

PLANNING APPLICATIONS COMMITTEE

2nd June, 2010

PRESENT – Councillors Baldwin (Chair), M. Cartwright, Dunstone, Hartley, Johnson, Lee, Robson, and Stenson. (8)

APOLOGIES – Councillors Freitag, L. Haszeldine, D. Lyonette, Regan and Walker.(5)

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.

PA4. DECLARATION OF INTERESTS – In relation to Application Ref No. 10/00069/FUL Councillor Hartley declared a prejudicial interest due to her being the Chair of Governors at the School and left the meeting during consideration of this application only.

PA5. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 5th May, 2010.

RESOLVED - That with the inclusion of the additional letters of objection for the

PA6. 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 |
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| 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 |

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| | <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> |
| E3 | <p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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 - 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> |
| 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> |

PA7. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

10/00187/FUL - Land to rear 3-4 Laurel Terrace, Sadberge. Erection of a dwelling house.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of Sadberge Parish Council; the comments of the Council's Highways Engineer, the Council's Public Protection Division and the Council's Conservation Officer that had been received).

RESOLVED - That 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) E5 - Boundary Treatment Submission.
- (e) J2 - Contamination.
- (f) Prior to the commencement of development the following details shall be submitted to and approved by the Local Planning Authority :-
 - (i) Joinery details (including doors, windows and timber panels);
 - (ii) Eaves details of a scale of 1:10;
 - (iii) Frosted glazing;
 - (iv) Window surrounds;
 - (v) Guttering;
 - (vi) Hardstanding/Hard landscaping; and
 - (vii) Wall copings.

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

Reason - To ensure that the detailed finish of the dwelling is consistent with the character of the Sadberge Conservation Area.

- (g) Prior to the commencement of development, a detailed scheme for improvements to the public footpath adjacent to the site shall be submitted to and approved by the Local Planning Authority. The scheme shall not be carried out otherwise than in accordance with the approved details and shall be carried out prior to the occupation of the dwelling or within such extended period as may be agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

- (h) No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include evaluation, and where appropriate, mitigation, in accordance with the written scheme of investigation. This should be submitted by the applicant and approved by the Local Planning Authority.

Reason - The site is in a area of high archaeological potential.

- (i) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without the prior written consent of the Local Planning Authority.

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.

10/00069/FUL - 91 Surtees Street, Darlington. Alterations to shop front and insertion of door to front, insertion of first floor window to side and installation of ventilation flue to side (Revised scheme) (as amended by plans received 17 May 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and the comments of the Council's Environmental Health Section and the Council's Highway Section that had been received).

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

- (a) A3 – Statutory time limit (Three Years).
- (b) B5 – Implementation in accordance with approved plans.
- (c) The business shall not operate and customers shall not be present on the premises outside the hours of 11:30 – 21:00 hours Mondays to Saturdays inclusive, including Bank Holidays. The premises shall not be open to customers on Sundays.
Reason - In the interests of neighbouring residential amenity.
- (d) Before the change of use is brought into effect and notwithstanding the information shown in the application regarding the proposed ventilation flue, full details of an odour suppression and ventilation system shall have been submitted to and approved in writing by the local planning authority. The system shall have been installed in accordance with the approved details before the change of use is first brought into operation. The system and any associated equipment shall be used whenever the permitted use is operating or cooking is taking place and it shall be regularly maintained and serviced in accordance with the manufacturer's recommendations.
Reason - In the interests of neighbouring residential amenity.
- (e) Should the flat above the development hereby authorised be occupied, let or otherwise disposed of as a separate dwelling occupation shall not take place until full particulars and details of a scheme to insulate the premises between the flat and hot food takeaway has been submitted to and approved by the Local Planning Authority in writing. Thereafter the mitigation measures recommended in the scheme should be implemented prior to the flat coming within separate occupation and thereafter retained.
Reason - The development is considered unsuitable for occupation by a separate person or household not involved in the operation of the hot food takeaway without adequate protection against sound transmission.

(2) Planning Permission Refused

10/00159/FUL - 22 Friars Pardon, Darlington. Erection of 1.No dormer bungalow (revised scheme).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twelve letters of objection; the comments of Hurworth Parish Council; the objection of the Campaign for the Protection of Rural England (CPRE) and the comments of the Council's Arboricultural Officer and the views of Mrs. Miller and Mr. Brooks, objectors and Mrs. Hughes, Parish Councillor, 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 and massing would be out of keeping with the scale and massing of existing

bungalows on the southern side of Friars Pardon to the detriment of the appearance of the street scene contrary to Policy H11 of the Borough of Darlington Local Plan.

- (b) In the opinion of the Local Planning Authority the proposed development by virtue of its scale and massing would result in the over-development of the site leading to an overbearing impact when viewed from the neighbouring property at No 20 Friars Pardon contrary to Policy H11 of the Borough of Darlington Local Plan.

(3) Darlington Borough Council Granted

10/00269/DC - Haughton Road Rail Bridge, Darlington. Construction of pedestrian bridge/Cycle bridge over East Coast main line to provide improved access to Darlington College campus buildings with associated landscaping works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of Darlington Association on Disability (DAD); the comments of the Council's Highways Engineer that had been received and the comments of the Council's Transport Policy Section which were reported at the meeting and the views of Mr. Pybus, an objector, whom Members heard).

