

PLANNING APPLICATIONS COMMITTEE

11 March 2015

PRESENT – The Mayor (Councillor Lee); Councillor Baldwin (in the Chair); Councillors Cossins, Knowles, D. Lyonette, Macnab, Regan, Stenson and J. Taylor. (9)

APOLOGIES – Councillors Cartwright, L Haszeldine, Johnson and Long (4)

ABSENT -

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, within Services for Economic Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (4)

PA74. DECLARATIONS OF INTEREST – There were no declarations of interest at the meeting.

P775. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 14 January 2015.

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

PA76. PROCEDURE – The Chief Executive’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.
A4	The development hereby permitted shall be commenced not later than one year from the date of this permission. Reason - (one year permission) - Specific reason required to be inserted by case officer.
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

	<p>development and the development shall not be carried out otherwise than in accordance with any such approved details.</p> <p>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.</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>
D4	<p>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 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.</p> <p>Reason - To safeguard the amenities of the area.</p>
E1	<p>Details of landscaping shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained.</p> <p>Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally approved and planted.</p> <p>Reason - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.</p>
E11	<p>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 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;</p> <p>(b) Cutting of roots, digging of trenches or removal of soil;</p> <p>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</p> <p>(d) Lighting of fires;</p> <p>(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>

PA77. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

Planning Permission Granted

14/01163/FUL - 155 Corporation Road, Darlington. Change of use of single dwelling (Class C3) to hot food takeaway (A5) with residential flat above (revised hours of operation and amended plans received 29 January 2015) (revised description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection to the original application and two second objections from local residents, that had been received and the views of the applicants' agent and two objectors, all of whom Members heard).

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

1. A3 – Implementation Limit (Three Years).
2. The use hereby approved shall not operate outside the hours 17:00 – 21:00 Monday to Saturday and 17:00 – 19:00 Sundays and Bank Holiday.
Reason - In the interests of residential amenity.
3. The access ramp shown on the approved plans shall be fully implemented prior to the commencement of the use unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the premises are accessible for disabled person.

4. Prior to the commencement of the development, a Noise Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The scope of the Assessment shall be agreed with the Local Planning Authority but the Assessment shall take account of noise from all commercial activities and noise and vibration from all fans, louvres, ducts and external plant associated with the takeaway. The agreed scheme of noise mitigation measures shall be fully implemented prior to the commencement of the use and shall be retained and maintained in accordance with the manufacturers specifications as long as the premises shall continue to operate as a hot food takeaway.
Reason - In the interests of the amenities of the existing residential properties in the surrounding area and the future occupants of the proposed first floor flat.
5. 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 agreed scheme shall be fully implemented prior to the commencement of the use and shall be retained and maintained in accordance with the manufacturers specifications as long as the premises shall continue to operate as a hot food takeaway.
Reason - In the interests of the amenities of the existing residential properties in the surrounding area and the future occupants of the proposed first floor flat.
6. The use hereby permitted shall not commence until details of the arrangements for storing of waste or refuse have been submitted to, and approved by, the Local Planning Authority. The agreed scheme shall be fully implemented prior to the commencement of the use and shall be retained at all times thereafter.
Reason - In the interests of the general amenity of the surrounding area.
7. The use hereby permitted shall not begin until a grease trap has been provided on the drainage outlets from the food preparation areas.
Reason - In order to prevent flooding and pollution.
8. B5 – Detailed Drawings (Accordance with Plan).

14/00812/FUL - 13 The Green Haughton, Darlington. Demolish bungalow and erect two new dwellings and single garage.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objections of five local residents that had been received and the views of the applicant and an objector, both of whom Members heard).

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

1. A4 – Time limit.
2. B4 – Materials.
3. B5 – In accordance with plans.
4. In the event that suspected contaminated material is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared to show that the remediation has been undertaken to a satisfactory

standard, which is subject to the approval in writing by the Local Planning Authority.

Reason – In the interests of public safety.

5. Construction and demolition work, including deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -13.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

Reason – In the interests of residential amenity.

