

PLANNING APPLICATIONS COMMITTEE

17 October 2012

PRESENT - Councillors Cartwright, Cossins, L Haszeldine, Johnson, Knowles, Lee, Long, D A Lyonette, Macnab, Stenson and J Taylor. (11)

APOLOGIES – The Mayor (Councillor Baldwin); Councillor Regan (2)

OFFICERS – Roy Merritt, Development Manager, Dave Coates, Principal Planning Officer and Andy Casey, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

PA143 – CHAIR – RESOLVED – That, in the absence of the Chair and the Vice-Chair, Councillor Long be appointed as Chair for this meeting only.

PA144. DECLARATION OF INTERESTS – Councillor Stenson declared an interest in Minute PA147 below (Ref No. 12/00527/DC) as he wished to address Committee on behalf of his constituents opposing the application. There were no other declarations of interest reported at the meeting.

PA145. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 19 September 2012.

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

PA146. 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 :-

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>
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>

PA147. APPLICATION FOR PLANNING PERMISSION UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION - Darlington Borough Council – Granted

12/00527/DC - Mowden Infant and Junior School, Federation of Mowden Schools, Conyers Avenue, Darlington. Erection of extensions to Mowden Infant and Junior school, creation of 1 No. enclosed play area and 4 No. hard play surface areas. Additional car parking area and drop off area off Conyers Avenue and new car parking area at Bushel Hill Drive entrance (additional information received 30 August 2012 and 12 September 2012).

(In reaching its decision, the Committee took into consideration 13 letters of objection and the comments of one of the Council’s Environmental Health Officers, its Traffic Manager and its Arboricultural Officer, that had been received and the views of the applicant’s representative, two objectors and Councillor Stenson, all of whom Members heard. Councillor Stenson addressed the Committee before the other speakers and left the meeting immediately after).

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

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. Notwithstanding the details shown on the approved plans, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority within an agreed timescale. The details shall include the design, location and hours of operation of the lighting and also a Lighting Impact Assessment. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of the visual amenity of the locality and residential amenity.
4. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the proposed hours of construction, a Dust Action Plan, the designating and signing of construction traffic and plant routes, warning signage, construction phase proposals,

methods for keeping public roads clear of debris including wheel washing facilities. The development shall not be carried out otherwise than in complete accordance with the approved Plan.

Reason - In the interests of residential amenity and highway safety.

5. Notwithstanding the details shown on the approved plans precise details of the means of enclosure for Play Area 6 shall be submitted to and approved in writing by the Local Planning Authority within an agreed timescale. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of the visual amenity of the locality.

6. Prior to the commencement of the development precise details of a scheme for the disposal of surface water from the development 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 - To ensure that the discharge of surface water from the site does not increase the risk of flooding outside the site.

7. J2 – Contamination.

8. Notwithstanding the details shown on the approved plans, precise details of a secure cycle store shall be submitted to and approved in writing by the Local Planning Authority within an agreed timescale. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure that an appropriate secure cycle storage space is provided on site.

9. Prior to the development being brought into use, a Sustainable Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall consider the mitigation measures set out in Section 6 of the document entitled “Mowden Infant and Junior Schools Extension – Transport Statement” dated 31 May 2012 produced by JMP Consultants Limited and confirm timescales for implementation.

Reason - In the interests of highway safety and to promote sustainable forms of travel.

10. Details of landscaping shall be submitted to, and approved by, the Local Planning Authority prior to work commencing on site. The scheme shall include the planting of replacement trees (containerised or in air pots) with a minimum of 20cm girths. Such landscaping shall be provided either within the first planting season after the completion of the development or any individual phase thereof or prior to the buildings 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 of similar size and species to those originally approved and planted.

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

11. Prior to the commencement of the development hereby approved, 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:

- (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) Erection of temporary buildings, roads or carrying 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 well being of the trees on the site and in the interests of the visual amenities of the area.

12. B5 – Detailed Drawings (Accordance with Plan).

13. The landscaped area including trees to the west of the play area adjacent to the junior school shall be retained.

Reason – To ensure that the landscape setting of the school grounds is maintained within this residential area.

PA148. NOTIFICATION OF APPEALS – The Director of Director of Place reported that :-

- (a) Mr Alistair Powell had appealed against this Authority’s decision to refuse planning permission for Listed Building Consent for internal refurbishment works including in-filling rear yard to create an extension to ground, first and second floors, new structural openings, formation of a separate entrance off Mechanics Yard to first floor nightclub, toilet facilities, kitchen and back of house storage areas. Alterations to Skinnergate façade including new steps, raised patio and wrought iron railings, also form first floor drinking patio and smoking area to rear elevation and Full Planning permission for internal alterations to facilitate the change of use of the building from public house to public house with nightclub above, erection of rear yard infill to create an extension to ground, first and second floors, new entrance onto Mechanics Yard and alterations to Skinnergate façade including new steps, raised patio, wrought iron railings and disabled lift at Retro, 82 Skinnergate, Darlington. (Ref No. 11/00680/LBC and 11/00679/FUL); and
- (b) Mr Paul Armstrong had appealed against this Authority’s decision to refuse planning permission for the erection of a detached dwelling house at land to the north east of 5A The Spinney, Middleton St George, Darlington (Ref. No. 12/00428/FUL).

RESOLVED - That the reports be received.

PA149. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Place reported that Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mr Howard against this Authority’s decision to refuse planning permission for the erection of a detached garage to the rear comprising 2 parking bays and associated hard standing (re-submission) at The Arches, Walworth Road, Walworth, Darlington (Ref No. 12/00169/FUL).

RESOLVED - That the report be received.

PA150. 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.

PA151. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 13) - Pursuant to Minute PA142/Sep/12, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 October 2012.

RESOLVED - That the report be received.