

PLANNING APPLICATIONS COMMITTEE

5 August 2015

PRESENT – Councillor Baldwin (in the Chair); Councillors L Haszeldine, Johnson, Kelley, Knowles, Lee, Lyonette, Regan, Stenson and J Taylor (10)

APOLOGIES – Councillors Cartwright, Cossins and Galletley. (3)

ALSO IN ATTENDANCE –

OFFICERS – Dave Coates, Principal Planning Officer, Paul Ibbertson, Engineer, within Services for Place and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (3)

PA24. DECLARATIONS OF INTEREST – Councillor Johnson declared an interest in Minute PA27(1) below (Ref No. 14/01304/FUL) as he had previously submitted strong objections to the application and left the meeting during consideration of that item. Councillor Stenson declared a prejudicial interest in Minute PA27(1) below (Ref No. 15/00030/FUL) and left the meeting during the discussion on that item.

PA25. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 18 July 2015.

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

PA26. PROCEDURE – The Assistant Chief Executive’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 condition is referred to in those Minutes granting permission :-

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 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.
B9	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. Reason - In the interests of visual and/or residential amenity.
C5	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. 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.
E3	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. Reason - In the interests of the visual amenities of the area.
E11	Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. 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, 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

	<p>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:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels; (b) Cutting of roots, digging of trenches or removal of soil; (c) Erection of temporary buildings, roads or carrying out of any engineering operations; (d) Lighting of fires; (e) Driving of vehicles or storage of materials and equipment.</p> <p>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.</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>

PA27. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION - (1) Planning Permission Granted

15/00030/FUL - Site of Former Blackwell Grange Golf Club, Briar Close, Darlington. Demolition of existing golf clubhouse and erection of 3 no. detached dwellings (additional ground gas assessment report received 2 March 2015).

Prior to any discussion on the above application, the Chair sought clarification from one of the objectors on whether he was intending to disclose a report, commissioned by a firm of geotechnical engineers, claiming that there were land stability issues in the area, into the public domain. The objector advised that he would make the report available to the Council to enable it to appoint Geotechnical Engineers to have oversight, but not for it to be freely available. The Chair confirmed that, if the report was not to be made available in the public domain, it could not be considered at this meeting as part of the discussions on the application. After hearing from the applicant, the objectors and the supporters, the Chair asked the objector again if he would submit the full report. The objector said that he would do so only on condition that it was given to an independent

geotechnical expert to be considered, rather than the Council's planners. The Chair said that this was unacceptable.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Highway's Engineer, the Environmental Health Officer, Northumbrian Water, Blackwell Neighbourhood Forum (Urban Vision Enterprise), a separate letter from the Chair of that Forum, 31 letters of objection and two letters of representation that had been received, the views of the applicant's agent, two objectors and two supporters, all of whom Members heard and the findings of a site visit).

Before voting on the substantive motion to grant planning permission in accordance with the Officer's recommendation, the Committee voted on an amendment to defer the decision until the objector's geotechnical report had been considered in accordance with the condition set by the objector. This amendment was defeated.

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

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. The first floor windows formed in the south elevation of Plot 1 shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.
Reason – To prevent overlooking of the nearby premises.
4. B9 (Means of enclosure)
5. C5 (Removal of permitted development rights)
6. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.
Reason – In the interest of residential amenity.
7. J2 (Land contamination)
8. Prior to the commencement of the development hereby permitted, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place. The Dust Assessment Report should follow the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014 and associated guidance where appropriate, and other relevant guidance if required;
 - (b) Methods for controlling noise and vibration during the demolition and construction phases and should follow guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009 and other relevant guidance if required;
 - (c) The proposed hours of working;
 - (d) Wheel washing facilities;
 - (e) Vehicle routes for construction traffic, road maintenance and signage.

Thereafter the development shall be carried out in complete accordance with these details as approved.

Reason – In the interest of residential amenity and highway safety.

9. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – To avoid any contamination of groundwater and in the interest of residential amenity.

10. Prior to the commencement of the development hereby permitted details of a noise reduction scheme associated with the electricity sub-station shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the approved mitigation measures shall be carried out in full and thereafter be so maintained.

Reason – In the interest of residential amenity.

11. Prior to the commencement of development precise details showing the vehicular turning facility and private vehicle crossing at the end of Briar Close shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these improvement works shall be carried out in accordance with the details as approved.