6. E11 – Tree protection.

14/01196/FUL - Land to The South Of Lea Close, Middleton Road, Sadberge.

Demolition of existing farm buildings and scaffolding depot and erection of 4 No dwelling houses (Revised application).

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

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

1. A3 Implementation Limit (3 years).
2. B5 Detailed application (Accordance with Plans).
3. B4 Details of Materials (samples).
4. The proposed development shall only be carried out in all respects in accordance with the noise control measures recommended for windows in the Measurement and Assessment of Noise Levels Report (Noise and Vibration Associates September 2014) submitted with the planning application.

Reason – In the interests of the amenities of occupiers of the proposed dwellings.

5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason – In order that the Local Planning Authority can be satisfied with the details of the development.

6. J2 (Contamination).
7. Details of landscaping shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development of any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained. The line of trees to the road frontage of the development site shall form an integral part of the landscaping scheme and shall not be removed without written permission of the Local Planning Authority.

Reason - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

8. No development shall commence until details of boundary walls, fences and other means of enclosures have been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.

Reason - To safeguard the visual amenities of the locality.

9. Unless otherwise agreed in writing by the Local Planning Authority, details of a connection from the site to the existing footway network in Sadberge shall be submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.
Reason – To improve the accessibility of the site and in the interests of highway safety.
10. No development shall commence until details of the vehicular access to the site have been submitted to, and approved by, the Local Planning Authority. The details shall include visibility splays (2.4m x 59m), junction radii at (10m radius minimum), drop crossings and tactile paving. The development shall not be carried out other than in accordance with the approved details.
Reason – In the interests of highway safety.
11. D4 - Refuse Storage (Details to be submitted).
12. Development shall not commence until details of street lighting have been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details unless otherwise agreed in writing.
Reason – In the interests of highway safety.
13. Prior to the commencement of the development, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of the proposed hours of construction, vehicle routes and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason – In the interests of highway safety.
14. Any vegetation clearance shall not take place between 1 February and 31 August unless it is under ecological supervision and following the submission and approval, by the Local Planning Authority, of a nesting bird survey.
Reason - In the interests of ecology.
15. Prior to the first occupation of the dwellings hereby approved, details of bat boxes to be installed on the site shall be submitted to, and approved by, the Local Planning Authority. Thereafter the bat boxes shall be retained in perpetuity.
Reason – In the interests of ecology.

PA78. NOTIFICATION OF DECISIONS ON APPEAL – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had :-

- (a) dismissed the appeal by Mr Karl Dryden against this Authority's decision to refuse outline planning permission for the erection of one detached dwelling with access off Friars Pardon with some matters reserved at Land between 23 The Wayside and 63 Friars Pardon, Hurworth, Darlington DL2 2EA (Ref. No. 14/00727/OUT) (copy of Inspector's decision letter previously circulated);
- (b) dismissed the appeal by The Wood Floor Company against this Authority's decision to refuse consent to display one non-illuminated fascia sign to gable wall (retrospective) at 318 North Road, Darlington DL1 3BH (Ref. No. 14/00759/ADV) (copy of Inspector's decision letter previously circulated);

- (c) allowed the appeal by Mr Jesbir Singh against this Authority's decision to refuse change of use from shop (Use Class A1) to hot food takeaway (A5) and external alterations including new shopfront to front and side, insertion of ground floor side window and extractor flue pipe to side elevation (re-submission) at 15 Belvedere Road, Darlington DL1 5EP (Ref. No. 14/00563/FUL) (copy of Inspector's decision letter previously circulated); and
- (d) allowed the appeal by Gladman Developments Ltd against this Authority's decision to refuse outline application for residential development of up to 250 dwellings (landscape, open space, highway improvements and associated works) at Field at OSGR E434615 N51434, Sadberge Road, Middleton St. George (Ref. No. 13/00940/OUT) (copy of Inspector's decision letter previously circulated).

RECOMMENDED – That the report be noted.

PA79. 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.

PA80. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA73/Jan/15, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 27 February 2015.

RESOLVED - That the report be received.