

PLANNING APPLICATIONS COMMITTEE

22nd October, 2008

PRESENT - Councillor Regan (in the Chair); Councillors Hartley, Johnson, D.A. Lyonette, Robson, Stenson and Walker. (7)

APOLOGIES – Councillors Baldwin, M. Cartwright and Lee (3)

OFFICERS – Catherine Whitehead, Borough 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 and Dave Redding, Structural Engineer, within Community Services Department.

PA44. DECLARATION OF INTERESTS – In relation to Application Ref. No. 08/00615/FUL, below Councillor D.A. Lyonette declared a personal and prejudicial interest due to him being the Chair of the Durham Tees Valley International Airport Consultative Committee and left the meeting during consideration of that item only.

PA45. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 24th September, 2008 and the Site Visit held on 19th September, 2008.

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

PA46. PROCEDURE – The Borough Solicitor 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.
A5	The development hereby permitted shall be commenced not later than the expiration of five years from the date of this permission. Reason - To accord with the provisions of Section 18(1) of the Planning (Listed Building and Conservation Areas) 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.
B7	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 Listed Building Consent.

PA47. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00615/FUL – Lancaster House, Durham Tees Valley Airport, Middleton St. George.
Erection of 130 bedroom hotel with associated access and car parking.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), two letters of objection that had been received, comments from North East Assembly, Tees Valley Regeneration and One North East and the views of Mr. Good, the applicant’s agent, whom Members heard.)

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Accordance with Plan).
- (d) Notwithstanding anything indicated on the submitted drawings the following details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development: -
 - (i) Access Road detail to incorporate a minimum width of 4.6m and associated lighting.
 - (ii) Dropped crossings and tactile paving at all crossing points within the site.
 - (iii) Provision of a rear access zone of 1.2m on disabled car parking spaces (not to encroach onto the vehicle circulation area between the parking spaces); and
 - (iv) Provision of a cycle link from the northwestern corner of the site to the wider cycle route network around the roundabout at the main entrance to the airport.

The development shall not be carried out otherwise than in accordance with the approved details and the works shall be implemented prior to the hotel being brought

- into use.
- Reason** – In the interests of highway safety.
- (e) Notwithstanding condition 4(a) above the footpath link shall be of a no dig construction, details of which shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development.
- Reason** – In order to safeguard the root zones of the adjacent protected trees.
- (f) No development shall commence until precise details of crown lifting of trees along the western side of the access road have been submitted to, and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
- Reason** – To safeguard the life of the preserved trees in the interests of visual amenity.
- (g) E11 - Tree Protection Measures.
- (h) F7 - Maintain Vehicular Sightlines.
- (i) D18 - Control of Fumes.
- (j) D19 - Ventilation Equipment (Details Required).
- (k) J2 – Contamination.
- (l) Prior to the commencement of development precise details of secure covered cycle parking for staff and visitors shall be submitted, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the cycle parking provision shall be made available prior to the occupation of the buildings.
- Reason** – To ensure that adequate parking provision is provided in accordance with the adopted and emerging planning and transport policies which promote access by alternative transport modes.
- (m) Notwithstanding any information that has been provided with the application, details of a full travel plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. This scheme shall not be implemented otherwise than in accordance with the approved details.
- Reason** - To encourage the reduction of journeys made to and from the site by private motor vehicles by the promotion of more sustainable forms of transport.
- (n) Development shall not be commenced until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to, and approved by, the Local Planning Authority. The development shall not be occupied until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.
- Reason** - The sewage treatment works to which the development will discharge is at full capacity and cannot accept the foul flows.
- (o) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall not be carried out otherwise than in accordance with the approved details.
- Reason** – To ensure the discharge of surface water from the development does not increase the risk of flooding from sewers in accordance with the requirements of PPS 25 ‘Development and Flood Risk’ and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000, and for environmental reasons to avoid the unnecessary pumping and treatment of surface water.
- (p) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously

submitted to, and approved by, the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason - To prevent pollution of the water environment.

- (q) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 per cent. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets should be detailed to discharge downwards into the bund.

Reason – to prevent pollution of the water environment.

- (r) Details of landscaping, to include wildlife friendly habitat areas, 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 prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

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

- (s) No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10 per cent through the use of on-site renewable energy equipment. The carbon savings, which result from this, will be above and beyond what is required to comply with Part L of the Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Reason - In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- (t) No development shall be commenced until a design statement, to BREEAM Standards, for the development has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details.

Reason – In order that the Local Authority are satisfied as to the details of the development and to ensure that the development is carried out in a sustainable manner.

- (u) No development shall commence until a scheme to achieve at least 10per cent on site energy from renewable sources, has been submitted to, and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – in order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- (v) Notwithstanding anything shown in application the car park shall be designed with the intention of achieving the ‘Park Mark’ Safer Parking Award unless otherwise agreed the car park shall incorporate CCTV measures in accordance with details to be

previously agreed.

Reason – In the interests of crime prevention

(w) E5 – Boundary Treatment Submission.

