

## PLANNING APPLICATIONS COMMITTEE

11th April, 2012

**PRESENT** - Councillor Baldwin (in the Chair); Councillors Cossins, Johnson, Knowles, Landers, Long, D.A. Lyonette, Macnab and J. Taylor. (9)

**APOLOGIES** – Councillor L. Haszeldine, Lee, Regan and Stenson. (4)

**OFFICERS** – Dave Coates, Principle Planning Officer and Harry Alderton, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within Resources Group.

**PA92. DECLARATION OF INTERESTS** – There were no declarations reported at the meeting.

**PA93. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 14th March, 2012.

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

**PA94. 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
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.
D19	The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given. Reason - In order that the Local Planning Authority may be satisfied

	as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.
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>Reason - 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>
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>Reason - 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>

**PA95. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**12/00042/CU - Drum Art Furniture, 22 Grange Road, Darlington.** Change of use of first floor and entrance stairs from shop (Use Class A1) to bar (A4).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection and the comments of the Council's Environmental Health Officer, Darlington Association on Disability and the Durham Constabulary Architectural Liaison that had been received and the views of Mr. Liddle, applicants agent and Mr. Morris and Mr. Gillow, objectors, whom members heard. An additional letter of objection was highlighted at the meeting).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) The use hereby permitted for Class A4 (Drinking Establishments) purposes shall not commence until full particulars and details of a scheme to insulate the premises against the transmission or airborne and impact sound has been submitted to, and approved by,

the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

**Reason** - To prevent noise disturbance to nearby properties.

(c) D19 – Ventilation Equipment (Details Required).

(d) The use hereby permitted shall not commence until details of the arrangements for storing of refuse or waste have been submitted to, and approved by, the Local Planning Authority. The details shall include the types of waste and the proposed hours and method of collection. The development shall not be carried out otherwise than in accordance with any approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied.

**Reason** - To safeguard the amenities of the area.

(e) Notwithstanding the details shown on the approved plans, precise details for improving accessibility to the building for disabled people shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise in complete accordance with the approved details.

**Reason** - In order to make the building accessible to disabled people in accordance with Policy CS2 of the Darlington Core Strategy Development Plan Document 2011.

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

(g) The decorative glazed ceramic tiles within the staircase entrance to the building shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the character and design of the building.

**12/00037/OUT - Caretakers House, Edinburgh Drive, Darlington.** Outline application for residential development of 3 No dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection, the objection of the Campaign to Protect Rural England and the comments of the Council's Senior Arboricultural Officer, the Council's Highways Engineer and the Council's Environmental Health Officer that had been received and the views of Mr. Robson and Mr. Sharp, objectors, whom Members heard).

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

(a) The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -

- (i) Access;
- (ii) Appearance;
- (iii) Landscaping;
- (iv) Layout; and
- (v) Scale.

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

**Reason** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

(b) The development shall be begun two years from the final approval of the reserved matters referred to in condition (a) or, in the case of approval on different dates the final approval of the last such matter to be approved.

**Reason** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

- (c) A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall be agreed with the Local Planning Authority but shall include a Dust Action Plan and the proposed hours of construction. The development shall not be carried out otherwise than in complete accordance with the approved Plan.  
**Reason** - In the interests of residential amenity.
- (d) The application for approval of Reserved Matters shall be accompanied by an Interim Certificate for Code for Sustainable Homes. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.  
**Reason** - To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
- (e) Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with the requirements of condition (d).  
**Reason** - To ensure that the development has been carried out in complete accordance with condition 4) in accordance with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
- (f) The application for approval of Reserved Matters required by condition (a) shall include details to raise the level of the existing footway and the highway verge across the frontage of the site in order to ensure that an acceptable gradient on the access is achieved.  
**Reason** - In the interests of highway safety.
- (g) The application for approval of Reserved Matters required by condition (a) shall include the necessary provision of car parking within the curtilage of the site that is required to comply with Darlington Borough Council Design Guide and Specification – Residential and Industrial Estates Development (or any guidance revoking or re-enacting that Guide).  
**Reason** - In the interest of highway safety.
- (h) J2 – Contaminated Land.
- (i) The application for approval of Reserved Matter required by condition (a) shall include the details of any walls, fencing or other means of enclosure. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.  
**Reason** - In the interests of visual and/or residential amenity.
- (j) Prior to the commencement of the development details shall be submitted of a scheme to protect the existing Sycamore trees located to the north and north east of the Caretaker's House, Edinburgh Drive, Darlington. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 meter high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above

approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees :-

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

**Reason** - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

- (k) Notwithstanding the requirements of condition (a) the proposed development shall be carried out in complete accordance with the recommendations contained within the submitted document entitled "Measurement and Assessment of Noise Levels in way of Proposed Residential Development at Edinburgh Drive for England and Lyle" dated 18 January 2012; Ref No 644.1/1. and the recommendations shall be implemented prior to the occupation of the dwellings.

**Reason** - In the interests of the amenities of the future occupiers of the proposed development.

**12/00087/TF - 6 Meadow Rise, Darlington.** Works to trees under protection of Tree Preservation Order (No 3) 1968 (group 4) - remove Laurel and 4 No fence line Conifer trees, removal of epicormic growth and lifting to 2 meter of Holly tree and crown cleaning to remaining trees within the property (amended by letter received 21 March 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection and the comments of the Senior Arboricultural Officer that had been received and the views of Mr. Brown, applicant, whom Members heard).