Reason – In the interest of highway safety.

12. E11 (Tree Protection).

13. The development shall be undertaken in accordance with the mitigation measures set out in the 'Bat and Great Crested Newt Risk Assessment' dated September 2014.

Reason – In the interest of any protected species which may be present on the site.

14. B5 (Development in accordance with the approved plans).

14/01304/FUL - 96 Carmel Road North, Darlington. Demolition of existing buildings and erection of 35 no. retirement apartments with associated landscaping and parking (additional information received 23 March 2015 and additional bat survey received 10 July 2015).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Highway's Engineer, the Environmental Health Officer, Northumbrian Water, the Lead Local Flood Authority, two letters of objection, the objections of Councillor Johnson and a letter of representation that had been received and the views of a representative of the applicant, an objector and Councillor Johnson, all of whom Members heard).

(NOTE – Councillor Johnson left the table for the above item (Ref No. 14/01204/FUL) and after speaking as Councillor, objecting to the application, left the room whilst the application was discussed).

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

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. B5 (Development in accordance with approved plans)
4. B9 (Means of enclosure)

5. The apartments hereby approved shall not be occupied by persons other than persons aged 55 years or over.
Reason – To ensure that the apartments are occupied in accordance with their C3 (dwelling house) classification.
6. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.
Reason – In the interest of residential amenity.
7. J2 (Land contamination)
8. Prior to the commencement of the development hereby permitted, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place. The Dust Assessment Report should follow the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014 and associated guidance where appropriate, and other relevant guidance if required;
 - (b) Methods for controlling noise and vibration during the demolition and construction phases and should follow guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009 and other relevant guidance if required;
 - (c) The proposed hours of working;
 - (d) Wheel washing facilities;
 - (e) Vehicle routes for construction traffic, road maintenance and signage.Thereafter the development shall be carried out in complete accordance with these details as approved.
Reason – In the interest of residential amenity and highway safety.
9. Prior to the development hereby approved being commenced, a scheme for the protection of the proposed residential accommodation from excessive road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings of a noise impact assessment undertaken at the site and shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55 dB(A) LAeq (or as close to this value in garden areas as reasonably practicable), in garden areas and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works which form part of such a scheme shall be completed in accordance with the approved scheme prior to any part of the development being first occupied or used.
Reason – In the interest of residential amenity.
10. The Rating Level, as defined by BS4142:2014, for new mechanical services associated with the development should be at least 5dB below the daytime and night time background noise levels at any surrounding residential property unless otherwise agreed in writing by the Local Planning Authority. If necessary, the day time and night time background noise levels shall be measured by a person or company suitably qualified and experienced in the assessment of environmental noise, to be appointed by the applicant, and the results submitted to and agreed in writing with the Local Planning Authority. Details shall be submitted to show that

this noise standard will be achieved.

Reason – In the interest of residential amenity.

11. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason – To avoid any contamination of groundwater and in the interest of residential amenity.

12. Prior to the commencement of the development, precise details of works within the public highway on Carmel Road North and Cleveland Terrace shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of new access junctions, dropped kerbs, tactile paving, visibility splays and the blocking up of existing access junctions and making good of the footway. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interest of highway safety.

13. Prior to occupation of the development a retaining wall should be installed to prevent the internal ground falling away onto the adopted highway of Cleveland Terrace near to the junction of Carmel Road North due to the difference in ground levels between the internal and external site. Any damage to the existing footway should be made good and approved by the Local Planning Authority.

Reason – In the interest of highway safety.

14. Prior to occupation of the development hereby approved secure covered cycle parking shall be provided in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking shall remain available to serve the development.

Reason – In order to ensure that the development is accessible by means of transport other than the private car.

15. Prior to occupation of the development hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason – In order to deliver sustainable transport objectives.

16. E11 (Tree Protection)

17. E3 (Implementation of submitted landscaping scheme)

18. The development hereby permitted shall be implemented in full in accordance with the recommendations in the Drainage Evaluation by Howarth Associates dated December 2014.

Reason – To reduce the risk of flooding to the proposed development.

19. Surface water discharges from the site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. Discharge rates from the site will be restricted to 11l/sec which have been previously agreed with Northumbrian Water. There should be sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or a watercourse. Micro Drainage design files are required

to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.
Reason – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area.

