

## PLANNING APPLICATIONS COMMITTEE

3rd August 2011

**PRESENT** - Councillor Regan (in the Chair); Councillors Cossins, Johnson, Knowles, Lee, D.A. Lyonette, Macnab and Stenson. (8)

**APOLOGIES** – Councillors Baldwin, L. Haszeldine, Landers, Long and J. Taylor. (5)

**OFFICERS** – Dave Coates, Principal Planning Officer and Harry Alderton, Highways Engineer, within Services for People and Andrew, Errington, Lawyer (Planning) within Resources Group.

**PA17. DECLARATION OF INTERESTS** – There were no declarations of Interest reported at the meeting.

**PA18. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 8th June 2011.

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

**PA19. PROCEDURE** – The Assistant Director of Resources 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.
A5	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 18(1) of the Planning (Listed Building and Conservation Areas) 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.
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

	<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 Listed Building Consent.</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>
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><b>Reason</b> - 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>

**PA20. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**11/00180/DC - North Road/Whessoe Road, Darlington.** New link road between North Road and Albert Road/Whessoe Road, including new pedestrian crossings, cycle and disabled access routes and bus stops.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the comments of Network Rail, the County Archaeologist, the Council’s Tree Officer and the Environmental Health Officer and the concerns of the Principal Urban Design Officer, the Conservation Officer and English Heritage that had been received and the views of Mr. Mackay, applicants agent and Mr. Chamber, supporter, whom Members heard. A further letter from English Heritage was highlighted at the meeting confirming that they had no objections to the application).

**RESOLVED** - That permission be granted with the following conditions :-

- (a) A3 – Implementation limit.
- (b) E3 – Landscaping Implementation.
- (c) The landscaping scheme referred to above shall, upon completion, be subject to a 10 year Management Plan which will be agreed by and implemented by the Darlington Borough Council Parks and Countryside Team.

**Reason** – To ensure the mitigation habits are properly managed in a way beneficial to the ecology of the locality.

- (d) Before development commences, a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This Plan will contain details of hours of operation for construction activities, details of how noise and vibration emissions will be minimised and contain a Dust Action Plan.

**Reason** – In the interests of the amenities of local residents and other occupiers.

- (e) J2 – Contaminated land.
- (f) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (continual archaeological monitoring specifically around the location of the goods station, but also intermittently across the site as needed) which has been submitted to, and approved in writing, by the Local Planning Authority. The strategy shall include details of the following :-

(i). Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

(ii). Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

(iii). Post-fieldwork methodologies for assessment and analyses.

(iv). Report content and arrangements for dissemination, and publication proposals.

(v). Archive preparation and deposition with recognised repositories.

(vi). A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

(vii). Monitoring arrangements, including the notification in writing to the County Durham and Darlington Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

(viii). A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

**Reason** - To comply with policy CS 14 of the Darlington Core Strategy Development Plan Document as the site may potentially contain features of local archaeological importance.

- (g) Within six months of completion of the approved works, a copy of any analysis, post-excavation reporting, final publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication if required. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

**Reason** - To comply with policy HE12.2 - 12.3 of PPS5 to make the information as widely accessible to the public as possible.

**11/00178/DCLB - North Road/Whessoe Road, Darlington.** Partial demolition of railway bridge wall and rebuilding in alternative position.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments of English Heritage and the concerns of the Conservation Officer that had been received).

**RESOLVED** - That Members be minded to grant Listed Building Consent, subject to the referral of the application to the Secretary of State for Communities and Local Government, with the following conditions :-

- (a) A5 – Implementation limit.
- (b) This Consent shall relate to the amended plans received by the Local Planning Authority on 8 July 2011.
- (c) Before the development hereby permitted is commenced, including the demolition works, full details of the proposed replacement boundary wall, including design, height and materials of construction shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** – In the interests of the character of the Listed Building

- (d) Any historic materials such as stonework, steps or pillars that are not reused in the development approved under planning application 11/00180/DC shall be retained and stored for reuse on other development projects within the Borough of Darlington.

