

PLANNING APPLICATIONS COMMITTEE

2nd November, 2011

PRESENT - Councillor Baldwin (in the Chair); Councillors Cossins, L. Haszeldine, Johnson, Knowles, Landers, Lee, Long, D.A. Lyonette, Macnab, Regan, Stenson and J. Taylor. (13)

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

PA45. DECLARATION OF INTERESTS – In relation to application 11/00400/FUL Councillor Macnab declared a personal and prejudicial interest due to him being clerk of Whessoe Parish Council and left the meeting during this application only.

PA46. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 28th September, 2011.

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

PA47. PROCEDURE – The Assistant Director of Resources 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
AD1	Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD2	Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD3	Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD4	No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.
AD5	No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal

	<p>or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).</p> <p>Reason - To accord with the Town and Country Planning (Control of Advertisement) Regulations 1992.</p>
A3	<p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</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>
D18	<p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the residential amenities of the area.</p>
D18	<p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the residential amenities of the area.</p>

PA48. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

11/00571/FUL - Yarm Road Filling Station, 194 Yarm Road, Darlington. Variation of conditions 9 (hours of operation) and 10 (forecourt and external lighting) of planning permission 8/92/12/DM dated 28 May 1992 (for demolition of existing sales building and erection of new petrol filling station, canopy and vehicle jet wash) to permit opening of the filling station 0600 to midnight Monday to Saturdays, 0800 to 2200 Sundays, and the sales kiosk 24 hours every day; and forecourt and external lighting hours to be agreed.

(In reaching its decision the Committee took into consideration the planning officers report (previously circulated), six letters of objection and the objections of Councillor Copeland, Ward Member that had been received and the views of Mr. Lavender, applicants agent and Councillor C. Taylor, Ward Member, whom Members heard).

RESOLVED - That condition numbers 9 and 10 attached to planning permission 8/92/12/DM dated 28 May 1992 be varied and replaced with the following conditions and also an additional condition :-

9. Notwithstanding the provision of a 24 hour kiosk for retail sales, the petrol filling station shall only be open between the hours of 6.00 a.m. and 12.00 Midnight Monday to Saturday and between 8.00 a.m. and 10.00 p.m. on Sundays. There shall be not fuel filling operations outside of the specified times.
Reason – in the interests of the amenities of occupiers of nearby residential properties.
10. All forecourt and external lighting except in connection with the 24 hour kiosk shall be extinguished outside of opening hours. The lamps in connection with the operation of the 24 hour kiosk shall be directed and, if necessary, screened so that no light falls into the curtilage of neighbouring properties or onto the public highway.
Reason – to minimise any adverse effect upon the neighbouring residents and to obviate any hazard to traffic safety.
11. There shall be no deliveries outside the hours of 9.30 a.m. till 6.00 p.m. Monday to Sunday.
Reason – To minimise any adverse effect upon the neighbouring residents.

11/00614/FUL - High Linhams, Bridge Road, Darlington. Erection of general purpose steel framed building on paddock.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection as one letter of objection had been withdrawn and the comments of the Council's Environmental Health Officer that had been received).

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

- (a) 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.
- (b) 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 and colour scheme) 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.
- (c) Prior to the commencement of the use of the stables, precise details of a scheme for foul drainage shall be submitted to and approved in writing with the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In order to ensure a satisfactory form of development.
- (d) 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.

- (e) Prior to the commencement of the development a landscaping scheme for the planting of trees to the north of the approved building shall be submitted to and approved by the Local Planning Authority. The details shall include the number, location and species of the trees and they shall be planted within the next available planting season unless otherwise agreed in writing by the Local Planning Authority.

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

11/00589/ADV - The Brinkburn, Lady Kathryn Grove, Darlington. Display of 1 No externally illuminated freestanding post sign, 1 No externally illuminated logo, 1 No externally illuminated fascia sign, 2 No non illuminated post signs, 1 No non illuminated fascia sign; 4 No lanterns; 1 No non illuminated Directional sign on the car park entrance and 1 No freestanding non illuminated V sign.

