

PLANNING APPLICATIONS COMMITTEE

8 July 2015

PRESENT – Councillor Baldwin (in the Chair); Councillors Galletley, L. Haszeldine, Johnson, Kelley, Knowles, Regan, Stenson and J. Taylor. (9)

APOLOGIES – Councillors Cartwright, Cossins, Lee and Lyonette. (4)

ALSO IN ATTENDANCE – Councillors B. Jones and Mrs. D. Jones.

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, within Services for Economic Growth, Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group, and Alex Kay, Sustainable Transport Officer, within Services for Economic Growth. (5)

PA18. DECLARATIONS OF INTEREST – Councillor Baldwin declared a non-pecuniary interest in 15/00251/FUL, as a relative was a member of Darlington Golf Club. Councillor Stenson declared a pecuniary interest in 15/00030/FUL, as a member of Blackwell Grange Golf Club, and left the meeting during the discussion thereon.

Councillor Galletley stated that, as he had not participated in the site visit, he would abstain from the discussion and vote on 15/00237/FUL.

PA19. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 3 June, 17 June and 24 June 2015.

RESOLVED – That the Minutes be approved as correct records.

PA20. PROCEDURE – The Assistant 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 condition is 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

	<p>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.</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>
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. 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.</p> <p>Reason - In the interests of visual and/or residential amenity.</p>
C5	<p>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.</p> <p>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.</p>
E2	<p>A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as 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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E6	<p>Prior to the commencement of the development, details of the boundary walls/fences shall be submitted to, and approved by, the Local Planning Authority and such walls/fences shall be erected in accordance with the approved details prior to any</p>

	<p>part of the development being occupied (or any such later time as may be agreed in writing with the Local Planning Authority). Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of road safety.</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> <ul style="list-style-type: none"> (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>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. 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. 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>

PA21. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION - (1) Planning Permission Granted

15/00237/FUL - Land to the Rear of 32 The Green, High Coniscliffe. Erection of 1 No. detached dwelling and 1 No. detached double garage with roof mounted solar panels to south elevation (Revised application) (amended and additional plans received 31 March 2015, 15 June 2015 and 22 June 2015).

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

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

1. A3 - Implementation Limit (3 years).
2. B4 – Details of Materials.
3. In the event that suspected contaminated material is found at any time when carrying out the approved development (this includes any sample test results which may be obtained), 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 - The Local Planning Authority wishes to ensure that the development proposed can be implemented and occupied with adequate regard for environmental and public safety.

4. All imported soils to be used in garden or landscaped areas shall comply with, and be tested in accordance with the requirements of the current version of the document entitled Verification Requirements for Cover Systems- Technical Guidance for Developers, Landowners and Consultants, published by the Yorkshire and Humberside Pollution Advisory Council (YAHPAC) (Available on the Darlington Borough Council web site). Information shall be provided to the Local Planning Authority in writing to show compliance with the requirements of the YAHPAC guidance and the site shall not be used for residential purposes until the Local Planning Authority has accepted and approved the submitted information in writing. The Generic Assessment Criteria to be used in the assessment shall be agreed in writing with the Local Planning Authority prior to any testing being undertaken.

Reason - The Local Planning Authority wishes to ensure that the development proposed can be implemented and with adequate regard for environmental and public safety.

5. In the event that an Air Source Heat Pump is proposed as part of the development, prior to its installation and use, a noise impact assessment shall be undertaken by a suitably experienced and qualified noise consultant who considers the impact on neighbouring residential properties, in accordance with BS4142:2014. The Rating level(as specified in BS 4142:2014) of noise from any such equipment shall be

shown to be at least 5 dB below the background noise level, which would need to be measured by a noise consultant at appropriate times of day/night and the level agreed with the Local Planning Authority. Details of any noise mitigation measures which are shown by the noise impact assessment to be necessary to meet the specified noise limit shall be submitted to, and agreed in writing by the Local Planning Authority. Thereafter, the identified noise mitigation measures shall be implemented and retained.

Reason - In the interests of residential amenity.

6. No construction activities (which could produce noise emissions outside the site boundary) and associated deliveries shall take place outside the hours of 8.00am to 6.00pm, Monday to Friday, 8.00am to 1.00pm on Saturdays, with no working on Sundays or Public Holidays

Reason - In the interests of residential amenity.

