

PLANNING APPLICATIONS COMMITTEE

2nd July, 2008

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Freitag, Hartley, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Regan, Robson, Stenson and Walker. (14)

APOLOGIES – Councillor S.J. Jones.

OFFICERS – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer, Neil Cookson, Solicitor, Harry Alderton, Highways Engineer and Karen Graves, Democratic Support Officer.

PA14. DECLARATION OF INTERESTS - There were no declarations of interest reported at the meeting.

PA15. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 4th June, 2008.

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

PA16. 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.
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

	<p>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>
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>
E2	<p>(i) 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>(ii) Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to</p>

	<p>be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
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PA17. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

08/00279/FUL - Site Of Former Hopetown House, Brinkburn Road. Proposed residential development consisting of 48 No. dwellings and 48 No. apartments and associated car parking of 145 spaces.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), one letter of objection and the comments of Northumbrian Water Limited which had been received and the views of Mr. Cooper, an objector, whom Members heard).

RESOLVED – That the Assistant Chief Executive – Regeneration be authorised to enter into a Section 106 Agreement to secure the provision of affordable housing, equipped play area, planting of replacement trees, highway and pedestrian access improvements and that, subject to the completion of that agreement, planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Detailed Drawings (Implementation in accordance with approved plan).
- (c) B9 - Fencing, Walls, Enclosure.
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) J2 – Contamination.
- (f) Prior to the commencement of the development, a noise impact assessment shall be undertaken in order to assess whether any noise protection measures are necessary for the proposed dwellings and apartments. Details of any noise protection measures required as a result of the assessment 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 residential amenities of the future occupiers of the development.

- (g) 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% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L 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 as long as the development remains in existence.

Reason - To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.

- (h) Prior to the commencement of the development, a Dust Action Plan 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 residential amenity.
- (i) Notwithstanding the details submitted with the application, a Travel Plan 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 - To encourage the future occupiers of the development to use different modes of transport.
- (j) Notwithstanding the details shown on the approved plans, precise details of secure cycle parking areas 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 - To ensure that suitable cycle parking areas are provided for cyclist.
- (k) Prior to the commencement of the development, the gated access to the service road for Studio One and Studio Two shall be removed and the road shall become available on a 24 hour basis for pedestrians and vehicles. This arrangement shall be retained for the lifetime of the development unless otherwise agreed, in writing, with the Local Planning Authority.
Reason - In the interests of highway safety.
- (l) E2 – Landscaping.
- (m) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (n) Prior to construction work being commenced on Block 2 (i.e. the block to be situated nearest to the southern boundary of 19 Wederley Close) of the development hereby approved, the siting of Block 2 shall be pegged out. Construction works shall not be commenced on this Block until such time that its siting has been agreed, in writing, with the Local Planning Authority.
Reason – In order to ensure a satisfactory form of development.
- (o) Unless otherwise agreed, in writing, with the Local Planning Authority, the development hereby approved shall not be commenced until sectional details showing existing and approved ground levels for each of the proposed buildings have been submitted to and agreed, in writing, with the Local Planning Authority. For each of the approved buildings, two cross sections should be provided.
Reason – In order to ensure a satisfactory form of development.
- (p) Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved, in writing, to provide for traffic calming within the development and introduction of a 20 mile per hour zone (including for all legal processes and advertising of order).

(2) Planning Permission Refused

08/00321/FUL - Heighington Lane, Heighington. Erection of 14 affordable dwellings with associated access and parking arrangements for occupation by local people (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), 190 letters of objection, the objections of Heighington Parish Council and the Campaign to Protect Rural England, the comments of The Ramblers Association and the Environment Agency, Durham County Council Archaeology and English Heritage which had been received, a Statement of Community Involvement undertaken by the Applicant and the

views of Ms. Rowland, the applicant's agent, Mr. Booth and Mr. Welings, objectors ,whom Members heard).

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

- (a) The proposed development would have a detrimental impact upon the Heighington Conservation Area by reason of its location, design and layout. The development would not preserve or enhance the character or appearance of the conservation area and therefore it would not comply with Conservation Area guidance contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment.
- (b) The proposed development would have a detrimental impact upon the setting of the Grade II listed buildings to the south of the application site by virtue of its location, layout and design. The development would not comply with the Listed Building Control guidance contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment.
- (c) The proposed development would have a detrimental impact upon the Area of High Landscape Value by reason of its location, design and layout. The development would not conserve the landscape character and quality of the Area of High Landscape Value and therefore it would not comply with Policy E8 (The Area of High Landscape Value) of the Borough of Darlington Local Plan.

08/00244/FUL - 29 The Leas, Darlington. Erection of a Detached Dwelling (as amended by plans received on 16th and 30th April, 2008 and 27th May, 2008).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), 14 letters of objection from local residents and the objections of a Ward Councillor, one letter of support and the comments of the Council's Highways Officer, Tree Officer, Environmental Health Officer and Urban Design Officer which had been received and the views of Mr. Ridley, an objector, whom Members heard).

