

PLANNING APPLICATIONS COMMITTEE

13 February 2013

PRESENT – The Mayor (Councillor Baldwin) (in the Chair); Councillors Cossins, Johnson, Knowles, Lee, Long, D A Lyonette, Macnab, Regan, Stenson and J Taylor. (11)

APOLOGIES – Councillors Cartwright and L. Haszeldine (2)

ALSO IN ATTENDANCE –

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

PA179. DECLARATION OF INTERESTS – There were no declarations of interest reported at the meeting.

PA180. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 16 January 2013.

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

PA181. 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 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 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.
C5	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. 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.
E3	The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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 - In the interests of the visual amenities of the area.

PA182. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

12/00772/FUL - Buxton Moor Crescent, Darlington. Erection of 24 houses, including landscaping and associated works.

(In reaching its decision, the Committee took into consideration eight letters/e-mails of objection, together with a petition of objection containing 75 signatures, that had been received, the views of representatives of the applicant and two objectors, both of whom Members heard and a letter of support from Councillor Dixon, one of the Ward Councillors, which was read out at the meeting).

RESOLVED - That planning permission be granted with the following conditions :-

1. A3 – Time limit for commencement.
2. B5 – Development in accordance with submitted plans and details, in particular Landscaping, Boundary Treatment, Street Lighting, Energy Report, Flood Risk

Assessment etc. In particular plans and details relating to the Construction/Transport Management Plan, the land drainage plan, the Landscape/Boundary Treatment Plan and Energy Report.

3. E3 - Landscaping scheme implementation.

4. The development shall be carried out in accordance with the submitted scheme for the provision of affordable housing as part of the development. The affordable housing shall be provided in accordance with the approved scheme.

Reason - To ensure the proposed affordable housing is provided in accordance with the Council's Planning Obligations Supplementary Planning Document.

5. The details of gas protection measures to be installed within the residential properties shall be submitted and approved in writing by the Local Planning Authority prior to installation. The means of validating the installation of gas protection measures shall be agreed with the Local Planning Authority and a Validation Report submitted to the Local Planning Authority within 2 months of completion of the development.

Reason – In the interests of the amenities of local residents.

6. Any soil or soil forming materials brought for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed. Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by the Local Planning Authority prior to these materials being imported to site.

Reason – In the interests of the amenities of local residents.

7. The sound insulation for the proposed residential properties to protect against train noise shall be implemented in accordance with the approved scheme and mitigation measures contained within the "Noise and Vibration Assessment Report for the proposed residential development at Buxton Moor Crescent, Darlington Report Reference no 1610.24/2 22 Blue Tree Acoustics dated 22 November 2012". Any works which form part of the scheme shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used. Any deviation from the works which form part of the scheme shall be submitted and agreed in writing by the Local Planning Authority prior to implementation.

Reason – In the interests of the amenities of local residents.

8. If piling is required for the foundations of the dwellings hereby approved, details of the piling method (including justification for its use), vibration monitoring and a groundwater risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority before development takes place.

Reason – In the interests of the amenities of local residents.

9. This permission shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment, including with regard to on-going flood mitigation and surface water management.

Reason – In the interests of the amenities of local residents.

10. None of the dwellings hereby approved shall be sited above or within 3 metres of any operational sewers.

Reason – In the interests of the amenities of local residents and to enable access to sewers should maintenance be required.

12/00703/FUL - Dovecote, Low Middleton House, Low Middleton, Middleton St George, Darlington. Conversion of existing dovecote to form dwelling and erection of detached carport with storage building.

(In reaching its decision, the Committee took into consideration the objections of Middleton St George Parish Council and the County Archaeologist that had been received).

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

1. A3 - Implementation Limit (3 years).
2. B4 - Details of Materials (Samples).
3. All works and repairs to the building shall use traditional materials (as approved under Condition 2) and methods including the use of lime mortar.
Reason – In order to safeguard the character of the Listed Building.
4. B5 - Detailed Drawings (Accordance with Plan).
5. C5 - Restriction of PD Rights (Residential).
6. The proposed development shall be carried out in all respects in accordance with the recommendations and method statement contained within the Bat Survey, MAB Environment and Ecology Ltd July 2012.
Reason - In the interests of ecology.
7. No development shall commence until details of the track and turning area for emergency vehicles which shall be at least 3.7m in width and details of altered signage on the track to allow for emergency access have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall not be occupied until these works have been implemented in accordance with the approved details.
Reason - In the interests of highway safety.
8. No development shall commence until details of improvement works to the access including drainage works to ensure that water from the development site does not discharge onto the public highway have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall not be occupied until these works have been implemented in accordance with the approved details.
Reason - In the interests of highway safety.
9. No development shall commence until details of improvements to the access road within the site to provide a minimum width of 3.7m and to provide a surface that is suitable for use by pedestrians and vehicles have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall not be occupied until these works have been implemented in accordance with the approved details.
Reason - In the interests of highway safety.
10. The carport hereby approved is to be linked to the residence formed by the conversion of the Dovecote and shall only be used for the domestic garaging of private vehicles and for purposes ancillary to the dwelling.
Reason - In the interests of residential amenity.
11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work as

defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out :-

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts as well as an English Heritage defined Level 2/3 building record;
- iii. Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary;
- iv. Report content and arrangements for dissemination;
- v. Archive preparation and deposition with recognised repositories;
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works; and
- viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation must be submitted by the developer, and approved, in writing, by the Local Planning Authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

