

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 17 February 2021

**PRESENT** – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, Johnson, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis.

**ALSO IN ATTENDANCE** – Councillors Crumbie and Newall.

**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).

### PA70 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA71 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 23 DECEMBER 2020

**RESOLVED** – That the Minutes of this Committee held on 23 December 2020, be approved as a correct record.

### PA72 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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.  <b>Reason:</b> To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^N; <b>Reason:</b> To define the consent.

### PA73 55 NEASHAM ROAD, DARLINGTON

**20/00963/FUL** – Change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the advice of Darlington Association on Disability, four letters of objection received from residents, the views of the Ward

Councillor, whom the Committee heard, and the responses to questions asked by Members of the Applicant's Agent, who was in attendance at the meeting).

**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 11:00 – 21:00 Monday to Sunday including Bank Holidays only unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of residential amenity.

3. No noise emitting fans, louvres, ducts, or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.

**REASON:** In the interests of residential amenity.

4. Prior to the installation of any air extraction equipment (including the external flue) exact details of the proposed installation including the manufacturers specified noise levels of the extraction system shall be submitted to and approved by the Local Planning Authority. The noise levels of the proposed extraction system shall meet the noise limits in the njd noise assessment dated October 2020 submitted in support of the application. The agreed extraction system shall be retained and maintained thereafter for the duration of the development.

No modifications to the approved scheme shall be undertaken without the prior approval of the Local Planning authority.

**REASON:** In the interests of residential amenity.

5. Prior to the hot food takeaway hereby permitted first being brought into use, details of fume extraction, including a full technical specification by a suitably qualified person, shall be submitted to, and agreed in writing to the Local Planning Authority. The scheme should specify the position of ventilation, fume, or flue outlet points; the type of filtration or fume treatment to be installed. The proposed fume extraction system shall meet the recommendations in the njd odour assessment dated October 2020, submitted in support of this application. The agreed fume extraction system shall be retained and maintained thereafter for the duration of the development.

No modifications to the approved scheme shall be undertaken without the prior approval of the Local Planning authority.

**REASON:** In the interests of residential amenity.

6. Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1 and designed in

accordance with BS EN 1825-2 or other effective means of grease removal.

**REASON:** In order to prevent flooding and pollution.

7. Details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and thereafter shall be retained for the lifetime of the development.

**REASON:** In the interests of amenity.

8. Deliveries to and collections from the site, including the loading and unloading associated with the use, shall take place between the hours of 8am to 6pm Monday to Saturday, with no deliveries on Sundays/Public Holidays.

**REASON:** In the interests of residential amenity.

9. For the duration of the approved use, a temporary portable ramp shall be provided and operated in accordance with the details submitted in email correspondence dated 9<sup>th</sup> December 2020.

**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 and to discourage hazards that could be caused by a ramp in the highway.

10. 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 temporary portable ramp is available on request. 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.

11. PL (Approved plans condition)

- NDS20/CP1 - Plans as Proposed
- NDS20/CP2 – Elevations as Proposed
- NDS20/SL1 – Site Location Plan
- Agent Email detailing temporary portable ramp and its operation dated 9<sup>th</sup> December 2020.

**PA74 20 LANGHOLM CRESCENT, DARLINGTON**

**20/01073/FUL – Demolition of existing conservatory and boiler room, erection of**

single storey extension to side and rear, replacement of existing porch with garden room, addition of mezzanine floor, alterations to windows, erection of carport, creation of new vehicular access including addition of timber gates and dropped kerb and associated internal alterations and removal of 1 No. Pear Tree (as amended by plans received 08/01/2021, amended heritage statement and Arboricultural Impact Assessment/Tree Survey received 15/01/2021).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Conservation Officer and Senior Arborist, fourteen letters of objection received (it was noted that one of which had been subsequently withdrawn), and one letter in support of the application received).

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

1. 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.

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

**REASON:** To ensure that the external appearance of the development is of an appropriate design in accordance with Saved Policy H12 (Alterations and extensions to existing dwellings) of the Borough of Darlington Local Plan 1997 (Alterations 2001).

