

## PLANNING APPLICATIONS COMMITTEE

17th November, 2010

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

**APOLOGIES** – Councillors Freitag, Hartley and Regan. (3)

**PA56. DECLARATION OF INTERESTS** – There were no declaration of interests reported at the meeting.

**PA57. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 20th October, 2010.

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

**PA58. 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.

### **PA59. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

#### **(1) Planning Permission Granted**

**10/00059/FUL - Little Beck, Burma Road, Hurworth Moor.** Provision of a private gypsy site to provide pitches for 2 residential caravans and 2 touring caravans, alterations to access, provision of utility building, timber fencing and field shelter, and use of land for equestrian purposes (Retrospective Application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection; the objections of Hurworth Parish Council and Campaign to Protect Rural England and the comments of CE Electric UK, the Environment Agency, the Council's Highway Engineer and the Council's Public Protection Division and the views of Mr. Stovell, applicants agent, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Accordance with Plan).
- (c) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.  
**Reason** – In order that the development complies with the Borough of Darlington Local Plan and ODPM Circular 01/2006 – Planning for gypsy and traveller caravan sites.
- (d) The residential use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any one time (of which no more than 2 shall be a static or mobile home). This permission only permits the static caravans to be occupied for residential purposes.  
**Reason** – In the interests of the character and visual amenities of the area.
- (e) This permission shall be for a limited period expiring on 19 November 2013 when the use shall cease and the caravans and works removed and the land restored to its previous use for agricultural purposes.  
**Reason**- The Local Planning Authority would wish to review the permission at the end of the period in the light of the operation of the use.
- (f) Any caravans positioned on the site shall be capable of being lawfully moved on the public highway without division into separate parts.  
**Reason** – In the interests of highway safety.
- (g) Within two months of the date of this permission a scheme for hedge planting (including details of native species, plant sizes and proposed numbers and densities) shall be submitted to the Local Planning Authority and the scheme shall include a timetable for its implementation. The scheme shall include details of existing hedges on the site to be retained and these shall be maintained at a minimum of 2.5 metre high. If, within 5 years of the implementation of this permission, any new or retained hedge plants die they shall be replaced within the next planting season in accordance with the approved scheme.  
**Reason** – In the interests of visual amenity.
- (h) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. In addition no storage of cars or other scrap material shall be placed on the site.  
**Reason** - In the interests of the character and visual amenities of the area.
- (i) No commercial activities shall take place on the land, including the storage of materials.  
**Reason** - In the interests of the character and visual amenities of the area.
- (j) A scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, is required to be submitted and approved by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-
  - (i) Within two months of the date of the date of this permission a desk top study, carried out by a suitably qualified person, to identify and evaluate all potential

sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to and approved by the Local Planning Authority. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements.

- (ii) Within a timescale to be agreed with the Local Planning Authority following receipt of the desk study report, a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications shall be submitted to and agreed by the Local Planning Authority. The site investigation shall not commence until the extent and methodology have been agreed in writing with the Local Planning Authority.
- (iii) Within a timescale to be agreed with the Local Planning Authority following receipt of the site investigation report, a written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and submitted and agreed by the Local Planning Authority. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.
- (iv) The completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted and agreed by the Local Planning Authority within 2 months of completion of the remediation works.
- (v) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the development can be implemented and occupied with adequate regard to environmental and public protection

- (k) Within two months of the date of this permission a scheme to dispose of foul drainage shall be submitted to the Local Planning Authority. Once approved the scheme shall be implemented within two months of the date of the agreed details and the scheme shall not be carried out otherwise in accordance with the approved scheme.

**Reason** -To protect the water environment.

- (l) Within two months of the date of this permission details of a properly constructed access onto Burma Road (to include dropped kerbs and metalled verge crossing) shall be submitted to the Local Planning Authority. Upon approval of such details the works shall be implemented within two months from the date of the agreed scheme. The development shall not be carried out otherwise in accordance with the approved details.

**Reason** – In the interests of highway safety.

- (m) Within one month of the date of this permission the hedgerows either side of the site access onto Burma Road shall be trimmed back to provide a visibility splay of 2.4 metre x 160 metre and the sightlines shall be maintained to that standard thereafter.

**Reason** – In the interests of highway safety.

- (n) Within two months of the date of this permission precise details of boundary treatment (including any gated entrance detail) shall be submitted to the Local Planning Authority. Once approved the scheme shall be implemented within two months of the

date of the agreed details and the scheme shall not be carried out otherwise than in accordance with the approved scheme.

**Reason** – In the interests of visual amenity.

**PA60. NOTIFICATION OF APPEALS** – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mr. Way has appealed against this Authority's decision to refuse consent for works to 2 No. lime trees (a1) protected under Group Tree Preservation Order (No. 3B) 1961 – crown thinning by 25 per cent and crown reduction by 10 per cent at 16 and 18 Greencroft Close (Reference Number 10/00554/TF);
- (b) Ms. Baker has appealed against this Authority's decision to refuse permission for erection of a two storey dwelling (revised scheme) at 41 Conyers Avenue, Darlington (Reference Number 10/00406/FUL);
- (c) Sainsbury's Supermarkets Limited have appealed against this Authority's decision to refuse permission for alterations and extensions to existing superstore, construction of a decked car park, erection of a petrol filling station, alterations to access and egress arrangements and associated landscaping (revised scheme) at Sainsbury's Supermarket, Victoria Road, Darlington, DL1 5JG (Reference Number 09/00775/FUL);
- (d) Nathaniel Lichfield and Partners have appealed against this Authorities decision to refuse (discharge of conditions) for conversion of existing dwelling to form 4 No. apartments and erection of 2 No. detached and 13 No. town houses with access road and associated landscaping (outline application) at Croft House, 2 Tees View, Hurworth Place (Reference Number 07/00152/OUT);
- (e) Nathaniel Litchfield and Partners have appealed against this Authorities non-determination for details of appearance, landscaping and scale pursuant to outline planning permission 07/00152/OUT dated 17th July, 2007 (conversion of existing dwelling to form 4 No. apartments and erection of 2 No. detached and 13 No. town houses with access road and associated landscaping (outline application) at Croft House, 2 Tees View, Hurworth Place (Reference Number 07/00152/RM2); and
- (f) Nathaniel Litchfield and Partners have appealed against this Authority's disapproval for details of appearance, landscaping and scale pursuant to outline planning permission 07/00152/OUT dated 17th July, 2007, (conversion of existing dwelling to form 4 No. apartments and erection of 2 No. detached and 13 No. town houses with access road and associated landscaping (outline application) at Croft House, 2 Tees View, Hurworth Place (Reference Number 07/00152/RM3).

**PA61. NOTIFICATION OF DECISIONS ON APPEALS** – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for Environment had :-

- (a) Dismissed the appeal by Mr. Wilks against this Authority's decision to refuse planning permission for residential development comprising 7 No. flats and 1 No. studio (revised application) at land adjoining 31 Pendower Street, Darlington, DL3 6ND (Reference Number 10/00015/FUL); and

- (b) Allowed the appeal by Grange Farm Livery and Riding Centre against this Authority's decision to refuse planning permission for erection of a dwelling house at Grange Farm Livery and Riding Centre, Church View, Bishopton (Reference Number 09/00279/FUL).

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

**PA62. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100B(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.

**PA63. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA52/Oct/10, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 4th November 2010.

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