

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16 October 2019

PRESENT – Councillors Mrs D Jones (Chair), Allen, Baldwin, Clarke, Howarth, Johnson, Keir, Lee, Marshall, McCollom, Tait and Wallis.

APOLOGIES – Councillors Heslop, Lister and Tostevin.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

PA41 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA42 TO APPROVE THE MINUTES OF THE MEETINGS OF THIS COMMITTEE HELD ON 7 AUGUST 2019

RESOLVED – That the Minutes of this Committee held on 7 August 2019 be approved as a correct record.

PA43 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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.
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.
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PA44 LAND AT NEWTON GRANGE FARM, SADBERGE

18/00994/FUL – Erection of 25 No. dwellings. (In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection, seven letters of representation in support of the application, the objections of Sadberge Parish Council, the concerns raised by the Council's Highways Officer and the Conservation Officer, the views of the Local Lead Flood Authority, the issues highlighted by the Council's Sustainable Transport Officer, and the views of the Applicant and a Supporter, whom the Committee heard).

It was reported that the Council's Senior Arboricultural Officer had identified a potential impact on trees within the site, and that the Architectural Liaison Officer raised a number of issues).

RESOLVED – That Planning Permission be refused for the following reasons:

1. The application site is located outside of the development limits as identified in the Borough of Darlington Local Plan 1997. The development limits are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside. The proposal is therefore considered to be contrary to Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Darlington Core Strategy (2011), Saved Policy E2 (Development Limits) and Saved Policy H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan (1997).
2. The proposal would be harmful to the character and significance of the Sadberge Conservation Area by developing a site which contributes to its setting. The application site helps maintain the setting of the conservation area and provides a visible link to the surrounding countryside which is integral to the area's character. The proposal does not sustain or enhance the conservation area, nor does it make a positive contribution to its local character and distinctiveness. The proposal is therefore considered to be contrary Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy (2011) and Chapter 16 of the National Planning Policy Framework (2019). The Council does not believe that the harm to the Conservation Area is outweighed by the public benefits of the proposal.
3. The proposed design and layout does not reflect and / or enhance the natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place, nor has it been informed by the Revised Design of New Development Supplementary Planning Document (2011). The proposal will cause harm to the character and appearance of the area and is contrary to policy CS2 (Achieving High

Quality, Sustainable Design) and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy (2011), would not contribute to or enhance the natural and local environment by recognising the intrinsic beauty of the countryside (paragraph 170 of the National Planning Policy Framework (2019)) and is contrary to chapter 12 of the National Planning Policy Framework (2019).

4. The proposed dwellings, by reason of their scale, and position in relation to each other would result in an adverse impact on the residential amenity of occupants of the proposed scheme and would therefore be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy (2011) and the Revised Design of New Development Supplementary Planning Document (2011) and paragraph 127 of the National Planning Policy Framework (2019).
5. The proposed access and internal highway layout fails to meet accepted design standards in respect of, car parking / driveways and carriageway geometry and the application does not demonstrate that the internal network will operate satisfactorily for all expected vehicles entering the development. The proposed development would thereby have an adverse impact on highway safety and would therefore be contrary to Policy CS2 (Achieving High Quality Sustainable Design) and CS19 (Improving Transport Infrastructure and Creating a Sustainable Transport Network) of the Darlington Core Strategy (2011) and chapter 9 of the National Planning Policy Framework (2019).
6. The application has provided insufficient information to demonstrate that the noise levels in the proposed garden areas closest to Stockton Road are within suitable criteria for outdoor recreational space and whether mitigation measures are needed to establish a suitable acoustic environment in all plots across the site. The proposal is therefore contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy (2011) and paragraph 127 of the National Planning Policy Framework (2019)
7. The proposed development will result in an overall net loss of biodiversity and does not strengthen biodiversity and fails to demonstrate how this harm can be mitigated to secure net gains for biodiversity. The proposal is contrary to Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Darlington Core Strategy (2011) and paragraph 170 and 175 of the National Planning Policy Framework (2019).
8. In the Council's judgement, there are no other material considerations sufficient to indicate that planning permission should be granted contrary to the development plan.

PA45 19A THE FRONT, MIDDLETON ONE ROW (19/00678/FUL)

19/00678/FUL – Replacement of concrete driveway with heritage tumbled cobbled sets, installation of wrought iron handrails to steps leading to main entrance door

and replacement of single pillar and wall with pair of brick pillars and timber double cross field gates (Additional information received 15th August 2019)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, the objections raised by Middleton St. George Parish Council, and the views of the Applicant and an Objector, whom the Committee heard).