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

In the opinion of the Local Planning Authority the proposed dwelling by virtue of its siting, bulk and massing would cause an unacceptable loss of light and privacy to, and would have an overbearing effect on, nearby properties contrary to Policy H11 of the Borough of Darlington Local Plan.

08/00349/FUL - The Otter and Fish, 1 Strait Lane, Hurworth, Darlington. Installation of kitchen extract with wooden covering structure.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, the objections of Hurworth Parish Council and the comments of Environmental Health which had been received).

RESOLVED – That planning permission be 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 visual 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) Darlington Borough Council Granted

08/00322/DC - North Road Primary School, St. Paul's Terrace, Darlington. Erection of new primary school.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the findings of a Statement of Community Involvement undertaken by the applicant, two letters of objection from local residents, the objections of Darlington Association on Disability (DAD) and the comments of Sport England which had been received and the views of Mr. G. Pybus, representing DAD whom Members heard).

RESOLVED - That subject to no objections being received from the remaining consultee Natural England, 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) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) J2 - Contaminated Land.
- (e) E2 - Landscaping.
- (f) E5 - Boundary Treatment (Submission) (with particular regard to the frontage of S. Pauls Place this should be mesh type fencing unless otherwise agreed, in writing, with the Local Planning Authority).
- (g) Prior to the commencement of the use a Community Use Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of the development and thereafter operated in accordance with the agreed scheme.

Reason – To accord with the requirements of Sport England and planning policy set out in PPG 17 (Sport and Recreation).

- (h) Within four months of the occupation of the new school building hereby permitted :-
 - (i) A detailed assessment of ground conditions of the land proposed for the playing field shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full within 12 months of the occupation of the new school.

Reason - To accord with the requirements of Sport England and planning policy set out in PPG 17 (Sport and Recreation).

- (i) 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 in

writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk.

- (j) Noise emissions from plant and machinery, including any boilers and ventilation plant, shall not exceed the background noise level, when measured in accordance with BS4142: 1997.

Reason – To protect the residential amenity of surrounding properties.

- (k) Prior to the development hereby approved being commenced a noise assessment, to include mitigation measures, where appropriate shall be submitted to, and approved in writing by, the Local Planning Authority. Any works that form part of such a scheme shall be completed in accordance with the agreed details and prior to any part of the development being first occupied or used.

Reason – To protect the residential amenity of surrounding properties.

- (l) Notwithstanding any details submitted with the application, full and precise details of the following shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. Thereafter, the details as approved shall be implemented prior to any part of the development hereby permitted first being brought into use;

- (i) A scheme to provide for the introduction of a 20mph traffic-calming zone on Pendleton Road South and St Paul's Terrace;
- (ii) A scheme to provide for a joint cycle / footpath corridor at a minimum width of 5 metres;
- (iii) Details of surface water provision for the joint cycle / footpath;
- (iv) Details of street lighting; and
- (v) Details of location and specification of cycle parking provision.

Reason – In the interests of highway safety and in order to provide acceptable movement, accessibility and parking provision for non-car users.

- (m) Prior to the commencement of the development hereby-approved details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained, to include a method statement detailing the means of transporting materials onto the site and any excavation in the vicinity of the RPA of the trees. 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, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any clearance operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of clearance works to allow an inspection of the measurements to ensure their 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:

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

Reason - In the interests of the visual amenities of the area and to safeguard the well being of trees within the site.

- (n) Precise details of external lighting, including an assessment of the impact on surrounding properties together with proposed measures to mitigate that impact, i.e. to include a lux contour plan, site layout plan and a management / mitigation plan to show hours of operation of the lighting shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development and the development shall not be carried out and thereafter maintained otherwise than in full accordance with the agreed details.
Reason – To protect the amenities of nearby residents and in the interests of public safety.
- (o) The development shall not be carried out otherwise than in accordance with the mitigation measures set out in the submitted Ecological Assessment dated April 2008 prepared by Atkins including any subsequent additional required by Natural England..
Reason – In order to maintain the habitats of protected species and provide enhancement in accordance with local policy and national policy guidance.
- (p) Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor level of the proposed building on the site and the development implemented in accordance with those details approved.
Reason – In order that the Local Planning Authority may properly assess and confirm the impact of the development on nearby properties and as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.
- (q) Unless otherwise agreed, in writing, with the Local Planning Authority, during the construction phase of development, a pedestrian link to the west of the site linking St. Paul's Terrace and Henry Street shall be maintained at all times.
Reason – In order to allow for convenient pedestrian access.

(4) Application Withdrawn

08/00354/FUL - Mown Meadows, 64 Middleton Lane, Middleton St. George, Darlington.
 Erection of 2 No. detached dwellinghouse.

RESOLVED – That the above application be withdrawn.

PA18. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive Regeneration reported that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Hewa Saleh against this Authority's decision to refuse the application for change of use to hot food take away at 86 Victoria Road, Darlington (Reference Number 07/00562/CU).

RESOLVED - That the report be received.

PA19. 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.

PA20. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA14/Jun/08, the Assistant Chief Executive – Regeneration submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 23rd June, 2008.

RESOLVED - That the report be received.