

PLANNING APPLICATIONS COMMITTEE

21st October, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Dunstone, Freitag, Hartley, L. Haszeldine, Johnson, D.A. Lyonette, Regan, Robson, Stenson and Walker. (12)

APOLOGIES – Councillor Lee. (1)

OFFICERS – Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

PA44. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

PA45. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 23rd September, 2009.

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

PA46. 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 or consent :-

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.
AD1	Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
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.
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.

PA47. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00530/FUL - Central Park, Houghton Road. Erection of a Teesside University Building (five stories in height).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of representation from Tees Valley Regeneration and the comments of Association of North East Councils, One North East, Environment Agency, Northumbrian Water, Network Rail, the Council's Highways Engineer, Transport Section, the Environmental Health Officer and the Head of Parks and Countryside that had been received and the views of Mr. Robinson, applicant, and Mr. Mawson, applicant's agent, whom Members heard).

RESOLVED – That subject to an undertaking from Darlington College under section 106 of the Town and Country Planning Act 1990, in accordance with the heads of terms provided to Sport England dated 9 October 2009 planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Application (Implementation in accordance with approved plan).
- (d) J2 – Contamination.
- (e) No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions

of the development will be reduced by at least 10 per cent through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

Reason - In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- (f) Details of landscaping, to include wildlife friendly habitat areas, shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

Reason – To create biodiversity and ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

- (g) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason - To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 “Development and Flood Risk” and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

- (h) Notwithstanding anything shown on the approved plans precise details of secure covered cycle parking provision 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 accordance with the approved details and the cycle parking provision shall be made available prior to the occupation of the building.

Reason – To ensure that adequate cycle parking provision is provided in accordance with the adopted and emergency planning and transport policy, which promotes access by alternative transport modes.

- (i) Before the commencement of any works on site a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall not be implemented otherwise than in accordance with the approved details and shall be reviewed at the request of the Local Planning Authority.

Reason – To safeguard the amenities of the area.

- (j) Details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – To safeguard the amenities of the area.

- (k) Development shall not commence until an external lighting impact assessment (to include lux contour plans), has been submitted to, and approved by, the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning

Authority.

Reason – To protect the amenities of nearby properties.

- (l) No noise emitting fans, louvres, ducts or other external plant associated with the use shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained.

Reason – To protect the amenities of nearby properties.

- (m) Notwithstanding any information that has been provided with the application, details of a full travel plan (to include showering and changing facilities) shall be submitted to, and approved by, the Local Planning Authority prior to the building being brought into use. The travel plan shall not be implemented otherwise than in accordance with the approved details.

Reason – To encourage the reduction of journeys made to and from the site by private motor vehicles by the promotion of more sustainable forms of transport.

- (n) Prior to the building being brought into use a car park management plan shall be submitted to, and approved by the Local Planning Authority. The measures set out in the approved management plan shall be implemented before the car park is brought into operation and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order that the Local Planning Authority may be satisfied as to the details of on site car parking arrangements for users of the building and to ensure that obstruction and inconvenience to users of the adjacent highway and premises are avoided.

- (o) Construction work shall not take place outside the hours of 07:30 to 18:00 hours Monday to Friday, 08:00 to 14:00 hours Saturday, with no working on a Sunday, Public Holiday or Bank Holiday, without prior agreement with the Local Planning Authority.

Reason – In the interests of residential amenity.

09/00463/FUL - Cobby Castle Equestrian Centre. Conversion of barn/stables to form dwelling house, erection of conservatory to front, utility room and stables/feed store/storage to rear. Erection of 3no. replacement stables and enclosure to form yard.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection; six letters of support; the objections of Bishopton Parish Council and the comments of the Environment Agency and the Council's Environmental Health that had been received and one further letter of support and two further letters of objection that were highlighted at the meeting and the views of Mrs. Wood, applicant, whom Members heard).

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

- (a) A3 – Implementation Limit (Three Years).
(b) B4 - Details of Materials (Samples).
(c) B5 - Detailed Application (Implementation in accordance with approved plan).
(d) J2 – Contamination.
(e) The occupation of the dwelling hereby approved shall be limited to a person or persons employed in connection with the livery/equestrian operation at Cobby Castle Lane.

Reason - To ensure that the dwelling is occupied by persons connected with the livery/equestrian operation, as the site is located in open countryside where residential development would not normally be permitted.

- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no development within Schedule 2, Part 1, Classes A to H of that Order shall take place without the prior written consent of the Local Planning Authority.

Reason - To allow the Local Planning Authority to retain control over the development in the interests of visual amenity.

PA48. APPLICATION FOR PLANNING CONSENT

(2) Planning Consent Granted

09/00578/ADV - Claremont Villas, Trinity Road. Display of freestanding sign.

(In reaching its decision the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and the comments of the Council's Conservation Officer that had been received and further letters of objection which had been received were highlighted at the meeting and the views of Mr. Murphy, applicant, whom Members heard).

RESOLVED – That advertisement consent be granted subject to the following conditions :-

- (a) AD1 – Advertisements.
- (b) The advertisement hereby approved shall be displayed for a period of 18 months. The advertisement shall then be removed from the site unless otherwise agreed by the Local Planning Authority.

Reason - In the interests of the visual amenity of the Stanhope Road/Grange Road Conservation Area and the amenity of the neighbouring residential dwellings.

PA49. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mrs. T. Bascombe has appealed against this Authority's decision to refuse planning permission for erection of two storey side extension and single storey rear sun lounge at 9 Carnoustie Grove, Darlington (Reference Number 09/00382/FUL); and
- (b) Commercial Development Projects Limited have appealed against this Authority's decision to refuse planning permission for a Hybrid application for mixed use development comprising of B1 office, B8 Storage and warehousing (outline); and B office, B2 industrial, A3 restaurant, A4 public house, builders merchants and 57 bed hotel (amended description from A1 office to B1 office) (amended description and amended plans received 13th January and 31st January, 2009) at Torrington Company Limited Works (site of) Yarm Road, Darlington (Reference Number 08/00917/FUL).

RESOLVED – That the report be noted.

PA50. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (c) Allowed the appeal by Mr. Singh against this Authority's decision to refuse planning permission for the change of use of ground floor shop (A1) to hot food takeaway (A5)

incorporating internal alterations and installation of extractor flue at 91 Surtees Street, Darlington (Reference Number 09/00099/CU);

- (d) Allowed the appeal by Mr. A. Wise against this Authority's decision to refuse planning permission for erection of a single storey extension to enlarge an existing ground floor flat and erection of a single storey extension to create a new flat at 43 Greenbank Road, Darlington (Reference Number 08/00967/FUL); and
- (e) Dismissed the appeal by Mr. P. Dowse against this Authority's decision to refuse planning permission for change of use of land for the purpose of stationing mobile home for human habitation (Retrospective Application) at The Stables, Aislaby Road, Middleton One Row, Darlington (Reference Number 08/00999/CU).

RESOLVED – That the report be noted.

PA51. 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.

PA52. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA43/Sep/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 8th October, 2009.

RESOLVED - That the report be received.