

## PLANNING APPLICATIONS COMMITTEE

5th May, 2010

**PRESENT** – Councillors Baldwin (Chair), M. Cartwright, Dunstone, Freitag, Hartley, Lee, DA Lyonette, Robson, Stenson and Walker. (10)

**APOLOGIES** – Councillors L. Haszeldine, Johnson and Regan. (3)

**OFFICERS** – Neil Cookson, Solicitor, within the Corporate Services Department, Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer and Harry Alderton, Highways Engineer, within the Community Services Department.

**PA102. DECLARATION OF INTERESTS** – In relation to Application Ref No. 10/00015/FUL Councillor Dunstone declared a prejudicial interest due to him being a Member of Campaign for Real Ale (CAMRA) and knowing an objector wishing to speak on the Pendower Street application.

**PA103. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 7 April, 2010.

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

**PA104. 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"><li>(a) access</li><li>(b) appearance</li><li>(c) landscaping</li><li>(d) layout</li><li>(e) scale</li></ul> <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><b>Reason</b> - 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> <p><b>Reason</b> - To accord with the provisions of Section 92[1] of the</p>

	Town and Country Planning Act 1990.
A3	<p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
B4	<p>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.</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>
B4a	
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>
B7	<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 Listed Building Consent.</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</p>

	<p>Authority.</p> <p>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 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>
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>

**PA105. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**10/00048/FUL - 56 Milbank Road, Darlington.** Erection of three detached dwellinghouses with double garages.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and two letters of objection and the comments of the Council's Environmental Health Officer, the Council's Highway Engineer, the Council's Senior Arboricultural Officer and Mr Horsely the applicant objector whom Members heard).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) Notwithstanding the details shown on the approved plans, precise details of highway improvement works at the junction of the shared access drive and Pierremont Gardens shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than accordance with the approved details.  
**Reason** - In the interests of highway safety.
- (d) Notwithstanding the details shown on the approved plans, precise details of a dedicated pedestrian link between the existing footway on Pierremont gardens and the shared

access drive shall be submitted to and approved by the Local Planning Authority prior to the commencement. The development and the development shall not be carried out otherwise than accordance with the approved details.

**Reason** - In the interests of pedestrian safety.

- (e) J2 – Contaminated Land.
- (f) Prior to the commencement of the development a detailed scheme for the disposal of surface water from the development shall be submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved Plan.

**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” and complies with the hierarchy of preference contained within Revised Part H of the Building Regulations 2000.

- (g) C5 – Restriction of PD Rights (Residential).
- (h) No construction work, including demolition works shall occur outside the hours of 0800 – 1800 on weekdays and 0800 – 1400 on Saturdays with no working on Sundays or Bank Holidays unless otherwise agreed with the Local Planning Authority.

**Reason** - In the interests of residential amenity.

- (i) Should piling be required, a Piling Risk Assessment, which includes details of the piling method to be employed, justification for its choice, means of monitoring vibration and groundwater risk and the impact upon trees 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.

- (j) Notwithstanding the details submitted with the application an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the specification laid down within BS 5837 and shall also 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:

- (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;
- (v) Driving of vehicles or storage of materials and equipment.

**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.

- (k) E2 – Landscaping (Submission).
- (l) B5 – Detailed Drawings (Accordance with Plan).
- (m) Prior to being brought into use the bedroom window to the side facing elevation of Plot 1 facing the rear garden of no. 62 Milbank Road shall be obscure glazed in accordance with details to be previously agreed in writing by the Local Planning Authority. The

obscure glazing to this window shall be thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

**Reason** - In order to prevent overlooking and loss of privacy.

- (n) Prior to the developments on plots 1 and 2 hereby approved being brought in to use screen fencing shall be erected along the boundaries of plots 1 and 2 with 62 Milbank Road in accordance with details to be previously agreed in writing with the Local Planning Authority. The fencing shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason** - In order to prevent overlooking and loss of privacy.

**09/00649/FUL - Field No 5542, Cobby Castle Lane, Bishopton.** Proposed replacement of an existing agricultural building with a new barn for equestrian use, and the rendering and construction of a pitched roof to existing triple garage (amended plan and description received 19 December 2009, additional information received 25 February 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and two letters of objection and comments of Bishopton Parish Council and Natural England and Mr Metcalfe the applicant whom Members heard.)