20. The development shall be undertaken in accordance with the mitigation measures set out in the 'Bat Presence/Absence Survey' dated 10 July 2015.

Reason – In the interest of protected species which are present on the site.

15/00548/FUL - Breezey's Sandwich Bar, 120 Neasham Road, Darlington. Change of use from sandwich shop (Use Class A1) to hot food takeaway (A5) incorporating installation of extractor fan and external flue to gable wall.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection and the comments of the Environmental Health Officer that had been received and the views of one objector whom Members heard).

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

1. A3 – Implementation Limit (Three Years)
2. The use hereby approved shall not operate outside the hours 08:30 – 20:00 Monday to Saturday only unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity.

3. Prior to the commencement of the development, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Assessment shall be agreed with the Local Planning Authority but the Assessment shall take account of noise from all commercial activities connected with the approved ground floor use, including the arrival and leaving of customers, and noise and vibration from all fans, louvres, ducts and external plant associated with the takeaway, along with an assessment for the need for any sound insulation between floors and walls of the premises and the neighbouring dwelling and the flat above. The agreed scheme of noise mitigation measures shall be fully implemented prior to the commencement of the use and shall be retained and maintained in accordance with the manufacturers specifications as long as the premises shall continue to operate as a hot food takeaway.

Reason - In the interests of the amenities of the existing residential properties in the surrounding area and the future occupants of the proposed first floor flat

4. Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the local planning authority for the effective control of fumes and odours from the premises. The agreed scheme shall be fully implemented prior to the commencement of the use and shall be retained and maintained in accordance with the manufacturers specifications as long as the premises shall continue to operate as a hot food takeaway.

Reason - In the interests of the amenities of the existing residential properties in the surrounding area and the future occupants of the proposed first floor flat

5. The use hereby permitted shall not begin until a grease trap has been provided on the drainage outlets from the food preparation areas.

Reason - In order to prevent flooding and pollution.

6. Notwithstanding the details shown on the approved plans, precise details of a colour scheme for the external flue shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of the use. The flue shall then be maintained to the satisfaction of the Local Planning Authority as long as the premises shall continue to operate as a hot food takeaway.
Reason - In the interests of the visual appearance of the building and the surrounding area.

7. Prior to the commencement of the use, a sign shall be erected at the entrance of the premises informing any persons unable to enter the premises that a member of staff will serve them. This sign shall remain in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that a disabled person can use the services that are provided within the building in accordance with Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan 2011 and the Equality Act 2010.

8. B5 – Detailed Drawings (Accordance with Plan).

(2) Planning Permission Deferred

15/00571/FUL - Skipbridge, Hurworth Moor, Darlington. Erection of a detached bungalow for holiday accommodation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, the objections of Hurworth Parish Council, the Campaign to Protect Rural England and the Environmental Health Officer that had been received and the views of a representative of the applicant and three objectors all of whom Members heard).

RESOLVED – That consideration of the above application be deferred to enable further discussion and clarification on the ownership of the access road to be sought.

PA28. NOTIFICATION OF APPEALS - The Director of Economic Growth reported that :-

- (a) Partner Construction Limited had appealed against this Authority's decision to refuse permission for proposed redevelopment of the site for residential purposes comprising two-three storey apartment buildings to accommodate 46 dwellings (39 No. Class C2 units and 7 No. Class C3 units) with associated access, car parking and landscaping at 182 Woodland Road, Darlington (14/00276/FUL); and
- (b) Mr P Foster had appealed against this Authority's decision to refuse permission for an outline application for erection of 6 No. detached dwellings, alterations to existing access and construction of footway connection (revised application) at Beacon Hill Works, Sadberge, Darlington (14/00449/OUT).

RESOLVED – That the report be received

PA29. NOTIFICATION OF DECISIONS ON APPEALS - The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had allowed the appeal by Mr Varn Atkins against this Authority's decision to refuse permission for erection of a two-storey housing development comprising 4 no.

dwellings (re-submitted application) at land at rear of 3-4 Hill Garth, Darlington (14/01113/FUL).

RESOLVED - That the report be received.

PA30. 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.

PA31. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA123/Jul/15, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 24 July 2015.

RESOLVED - That the report be received.