

PLANNING APPLICATIONS COMMITTEE

6th May, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors Curry, Freitag, Hartley, Johnson, Lee, D.A. Lyonette, Regan, Stenson and Walker. (10)

APOLOGIES – Councillors M. Cartwright, L. Haszeldine and Robson. (3)

OFFICERS – Neil Cookson, Solicitor within the Corporate Services Department; Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

PA105. DECLARATION OF INTERESTS – In relation to Application Ref. No. 08/00773/OUT below Councillors Johnson and Stenson declared a personal interest and left the meeting during consideration of that application only.

PA106. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 11th March, 2009.

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

PA107. 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.
E11	Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of

	<p>at least 2.3m 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:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels; (b) Cutting of roots, digging of trenches or removal of soil; (c) Erection of temporary buildings, roads or carrying out of any engineering operations; (d) Lighting of fires; (e) Driving of vehicles or storage of materials and equipment.</p> <p>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.</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>

PA108. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00008/FUL – Whessoe Road Salvage, Whessoe Road, Darlington. Continuation of the use of the land as a temporary scrap yard for a further 3 years.

(In reaching its decision, the committee took into consideration the Planning Officer’s report (previously circulated) and one letter of objection that had been received).

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

- (a) A3 – Implementation Limit (Three Years).

- (b) The premises to which this permission relates shall be used for the purposes of car dismantling and for no other purpose.
- (c) **Reason** - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of the site being vacated.
- (d) Car bodies, parts, waste or scrap awaiting collection shall not be stacked, stored or deposited to a height exceeding 1.8 metres above ground level.
Reason - In the interests of visual amenity.
- (e) The site shall not be used for the burning of vehicles or parts of vehicles or for the processing of scrap.
- (f) **Reason** - To enable the Local Planning Authority to retain control over the development in the interests of visual amenity and to ensure that the occupants and users of neighbouring properties are not adversely affected by the development.
- (g) All loading, unloading and parking of vehicles shall take place within the curtilage of the premises and not on the adjoining highways.
Reason - In the interests of road safety.
- (h) Prior to the institution of the use hereby permitted a customer car parking area for a minimum of eight cars shall be provided to the satisfaction of the Local Planning Authority. Thereafter, the said areas shall be retained and utilised for the purposes of customer car parking.
- (i) **Reason** - To achieve a satisfactory form of development and in the interests of road safety.
- (j) Notwithstanding anything contained in the application to the contrary no waste skips shall be positioned on the site other than in an area or areas to be approved by the Local Planning Authority. The said area or areas shall not be adjacent to the Whessoe Road boundary. No waste or scrap parts (other than car body shells) shall be stored or deposited on the site other than within waste disposal skips.
Reason - In the interests of visual amenity.
- (k) J2 – Contaminated Land.
- (l) The use hereby permitted shall be discontinued and the land reinstated to its former condition, to the satisfaction of the Council, at or before the expiration of a period three years from the date of this permission.
- (m) **Reason** - The development is such that it could not be approved for permanent development.

(2) Planning Permission Refused

08/00073/OUT – Land at Yarm Road, Middleton St George. Erection of 36 Dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eighteen letters of objection that had been received and the views of Councillor Mrs. Jones, Ward Councillor, whom Members heard).

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

- (a) The application proposes new housing development outside the development limits of Middleton St George, which would not normally be allowed. Whilst the provision of affordable housing on sites outside, but adjoining the development limits may be permitted in exceptional circumstances, this can only be justified if the development is

entirely to meet identified affordable housing needs and the development is small scale in nature. The affordable housing provision offered in the application falls short of this. Furthermore, the Council does not consider that there is any conclusive evidence of affordable housing needs amounting to 36 dwellings in Middleton St George and the application does not provide any local housing needs evidence to suggest otherwise. The development is therefore contrary to Policy E2 (Development Limits), Policy H3 (Locations for New Housing Development) and Policy H10 (Affordable Housing in Rural Areas) of the Borough of Darlington Local Plan.

- (b) No information has been submitted with the application to demonstrate to the Local Planning Authority that the land is capable of being developed without endangering future occupants of the proposed housing development in the event of the possibility of encountering contamination during development and would thereby be contrary to guidance contained in PPS 23 (Planning and Pollution Control).
- (c) The site is adjacent to the Darlington/ Saltburn branch railway line and in close proximity to employment premises to the south east of the site, which have the potential to create unacceptable levels of noise to the detriment of the residents of the proposed development. A noise and vibration report has not been submitted with the application in accordance with guidance contained in PPG24, BS4142 and the Calculation of Road and Rail Traffic Noise. Consequently the Local Planning Authority is unable to assess the impacts on the development from these noise sources.

(3) Darlington Borough Council Granted

09/00194/DC – Coombe Drive, Darlington. Erection of replacement feature brick wall including sign.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

RESOLVED – That subject to no objections being received on or before 8th May, 2009, pursuant to regulation 3 of the Town and Country Planning General Regulations planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plan).

09/00130/DC – South Park Play Area. Erection of equipped play area including enclosure fencing and gates.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and one letter of objection that was received).

RESOLVED – Pursuant to Regulation 3 of the Town and Country Planning General Regulations planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (c) E11 - Tree Protection.

- (d) Before the development hereby approved is first brought into use, provision shall be made for three or four 'Sheffield' type cycle stands in a location to be agreed in writing by the Local Authority and such provision shall thereafter be retained.
Reason – To ensure visible sustainable transport provision is provided.

(4) Application Withdrawn

09/00220/DC – Broken Scar Picnic Site, Coniscliffe Road. Construction of enlarged children's play area and ancillary features, including footpath, fencing, picnic area and relocation of existing trim trail area.

RESOLVED – That the application be withdrawn at the request of the applicant.

PA109. DEVELOPMENT CONTROL USER SATISFACTION SURVEY 2008 – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) informing members of the outcome of the most recent user satisfaction survey for the development control service.

It was highlighted that the survey was undertaken earlier this year and covered all applicants who had received a planning application decision between April and December, 2008. The survey revealed that some 28 per cent of respondents were satisfied with the service they had received, which is a marginal fall compared to the previous survey undertaken in 2006 but shows the service continues to perform strongly in terms of customer satisfaction. It was also highlighted that Darlington would clearly be placed amongst the top performing authorities in terms of user satisfaction.

RESOLVED – That the report be noted and that thanks be conveyed to Officers for their continued efforts in achieving these high standards.

PA110. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mr. B. Hans has appealed against this Authority's decision to refuse planning permission for Erection of 2 No. semi detached two storey dwellings including car parking and means of enclosure at 84 Geneva Road, Darlington (Reference Number 09/00058/FUL);
- (b) Mr. T. Smith has appealed against this Authority's decision to refuse planning permission for Erection of stable comprising 3 No. stables, tack room and feed store at Brickyard Farm, Neasham Road, Hurworth Moor, Darlington (Reference Number 08/00671/FUL).

RESOLVED - That the report be noted.

PA111. 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 involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA112. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA104/Apr/09, the Assistant Chief Executive (Regeneration) submitted a report

(previously circulated) detailing breaches of planning regulations investigated by this Council, as at 31st March, 2009.

RESOLVED - That the report be received.