7. Restriction of PD Rights (Residential).
8. The garage hereby approved shall be used for purposes incidental to the enjoyment of the approved dwelling house only and for no other purposes unless agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity.

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

15/00251/FUL - Haughton Grange, Darlington. Golf Driving Range Building plus fencing and external spotlights.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of five individuals that had been received, and the views of two objectors, of whom Members heard).

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

1. A4 – Time limit.
2. B4 – Materials.
3. B5 – In accordance with plans.
4. E2 – Landscaping.
5. This permission shall relate to the perimeter hedge planting scheme received by the Local Planning Authority on 9th June 2015, which will be included within any scheme implemented in accordance with the landscaping condition above.

Reason - For the avoidance of doubt.

6. E6 – Boundary treatment.
7. The lighting system hereby approved shall not be operated between the hours of 21:00 and 07:00.

Reason - In the interests of residential amenity.

8. Notwithstanding the details submitted with the application, a scheme of illumination of the access road at points of potential vehicle and pedestrian conflict shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be fully implemented to the satisfaction of the Local Planning Authority prior to the driving range [the subject of this permission], being brought into use.

Reason - To ensure the safety of pedestrians.

15/00279/FUL - Methodist Church, The Green, Piercebridge. Conversion of former Methodist church to dwelling, demolition of outbuilding to rear (additional screening

assessment received 22 April 2015 and additional bat risk assessment report received 15 May 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), and the Agent of the Applicant responded to Members' questions.

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

1. A3 (Standard 3 year time limit).
2. Notwithstanding any description of the design and fitting of any windows and doors in the application all windows and doors shall be of timber construction and thereafter be so maintained. Precise details of all windows and doors, including details of the proposed stonework reveal and colour finish shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. All windows and doors shall be installed in accordance with the details as approved and thereafter be so maintained.
Reason – In the interest of visual amenity.
3. Prior to the commencement of development hereby permitted, details of the render to be used on the front elevation of the property shall be submitted to and approved by the Local Planning Authority. The render shall be lime-based and breathable to protect the building. Details should also include the retention of the plaque on the front elevation of the property.
Reason – In the interest of visual amenity.
4. C5 (Removal of permitted development rights).
5. B5 (Development in accordance with the approved plans).

(2) Planning Permission Deferred

15/00030/FUL - Site of Former Blackwell Grange Golf Club, Briar Close. Demolition of existing golf clubhouse and erection of 3 no. detached dwellings (additional ground gas assessment report received 2 March 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the Blackwell Neighbourhood Forum, the Chair of the Blackwell Neighbourhood Forum, and the objections of 30 local residents, and representations from two residents that had been received, and the views of the Agent and one objector, of whom Members heard).

RESOLVED – (a) That, prior to the application being brought back to this Committee, a site visit be held.

(3) Planning Permission Refused

15/00019/FUL - Land East of Middleton Lane, Middleton St George, Darlington. Erection of 69 No dwellings with associated access and landscaping (Revised application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objections of MD2 Consulting Limited on behalf of the Middleton St. George Parish Council, Councillor B. Jones, Councillors Mrs. D.

Jones and York, Phil Wilson M.P., and 463 local residents that had been received, and the views of the Agent, three objectors and the Ward Councillor, of whom Members heard).

The Development Manager said that with regard to the Parish Council's emerging neighbourhood plan, it was too early in the preparation process to attach significant weight to this document. He also clarified minimum separation distances between proposed dwellings and existing dwellings situated to the north and south of the site.

The Development Manager advised that an advisory note should be included on the decision notice in the event that Members are minded to refuse permission. The note should state:- The Local Planning Authority is currently in the process of calculating its Objectively Assessed Housing Need (OAN). Should the Council be able to demonstrate that there is a five year supply of housing land to meet the housing need that the OAN identifies, this may constitute a further reason for the proposed development being unacceptable, and this may be referred to in any subsequent appeal process.

