

## PLANNING APPLICATIONS COMMITTEE

9th March, 2011

**PRESENT** - Councillor Regan (in the Chair); Councillors Dunstone, Freitag, L. Haszeldine, Johnson, D.A. Lyonette, Robson, Stenson and Walker. (9)

**APOLOGIES** – Councillors Baldwin, M. Cartwright, Hartley and Lee. (4)

**OFFICERS** – Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer and Harry Alderton, Highways Engineer, within Services for People.

**PA83. DECLARATION OF INTERESTS** – (a) In relation to application 10/00715/FUL Councillor Johnson declared a personal non prejudicial interest due to him being a Member of Mowden Rugby Club.

(b) In relation to application 11/00020/FUL Councillor Freitag declared a personal non prejudicial interest due to him being a Member of the tennis club.

**PA84. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 9 February, 2011.

**RESOLVED** - That with the inclusion of the additional letters of objection being included in relation to application 10/00703/FUL the Minutes be approved as a correct record.

**PA85. 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.
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	The proposed development shall be carried out in all respects in

	<p>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>
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><b>Reason</b> - 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>

## **PA86. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

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

**10/00715/FUL - Mowden Park Rugby Football Club, 22 Yiewsley Drive, Darlington.** Variation of condition 3 (development in accordance with approved plans) of planning permission 01/00560/FUL dated 15th March 2006 for demolition of existing clubhouse and construction of residential development (67 dwellings) on 3.24 Ha (8 acres) and landscaping of existing and new public open space - to permit the substitution of house types (site investigation report received 20th December 2010, amended plans received 20th and 21st December 2010, additional site sections received 4th January 2011 and further amended plans received 4th February 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection and the comments of the Highways Engineer, Environmental Health Officer, Northumbrian Water, Natural England and Sport England that had been received. The Principal Planning Officer summarised the objections and clarified that the 21 metre separation guideline was largely met between the main elevations of existing and proposed dwellings, although there would be less separation where extensions had been added.

It was highlighted that this was in keeping with the normal approach to considering separation distances. The separation distance between plot 5 and the nearest existing dwelling was measured and confirmed as 20 metres).

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

The conditions attached to and specified on notice of planning permission 01/00560/FUL dated 15th March 2006 relating to this development are reiterated and are still in force insofar as the same have not already been discharged to the satisfaction of the Local Planning Authority.

**Reason** – Not all the conditions attached to the said planning permission have yet been discharged and this condition is imposed on this present permission in order that it shall be clear to the applicant that the said undischarged conditions are still in force and have to be complied with.

**10/00198/FUL - Rise Carr Club and Institute Limited, Eldon Place, Darlington.** Conversion of former Working Men's Club to form 18 No. residential flats including external alterations (Resubmission).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the comments of the Council's Environmental Health Officer, the Council's Highways Engineer and the Council's Housing Strategy and Renewals Manager that had been received. The Principal Planning Officer advised Members that they should consider noise in the context of the previous use of the building as a working mens club and that the potential social characteristics of occupiers should not be given weight in deciding the application).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samplers).
- (c) J2 – Contaminated Land.
- (d) The design of the windows located in the Northern elevation shall be fully implemented as shown on the approved plans. The windows shall not be removed without the written consent of the Local Planning Authority.

**Reason** - To protect the privacy of nearby residents.

- (e) Notwithstanding the details shown on the approved plans no cladding of any description shall be applied to the external surfaces of the building without the written consent of the Local Planning Authority.

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

- (f) Prior to the commencement of the development, details showing the provision of a secure cycle parking area and improvement to adjacent footways shall be submitted to and approved by the Local Planning Authority and thereafter fully implemented in accordance with those approved details.