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

- (a) A3 - Implementation Limit (Three Years).  
(b) Notwithstanding anything contained in the application, precise details of the coloured finish to the barn roof, together with details of the coloured render and roof tile to the extended garage building, 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** – 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.

- (c) B5 - Detailed Drawings (Accordance with Plan).

## **(2) Outline Planning Permission Granted**

**10/00114/OUT - 151 Kingsway, Darlington.** Erection of dwellinghouse (Outline).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and four letters of objection and comments of the Council's Environmental Health Officer, the Council's Highway Officer and the Council's Arboricultural Officer).

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

- (a) A1 Outline (Reserved Matters).  
(b) A2 Outline (Implementation Time).  
(c) E5 Boundary Treatment Submission.  
(d) C5 Restriction of PD Rights (Residential).  
(e) Notwithstanding any information provided in the submitted application, a minimum of two in-curtilage parking spaces shall be provided for the proposed dwelling.

**Reason** – In the interests of highway safety.

- (f) Notwithstanding any information provided in the submitted application, details of pedestrian access to the front of the property shall be provided for written approval.

Thereafter, the access shall be provided and maintained in accordance with these details.

**Reason** - To avoid pedestrian/vehicle conflict.

### **(3) Planning Permission Refused**

**10/00015/FUL - Garage Block Adjoining 31 Pendower Street.** Residential Development comprising 7 No flats and 1 No Studio (Revised Application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and 19 letters of objection and comments from Mr Wilks, the applicant, Mr Taylor, the agent, Ms Newsome, Mr Everitt and Mr Curry, objectors and Councillor Long, Ward Councillors whom Members heard).

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

- (a) In the opinion of the Local Planning Authority the proposed development, by virtue of its scale, height and design would amount to over-development of the site and would be out of keeping with the scale, height and design of surrounding buildings and the character of the Northgate Conservation Area contrary to policy H11 of the Borough of Darlington Local Plan 1997 and Planning Policy Statement 5 (Planning for the Historic Environment).
- (b) In the opinion of the Local Planning Authority the proposed development would lead to further intensification in the numbers of flats and apartments in the Northgate Ward, part of the Darlington Central sub-area, which are not needed and which would be in conflict with Planning Policy Statement 3 (Housing) and the findings of the Tees Valley Strategic Housing Market Assessment 2009.
- (c) In the opinion of the Local Planning Authority the proposed development would lead to an increase in the concentration of on-street car parking on Pendower Street which would make it more difficult for vehicles to manoeuvre to the detriment of highway safety contrary to policy H11 of the Borough of Darlington Local Plan 1997.

### **(4) Change of Use**

**10/00087/DC - 92 Salters Lane South, Darlington.** Change of use of children's home to Sure Start Centre, plus front and rear extensions.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and comments from Kingdom Hall and the Council's Environmental Health Officer and the Council's Highway Engineer).

**RESOLVED** - That planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the following conditions :-

- (a) A3 – Implementation.
- (b) B4a – Matching materials.
- (c) This permission shall relate to the amended plans received by the Local Planning Authority on 21 April 2010, drawing number 2009\_028\_(90) 502.
- (d) J2 – Contamination of land.
- (e) Any gates erected at the accesses to the site shall open in an inwards direction.

- (f) Construction of the development hereby approved shall be restricted to 08:00 to 18:00 hours on weekdays, 08:00 to 14:00 hours on Saturdays and no working shall take place on Sundays or bank holidays.
- (g) Prior to the commencement of the development, a noise impact assessment is required to be carried out by the applicant and must be approved by the Local Planning Authority. This noise impact assessment should consider the effect of noise from the proposed external play area on nearby sensitive receptors. The assessment should include details of predicted noise levels at residential properties and include details of any sound attenuation methods to be used. Any scheme for the protection of the proposed residential properties shall achieve internal noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55dB(A) LAeq in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works forming part of this scheme, shall be completed in accordance with the approved scheme and prior to any part of the development being first used.

**09/00919/DC - 11, 12 and 13 Horsemarket, Darlington.** Change of use from A1(shops) to A2 (financial and professional services) and installation of replacement sliding door to front (amended description, additional plans received 25 February 2010 and amended plans received 21 April 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and

**RESOLVED** - That planning permission be granted subject to the following conditions: [under Regulation 3] :-

- (a) A3 Implementation Limit (3 years).
- (b) B5 Detailed application (Accordance with Plans).