(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 advertisement consent be granted subject to the standard conditions relating to the display of advertisements :-

- (a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (b) No advertisement shall be sited so as to-
- (i) endanger persons using any highway, railway waterway, dock, harbour or aerodrome (civil or military);
 - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (c) Any advertisement or hoarding displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (d) Any structure or hoarding erected or used principally for the purposes of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- (f) Prior to the erection of Sign 04 shown on Drawing Number 82869 (PLANNING) Rev A, precise details for the siting of the sign 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 safety.

11/00491/TF - 9 Thorntree Villas, Middleton St George, Darlington. Works to trees protected under Tree Preservation Order (No 8) 1979 - crown lift Lime tree to 3m to reduce shading and benefit garden planting (T117); crown lift Chestnut trees to 3m to reduce shading and benefit garden planting (T118, T119, T123); and remove Sycamore trees (T120, T124) (Amended Description 27 September 2011 and 3 October 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, the objections of Middleton St. George Parish Council and the comments of the Arboricultural Officer that had been received).

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

- (a) All work to trees shall be carried out to BS Specification 3998 (as amended).
Reason - To safeguard the health of the trees.
- (b) Branch removal to trees T117, T118, T119 and T123 identified in the application shall be small diameter branches only and not whole limbs.
Reason - To safeguard the life of the preserved trees in the interests of visual amenity.
- (c) Not later than the next planting season immediately following this consent, a Birch tree (*Betula pendula* 'Fastigiata') 16cm girth containerised shall be planted by or under the supervision of a competent forester, to the satisfaction of the Local Planning Authority and this tree shall be deemed to be included in the preservation order under which this consent is given, as though originally specified therein.
Reason - In the interests of visual amenity to mitigate the loss of T124 (Mature Sycamore).

(2) Planning Permission Refused

11/00400/FUL - 2 And 4 Burtree Lane, Darlington. Conversion of first floor to form 4 No apartments, erection of two storey extension to rear and change of use of ground floor from residential to convenience store (Use Class A1) (Amended Plans Received 30 September 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection, the objections of Whessoe Parish Council, the comments of the Highways Engineer and the Environmental Health Officer that had been received and the views of Mr. Hooper and Mr. Markham, objectors and Councillor Coston, Parish Member whom Members heard. Councillor Coston also referred to a signed petition during her presentation to Committee).

Concerns were expressed by Committee members about the highway safety implications of the development, in particular that this was a busy location close to the junction with North Road, that it would give rise to more pedestrian trips across Burtree Lane increasing the risk of an accident, that it would create difficulties for site servicing and parking at the rear of the premises. Concerns were also raised in relation to the need to carry out significant engineering works such as safety railings and traffic restriction signage that would give the location an increasingly urbanised appearance that would detract from its visual appearance. Concerns were raised that the size of the proposed shop would exceed the scale specified as acceptable within guidelines in policy CS9 of the Core Strategy.

In relation to highway safety the Development Manager advised that the Highway Officer's view was that the proposed development would be acceptable subject to conditions including parking control and servicing which gave the local authority sufficient control over the development. Whilst local feelings were strong regarding highway safety problems the lack of evidence of this meant that it would be difficult to support a refusal reason at appeal and could make the authority vulnerable to an award of costs.

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

- (a) The proposal would result in the creation of approximately 135m² of gross floorspace which would be contrary to Policy CS9 (District and Local Centres and Local Shops and Services) of the Darlington Core Strategy Development Plan Document 2012 which states that individual local shops which meet the day-to-day needs of nearby residents will be limited to a maximum 100m² gross floorspace unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated. Such a deficiency has not been demonstrated.
- (b) The operation of the convenience store would result in issues of noise and disturbance to local residents by virtue of the comings and goings of vehicles and pedestrians which would be detrimental to residential amenity. The proposal therefore fails to accord with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2012.
- (c) The highway engineering operations that would be necessary to make the development acceptable including safety railings and traffic restriction signage would be harmful to the visual amenity of the area. The proposal therefore fails to accord with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2012.
- (d) It is considered that the parking and servicing arrangements associated with the proposal would not be adequate to address highway safety considerations in this busy location close to the junction with North Road. The proposal would also lead to an increase in overall car travel. The proposal therefore fails to accord with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2012.