Reason - To comply with Policy CS14 of Borough of Darlington Core Strategy Development Plan Document 2011 and paragraph 141 of the National Planning Policy Framework 2012 as the site is known to be nationally important and of special interest as a Grade II Listed Building.

12. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason - To comply with paragraph 141 of the National Planning Policy Framework 2012 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Andrew Long Architects and the following mitigation measures detailed within the Flood Risk Assessment:
 - i. Identification and provision of safe routes into and out of the site to an appropriate safe haven;
 - ii. Finished floor levels are set no lower than 11.7m above Ordnance Datum (AOD);
 - iii. Providing a flood alarm specific to the development to give additional warning when river levels begin to rise;
 - iv. Ensure that only non-habitable rooms are located on the ground floor; and

v. Flood proofing measures are incorporated into the design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason – To reduce the impact of flooding on the proposed development and future occupants.

14. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall only be implemented as approved.

Reason – To protect the water environment.

(2) Planning Permission Refused

12/00413/FUL - Skipbridge, Hurworth Moor. Erection of a detached chalet style bungalow for holiday accommodation.

(In reaching its decision, the Committee took into consideration three letters of objection and the objections of Hurworth Parish Council and the Campaign to Protect Rural England that had been received and the views of two objectors, one of whom was also a member of Hurworth Parish Council, and a representative of Hurworth Parish Council who spoke in objection and who also referred to a letter of objection from a local resident, whom Members heard).

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

The proposal by reason of its design and form, would not be in keeping with the existing brick built residential conversions to the north of the site [The Potteries] and would detract from the appearance of the area. In addition, the proposal would have an adverse effect on the residential amenity of the occupants of these dwellings by reason of increased comings and goings. The proposal would therefore be contrary to Policy CS2 [Achieving High Quality, Sustainable Design] and Policy CS16 [Protecting Environmental Resources, Human Health and Safety] of the Darlington Local Development Framework *Core Strategy* adopted 6 May 2011.

(3) Listed Building Consent Granted

12/00704/LBC - Dovecote, Low Middleton House, Low Middleton, Middleton St George, Darlington. Listed Building Consent for conversion of dovecote to form dwelling.

(In reaching its decision, the Committee took into consideration the objections of Middleton St George Parish Council and the County Archaeologist that had been received).

RESOLVED - That Listed Building Consent be granted subject to the following conditions:

1. A5 - LB Applications (Implementation Limit).
2. B4 - Details of Materials (Samples).

3. All works and repairs to the building shall use traditional materials (as approved under Condition 2) and methods including the use of lime mortar.
Reason – In order to safeguard the character of the Listed Building.
4. B7 – Detailed Application (Listed Buildings).
5. No works shall commence until a written scheme of investigation for the recording of the building including, both its structure and internal fittings, has been submitted to, and approved by, the Local Planning Authority.
Reason – To ensure that a proper and permanent historical record is made of the architectural details of the building before works commence.

PA183. NOTIFICATION OF APPEALS - The Director of Place reported that Mr Ruben Rogers had appealed against this Authority's decision to refuse planning permission for use of land as a residential gypsy caravan site (retrospective) for three touring caravans, one static caravan and erection of amenity block and the retention of hard standing and earth mounding at Meadow Stables, Aycliffe Lane, Brafferton (Ref No. 12/00617/FUL).

RESOLVED - That the report be received.

PA184. NOTIFICATION OF DECISIONS ON APPEALS - Director of Place reported that the Inspectors, appointed by the Secretary of State for the Environment, had :-

- (a) allowed the appeal by Levy Developments against this Authority's decision to refuse planning permission for the conversion of existing building to form 7 self-contained apartments at 29 Corporation Road, Darlington (Ref No. 12/00181/CU) (copy of Inspectors decision letter previously circulated);
- (b) dismissed the appeal by Mr Peter Foster against this Authority's decision to refuse planning permission for the erection of gatehouse dwelling for staff accommodation with associated boundary wall and gates at High Linhams, Bridge Road, Darlington (Ref No. 11/00684/FUL) (copy of Inspectors decision letter previously circulated); and
- (c) dismissed the appeal by Mr Jack Havakin against this Authority's decision to refuse planning permission for the erection of a detached bungalow at the former garden of 2 Castle Close, Middleton St George (Ref No. 12/00248/FUL) (copy of Inspectors decision letter previously circulated).

PA185. 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.

PA186. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA178, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 30 January 2013.

RESOLVED - That the report be received.