

PLANNING APPLICATIONS COMMITTEE

5 June 2013

PRESENT – The Mayor (Councillor Johnson); Councillor Baldwin (in the Chair); Councillors Cartwright, Cossins, L. Haszeldine, Knowles, Lee, Long, Macnab, Regan, Stenson and J Taylor. (12)

APOLOGIES – Councillor D.A. Lyonette

ALSO IN ATTENDANCE – Councillor Donoghue

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, Carol Whelan, Principal Environmental Health Officer, within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

PA1. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

PA2. TIMES OF MEETINGS – RESOLVED – That meetings of this Committee be held at 1.30 p.m. for the remainder of the Municipal Year 2013/14.

PA3. MINUTES - Submitted - The Minutes (previously circulated) of a meeting of this Committee held on 8 May 2013.

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

PA4. 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)

	<p>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>
B4A	<p>The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.</p> <p>Reason - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.</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>
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>
D2	<p>No additional flank windows or other glazed openings shall be formed in the _____ wall of the extension hereby approved without the prior written consent of the Local Planning Authority.</p> <p>Reason - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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 - In the interests of the visual amenities of the area.</p>

PA5. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

12/00619/FULE - Manor Farm, Low Dinsdale Neasham. Erection of 3 no poultry houses and associated feed bins, access and hard-standing areas.

(In reaching its decision, the Committee took into consideration eight letters of objection, two letters of concern from a planning consultant, acting on behalf of some of the objectors, four letters of support including a letter from the National Farmers' Union, the objections of the Campaign to Protect Rural England, the comments of the Ramblers' Association, Low Dinsdale Parish Council, English Heritage, Durham County Council's Archaeology Section, the Environment Agency, and the Council's Highways Engineer, the Countryside Access Officer and the Environmental Health Officer, all of which had been received, the views of the applicant, his agent, and an objector, all of whom Members heard and the findings of a site visit).

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

1. A3 - Implementation Limit (Three Years).
2. B5 - Detailed Drawings (Accordance with Plan).
3. E3 - Landscaping (Implementation).
4. Unless otherwise agreed in writing with the Local Planning Authority, all working activities associated with the development such as cleaning out poultry houses, feed deliveries, deliveries of chicks, testing of emergency generator and waste disposal collections with the exception of the collection of live birds and any need for emergency related attendance at the site shall be restricted to between 07:00 and 19:00 hours Monday to Friday and 07.00 and 13.00 hours on a Saturday, with no such activities taking place on Sundays or Bank/Public Holidays.
Reason - In the interests of residential amenity.
5. The flock cycle for the 4 existing poultry houses and the 3 poultry houses permitted by this development shall be synchronized and all 7 poultry houses shall be stocked/destocked at the same time. The number of flock cycles for all seven sheds shall not exceed 7 in any 12 month period.
Reason - In the interests of residential amenity.
6. The extract fans installed at the poultry houses shall be fan type Fancorn 34132W with attenuators that meet the required insertion loss as detailed in Section B1.2 and C1 CAICE Acoustic Movement Ltd attenuator schedule of the Noise Impact Assessment Report M1301/R01b dated 1 February 2013 carried out by Matrix Acoustic Design Consultants. If alternative extract fans or attenuators are to be installed a further Noise Impact Assessment will be required to be submitted and agreed in writing with the Local Planning Authority. The Noise Impact Assessment shall demonstrate that the rating level of noise emitted from the extract fans serving the poultry houses shall be at least 5 dB below the background noise level at the nearest noise sensitive dwelling, when measured and assessed in accordance with BS4142:1997.
Reason - In the interests of residential amenity.

7. The development use hereby permitted shall not commence until Fancorn 34132W fans with attenuators have replaced all the extract fans (10 per house) in the existing 4 poultry houses. The attenuators shall meet the insertion loss as detailed in Section B1.2 and C1 CAICE Acoustic Movement Ltd attenuator schedule of the Noise Impact Assessment Report M1301/R01b dated 1 February 2013 carried out by Matrix Acoustic Design Consultants. If alternative extract fans or attenuators are to be installed in the existing four poultry houses a further Noise Impact Assessment will be required to be submitted and agreed in writing with the Local Planning Authority. The Noise Impact Assessment shall demonstrate that the rating level of noise emitted from the extract fans serving the poultry houses shall be at least 5 dB below the background noise level at the nearest noise sensitive dwelling, when measured and assessed in accordance with BS4142:1997
Reason – To safeguard the amenities of neighbouring residential properties.
8. The development hereby approved shall only be carried out in complete accordance with the Environmental Statement and the mitigation measures detailed therein. The mitigation measures shall be fully implemented prior to the buildings being brought into use unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of residential amenity and safeguarding the wider environment.
9. Prior to the development being brought into operation the proposed alterations to the highway as detailed on plan IP/TD/01 shall be implemented.
Reason - In order to allow for satisfactory highway visibility and movement of vehicles in the interests of highway and pedestrian safety.
10. Prior to the development being brought into operation details of vehicle/pedestrian refuge points and speed restriction signage along the access road to the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into operation until the approved details have been implemented. The implemented scheme shall thereafter be retained.
Reason - In the interests of highway and pedestrian safety.
11. Prior to the development being brought into operation details of external lighting, ensuring that it is directed downwards and is timed to switch off automatically after short periods of operation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into operation and thereafter retained.
Reason - In the interest of protecting foraging bats.
12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work as defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out:
 - i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii) Post-fieldwork methodologies for assessment and analysis, including final and publication proposals in an update project design where necessary.
 - iv) Report Content and arrangements for dissemination.
 - v) Archive preparation and deposition with recognised repositories.

- vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation must be submitted by the developer, and approved in writing by the Local Planning Authority. The written scheme of investigation shall not be carried out otherwise than in accordance with the approved details and timings.

Reason – To comply with Policy CS14 (E) (12) of the Borough of Darlington Core Strategy Document (2011) as the site may potentially contain features of local archaeological importance.

13. Prior to the buildings being brought into use, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Report and publication must be within one year of the date of completion of the development hereby approved.

Reason – To comply with paragraph 141 of the National Planning Policy Framework to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible).

14. The development permitted by this planning permission shall only be carried out in accordance with the submitted Environmental Statement and the following mitigation measures detailed therein:-

- Limiting the surface water run-off generated by the site as indicated on page 17 point 9.5 of the Environmental Statement.

The mitigation measures shall be fully implemented prior to the scheme being brought into operation unless otherwise agreed in writing by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

15. The collection and removal of manure from the development site hereby approved shall be undertaken and completed in a single day within any given flock cycle.

Reason - In the interests of limiting the potential exposure of nearby residents to unpleasant odour.

13/00279/FUL - 2, Denton, Darlington. Extensions to dwelling.

(In reaching its decision, the Committee took into consideration two letters of objection/comment and the objections of Denton Parish Meeting that had been received.

RESOLVED - That planning permission be granted with the following conditions:

- 1. A3 – Implementation.

2. B4A – Matching materials.
3. B5 – In accordance with plans.
4. This permission shall not include the proposal for a detached garage which is no longer part of the scheme.

Reason – For the avoidance of doubt.

13/00034/FUL - Blackwell Post Office, 98 - 100 Carmel Road South, Darlington.

Change of use of public highway to private land and creation of 7 No car parking spaces, pedestrian footway and disabled access ramp with handrails to front of premises (amended plans received 8 May 2013).

(In reaching its decision, the Committee took into consideration two letters of objection and a letter of support that had been received and the views of the applicant's agent and two objectors 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 a street lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and 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.

3. Prior to the commencement of the development, precise details of a drainage scheme to ensure adequate drainage of the private hard standing area and to prevent surface water run off from the private hard standing area entering the adopted Highway should be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - In the interests of highway safety.

4. Prior to the commencement of the development precise details of the chain link bollards shall be submitted to and approved in writing by the Local Planning Authority and 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 development.

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

6. Prior to the commencement of the development, precise details of the chain link bollards, including details of retractable bollards within the entrance and access, shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved detail.

Reason – In the interests of the visual appearance of the development.

7. Notwithstanding the details shown on the approved plans, précised details of the disabled ramp 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 development

13/00182/FUL - 6 Sycamore Close, Hurworth, DARLINGTON. Erection of two-storey side extension.

(In reaching its decision, the Committee took into consideration three letters of objection that had been received and the views of an objector whom Members heard).

RESOLVED - It is recommended that planning permission be granted subject to conditions:-

1. A3 - Implementation Limit (3 years).
2. B4A - Materials (to Match Existing).
3. B5 - Detailed Drawings (Accordance with Plan).
4. The first floor windows on the front and side elevations shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

Reason – To prevent overlooking of the nearby properties.

(2) Planning Permission Refused

13/00156/FUL - 9A Tees Grange Avenue. Erection of a building to form annexe (revised application).

(In reaching its decision, the Committee took into consideration four letters of objection that had been received and the views of the applicant's agent and an objector, whom Members heard).

RESOLVED - That planning permission be refused as the development by virtue of its size, scale and proposed use, would have an adverse impact on the amenity of residential property located in the immediate locality, and would thereby conflict with Policy H13 [Backland Development] of the Borough of Darlington Local Plan 1997.

PA6. 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.

PA7. OBSCURE GLAZING TO BEDROOM EXTENSION, 4 CHURCH VIEW, SADBERGE (EXCLUSION NO. 7) – The Director of Place submitted a report (previously circulated) requesting that consideration be given to the level of obscure glazing which had been fitted to a bedroom window at 4 Church View, Sadberge in contravention of one of the conditions of the planning permission and whether the level fitted was satisfactory.

RESOLVED – That no further action be taken in relation to the privacy level 4 glazing which has been fitted.

PA8. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA211, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 24th May, 2013.

RESOLVED - That the report be received.