**Reason** - To ensure that adequate provision is made for cyclists and pedestrians on and around the site.

**10/00754/FUL - 37 Alexandria Drive, Middleton St George, Darlington.** Erection of detached dwelling house (amended plans received 17th February 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection; the objections of Middleton St. George Parish Council and the comments of the Highways Engineer and the Environmental Health Officer that had been received. The Development Manager clarified that the developer would need to be satisfied that they had rights to develop the site, use the access road and connect to the drainage system in terms of any ownership or covenant controls over the land but was highlighted that this was not an issue for the planning decision).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) Prior to the development being commenced, a scheme for the protection of the proposed residential accommodation shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35dB(A) LAeq in living rooms, less than 30dB(A) LAeq in bedrooms, less than 55dB(A) LAeq in garden areas and individual noise events not to exceed 45 dB LAF max in bedrooms. Any works forming part of such a scheme shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.  
**Reason** – In the interests of the amenities of the occupiers of the property.
- (f) No construction work, including any delivery of equipment or materials, shall take place outside the hours of 08:00 am to 6.00 pm Monday to Saturday and no work shall be carried out on Sundays or Public Holidays.  
**Reason** - In the interests of the amenities of the occupiers of adjacent residential premises.
- (g) Notwithstanding the submitted plans, development shall not commence until details of all boundary treatments have been submitted to and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
**Reason** - In the interests of the visual amenity of the area.
- (h) Prior to the development being commenced, details of a vehicle crossover within the verge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.  
**Reason** - In the interests of highway safety.
- (i) The kitchen/dining windows formed in the east side elevation 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 premises.

**11/00019/FUL - 63 Middleton Lane, Middleton St George.** Modification of planning permission 08/00216/FUL granted on appeal APP/N1350/A/09/2097805 for the erection of two detached dwelling houses with associated garaging, parking and access –to permit alterations to door and window positions on the side and front elevations. Resubmission.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters from the occupants of the adjoining dwelling and the

objections of Middleton St. George Parish Council that had been received and the views of Mr. Riley, applicants agent, whom Members heard).

**RESOLVED** - That modification of planning permission O8/00216/FUL granted on appeal App/N1350/A/09/2097850 for the erection of two detached dwelling houses with associated garaging, parking and access – to permit alterations to door alterations to door and window positions on the side and front elevations be granted subject to the following conditions :-

- (a) Precise details of the level of obscured glazing for the first floor bathroom windows in the south facing elevation shall be submitted to, and approved by, the Local Planning Authority prior to its installation. The glazing shall not be installed unless otherwise in accordance with the approved details and shall be permanently retained thereafter unless agreed in writing by the Local Planning Authority.

**Reason** – To safeguard the amenities of adjoining residents.

- (b) The non opening first floor bathroom windows in the south facing elevations shall be permanently retained thereafter, unless agreed in writing by the Local Planning Authority.

**Reason** – To safeguard the amenities of adjoining residents.

**11/00020/FUL - 13 Carmel Road South, Darlington.** Erection of single storey side extension incorporating bedroom in the attic space with front and rear roof dormers, single storey rear extension and first floor extension over existing kitchen (Amended Plans Received 18 February 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and four letters of objection that had been received).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Sample of Materials.
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).

## **(2) Planning Permission Deferred**

**10/00752/OUT - Darlington Golf Club, Haughton Grange, Whinfield Road, Darlington.** Construction of new link road between Sparrow Hall Drive and the existing golf club access road (outline) (Amended Plans Received 16th December 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twenty letters of objection; one letter of representation; the objections of Councillor Copeland and the comments of the Highways Officer and the Arboricultural Officer that had been received, a further ten letters of objection, three letters of support and two letters of objection from Councillor Wallis and Councillor A. Scott were also highlighted at the meeting and the views of Mr. Proud, applicant, Mr. Atkinson, Mrs. Shepherd and Mrs. Robinson, objectors, and Councillor Wallis, Ward Member, whom Members heard).

**RESOLVED** – That the application be deferred to enable a site visit and a traffic survey to take place.

**PA87. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Place reported that the Inspectors appointed by the Secretary of State for Environment had dismissed the appeal by Mr. Hutchinson against this Authority’s decision to refuse planning permission for demolition of existing bungalow and erection of detached dwelling house at 58 Beaumont Hill, Darlington, DL1 3NG (Reference Number 10/00509/FUL).

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

**PA88. 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.

**PA89. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA79/Feb/11, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 24 February, 2011.

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