

## PLANNING APPLICATIONS COMMITTEE

13th January, 2010

**PRESENT** - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Dunstone, Freitag, Johnson, Lee, D.A. Lyonette, Regan, Robson and Walker. (10)

**APOLOGIES** – Councillors Hartley, L. Haszeldine and Stenson. (3)

**OFFICERS** – Neil Cookson, Solicitor, within the Corporate Services Department, 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.

**PA69. DECLARATION OF INTERESTS** – In relation to Application Ref No. 09/00814/DC Councillor Lee declared a personal and prejudicial interest due to him being a school governor and left the meeting during consideration of this application only.

**PA70. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 13th January, 2010.

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

**PA71. 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.
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.
E11	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,

	<p>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>
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 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>

## **PA72. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **(1) Planning Permission Refused**

**09/00672/FUL - 22 Friars Pardon, Hurworth, Darlington.** Erection of 1.No dormer bungalow (additional information received 28 October 2009, amended plan received 16 November 2009).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) nine letters of objection, the objections of Hurworth Parish Council and the Campaign to Protect Rural England and the comments of the Council's Arboricultural Officer that had been received and the views of Mr. Puchala, applicant, Mrs. Miller and Mr. Brooks, objectors, and Councillor Hughes, Parish Councillor, whom Members heard).

**RESOLVED** – That planning permission be refused for the following reasons :-

- (a) In the opinion of the Local Planning Authority the proposed development by virtue of its scale and massing would be out of keeping with the scale and massing of existing bungalows on the southern side of Friars Pardon to the detriment of the appearance of the street scene contrary to Policy H11 of the Borough of Darlington Local Plan.
- (b) In the opinion of the Local Planning Authority the proposed development by virtue of its scale and massing would result in the over-development of the site leading to an overbearing impact when viewed from the neighbouring property at No. 20 Friars Pardon contrary to Policy H11 of the Borough of Darlington Local Plan.
- (c) The proposed development would be in breach of the 45 degree code which is a commonly applied principle in establishing likely impact upon residential amenity. As the development is in breach of this principle the Local Planning Authority consider there would be an adverse impact upon the natural light entering the rear of no. 20 Friars Pardon to the detriment of the living conditions of residents and contrary to Policy H11 of the Borough of Darlington Local Plan.

**(2) Darlington Borough Council Granted**

**09/00645/DC - Brinkburn Dene, Woodland Road, Darlington.** Construction of equipped toddler play area.

(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 Darlington Borough Council Environmental Health Officer, Darlington Borough Council Anti Social Behaviour Team and Darlington Borough Council Senior Arboricultural Officer that had been received).

**RESOLVED** – That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) J2 - Contaminated Land.
- (c) Prior to the commencement of the development hereby permitted full details of the proposed play equipment, associated surfacing and the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the play area shall be constructed in accordance with the approved details and be so maintained.  
**Reason** - In the interest of the visual amenity of the area.
- (d) E11 - Tree Protection.
- (e) B5 - Detailed Application (Implementation in accordance with approved plan).

**09/00838/DC - North Park, Whessoe Road, Darlington.** Construction of cycle park track.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and it was highlighted at the meeting that there were no further comments from Sport England, the Council's Environmental Health Officer, the Council's Highways Engineer and the Council's Senior Arboricultural Officer).

**RESOLVED** – That planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) E11 – Tree Protection.
- (c) Notwithstanding the details shown on the approved plans, precise details of the final design for the track, including details of materials and landscaping, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In the interests of the visual appearance of the area.

**09/00814/DC - Heighington CE Primary School, Hopelands, Heighington, Newton Aycliffe.** Installation of metal framed cycle store for 20 No. cycles.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments of Sport England and Heighington Parish Council that had been received).

**RESOLVED** - That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application (Implementation in accordance with approved plan).

**09/00819/DC - St Teresa's RC Primary School, Harris Street, Darlington DL1 4NL.** Installation of metal-framed cycle parking shelter to store 40 No. cycles.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and it was highlighted at the meeting that there were no further comments from Sport England).

**RESOLVED** - That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application (Implementation in accordance with approved plan).

**09/00812/DC - Holy Family RC Primary School, Prior Street, Darlington.** Installation of metal framed cycle store for 40 No. cycles.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and it was highlighted at the meeting that there were no further comments from Sport England).

**RESOLVED** - That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application (Implementation with approved plans).

**09/00807/DC - St Bede's Roman Catholic Primary School, Kingsway, Darlington.**  
Installation of metal framed cycle parking shelter to store 40 No. cycles.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and it was highlighted at the meeting that there were no further comments from Sport England).

**RESOLVED** - That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Application (Implementation with approved plan).

### **(3) Change of Use Refused**

**09/00789/CU - 147 Neasham Road, Darlington.** Change of use of first floor and part of ground floor from tanning studio to A3 restaurant.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, the comments of the Council's Highways Engineer and the Council's Environmental Health Section that had been received).

**RESOLVED** – That planning permission be refused for the following reason :-

The proposal fails to provide any off- street car parking and is therefore likely to result in the parking of vehicles on the surrounding roads, which would interrupt the free flow of traffic and prejudice the safety of other road users. In view of this the proposal would be contrary to policies H15 (The Amenity of Residential Areas) S18 (Food and Drink Uses Outside the Town Centre) and T24 (Parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997.

**PA73. NOTIFICATION ON APPEALS** – The Assistant Chief Executive (Regeneration reported that Mr. R. Burnside had appealed against this Authority's decision to refuse planning permission for demolition of a group of 3 No. garages and erection of a detached bungalow at Garage Block North of No. 2 Welbeck Avenue, Darlington (Reference Number 09/00647/FUL).

**RESOLVED** – That the report be noted.

**PA74. NOTIFICATION OF DECISIONS ON APPEALS** - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Dismissed the appeal by Mrs. T. Bascombe against this Authority's decision to refuse planning permission for erection of two storey side extension at 9 Carnoustie Grove, Darlington (Reference Number 09/382/FUL) but grants planning permission for a single storey sun lounge extension;
- (b) Dismissed the appeal by Mr. J. Jordan against this Authority's decision to refuse planning for erection of single storey garden room extension to rear at 8 Beech Rise, Darlington (Reference Number 09/00398/FUL): and

- (c) Allowed the appeal by Instant Cash Loans Limited T/A the Money shop against this Authority's decision to refuse planning permission for change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) at 18-19 Bondgate, Darlington (Reference Number 09/00408/CU).

**RESOLVED** – That the report be noted.

**PA75. 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.

**PA76. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7)** - Pursuant to Minute PA68/Dec/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 4th January, 2010.

**RESOLVED** - That the report be received.