**(5) Darlington Borough Council Granted**

**10/00162/DC - Mount Pleasant School, Newton Lane, Darlington.** Single storey extensions.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

**RESOLVED** - That subject to there being no adverse comments received by the advertisement expiry date of 7 May 2010 planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the following conditions :-

- (a) A3 – Time Limitation.
- (b) B4a – Matching Materials.
- (c) B5 – In Accordance with Plans.

**10/00130/DC - Corporation Road Community Primary School, Corporation Road.** Installation of replacement windows.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and comments from the Headteacher of Corporation Road Community Primary School).

**RESOLVED** - That planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

- (a) Implementation Limit (Three Years).
- (b) Notwithstanding the details submitted with the approved application, precise details of the uPVC windows 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 otherwise than in complete accordance with the approved details  
**Reasons** - In the interests of the visual appearance of the school buildings.

**10/00150/DC - Open Land East Of Dodmire Allotments, Eastbourne Road, Darlington.** Proposed widening of existing footpath, creation of a new footpath link and the erection of bollards.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and comments of the Council's Senior Arboricultural Officer and the Council's Greenspace Manager).

**RESOLVED** - That planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) Prior to the commencement of the development, an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. The details shall include construction methods for the footpath link; construction methods for the widening of the existing footpath and tree protection measures in accordance with BS5837 2005 and the development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - To safeguard the trees within and around the site in the interests of the visual amenity of the area.
- (c) Notwithstanding the details shown on the approved plans, precise details of the trees to be planted within the application site shall be submitted to and approved by the Local Planning Authority. The details shall include the species and position of each individual tree and the development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - In the interests of the visual appearance of the locality.
- (d) No thinning of existing shrubs and hedges shall take place during the bird-nesting season (Beginning of March to Beginning of August) unless otherwise agreed with the Local Planning Authority.  
**Reason** - To protect wildlife habitats.
- (e) Notwithstanding the details shown on the approved plans, precise details of the proposed bollards 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 otherwise than in complete accordance with the approved details.  
**Reason** - In the interests of the visual appearance of the locality.
- (f) B5 – Detailed Drawings (Accordance with Plan).

**10/00169/DC - Coleridge Centre, Coleridge Gardens, Darlington.** Erection of buggy store and associated path.



(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

**RESOLVED** - It is recommended that planning permission be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations, subject to no adverse comments being received. the following conditions would be required if planning permission is granted :-

- (a) A3 Implementation Limit (3 years).
- (b) B5 Detailed Application (Accordance with Plans).

#### **(6) Darlington Borough Council Listed Building Granted**

**09/00918/DCLB – 11, 12 and 13 Horsemarket, Darlington.** Listed building consent for internal alterations to layout and for installation of replacement sliding door to front (amended description, additional plans received 25 February 2010 and amended plans received 21 April 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

**RESOLVED** - That no objection be raised to the proposed alterations and that the application be referred to the Department of Communities and Local Government (Government Office for the North East) for determination with consideration given to the following conditions :-

- (a) A5 - LB Applications (Implementation Limit).
- (b) B7 – Detailed Application (Listed Buildings).

**PA106. NOTIFICATION OF DECISION ON APPEALS** – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for Environment have :-

Mr Kevin Beattie had appealed against this Authority's decision to refuse Listed Building Consent for installation of security shutters to bay window (Retrospective) at 3 Crown Street, Darlington (Reference Number 09/00872/LBC).

**RESOLVED** – That the report be noted.

**PA107. NOTIFICATION OF DECISION ON APPEALS** – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for Environment have :-

- (a) Dismissed the appeal by Dr James Gordon against this Authority's decision to refuse planning permission for Erection of detached residential bungalow at North Waterside, Cockerton Green, Darlington. Reference Number 09/00195/FUL.
- (b) Dismissed the appeal by Mr Isaac Ward against this Authority's decision to refuse planning permission for Erection of 36 dwellings (outline) at Land South of Killinghall Row, Yarm Road, Middleton St George. Reference Number 08/00773/OUT.

**PA100. 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.

**PA101. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) -** Pursuant to Minute PA92/Mar/10, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 26th April, 2010.

**RESOLVED** - That the report be received.