RESOLVED - It is recommended that planning permission be refused for the following reasons:-

1. The application site is located outside of the development limits as identified in the Borough of Darlington Local Plan 1997. The development limits are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside. The proposal would result in an obtrusive form of development that would be harmful to the character and appearance of the surrounding area. The application site forms a key strategic area of greenspace separating the villages of Middleton St George and Middleton One Row thereby preserving their character as distinct settlements. Notwithstanding the fact that the Council cannot demonstrate a 5 year supply of housing land, having regard for the three key factors of sustainable development, the impacts on the character and visual amenity of the area are considered such that the proposal is not considered to accord with the National Planning Policy Framework 2012. The proposal is also not considered to comply with Policies E2 (Development Limits) and H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan 1997 or with Policies CS2 (Achieving High Quality, Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.
2. The proposal would be harmful to the character and significance of Middleton One Row Conservation Area by obscuring views of the surrounding countryside and removing an area of green space contributing to its character, appearance and significance. The application site helps maintain the setting of the Conservation Area and provides a visible link to the surrounding countryside which is integral to the area's character. The proposal does not sustain or enhance the Conservation Area nor does it make a positive contribution to its local character and distinctiveness. The proposal is therefore considered to be contrary to the National Planning Policy Framework 2012 and to Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.
3. The local primary school (St George's Church of England Academy) is currently close to capacity and projections indicate that if the development were to proceed, the pupil yield would mean that the demand for school places in the village would

considerably outstrip supply when also taking the already approved development for 250 dwellings at Sadberge Road (Ref: 13/00940/OUT) into account. Consequently, a considerable number of pupils would need to find places in alternative schools away from the Middleton St George contrary to guidance in para 38 of the NPPF. It is therefore considered that the projected degree of undersupply of school places would be contrary to the social sustainability objectives of the National Planning Policy Framework 2012.

15/00041/OUT - Land off High Stell Middleton St George, Darlington. Erection of up to 200 dwellings including landscaping, open space, highway improvements and associated works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the objections of MD2 Consulting Limited on behalf of the Middleton St. George Parish Council, Phil Wilson M.P., Low Dinsdale Parish Council, and 420 local residents that had been received, and the views of three objectors and the Ward Councillor, of whom Members heard).

The Development Manager said that with regard to the Parish Council's emerging neighbourhood plan, it was too early in the preparation process to attach significant weight to this document. He said that the availability of New Homes Bonus from the development where this would constitute additional general income to the Council (as distinct from being a local financial consideration) was not a material consideration.

The Development Manager advised that an advisory note should be included on the decision notice in the event that Members are minded to refuse permission. The note should state:-

1. The Local Planning Authority is currently in the process of calculating its Objectively Assessed Housing Need (OAN). Should the Council be able to demonstrate that there is a five year supply of housing land to meet the housing need that the OAN identifies, this may constitute a further reason for the proposed development being unacceptable, and this may be referred to in any subsequent appeal process.

2. The developer requested on 8 July 2015, that the application be amended to reserve all matters including access with a view to narrowing the areas of disagreement with the Council and that the application be determined on this basis. The LPA responded that, although the details of access can be reserved, the actual location of the access point(s) must be submitted as part of an outline application; therefore, if the applicant wished to amend the access point from that originally submitted it would be necessary to undertake further consultation and consideration of such an amendment and that as such the applicant should agree to defer or withdraw the application. The applicant declined to defer or withdraw the application and requested that the application be determined at this Committee meeting; therefore, the application was determined by Committee on the basis of the proposed access arrangements remaining a detailed consideration.

RESOLVED - It is recommended that planning permission be refused for the following reasons:

1. The local primary school is currently close to capacity and projections indicate that if the development were to proceed the pupil yield would mean that the demand for school places in the village would considerably outstrip supply, taking into account the already approved development at Sadberge Road. The resultant need to transport Primary School children away from the local village to schools elsewhere is not considered to be in conformity with Paragraph 38 of the NPPF which indicates that key facilities such as Primary Schools should where practical be within walking distance of most properties in large scale developments.
2. The public highway leading to the application site includes two right angled bends/junctions, which whilst being at the limits of acceptable width in highway safety terms will be likely to result in unacceptable noise and disturbance to local residents from the passage and manoeuvring of vehicles associated with the proposed development. The access to the site itself runs close between two existing dwellings which will suffer increases in noise and disturbance from the proposed development. Furthermore, in the short term there will be similar issues associated with construction traffic negotiating the existing estate roads described above. These impacts will be exacerbated by the nature and scale of the traffic likely to be generated by the building out of the development if approved. This is considered to be in conflict with the environmental sustainability requirements of the NPPF.

PA22. 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.

PA23. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA11/Jun/15, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 25 June 2015.

RESOLVED - That the report be received.