(3) Change of Use Granted

11/00477/CU - Tawny Owl Public House, Neasham Road, Hurworth Moor, Darlington.
Change of Use of Play Barn to Micro Brewery and associated works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, two letters of support and the comments of the Environmental Health Officer and Highways Engineer that had been received).

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

- (a) 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.
- (b) 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.
- (c) Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.
Reason - In the interests of the residential amenities of the area.

- (d) No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before other development commences on site.

Reason - To ensure that adequate measures are taken for the disposal of foul drainage.

PA49. REQUEST TO VARY SECTION 106 PLANNING AGREEMENT IN RELATION TO LINGFIELD POINT – A report was submitted (previously circulated) requesting members to consider whether it would be appropriate to allow the planning agreement to be varied to allow the first phase of the Lingfield development to proceed at the less sustainable standard of construction and with the education contribution provision capped at £500,000.

RESOLVED – That the variation of the planning agreement be granted limited to an allowance of 100 dwellings in Phase 1 be constructed to Code Level 3 and the education in relation to Phase 1 be capped at £500,000.

PA49. NOTIFICATION OF APPEALS – The Director of Place reported that :-

- (a) Mr A. Shoon had appealed against this Authority’s decision to refuse planning permission for works to fell 1 No. Horse Chestnut tree (T4) protected under Tree Preservation Order (No.16) 1994 at 8 The Green, Hurworth (Reference Number 11/00362/TF);
- (b) Mr. C. Blyth had appealed against this Authority’s decision to refuse planning permission for display of non-illuminated 48 sheet advertising hoarding fixed to west elevation at Lidl Supermarket, Yarm Road, Darlington (Reference Number 11/0356/ADV);
- (c) Mr. and Mrs. Rogers have appealed against this Authority’s enforcement notice for land off Aycliffe Lane, Brafferton, Darlington;
- (d) Mr. K. Robinson had appealed against this Authority’s decision to refuse planning permission for insertion of entrance door to first floor bedroom and erection railings to existing garage roof to form balcony at 10 Riverside Way, Darlington (Reference Number 11/00441/FUL); and
- (e) Mr. A. Shepherd had appealed against this Authority’s enforcement notice for the site at NA, St. Nicholas Industrial Estate, Dodsworth Street, Darlington.

PA50. NOTIFICATION OF DECISIONS ON APPEALS – The Director of Place reported that the Inspectors appointed by the Secretary of State for Environment had :-

- (a) Dismissed the appeal by Mr. M. Goodwin against this Authority’s decision to refuse planning permission for Listed Building Consent for alterations including erection of front façade, insertion of disabled entrance and fire exit doors, replacement doors to garage, staircase to first floor, formation of meeting area on first floor, toilets and kitchen facilities at former Northern Welding Services, Hopetown lane, Darlington (Reference Number 10/00724/LBC);

- (b) Dismissed the appeal by Mr. M. Goodwin against this Authority's decision to refuse planning permission for change of use from general industrial (B2) to young people's activity base (D2) incorporating erection of contemporary front façade at former Northern Welding Services, Hopetown Lane, Darlington (Reference Number 10/00716); and
- (c) Allowed the appeal by Mr. and Mrs. Smith to delete condition 5 of planning permission for provision of private gypsy site to provide pitches for two residential caravans and two touring caravans, alterations to access, provision of utility building, timber fencing and field shelter and use of land for equestrian purposes (retrospective application) at proposed private gypsy site, Burma Road, Hurworth Moor (Reference Number 10/00059/FUL).

RESOLVED - That the reports be received.

PA51. 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.

PA52. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA40/Sep/11, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20th October 2011.

RESOLVED - That the report be received.