**RESOLVED** - It is recommended 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) The works to the trees hereby granted consent shall be carried out under the supervision of a competent forester.  
**Reason** - To safeguard the life of the preserved trees in the interests of visual amenity.

**12/00076/FUL - Stockton Glass & Glazing (Darlington) Ltd, Brunswick Street, Darlington.** Change of use of premises for the manufacturing of uPVC windows and doors to commercial garage and MOT testing station (as amended by plans received 22 February 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection and the comments of the Council's Environmental Health Officer, the Council's Highways Engineer and Darlington Association on Disability that had been received).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) The garage and MOT testing station hereby approved shall not operate outside the hours of 0800 - 1800 Monday to Friday and 0800 – 1600 on Saturday with no opening on Sundays or Bank Holidays.

- Reason** - In the interests of residential amenity.
- (c) Prior to the commencement of the use the parking bays shall be clearly marked out within the forecourt and the building as shown on the approved plans and they shall be kept available for parking purposes at all times.  
**Reason** - In the interest of highway safety.
- (d) Prior to the commencement of the development, precise details of a secure cycle parking area (2 no spaces) 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 order to achieve satisfactory cycle parking provision within the site.
- (e) No deliveries shall occur to the premises other than at the Brunswick Street North forecourt entrance.  
**Reason** - In the interest of highway safety.
- (f) The use hereby permitted shall not commence until full particulars and details of a scheme to insulate the premises against the transmission of airborne and impact sound has been submitted to, and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approved details.  
**Reason** - In the interests of residential amenity.
- (g) No fans, louvres, ducts or other external plant shall be installed without the prior approval of the Local Planning Authority.  
**Reason** - In the interests of residential amenity.
- (h) No paint spraying shall be carried out except in a properly constructed part of the building to which suitable filtration equipment has been fitted to the satisfaction of the Local Planning Authority. Details of any filtration equipment shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approved details.  
**Reason** - In the interests of residential amenity.
- (i) The carrying out of repairs, maintenance or other works to any vehicle shall not take place outside of the buildings.  
**Reason** - In the interests of residential amenity.
- (j) B5 – Detailed Drawings (Accordance with Plan).
- (k) No storage activity shall be carried on outside the building subject of this permission, without the prior written consent of the Local Planning Authority.  
**Reason** - To ensure that the proposed development does not prejudice the amenities of the locality.

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

**11/00833/LBC - Residential Development (opposite Castle Farm), Walworth Road, Walworth.** Listed Building Consent for alterations including lowering roofs to 3 No boiler rooms, replacement stone capping to boundary walls and alterations to boundaries including erection of posts and rails and hedge planting (amended by plans received 2 March 2012).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection and the comments of Walworth Parish Council that had been received and the views of Mr. Johnson and Mr. Lamb, objectors, whom Members heard).

**RESOLVED** - That planning permission be deferred to enable a site visit to take place.

**11/00834/FUL - Residential Development (opposite Castle Farm), Walworth Road, Walworth.** Alterations including lowering roofs to 3 No boiler rooms, retention of oil tanks, replacement stone capping to boundary walls and alterations to boundaries including erection of posts and rails and hedge planting (amended by plans received 2 March 2012).

**RESOLVED** - That planning permission be deferred to enable a site visit to take place.

**PA96. NOTIFICATION OF APPEALS** – The Director of Place reported that :-

- (a) Mr. P. McGee had appealed against this Authority’s decision to refuse planning permission for erection of two storey rear extension at 1 Church View, Sadberge (Reference Number 11/00723/FUL);
- (b) Mr. L. Foster had appealed against this Authority’s decision to refuse planning permission for change of use to residential purposes, involving the siting of 4 No. mobile homes and 8 No. touring caravans, and erection of 4 No. amenity buildings, hard standing and internal access road at Field at OSGR E429405 N511842 Snipe Lane Darlington (Reference Number 11/00755/FUL); and
- (c) Miss. J. Gregory had appealed against this Authority’s decision to refuse planning permission for construction of hard surfacing to field entrance and parking area, setting back existing gate from field boundary (revised application) at field at OSGR E437631 N521999, Mill Lane, Bishopton (Reference Number 11/00634/FUL).

**PA97. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- (a) Banks Development Limited have withdrawn the appeal for 10 wind turbines and one anemometer mast, plus associated access tracks, crane pads and control building at proposed Moor House Wind Farm, Bishopton Lane, Great Burdon, Darlington (Reference Number 09/00741/FUL);
- (b) Allowed the appeal by Mr. J. Patel against this Authority’s decision to refuse planning consent for 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 (Use Class A1) at 2 and 4 Burtree Lane, Darlington (Reference Number 11/00400/FUL);
- (c) Dismissed the appeal by Mr. Trevarrow against this Authority’s decision to refuse planning consent for change of use from open visual amenity space to private garden, relocation of existing fence to side at 63 Glaisdale Court, Darlington (Reference Number 11/00450/FUL);
- (d) Dismissed the appeal by Mr. D. Coleman against this Authority’s decision to refuse planning consent for erection of dwelling house on site of former electricity sub-station (amended plans received 22nd September, 2011 and 23rd September, 2011) at site of former Electricity Sub-Station, Parkland Drive, Darlington (Reference Number 11/00517/FUL); and

- (e) Dismissed the appeal by Mr. P. McGee against this Authority's decision to refuse planning consent for erection of two storey rear extension at 1 Church View, Sadberge, Darlington (Reference Number 11/00723/FUL).

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

**PA98. 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.

**PA99. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA77/Jan/12, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 29th March, 2012.

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