

PLANNING APPLICATIONS COMMITTEE

15 January 2014

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

APOLOGIES – Councillors Regan.

ALSO IN ATTENDANCE –

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

PA60. DECLARATIONS OF INTEREST – Councillor Knowles declared a prejudicial interest in Minute PA63(3) below (Ref No. 13/00862/FUL) as Chair of Governors at Skerne Park Academy and a Director of Hummersknott Academy Trust and left the meeting during consideration of that application. There were no other declarations of interest reported.

PA61. MINUTES - Submitted - The Minutes (previously circulated) of a meeting of this Committee held on 18 December 2013.

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

PA62. 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

	<p>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.</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. Reason - To ensure the development is carried out in accordance with the planning permission.</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 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. Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
K2	<p>No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to, and approved by, the Local Planning Authority. Thereafter, no part of any phase of the development shall be occupied or brought into use until the approved scheme for that phase has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed with the Local Planning Authority. Reason - To prevent the increased risk of flooding of local watercourses and surrounding land by ensuring satisfactory means of surface water disposal.</p>

PA63. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

13/00902/FUL - Lygon House, Neasham Road, Darlington. Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches, plus erection of boundary wall and fencing and remodelling of existing stable block.

(In reaching its decision, the Committee took into consideration the comments of the Environment Agency, the Environmental Health Officer, the Highways Engineer, two letters of objection, the objections of Hurworth Parish Council, and the Council for the Protection of Rural England, all of which had been received and the views of a representative of Hurworth Parish Council and the applicant's agent, both of whom Members heard).

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

1. 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.
2. 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.
3. The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document "Planning Policy For Traveller Sites" 2012.
Reason - In order that the development complies with Core Strategy Policy CS13.
4. The site shall be for three individual pitches.
Reason - For the avoidance of doubt.
5. The occupiers of the pitches hereby approved shall be directly related by family link to the occupiers of Lygon House adjacent.
Reason - The site layout and location is such that it is considered to be inappropriate for use by residents independent of the occupiers of Lygon House in terms of impact on residential amenity.
6. 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.
7. No commercial activities shall take place on the land, including the storage of materials. .
Reason - In the interests of the character of the locality.
8. 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.
9. 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 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.
Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
10. The development hereby approved shall only be carried out in strict accordance with the Flood Risk Assessment prepared by Peter Kite Associates including the

mitigation measures contained therein.

Reason - In the interests of public safety.

11. Before the development hereby approved commences the applicant must either: -
- (a) Investigate the site for landfill/ground gas and carry out a gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details shall be submitted to, and approved by, the Local Planning Authority; or,
 - (b) Install gas protection measures as a precautionary measure without first investigating the site. The details of the gas protection measures shall be submitted to, and approved by, the Local Planning Authority.
 - (c) For a. and b. all required measures shall be installed before the development is first occupied.

Reason – In the interests of public safety.

12. An up to date register shall be maintained to include the names of the occupiers of each of the pitches hereby approved and a statement of the how each occupier is related by family link to the occupiers of Lygon House adjacent. The information in this register shall be made available upon request to the Local Planning Authority at all reasonable times.

Reason - The site layout and location is such that it is considered to be inappropriate for use by residents independent of the occupiers of Lygon House in terms of impact on residential amenity.

13/00700/FUL - Snipe Lane, Darlington. Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches.

(In reaching its decision, the Committee took into consideration the comments of the Environment Agency, the Highways Agency and the objections of Hurworth Parish Council and the Campaign to Protect Rural England, all of which had been received and the views of a representative of Hurworth Parish Council and the applicant's agent, both of whom Members heard.)

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

1. 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.

2. 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.

3. The site shall only be occupied by Gypsies as defined in Department for Communities and Local Government document "Planning Policy For Traveller Sites" 2012.

Reason – In order that the development complies with Core Strategy Policy CS13.

4. The site shall be for three individual Gypsy or Traveller pitches.

Reason – For the avoidance of doubt.

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. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to, and approved by, the Local Planning Authority. Thereafter, no part of any phase of the development shall be occupied or brought into use until the approved scheme for that phase has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed with the Local Planning Authority.
Reason - To prevent the increased risk of flooding of local watercourses and surrounding land by ensuring satisfactory means of surface water disposal
8. 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.
9. 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 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.
Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

(2) Planning Permission Refused

13/00867/FUL - Griffon Cottage, 13 High Street, Bishopton, Stockton-on-Tees.
Erection of two storey rear extension.

(In reaching its decision, the Committee took into consideration one letter of support from a neighbouring resident, the views of the Conservation Officer, Bishopton Parish Council and one letter of objection from another neighbouring resident, all of which had been received).

The Development Manager advised that whilst the proposed extension would not enhance the Conservation Area, after further consideration this was not sufficient reason to refuse planning permission on such grounds in this case.

RESOLVED - The proposed two storey rear extension would, by virtue of its size, siting and design, result in the creation of a large and overbearing feature that would be harmful to the light and outlook of the two immediately adjoining residential properties.

As such the proposal fails to accord with saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997. The proposal also fails to accord with the Council's Planning Guidance Note 7 (Alterations and Extensions to Dwellings).

13/00757/TF - Hurworth Grange Community Association, 41 Hurworth Road, Hurworth Place, Darlington. Works to fell Oak tree protected under Tree Preservation Order (No 4) 1968.

(In reaching its decision, the Committee took into consideration one letter of objection, two letters of support, including one from Hurworth Parish Council and the comments of the Arboricultural Officer, all of which had been received and the views of a local resident in a neighbouring property and a representative from Hurworth Parish Council, both of whom Members heard.)

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

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997 states that when determining applications to carry out works to trees subject to tree preservation orders, the Council will take into account the health and stability of the trees and, their likely future lifespan and their public amenity value. The tree is still considered worthy of protection and no evidence (written evidence from an expert) has been provided to substantiate the view that the tree is in danger of falling.

(3) Planning Permission Deferred

13/00862/FUL - Skerne Park Academy, The Coleridge Centre, Coleridge Gardens, Darlington. Erection of extension to existing school building to provide 3 No. additional classrooms, new small hall, community changing facilities, four court sports hall and other ancillary accommodation and circulation space (amended description).

(In reaching its decision, the Committee took into consideration a number of objections and the comments of the Highways Officer, the Environmental Health Officer and Sport England, all of which had been received and the views of an objector who spoke on the behalf of a number of residents whom Members heard).

(Note – Councillor Knowles was not present during consideration of the above application (Ref. No. 13/00862/FUL).

RESOLVED - That planning permission was deferred to enable further information regarding the siting of the proposed sports hall to be discussed with the applicant.

PA64. 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.

PA65. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA59/Dec/13, the Director of Place submitted a report (previously circulated)

detailing breaches of planning regulations investigated by this Council, as at 3 January 2014.

RESOLVED - That the report be received.