

PLANNING APPLICATIONS COMMITTEE

6th April, 2011

PRESENT - Councillor Baldwin (in the Chair); Councillors Dunstone, Freitag, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Robson, Stenson and Walker. (10)

APOLOGIES – Councillors M. Cartwright, Hartley and Regan (3)

OFFICERS – Andrew Errington, Lawyer (Planning) within Resources Group; Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer and Harry Alderton, Highways Engineer, within Services for People.

PA90. DECLARATION OF INTERESTS – In relation to application 10/00752/FUL Councillor Baldwin declared a personal and prejudicial interest due to a family member being a member of Darlington Golf Club and left the meeting during this application only.

PA91. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 23rd February, 2011 and 9th March, 2011.

RESOLVED - That with the amendment to the attendance the Minutes be approved as a correct record.

PA92. 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
A1	<p>The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :-</p> <ul style="list-style-type: none">(a) access(b) appearance(c) landscaping(d) layout(e) scale <p>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.</p> <p>Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p>
A2	<p>The development shall be begun two years from the final approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved.</p>

	Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.
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.
D1	The windows formed in the _____ 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.

PA93. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

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 16 December 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), thirty one letters of objection; two letters of representation; the objections of Councillor Copeland and Councillors A. Scott and Wallis from the consultation exercise that they had undertaken with residents and the comments of the Highways Officer and the Arboricultural Officer that had been received and the views of Mr. Proud, applicant, Mr. Peat and Mr. Bone, representatives, Mr. Atkinson, an objector, and Councillor A. Scott, Ward Members whom Members heard).

The findings of the Council's traffic survey were discussed and Members were advised that in the view of officers it showed that significant capacity remained on the highway network. The Development Manager reminded Members of national planning guidance that the extent of local

opposition is not, in itself, a reasonable ground for resisting development. Opposition had to be founded on valid planning reasons supported by substantial evidence. The Development Manager also reported that in his view the development would not be in conflict with Policy E3 – Protection of Open Land – of the Borough of Darlington Local Plan.

RESOLVED - That the Director of Place be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the closure of Green Lane to vehicular traffic at two locations including the Whinfield Road and private gold club road junctions.

That upon satisfactory completion and signing of that agreement, 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 development shall be begun two years from the final approval of the reserved matters referred to in condition (1) 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) No development shall commence until an Ecological Assessment of the site including the existing hedgerow has been submitted to and approved by the Local Planning Authority. The submitted details shall include details of any mitigation measures that may be necessary. The development shall not be carried out other than in accordance with the approved details.
Reason - The proposal would result in the removal of part of a hedgerow which may have an importance with regard to ecology. An ecological assessment is required to ensure that the development will not cause any significant or unacceptable harm to ecology, in accordance with Policy E23 (Nature and Development) of the Borough Local Plan 1997.
- (d) No development shall commence until details of a tree planting scheme to include 1 No. Oak (*Quercus robur*), 1 No. Lime (*Tilia cordata*) and 1 No. Hornbeam (*Carpinus Betula*) have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not take place other than in accordance with the approved tree planting scheme.
Reason - The proposal would result in the removal of part of a hedgerow and a tree planting scheme is required to mitigate against this loss, in accordance with Policy E12 (Trees and Development) of the Borough of Darlington Local Plan 1997.
- (e) No development shall commence until details of the provisions made for access by pedestrians including dropped crossings/tactile paving, and a short section of footway within the highway verge to the south of Sparrow Hall Drive, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not take place other than in accordance with the approved tree planting scheme.
Reason - The new access would attract use by pedestrians which should be adequately accommodated in accordance with Policy T39 (Conditions for Pedestrians) of the Borough of Darlington Local Plan 1997.
- (f) No development shall commence until details of the provisions made for ensuring that surface water does not discharge onto the public highway, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not take

place other than in accordance with the approved tree planting scheme.

Reason - To ensure that surface water does not discharge onto the public highway in the interests of highways safety.

11/00074/FUL - Newton Grange Farm, Sadberge. 20 metre high wind turbine.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, the comments of Northumbrian Water, Environmental Health and the Parish Council and the objections of Campaign to Protect Rural England (CPRE) that had been received and the views of Mr. McKenzie, applicant, whom Members heard).

RESOLVED - That, subject to no objections being received from Durham Tees Airport, permission be granted with 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) At the reasonable request of, and following a complaint to the Local Planning Authority, the operator of the development shall employ a noise consultant, with relevant experience in assessing noise from wind turbines, to measure and assess the effects of operation of the wind turbine at the complainants property in accordance with BS4142:1997. The rating level (as defined in BS4142:1997) as a result of operation of the wind turbine shall be no more than 5dB above the background noise level at the noise sensitive receptors (as identified in the design and access statement Revision 1.3, 'Proposed Erection of a Small-Scale Wind Turbine on Newton Grange Farm, as submitted with the planning application). The background noise level and proposed scheme of the noise assessment shall be agreed with the Local Planning Authority, prior to any investigation being carried out by the relevant noise consultant.

Reason - In the interests of residential amenity.

- (d) The wind turbine and associated plant and equipment shall be maintained in accordance with the manufacturers instructions.

Reason - In the interests of residential amenity.

11/00119/FUL - 2 Hawthorn Drive, School Aycliffe. Erection of a two storey side extension.

(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 Highways 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) 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) 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.

- (d) The attic window formed in the north western elevation shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

Reason - To prevent overlooking of the nearby premises.

PA94. 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 6 and 7 of Part I of Schedule 12A to the Act.

PA95. BREACH OF PLANNING CONTROL ERECTION OF 2 DWELLINGS WITHOUT PLANNING PERMISSION AT MANOR FARM – The Director of Place submitted a report (previously circulated) on the possibility of enforcement action being taken against breach of planning control at Manor Farm, Bishopton.

RESOLVED – That as detailed in the submitted report, no enforcement action be taken specifically targeting the additional rooms, chimneys or window specification, however, as unauthorised dwellings have been built, technically they are not governed by any planning conditions, it is therefore agreed that enforcement action only be taken should this prove necessary limited to a requirement for any relevant matter that is subject to outstanding conditions and previously agreed details to be adhered to, which are :-

- (a) Means of enclosure – To secure any outstanding screen fencing requirements.
- (b) Land remediation measures – To ensure that satisfactory provision has been made for the provision of a capping layer over garden areas.
- (c) Landscaping – To ensure agreed planting measures are implemented.
- (d) Car parking – To ensure agreed parking provision for dwellings is made.
- (e) External surface materials – To ensure they are as per what was previously agreed.
- (f) Access provision – To ensure this is put in place.
- (g) Surface water drainage – To ensure this is as per agreed details.

PA96. UNAUTHORISED DEMOLITION OF PARTS OF A GRADE II LISTED BUILDING AT MANOR FARM, BISHOPTON – The Director of Place submitted a report (previously circulated) informing Members of the sequence of events and to seek their agreement on actions arising from this.

RESOLVED – That no further action be taken in respect of the breach of Listed Building Control, as there was no significant harm that had arose from the breach and that it would not be expedient in the public interest to take enforcement action.

PA97. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA89/Mar/11, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 24th March, 2011.

RESOLVED - That the report be received.