**Reason** – In the interests of the historic character of the Borough of Darlington.

**11/00301/CU - 19 Duke Street, Darlington.** Change of use from Mortgage Advisory Service Office [A2] to a to a Taxi Control Office [sui generis].

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection that had been received and the views of Ms. Wood, applicant, Mrs. Reading, Mrs. Whitaker and Mr. Ayre, objectors, whom Members heard).

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

- (a) 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.

- (b) 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.

- (c) The permission hereby granted shall be for a limited period expiring 14 months from the date of this permission.

**Reason** - The Local Planning Authority would wish to review the permission at the end of the period in the light of the operation of the use.

**11/00415/FUL - Former Walled Garden, Walworth Road, Walworth.** Insertion of gated access into existing stone boundary wall (as amended by plans received 18 July 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of the parish Council that had been received and the views of Tessa Barber, applicants agent, whom Members heard).

**RESOLVED** - That, following the expiry of the Council's consultation exercises on 5 August 2011, planning permission be granted subject to the following conditions :-

- (a) 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.
- (b) Prior to the commencement of the development details of a colour scheme for the gate hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall not be carried otherwise than in complete accordance with the approved details.  
**Reason** - In the interest of the visual appearance of the development and the locality.
- (c) The gate hereby approved shall open inwards and not outwards over the public highway.  
**Reason** - In the interest of pedestrian safety.
- (d) 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.
- (e) Notwithstanding the details shown on the approved plans, precise details of the design of the pedestrian access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The design shall incorporate a lintel and coping stones over the entrance and the details of the materials. The development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** - In the interest of the visual appearance of the development and the locality.

**11/00310/LBC - Former Walled Garden, Walworth Road, Walworth.** Listed Building Consent for insertion of gated access for pedestrian use (as amended by plans received 18 July 2011).

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

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

- (a) 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (b) Prior to the commencement of the development details of a colour scheme for the gate hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall not be carried otherwise than in complete accordance with the approved details.  
**Reason** - In the interest of the visual appearance of the development and the locality.
- (c) 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.

- (d) Notwithstanding the details shown on the approved plans, precise details of the design of the pedestrian access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The design shall incorporate a lintel and coping stones over the entrance and the details of the materials. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - In the interest of the visual appearance of the development and the locality

**11/00350/TF - 101 Newton Lane, Darlington.** Fell Scots Pine Tree protected under Order (No. 4) 1999 (T1).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments of a local resident, a local Ward Councillor and the Council's tree officer that had been received and the views of Mr. Taylor, supporter, whom Members heard).

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

- (a) All work to trees shall be carried out to BS Specification 3998 (as amended).  
**Reason** - To safeguard the health of the trees.
- (b) Not later than the next planting season immediately following this permission, a replacement tree to be approved by the Local Planning Authority shall be planted by or under the supervision of a competent forester and shall be deemed to be included in the preservation order under which this permission is given.  
**Reason** - In the interests of visual amenity.

## **(2) Planning Permission Withdrawn**

**11/00187/FUL - 37 The Wayside, Darlington.** Erection of 2 No. detached dwellings.

**RESOLVED** – That the application be withdrawn from this committee.

**PA21. NOTIFICATION OF APPEALS** – The Director of Place reported that Mr. Richardson had appealed against this Authority's decision to refuse planning permission for erection of 2 No. dwellings at 54 Barmpton Lane, Darlington (Reference Number 11/00150/FUL).

**PA22. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Dismissed the appeal by Mr. Choudhury against this Authority's decision to refuse planning permission for replacement UPVC windows to the front (retrospective) at 17 North Lodge Terrace, Darlington (Reference Number 10/00841/FUL); and
- (b) Dismissed the appeal by Mr. Hall against this Authority's decision to refuse planning permission for redevelopment of existing bungalow to enlarge living space incorporating rear ground floor extension, increased height and pitch of roof with 3 No. dormers to accommodate additional bedrooms and erection of replacement garage with office roof space (revised application) at 7 Garthlands, Heighington (Reference Number 11/0080/FUL).

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

**PA23. 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.

**PA24. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA16/Jul/11, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 21st July, 2011.

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