(x) Unless otherwise agreed with the Local Planning Authority, the development hereby approved shall incorporate sound insulation measures, details of which shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried otherwise than in accordance with the approved details.

Reason - To prevent noise and disturbance to nearby properties.

(y) Unless otherwise agreed with the Local Planning Authority, prior to commencement of development, final details of site lighting, a rumble strip at the site entrance and the specification of windows and doors serving the building, shall be implemented in accordance with the approved details.

Reason – In the interests of crime prevention.

(2) Planning Permission Refused

08/00603/FUL – The Otter and Fish, 1 Strait Lane, Hurworth. Installation of kitchen extract flue (retrospective) (additional information received 5th September, 2008).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) which stated that no objections had been received as a result of the publicity exercise undertaken, including the Council's Environmental Health Officer, two further letters of comment received from residents and the views of Mr. Cunio, the applicant's agent, and Councillor Dunstone, Ward Councillor, whom Members heard).

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

The proposed development is considered to be an incongruous addition to the existing building by reason of its size and position, detrimental to the amenity of local residents with a harmful impact on the enjoyment of small areas of adjoining private amenity space and a negative impact on the character and appearance of the Hurworth Conservation Area. The proposal thereby fails to comply with the criteria set out in Policy E38 (Alterations to Business Premises), Policy H15 (The Amenity of Residential Areas) and national guidance contained within PPG15: Planning and the Historic Environment (1994).

(3) Listed Building Consent Granted

08/00647/LBC – The Grange, Killerby. Listed Building Consent for the demolition of single storey stone barn.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) two letters of objection that had been received and the comments of Killerby Parish Meeting.)

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

(a) A5 – Listed Building Applications (Implementation Limit).

(b) Prior to the commencement of the demolition works, drawings showing the precise details on how the remaining building will be treated and finished once the barn has been demolished, shall be submitted to and approved by the Local Planning Authority.

The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of the visual appearance and historic character of the listed buildings.

- (c) B7 - Detailed Application (Listed Buildings).

(4) Darlington Borough Council Listed Building Granted

08/00757/DCLB – Indoor Market, East Row. Listed Building Consent to erect two directional signs to pillars to north and south of Market Hall.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) which stated that no objections had been received from neighbouring properties, the Council's Highway Officer, the Council's Urban Design Officer and English Heritage all of whom had been consulted as part of the consultation exercise.)

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

- (a) A5 – Listed Building Applications (Implementation Limit).
(b) Should either of the signage boards be permanently removed the column underneath should be made good with any holes being filled and repainted as a result of the removal of fixings.

Reason - To safeguard the fabric of the listed building in the event of the signage hereby approved being removed from the property.

PA48. APPLICATION FOR PLANNING CONSENT

(1) Planning Consent Granted

08/00057/TF – St. Laurence's Church, Church Lane, Middleton St. George. Felling of two Sycamore trees (T1 and T2) protected under Tree Preservation Order (No. 3) 1981.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objection and nine letters of support that had been received, one further letter of objection and two further letters of support and comments received from Middleton St. George Parish Council and the Council's Structural Engineer and views of Mr. Good, applicants agent, Mr. Wood and Mrs. Beadle, objectors, and Councillor D. Jones, Ward Councillor, whom Members heard).

RESOLVED – That consent be granted subject to the following condition :-

Not later than the next planting season immediately following this consent, two trees of a species and in positions to be agreed by the Local Planning Authority, shall be planted by or under the supervision of a competent forester, to the like satisfaction, and such trees shall be deemed to be included in the preservation order under which this consent is given, as though they had originally been specified therein.

Reason – In the interests of visual amenity.

(2) Planning Consent Refused

08/00682/TF – Greystones Drive. Works to remove nine trees protected under Group (A2) Tree Preservation Order (No. 3) 1962.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), an objection received from the occupiers of 21 Staindrop Crescent and the views of Mr. Smith, objector, whom Members heard).

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

At the time of inspection, the trees were in a reasonable form and condition and contributed to the visual appearance of the locality. Loss of these trees would be contrary to policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997.

PA49. NOTIFICATION OF APPEALS – The Assistant Chief Executive, Regeneration reported that Mr. Henry Kenyon has appealed against this Authority's decision to refuse planning permission for conversion of existing commercial property to form residential dwelling house, including internal alterations, insertion of 2 velux type roof windows to rear and erection of front entrance canopy at 8 Whessoe Road, Darlington DL3 0QP (Ref. No. 07/00450/CU).

RESOLVED – That the report be received.

PA50. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive, Regeneration reported that the Inspectors appointed by the Secretary of State for the Environment have allowed the appeal by Philip Wilks Group Limited against this Authority's decision to refuse the application for change of use from car showroom to mixed A1, A3 and A5 use, replacement canopy, washbay and footpaths (additional information and amended plan received 26th March, 2008) at Haughton Road Service Station, Haughton Road, Darlington DL1 2LD (Ref. No. 07/01190/CU).

RESOLVED - That the report be received.

PA51. 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.

PA52. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA43/Sep/08, the Assistant Chief Executive, Regeneration submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22nd October, 2008.

RESOLVED - That the report be received.