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

Proposed Site Plan Drawing No. 0103 Revision P2 Dated 06/11/2020  
Proposed Ground Floor Plan Drawing No. 0202 Revision P5 dated 06/11/2020  
Proposed First Floor Plan Drawing No. 0203 Revision P3 Dated 06/11/2020  
Proposed Elevations Sheet 1 Drawing No. 0303 Rev P5 dated 06/11/2020  
Proposed Elevations Sheet 2 Drawing No. 0304 Rev P5 dated 06/11/2020  
Comparison South-East Elevation Drawing No. 0305 Rev P1 dated 06/11/2020

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

4. Notwithstanding details shown within the submitted Tree Survey & Arboricultural Impact Assessment dated 14/01/2021 and undertaken by We Care Tree Care Arboricultural Services, a method statement detailing the construction methods of the proposed driveway and specific tree protection

for the four trees affected by the proposal will be submitted to and agreed in writing with the Local Planning Authority, prior to work commencing on the proposed driveway.

**REASON:** To safeguard the life of the trees within the site in the interests of visual amenity.

5. Notwithstanding the details shown on the approved plans, samples of fenestration details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development, and the development shall not be carried out otherwise than in accordance with any such approval.

**REASON:** In order that the Local Planning Authority may be satisfied as to the details of the development.

**PA75 FIELD AT COPSE HAVEN, ROUNDHILL ROAD, HURWORTH MOOR, DARLINGTON**

**20/00910/CU** – Change of Use from private field to commercial dog exercise area.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received, one additional letter received from a neighbouring resident raising some concerns, and the views of the Ward Councillor).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

Site Location Plan  
Plan No 1: Site Layout Plan

**REASON:** To define the consent

3. This permission shall be personal to Miss Fiona Lennox and family only and shall not enure for the benefit of the land. In the event of their vacating the premises the use shall revert to the use for agricultural purposes.

**REASON:** In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of Miss Fiona Lennox and family vacating the premises.

4. The use hereby permitted, shall operate from the site only between the hours of 08:00-18:00 Monday to Sunday (including Bank and Public Holidays).

**REASON:** In the interests of residential amenity.

5. The number of appointments or clients visiting the site shall be restricted to no more than three appointments at any one time with no more than three dogs present per client at the same time during the permitted hours of operation.

**REASON:** In the interests of residential amenity.

6. There shall be no kennelling of dogs overnight on the application site.

**REASON:** In the interests of residential amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development within Schedule 2, Part 4, Classes A to B of that order shall take place without the prior written consent of the Local Planning Authority.

**REASON:** In the interests of visual and residential amenity.

8. Prior to the commencement of the proposed use, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority.
  - a) Boundary treatment.
  - b) Surface treatment for customer parking.

Thereafter the development shall be carried out in full accordance with the approved details, prior to the use commencing and shall be maintained as such thereafter.

**REASON:** In the interests of visual and residential amenity.

## **PA76 FIELD AT SCHOOL AYCLIFFE LANE, SCHOOL AYCLIFFE**

**20/01150/FUL** - Modification of Section 106 Agreement attached to planning permission 17/00283/FUL dated 16 December 2017 (Proposed residential development consisting of 101 dwellings with associated parking, access and landscaping) to vary the tenure of 5 no. affordable units from shared ownership to affordable rented units and modify the chargee duty clause (Additional Information received 21 December 2020).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection received from residents, and one further objection received subsequent to the report being issued to Members, which was read out at the meeting by the Planning Officer).

**RESOLVED** – That no objections be raised to the modification of the Section 106 Agreement attached to Planning Permission Reference Number 17/00283/FUL.

**PA77 NOTIFICATION OF APPEALS**

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

Mr Yousif Ameen-Ali has appealed against this Authority's decision to refuse permission for repairs and alterations to Claytons Yard, Darlington, DL1 1SH (20/00298/FUL).

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

**PA78 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.

**PA79 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 5 FEBRUARY 2021 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA69/Dec/2020, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 February 2021.

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