RESOLVED - That Planning Permission be granted subject to the following conditions:

1. A3 Implementation Limit (3 years)
2. B4 Details of materials
3. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

002-19-07-2019 Proposed alterations to front door steps to 19A The Front

003-19-07-2019 Proposed alterations to 19A The Front Driveway

004-19-07-2019 Proposed alterations to 19A The Front Driveway Entrance

REASON – To ensure the development is carried out in accordance with the planning permission.

4. The gates hereby approved shall remain open between the hours of 07:00 and 23:20 daily.

REASON – In the interest of free flow of traffic

PA46 19A THE FRONT, MIDDLETON ONE ROW (19/00679/LBC)

19/00679/LBC - Listed Building Consent for the replacement of concrete driveway with heritage tumbled cobbled sets, installation of wrought iron handrails to steps leading to main entrance door and replacement of single pillar and wall with pair of brick pillars and timber double cross field gates (Additional information received 15th August 2019).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection, and the objection raised by Middleton St. George Parish Council).

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

1. A5 (Standard 3-year time limit – listed building consent)
2. B4 Details of materials
3. The development hereby permitted shall be carried out in accordance with

the approved plans as detailed below:

002-19-07-2019 Proposed alterations to front door steps to 19A The Front

003-19-07-2019 Proposed alterations to 19A The Front Driveway

004-19-07-2019 Proposed alterations to 19A The Front Driveway Entrance

REASON – To ensure the development is carried out in accordance with the Listed Building Consent.

PA47 ALLOTMENT GARDENS, GLEBE ROAD, DARLINGTON

19/00515/FUL - Installation of mains connected portable toilet with timber pergola to provide screening (amended description and additional plan received 22/07/19).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and four letters in support of the application).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 (Standard 3 year time limit)
2. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Portaloo Installation Floor Plan Drawing Ref. Plan 1A dated 9 July 2019

Portaloo Installation Elevation Plan Drawing Ref. Plan 1B dated 9 July 2019

Portaloo Installation Elevations inc. Pergola Plan Drawing Ref. GRAA dated 19 July 2019

REASON – To ensure the development is carried out in accordance with the planning permission.

3. The timber screening shall remain in place and shall be maintained in accordance with approved plans for the lifetime of the development hereby approved.

REASON - To protect the amenities of the neighbouring residential properties.

PA48 SOUTH VIEW, THE GREEN, GREAT BURDON

19/00727/FUL - Rear and single storey side extension along with erection of two storey front extension with single storey porch and property facades to be a mix of render, brick and timber cladding.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, the objection raised by the Parish Council, the views of the Council's Conservation Officer and the County Archaeologist).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 - Implementation Limit (Three Years)
2. The development shall be carried out in complete accordance with the approved plans as detailed below:
 - (a) Proposed Elevations, drawing number BR02 Rev. A
 - (b) Proposed Ground Floor Plan, drawing number SV02
 - (c) Proposed First Floor Plan, drawing number BR07

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. No development hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON – In the interests of visual amenity and the setting of the adjacent Grade II listed building.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
 - 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 position 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 by the County Durham Principal 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 archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON – To comply with paragraphs 197 and 199 of the NPPF because the site is of archaeological interest.

- 5. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

REASON – To comply with paragraph 199 of the NPPF which ensures information gathered becomes publicly accessible.

PA49 15 GARTHLANDS, HEIGHINGTON

15 Garthlands, Heighington – The Head of Planning Development and Environmental Health submitted a report (previously circulated) to advise Members of an objection received in respect of Tree Preservation Order (TPO) 2019 No. 10, which covered one Mature Alder (*Alnus* spp) growing in the rear garden of 15 Garthlands, Heighington.

The submitted report stated that Tree Preservation Order (TPO) 2019 No. 10, had been made as a result of a planning application (ref. no. 19/00551/FUL) submitted to the local planning authority to demolish the existing bungalow at 15 Garthlands and erect a replacement dormer bungalow. It was reported that the application originally proposed to fell the Alder tree as part of the development proposals, but that the planning application was subsequently amended to retain the Alder tree and an Arboricultural Impact assessment (AIA) was submitted which confirmed that the Alder tree would not be adversely affected by the new dwelling subject to measures being put in place to protect the tree during the course of the development.

(In reaching its decision, the Committee took into consideration the report of the Head of Planning Development and Environmental Health, objections received from the occupants of 15 Garthlands and from the occupants of the adjacent dwelling, 14 Garthlands, Heighington, a petition with seven signatories supporting the removal of the tree, the observations of the Council's Senior Arboricultural Officer, and the views of the Objector, whom the Committee heard).

