).
4. The site shall only be occupied by a maximum of three gypsy families.
Reason – In the interests of the character of the locality.
5. The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority.
Reason – In the interests of the character of the locality.

6. No commercial activities shall take place on the land, including the storage of materials.
Reason - In the interests of the character of the locality.
7. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this approval. It shall be fully implemented concurrently with the development. Any trees or shrubs removed, dying or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of 5 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 amenity of the area.
8. Within 3 months of the date of this permission the first 10m of the private drive within the property shall be constructed in a sealed material (i.e. not loose gravel) and thereafter maintained in such condition.
Reason - In order to ensure that no loose material is pulled onto the highway in the interests of safety.
9. Within 3 months of the date of this permission amendments to the direction signage on the A68 shall be implemented and funded by the applicant in accordance with a scheme to be previously agreed with the Local Planning Authority.
Reason - To improve visibility from the private access junction in the interests of highway safety.

13/01001/FUL - Croft House Hurworth Place. Demolish house and erect six new dwellings with associated driveways and gardens.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of local residents and of one of the Ward Councillors and the comments of the Campaign to Protect Rural England, the Environment Agency, Northumbrian Water, Hurworth Parish Council, the Conservation Officer, the Environmental Health Officer, the Ecology Officer and the Highways Engineer, all of which had been received, and the views of the agent's representative, the objections of a Hurworth Ward Councillor and a local resident, all of whom Members heard).

RESOLVED - That subject to the applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 relating to the following:

- Contribution to improve the quality of nearby open space,
- Contribution towards improvements to local education facilities,
- Contribution towards improvements to local sustainable transport facilities;

Planning permission be granted with the following conditions :-

1. A4 – Time limit.
2. B4 – Materials.
3. B5 – In accordance with plans.
4. E2 – Landscaping.
5. E6 – Boundary treatment.
6. E11 – Tree protection.
7. The development hereby approved shall only be carried out in accordance with the details included within the approved Flood Risk Assessment (FRA) 13T726/FRA001B by BGP and in particular : Limiting surface water running off the

site so that it will not exceed the run off from the undeveloped site – The provision of compensatory flood storage as highlighted in Section 8 of the FRA – Identification and provision of safe routes into and out of the site to an appropriate safe haven – Finished floor levels set no lower than 33.91m above Ordnance Datum. The mitigation measures shall be fully implemented prior to occupation of the dwellings and subsequently in accordance with the timing/phasing arrangements embodied within the scheme and shall thereafter be retained.

Reason – To prevent flooding on site and elsewhere and to ensure safe access and egress to and from the site.

8. K5 – Foul water disposal.
9. J2 – Contaminated land.
10. 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, signage and phasing . The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of the amenities of local residents.

11. The development hereby approved shall only be carried out in accordance with the details included within the approved Habitat Survey and Bat Survey Report submitted by AJT Environmental Consultants. The mitigation measures shall be fully implemented prior to the occupation of the dwellings.

Reason – In the interests of the welfare of protected species.

12. The kitchen window within the South facing elevation of plot 6 shall be omitted and replaced by a roof light.

Reason – In the interests of residential amenity and privacy.

(2) Change of Use - Granted

14/00374/|CU - 15 Queen Street, Darlington. Change of use from retail shop (Use Class A1) to fish and chip restaurant (A3) with ancillary takeaway service (A5) and associated external alterations (additional and amended information received 28 May 2014 and 27 November 2014).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections from Darlington Association on Disability, three letters of support and the comments of the Council's Principal Environmental Health Officer, all of which had been received and the objections of a representative of Darlington Association on Disability and the views of the applicant and the letting agent's representative, all of whom Members heard).

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, precise details of the priority seating for wheelchair users in the mall and associated mechanisms for providing the takeaway service including maintaining these elements of the service going forward shall be submitted to and approved in writing by the Local Planning Authority and the agreed details shall be implemented prior to the use being brought into operation and shall be maintained in perpetuity unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that persons with disabilities are able to use the services being provided by the proposed use.

3. D4 – Refuse Storage (Implementation).
4. D18 – Control of Fumes.
5. D19 – Ventilation Equipment (Details Required).
6. B5 – Detailed Drawings (Accordance with Plan).

PA63. 182 Woodland Road – Planning Application Ref: 14/00276/FUL – Two No Three Storey Residential Apartment Buildings. – The Director of Economic Growth submitted a report (previously circulated) requesting that further consideration be given to the reasons for the refusal of planning application Ref No. 14/00276/FUL in respect of 182 Woodland Road.

The submitted report referred to the previous decision of this Committee in refusing the application on the grounds of its overbearing effect on nearby residents, including residents in the adjacent cottages on Woodland Road, and it was reported that Officers subsequently felt that it was unlikely that the development would be regarded as harmful to the amenity of those residents on Woodland Road and that to sustain this as part of the reason for refusal could be regarded as unreasonable.

RESOLVED – That, in relation to planning application Ref No. 14/00276/FUL, the reason for refusal be amended to read as follows :-

In the opinion of the Local Planning Authority, the proposed buildings by virtue of their siting, scale and design would have an overbearing impact when viewed from the rooms and gardens of dwellings on Newlands Road resulting in harm to outlook and therefore loss of residential amenity for occupiers of those dwellings. The development would therefore be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

PA64. NOTIFICATION OF APPEALS – The Director of Director of Economic Growth reported that :-

- (a) Mr Karl Dryden had appealed against this Authority's decision to refuse outline permission for erection of 1 No detached dwelling with access off Friars Pardon with some matters reserved at land between 23 The Wayside and 63 Friars Pardon, Hurworth, Darlington, DL2 2EA (14/00727/OUT); and
- (b) Mrs Sarah Cockerill had appealed against this Authority's decision to refuse planning consent for display of 1 No. non illuminated fascia sign to gable wall (retrospective) at 318 North Road, Darlington, DL1 3BH (14/00759/ADV)

RESOLVED – That the report be received.

PA65. NOTIFICATION OF DECISIONS ON APPEAL – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mrs C Robinson against this Authority's decision to refuse consent for works to prune Purple Plum (T18) protected under Tree Preservation Order (No 4) 1975 – to reduce overhanging branches by up to 1.5m over

parking area (amended description) at Greencroft Close, Darlington (Ref No. 14/00132/TF).

RESOLVED –That the report be received.

PA66. 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.

PA67. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA55/Nov/14, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 December 2014.

RESOLVED - That the report be received.