Clarification was given at the meeting that the guidance document on inclusive mobility acknowledges that 1:12 is generally accepted as the maximum gradient suitable for wheelchair use but that there is a relationship between gradient and distance in terms of the number of rest places that would be required. The fixed levels of the bridge height over the railway mainline, the access road to the mainline together with land ownership were all constraints that did not readily allow the proposed gradients to be further improved. The gradients have been improved compared to the previously approved scheme. The existing bridge was regarded as providing an acceptable alternative method for wheelchair access.

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (c) E3 - Landscaping (Implementation).
- (d) Prior to the commencement of any development precise details of external lighting shall be 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 safeguard the amenities of nearby residential properties.
- (e) Unless otherwise agreed in writing with the local planning authority details of the security fencing hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The fencing shall be constructed in accordance with the approved details.
Reason - In the interests of security and visual amenity.

10/00209/DC - Borough Road Nursery School. Erection of single storey classroom extension to north side.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of the Council's Public Protection Division that had been received).

RESOLVED - That planning permission be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 and 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) J2 - Contamination.

10/00231/DC - Site of former Firth Moor Hotel, Burnside Road. Erection of a two storey residential building comprising eight apartments, including communal gardens and landscaping (as amended by plan received by plan received 19.5.10).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of Northumbrian Water, the Police Architectural Liaison Officer, the Council's Highways Engineer and the Council's Public Protection Division that had been received).

RESOLVED - That, 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 (Five Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Accordance with the Plans).
- (d) E5 - Boundary Treatment Submission.
- (e) J2 - Contamination.
- (f) The visitor car parking on the Burnside Road frontage shall be constructed prior to the commencement of any other work related to the development, or within such specified period of time as may be agreed in writing by the Local Planning Authority.
Reason – In order to prevent obstruction and inconvenience to users of the public highway in the interests of road safety.
- (g) 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) Provision of a new footway along the front of the proposed visitor car parking spaces.
 - (ii) Reinstatement of redundant vehicle accesses.
 - (iii) Dropped crossings/tactile paving at road crossing /across the front of parking areas.
 - (iv) Relocation of existing street lighting columns.

Reason – In the interests of highway safety.

PA8. DEAN AND CHAPTER LAND, MORTON PARK, DARLINGTON – A report was submitted (previously circulated) informing Members that the applicant was seeking an extension of the time limits to allow more flexibility in light of the economic downturn, which amounted to extending the time limit for submission of reserved matters and commencement of development by a further two years to seven years and nine years respectively from the date of the permission.

RESOLVED – That the wording of conditions one and two of the planning permission be amended as follows :-

- (a) Approval of the following details (the reserved matters) in respect of each building/s or phase of the development shall be obtained from the Local Planning Authority in writing before development of the building/s or phase of the development is commenced :-
- (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the Local Planning Authority before the expiration of seven years from the date of this permission.

Reason – To comply with Section 92 of the Town and Country Planning Act 1990.

- (b) The development of any building/s and phase of development hereby permitted must be commenced before the expiry of nine years from the date of this permission or two years from the date of the approval of the last of the reserved matters, which ever is the later.

Reason – To comply with Section 92 of the Town and County Act 1990.

PA9. NOTIFICATION OF DECISION ON APPEALS – The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for Environment have :-

- (c) Mr. Puchala had appealed against this Authority's decision to refuse planning permission for erection of 1 No. dormer bungalow at 22 Friars Pardon, Hurworth, Darlington (Reference Number 09/00672/FUL);
- (d) Mr. Hakim had appealed against this Authority's decision to refuse planning permission for change of use of first floor and part of ground floor from tanning studio to (A3) Restaurant at 147 Neasham Road, Darlington (Reference Number 09/00789/CU);
- (e) Mr. Forman had appealed against this Authority's decision to refuse planning permission for change of use to waste transfer/recycling facility at Former Taylor Woodrow Compound, Lingfield Way, Darlington (Reference Number 09/00788/CU); and
- (f) Grange Farm Livery and Riding Centre had appealed against this Authority's decision to refuse planning permission for erection of a dwelling house at Grange Farm Livery and Riding Centre, Church View, Bishopton (Reference Number 09/00279/FUL).

RESOLVED – That the report be noted.

PA10. 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 Mr. Burnside against this Authority's decision to refuse planning permission for demolition of a group of 3 No. garages and erection of a detached bungalow at garage block North of No. 2 Welbeck Avenue, Darlington (Reference Number 09/00647/FUL).
- (b) Allowed the appeal by Mr Dodd on behalf of European Metal Recycling Limited against this Authority's decision to refuse planning permission for change of use to the storage and processing of scrap metals, installation of 50 feet long weighbridge; erection of building for processing end of life vehicles; erection of two storey weighbridge offices and staff amenity block; erection of building non-ferrous metals storage and processing; erection of 6 metre high steel perimeter screening fence across the north and western boundary and 2 metre high palisade fence across the remainder at LBG Transport, Cleveland Trading Estate, Darlington (Reference Number 09/00435/FUL).

PA11. 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.

PA12. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA109/MAY/10, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 21st May, 2010.

RESOLVED - That the report be received.