The following Motion was moved by McCollom, and seconded by Councillor Allen:

‘That the TPO be confirmed without modification.’

The following Amendment to the Motion was moved by Councillor Tait, and seconded by Councillor Clarke:

‘That the TPO not be confirmed’

The Amendment was carried and thus became the Substantive Motion, and a vote was subsequently taken on the Substantive Motion.

RESOLVED – That the TPO not be confirmed.

PA50 NOTIFICATION OF DECISION ON APPEALS

The Director of Economic Growth and Neighbourhood Services reported that the Inspectors appointed by the Secretary of State for the Environment had:

- (a) Allowed the appeal by Mr Craig Peterson (Homes by Carlton (MSTG1) Limited) against this Authority’s split decision insofar as it relates to the road condition survey and the road safety audit in relation to The Greenway and Grendon Gardens submitted pursuant to conditions 10 and 11 attached to planning permission reference 15/00976/OUT granted on 1 July 2016, in accordance with application 18/00959/CON dated 15 October 2018 and the details submitted with it are approved at Land at Rear of High Stell, Middleton St George, Darlington (18/00959/CON).
- (b) Dismissed the appeal by Mr Craig Peterson (Homes by Carlton (MSTG1) Limited) against this Authority’s split decision insofar as it relates to Condition 18 (bat risk assessment) attached to planning permission reference 15/00976/OUT granted 1 July 2016 in accordance with application 18/00959/CON dated 15 October 2018 and the details submitted with it are refused at Land at Rear of High Stell, Middleton St George, Darlington. (18/00922/CON).
- (c) Allowed the appeal by Mr Craig Peterson (Homes by Carlton (MSTG1) Limited) against this Authority’s decision to refuse consent for approval of details reserved by Condition 2 (Phasing of Development and the Route of Construction Details) attached to attached to planning permission 17/01151/RM1 dated 14 March 2018 (Reserved matters relating to details of access, appearance, landscaping, layout and scale, for residential development of 198 no. dwellings pursuant to outline planning permission 15/00976/OUT dated 01 July 2016 (Amended access proposed, plans received 11 January 2018)) and Approval of details reserved by Condition 14 (Details of the Implementation, Maintenance And Management of the Sustainable Drainage Scheme) attached to outline planning permission 15/00976/OUT dated 1 July 2016 (Outline planning permission for residential development up to 200 dwellings including highway improvements, public open space at Land at Rear of High Stell, Middleton St George, Darlington (18/00922/CON).
- (d) Allowed the appeal by Mr Craig Peterson (Homes by Carlton (MSTG1)

Limited) against this Authority's decision to refuse consent for approval of details reserved by Condition 3 (Construction Management Plan) attached to attached to planning permission 17/01151/RM1 dated 14 March 2018 (Reserved matters relating to details of access, appearance, landscaping, layout and scale, for residential development of 198 no. dwellings pursuant to outline planning permission 15/00976/OUT dated 01 July 2016 (Amended access proposed, plans received 11 January 2018)) and Condition 9 (Construction Management Plan) attached to outline planning permission 15/00976/OUT at Land at Rear of High Stell, Middleton St George, Darlington (18/00921/CON) (Copy of Inspector's decision letter attached)

Award of costs against the Council in respect of the three appeals at High Stell Middleton St George, Darlington DL2 1HS. (Copy of Inspector's costs decision attached).

- (e) The appeal by Gladman Developments Ltd for Land off Neasham Road, Middleton St George, Darlington has been withdrawn.

Partial award of costs against the appellant in respect of the withdrawn application at Land off Neasham Road, Middleton St George, Darlington.

- (f) Dismissed the appeal by Dr I Rehman against this Authority's decision to refuse permission for the erection of a detached oak framed dwelling at Land Adjacent to Rowan house, Middleton Road, Sadberge, Darlington (18/00807/FUL).

RESOLVED – That the report be received.

PA51 NOTIFICATION OF APPEALS

The Director of Economic Growth and Neighbourhood Services reported that:-

Mr Alan Agar had appealed against this Authority's decision to refuse permission for outline application for the erection of 1 no. detached dwellinghouse at 22 Westacres, Middleton St George Darlington DL2 1LJ (18/01119/OUT).

RESOLVED – That the report be received.

PA52 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.

PA53 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 25 SEPTEMBER 2019 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA40/Aug/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 25 September 2019.

RESOLVED - That the report be noted.