

PLANNING APPLICATIONS COMMITTEE

Wednesday, 11 May 2022

PRESENT – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, Laing, Lee, McCollom, Tait, Tostevin and Wallis.

ABSENT – Councillors Lister and Sowerby.

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).

PA105 DECLARATIONS OF INTEREST

Councillor Laing declared a non-pecuniary interest in Minute PA108 below, in terms of her employment, and left the meeting during consideration of the item.

PA106 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 16 MARCH 2022

RESOLVED – That the Minutes of this Committee held on 16 March 2022, be approved as a correct record.

PA107 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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| 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. |
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PA108 FIVE ACRES, LIME LANE, BRAFFERTON, DARLINGTON

21/00753/FUL – Change of use of agricultural land to land to be used as community garden for post 16 yr school leavers with learning difficulties comprising of new vehicle access together with 1 no. day centre/barn with plant room, 3 no. polytunnels, raised walkways and decking, car parking, cycle storage, community and sensory gardens, animal areas with stable block and feed shed and other associated works (additional ecology information received 13 January 2022; amended Design and Access Statement; amended and additional plans received 16 March and 27 April 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), a total of 72 letters of support received (it was noted that a number of these letters were from parents of young adults at the facility), a total of 15 letters of objection received (it was noted that a number of objections were submitted from the same e-mail address), the advice provided by the Council's Transport Policy Officer, the views of

the Architectural Liaison Officer from Durham Constabulary, and the views of the Applicant's Agent and one Supporter, whom the Committee heard).

RESOLVED – That a decision be deferred to a future meeting of the Planning Applications Committee to allow a site visit to be undertaken by Members of the Committee.

REASON – To enable Members to obtain a better understanding of the site.

PA109 309 WOODLAND ROAD, DARLINGTON, DL3 9AA

22/00113/FUL – Change of use from retail shop (Use Class E) to hot food takeaway (sui generis) and installation of extraction equipment to rear.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection, and the views of the Applicant, whom the Committee heard).

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

1. A3 (Standard 3-year time limit)
2. The development hereby approved shall be carried out in accordance with the approved plans as detailed below:
 - (a) Existing and proposed ground floor plan, drawing number 2022/1
 - (b) Elevations proposed, drawing number 2022/1A

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

3. The use hereby approved shall not operate outside the hours of 11:00 – 23:00 Monday to Sunday, including Bank Holidays.

REASON – In the interests of amenity and to comply with the requirements of Darlington Borough Local Plan Policy DC4.

4. Details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall specify the position of ventilation, fume or flue outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. Thereafter the scheme shall be implemented in accordance with the details as approved prior to the use hereby approved commences and shall be maintained for the lifetime of the development.

REASON – In the interests of amenity and to comply with the requirements of Darlington Borough Local Plan Policy DC4.

5. In accordance with the EMAQ report dated 19/4/22 submitted as part of this

application a high level of odour control is required:

- Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2 – 0.4 residence time); or
- Fine filtration or ESP followed by a UV ozone system to achieve the same level of control as above.

The odour control shall be installed, operated and maintained in accordance with manufacturers recommendations including frequency of replacement filters, for so long as the use continues. No modifications to the approved scheme shall be undertaken without the prior approval of the Local Planning Authority.

REASON – In the interests of amenity and to comply with the requirements of Darlington Borough Local Plan Policy DC4.

6. The drainage system to the premises shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.

REASON – In the interests of amenity and to comply with the requirements of Darlington Borough Local Plan Policy DC4.

7. A scheme for the secure storage of waste from the premises and the removal of refuse from the site shall be submitted to and approved by the Local Planning Authority in writing and implemented before the use hereby approved commences.

REASON – In the interests of amenity and to comply with the requirements of Darlington Borough Local Plan Policy DC4.

8. For the duration of the approved use, a temporary portable ramp shall be provided and made available for disabled customers to the takeaway, as set out on drawings entitled 'Proposed Floor Plan', received on 16 March 2022 and 'Ramp Details' received on 23 March 2022. The ramp shall be removed from the highway when not in use.

REASON – To provide disabled access to the premises and to comply with the requirements of Darlington Borough Local Plan Policy IN4.

9. Prior to the commencement of the use hereby approved, 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. The sign shall remain in situ unless otherwise agreed in writing by the Local Planning Authority.

REASON – To provide disabled access to the premises and to comply with the requirements of Darlington Borough Local Plan Policy IN4.

PA110 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that, Inspectors, appointed by the Secretary of State for the Environment, had:

Dismissed the appeal by Mr and Mrs Tyers against this Authority's decision to refuse

permission for proposed is creation of 4 Gypsy/Traveller Pitches at Land off Neasham Road/Burma Road, Hurworth Moor, Darlington DL2 1PZ (20/00822/FUL).

Dismissed the appeal by Mr B Miller of Wynyard Homes against this Authority's decision to refuse permission for proposed erection of 25 no dwellings including 20% affordable (5 no. units) at Newton Grange Farm, Stockton Road, Sadberge, Darlington (20/00891/FUL).

RESOLVED – That the report be received.

PA111 NOTIFICATION OF APPEALS

The Chief Executive reported that :-

Mr Liam Coates has appealed against this Authority's decision to refuse permission for consent to carry out works to protected trees at 16 Cardinal Gardens, Darlington, DL3 8SD (20/01163/TF) (21/00789/FUL)

Mr Donald Jones has appealed against this Authority's decision to refuse permission for consent to carry out works to protected tree at 225 Carmel Road, North Darlington, DL3 9TF (21/00497/TF)

Mr Tim Paver has appealed against this Authority's decision to refuse permission for consent to carry out works to protected trees at Land Adjacent To 20 Freville Grove, Darlington, DL3 9QN (21/01208/TF)

RESOLVED – That the report be received.

PA112 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.

PA113 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 29 APRIL 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA104/March/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 29 April 2022.

RESOLVED - That the report be noted.