

PLANNING APPLICATIONS COMMITTEE

20th October, 2010

PRESENT - Councillor Baldwin (in the Chair); Councillors Freitag, Hartley, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Stenson and Walker. (9)

APOLOGIES – Councillors M. Cartwright, Dunstone, Regan and Robson. (4)

PA46. DECLARATION OF INTERESTS – There were no declaration of interests reported at the meeting.

PA47. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 22nd September, 2010.

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

PA48. 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.
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.

PA49. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

10/00592/FUL - Darlington Memorial Hospital, Hollyhurst Road, Darlington. Re-ordering, re-allocation and creation of additional staff car parking spaces.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the comments of the Council's Transport Policy Officer, the Council's Senior Arboriculture Officer, the Council's Highways Engineer and the Council's Environmental Health Officer that had been received and the views of Mr. Lawrence, applicant, and Ms. Archer, an objector, whom Members heard).

The Development Manger clarified that some of the new parking spaces in Area 3 would be nearer than 25 metres to properties on Elms Road and West Crescent but that this did not alter the recommendation taking into account the advice of consultees and controls available through planning conditions. Furthermore it was stated that if Members wished to prevent access for construction vehicles the site from Elms Road the assumption would be that construction vehicles would need to gain access via Hollyhurst Road.

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

- (a) A3 – Implementation Limit (Three Years).
- (b) Prior to the commencement of the development of Area 3 as shown on the approved Site Relationship Plan, details on the methodology to undertake the no dig process shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - To safeguard the life of the trees in the interests of visual amenity.
- (c) Prior to the commencement of the development of Area 3 as shown on the approved Site Relationship Plan, details for the lighting of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the submission of a Light Impact Assessment and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of residential amenity.
- (d) Notwithstanding the details shown on the approved plans, precise details of the replacement trees in Area 3 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the species and location of the replacement trees and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of the visual amenity.
- (e) The car park in Area 3 shall not be used outside of the hours of 0700 and 1900 Mondays to Sundays and shall not be used by the public unless otherwise agreed in writing by the Local Planning Authority.
Reason - In the interests of residential amenity.
- (f) Prior to the commencement of the development of Area 3 as shown on the approved Site Relationship Plan, details for the drainage of the parking areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of residential amenity.
- (g) Prior to the commencement of the development of Area 3 as shown on the approved Site Relationship Plan, details of a Construction Management Plan for Area 3 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a Dust Action Plan and the traffic movements for the construction vehicles and the development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of residential amenity.

- (h) The entrance to the site on Elms Road shall be used for Emergency purposes only and at no time for the provision of vehicular access to the hospital for staff, members of the public, construction related traffic or any other visitors unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity.

- (i) Prior to the approved parking spaces in Areas 1, 2 and 3 as shown on the approved Site Relationship Plan shall not be brought into use until the respective Area has been hard surfaced and marked out in parking bays and the car parking areas shall be retained in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.

Reason - In the interests of highway safety.

- (j) Prior to the commencement of the development in Areas 1, 2, 3 and 4 (including the demolition of the Social Club building) tree protection measures shall be erected around the appropriate trees agreed with the Local Planning Authority. The measures shall comply generally with the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The 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) Notwithstanding the details shown on the approved plans, the disabled space shown within Area 2 shall not be brought into use until the location of the dropped kerb(s) have been agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure the car parking space is formed to the satisfaction of the Local Planning Authority.

- (l) B5 – Detailed Drawings (Accordance with Plan).

- (m) There shall be no vehicular access to the site from West Crescent for the use of any of the car parking spaces hereby approved.

Reason - In the interests of residential amenity.

- (n) Prior to the parking spaces within Areas 2 and 3 hereby approved being brought into use details of :-

- (i) signage indicating that these parking areas are not for use by the general public;
- (ii) signage indicating the restricted times for use of these areas; and
- (iii) a physical barrier preventing unauthorised vehicular access to these areas

shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the signage and barriers shall be implemented in accordance with the agreed details and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of residential amenity.

- (o) Prior to the parking spaces within Areas 2 and 3 hereby approved being brought into use details of a scheme to enhance the level of security and surveillance within Area 3 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of residential amenity.

- (p) Prior to the parking spaces within Areas 2 and 3 hereby approved being brought into use details of the means for remotely controlling access to the site from Elms Road to ensure that it is used only for Emergency purposes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of residential amenity.

