

## **PLANNING APPLICATIONS COMMITTEE**

Wednesday, 20 February 2019

**PRESENT** – Councillors Baldwin (Chair), Galletley, Heslop, Johnson, Knowles, Lee, Lyonette, Storr, C Taylor, J Taylor and Tostevin

**APOLOGIES** – Councillors Kelley, Lister and K Nicholson

**ABSENT** –

**ALSO IN ATTENDANCE** – Councillor Mrs H Scott

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Shirley Burton (Democratic Manager) and Hannah Fay (Democratic Officer)

### **PA62 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 23 JANUARY 2019**

**RESOLVED** – That the Minutes of this Committee held on 23 January 2019 be approved as a correct record.

#### **(1) MOWDEN HALL, STAINDROP ROAD, DARLINGTON**

**18/00989/FUL - Mowden Hall, Staindrop Road.** Proposed residential development consisting of 30 residential units (Additional Geotechnical Report and Phase 1 Ground Investigation Report received 6 and 11 December 2018; amended and additional plans and information received 17 December 2018, 7 January 2019, 10 January 2019, 11 January 2019, 16 January 2019 and 17 January 2019).

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

**RESOLVED** – That consideration of the application be deferred to enable a site visit to take place.

#### **(2) 15 BELVEDERE ROAD, DARLINGTON**

**19/00002/FUL - 15 Belvedere Road, Darlington.** Variation of condition 7 (Opening Hours) of planning permission 14/00563/FUL allowed on appeal APP/N1350/A/14/2228133 dated 23 January 2015 (Change of use from shop (Use Class A1) to hot food takeaway (A5) and external alterations) to permit change of opening hours from 12.00 - 19.00 on Sundays and Bank Holidays to 11.30 - 21.00 (Revised submission).

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

**RESOLVED** – That planning permission be granted subject to the following

conditions :-

1. The use hereby permitted shall not be open to customers outside of the following times :-  
11:30 – 21:00 on Sundays and Bank Holidays  
**Reason** – In the interests of residential amenity.
2. The disabled access to the premises shall be maintained in accordance with the details approved under planning reference number 14/00563/CON dated 22 August 2016 for the lifetime of the development hereby approved.  
**Reason** – To ensure that the premises remain fully accessible in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document, 2011 and the Equalities Act 2010.
3. The storage of refuse and waste associated with the use of the premises hereby permitted shall be maintained in accordance with the details approved under planning reference number 14/00563/CON dated 22 August 2016 for the lifetime of the development hereby approved.  
**Reason** – In the interest of general amenity.

### **PA63 TREE PRESERVATION ORDER NO 6 2018 1 CHURCH CLOSE, MIDDLETON ST. GEORGE**

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) advising Members of an objection which had been received to the making of a Tree Preservation (No. 6) Order 2018 in relation to one semi/mature Pine (*Pinus* spp) tree which was growing in the front garden of 1 Church Close, Middleton St George.

It was reported that the tree was in good form and condition with no visible weakness and the tree was highly visible and of high amenity value to the area and was a good example of its species.

The submitted report set out the legal and procedural background to the making of a tree preservation order as set out in the Town and Country Planning Act 1990, together with a summary of the objector's comments.

In considering the confirmation of the Order, Members discussed the location of the tree and considered that it was in the interest of the amenity of the public for a tree to remain in that position. They discussed whether the existing tree could be replaced with another tree of a similar heavy standard and the Council's legal representative advised the Committee of the procedure which would need to be followed by the applicant if the order were to be confirmed. The applicant confirmed, at the meeting, that he would be willing to make a further application to fell the tree and that he would be happy for any resultant approval to contain a condition requiring him to replace the existing tree with one of a suitable size and species to be agreed.

(In reaching its decision, the Committee took into consideration the views of the objector whom Members heard and the findings of a site visit which had taken place).

**RESOLVED** – (a) That Tree Preservation (No. 6) Order 2018 in relation to one semi/mature Pine (*Pinus* spp) tree, growing in the front garden of 1 Church Close, Middleton St George be confirmed without modification.

(b) That, should a further application to fell the tree be received, it be considered by this Planning Committee.

**PA64 NOTIFICATION OF DECISION ON APPEALS**

The Director of Economic Growth and Neighbourhood Services reported that, Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mr D Betteridge against this Authority's decision to refuse permission for demolition of existing garage and erection of detached bungalow, detached single garage and detached single garage for main dwelling at 8 Lazenby Close, Darlington, DL3 9QE (Ref 18/00047/FUL).

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

**PA65 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS**

**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.

**PA66 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 6 FEBRUARY 2019 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA61/Jan/19, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 6 February, 2019.

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