10/00651/FUL - Edgecombe Drive, Darlington. Temporary site compound and welfare facilities for construction of sewerage scheme, including car parking and vehicular access from Staindrop Road (amended Plans Received 4th October, 2010).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letter of objection and the comments of the Highways Officer, the Arboricultural Officer and the Council's Greenspace Manager that had been received; a further 14 letters of objection and 1 letter of support were highlighted at the meeting and the views of Mr. Watson, applicant, Mrs. Daw and Mr. Prest, objectors, Councillor Rich, supporter, and Councillor Lewis and Councillor Stenson, Ward Members, whom Members heard).

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

- (a) The permission hereby granted shall be for a limited period expiring on 31st July, 2011 when the use shall cease.

Reason – The site compound hereby approved is only required for a temporary period.

- (b) Within one month from the date of commencement of the use of the site compound hereby permitted a scheme and programme providing for the restoration and enhancement of the site including a wildlife meadow shall be submitted to the Local Planning Authority, for approval in writing. The scheme and programme shall be implemented within one month following cessation as defined by this permission.

Reason – To provide for the completion and final restoration and enhancement of the site in the interest of the visual amenity of the area and to improve the biodiversity of the area.

- (c) Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the trees adjacent to the site of the proposed compound. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 metre height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to 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 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) Erecting of temporary buildings, roads or caring out of any engineering operations;
- (iv) Lighting of fires; and
- (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.

- (d) No development shall commence until the details and the specification of the proposed vehicular access and a scheme to protect the proposed cycleway along Staindrop Road have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – In the interests of highways safety.

- (e) The temporary compound hereby permitted shall not be constructed or be in operation outside the hours of 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 p.m. and 2.00 p.m. on Saturdays and not at all on Sundays or Public Holidays.

Reason - In the interests of the amenities of the occupiers of adjacent residential premises.

- (f) Prior to the development hereby permitted being commenced, a scheme for controlling dust shall be submitted to and approved by the Local Planning Authority. The scheme should include information on measures to be taken to suppress dust emissions and monitoring procedures. Thereafter the construction and operation of the development shall take place in accordance with the approved details.

Reason – In the interests of the amenities of the occupiers of adjacent residential premises.

- (g) Notwithstanding the details submitted with the application, prior to any commencement of works on site the precise location and siting of the compound shall be submitted and agreed by the Local Planning Authority and thereafter implemented in accordance with that detail.

Reason - To minimise the development impact on nearby residential properties.

- (h) The compound hereby permitted shall not be brought into use until a Traffic Management Plan has been submitted to and approved by the Local Planning Authority. Thereafter the compound shall only be operated in accordance with the approved details.

Reason – In the interests of highway safety.

- (i) The compound hereby permitted shall not be brought into use until details of the storage of diesel and the precise locations of any generators to be used on site have been submitted to and approved by the Local Planning Authority. Thereafter the compound and equipment shall only be operated in accordance with the approved details.

Reason – In the interests of environmental and public protection.

(2) Planning Permission Refused

10/00445/FUL - 1 Church View, Sadberge, Darlington. Erection of two storey rear extension to form kitchen and bedroom.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, the comments of the Arboricultural Officer and

Sadberge Parish Council that had been received and the views of Mr. Welsh, objector, whom Members heard).

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

The proposed two storey rear extension would, by virtue of its size and siting, result in the creation of an overbearing feature that would be harmful to the residential amenity, in terms of light and outlook, of the adjoining residential property (Number 2 Church Close). As such the proposal fails to accord with Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 and fails to accord with the Council's Planning Guidance Note 7 (Alterations and Extensions to Dwellings).

PA50. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that Cecil M. Yuill Limited had appealed against this Authorities decision to refuse planning permission for details of appearance, landscaping and scale pursuant to outline planning permission 07/00152/OUT dated 17th July, 2007 (conversion of existing dwelling to form 4 No. apartments and erection of 2 No. detached and 13 No. town houses with access road and associated landscaping) (amended and additional plans received 13th April, 2010 to include revisions to house designs) (additional plans received 7th July, 2010) at Croft House, 2 Tees View, Hurworth Place, Darlington (Reference Number 07/00152/RM2).

RESOLVED - That the report be received.

PA51. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100B(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 PA45/SEP/10, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 8th October, 2010.

RESOLVED - That the report be received.

Signed.....

Dated.....