

PLANNING APPLICATIONS COMMITTEE

Wednesday, 22 July 2020

PRESENT – Councillor Mrs D Jones (Chair); Councillors Allen, Clarke, Cossins, Heslop, C L B Hughes, Johnson, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis.

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).

PA1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2020/2021

RESOLVED - That Councillor Mrs. Jones be appointed Chair of this Committee for the Municipal Year 2020/21.

PA2 APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2020/2021

RESOLVED - That Councillor Tostevin be appointed Vice-Chair of this Committee for the Municipal Year 2020/21.

PA3 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2020 / 2021 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C104/FEB/2020

RESOLVED – That meetings of this Committee for the Municipal Year 2020/21, be held at 1.30 p.m. on the dates, as agreed on the calendar of meetings by Cabinet at Minute C104/Feb/2020.

PA4 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

(**NOTE:** The Chair made a statement which explained that, whilst being a customer of the Devonport Hotel, she entered the meeting with a clear and open mind and was able to give appropriate consideration to the application before Members (Application Ref. No. 20/00258/FUL). The Chair did not, therefore, feel it necessary to declare an interest).

PA5 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 MARCH 2020

RESOLVED – That the Minutes of this Committee held on 4 March 2020 be approved as a correct record.

PA6 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:-

A3	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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PA7 HAUGHTON ROAD SERVICE STATION

19/00742/FUL – Demolition of existing buildings and erection of convenience store (Use Class A1) and replacement petrol filling station with forecourt canopy, petrol pumps and islands, vents, underground tanks, trolley park, enclosed car wash, air and water, plant and bin store areas and associated car parking and landscaping (Amended plans and information received 7th and 11 February 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection, two letters of support, and responses to questions from the Applicant's Agent, whom the Committee heard).

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

1. 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 carried out in accordance with the approved plan(s) as detailed below:

Loc1 Site Location Plan
PL-12 Rev B Proposed Plans and Elevations
PL-11 Rev H Proposed Site Plan and Sections
PL-13 Rev A Jet Wash Enclosure
Materials Schedule

REASON – To define the consent

3. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction / remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the

Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON – The site may be contaminated as a result of past or current uses and / or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

4. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a 'suitably competent person(s)' and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a 'suitably competent person(s)' documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted to and agreed in writing by the Local Planning Authority within 2 months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON – The site may be contaminated as a result of past or current uses and / or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

5. The development shall not be carried out otherwise than in complete accordance with the submitted Construction Management Plan (Demolition and Construction Method Statement, on behalf of James Hall and Company Limited, 26 June 2020) unless otherwise agreed in writing with the Local Planning Authority. Prior

REASON – In the interests of residential amenity and highway safety.

6. Construction and demolition work shall not take place outside the hours of 08:00-18:00 Monday – Friday, 08:00-14:00 Saturday with no working on a

Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

7. The hours of operation of the jet wash and the car vac and any other equipment located on the forecourt shall be limited to 08:00-20:00.

REASON – In the interests of residential amenity.

8. Prior to the commencement of use, full particulars and details of a scheme to protect adjacent premises against the transmission of airborne and impact sound, noise, fume and dilution attenuation measures of any external plant and equipment, including the jet wash and ventilation systems, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

REASON - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to noise, fumes and smells.

9. The removal of the existing vehicular access onto Barton Street and the reinstatement of footways as shown on Drawing Number PL-11 Rev H shall be implemented in full prior to the Petrol Filling Station or convenience store opening for trade and remain as such thereafter.

REASON – In the interests of highway safety.

10. The landscaping scheme as shown in Drawing Number PL-11 Rev H shall also include the planting of 2 no. cherry trees, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the landscaping scheme. Thereafter the approved landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period as 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 – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

11. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Ecological Survey and Assessment (including a Licensed Bat Survey) (ERAP Limited, October 2016) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside

Act 1981, NPPF, Policy CS15 of the Core Strategy.

12. Details of any external lighting, to include a lighting impact assessment undertaken by an independent qualified assessor, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the buildings. Thereafter the external lighting shall be installed in complete accordance with the approved details and maintained as such thereafter.

REASON – In the interests of residential amenity.

13. Deliveries to the store shall not take place outside the hours of 7:00 and 23:00 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

14. Prior to the operation of the petrol filling station 2 no. electric vehicle charging points shall be provided on site.

REASON – To make provision for sustainable means of transport

PA8 DEVONPORT, MIDDLETON ONE ROW

Change of use to form outdoor paved seating area to front and installation of ventilation/extraction equipment to side elevation (Part retrospective Application – outdoor paving area) (Additional Information received 24th June 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two representations read out to the Committee by the Ward Councillor – one objecting to the Application and one supporting the Application, six letters of objection, the views of the Parish Council, the concerns of the Council's Conservation Officer and Environmental Health Officer, further comments received by the Planning Officer in advance of the meeting which were read out to the Committee, and responses to questions asked of the Applicant's Agent during the meeting).

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

1. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019012 – 113 Rev A Site Location and Block Plan

L019012 – 114 External Seating Area

L019012 – 112 Elevation

REASON – To define the consent

2. Prior to the installation of the ventilation / extraction equipment, full details of the final specifications and layout of the system, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall

not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of residential amenity.

3. The external ventilation / extraction equipment as agreed pursuant to condition 2 (above) shall be installed in full accordance with the manufacturer's instructions and fully operational within three months of the date of this planning permission and shall be maintained as such thereafter.

REASON – In the interests of residential amenity.

PA9 BUILDING ADJACENT TO 16 STATION TERRACE, MIDDLETON ST GEORGE

20/00104/FUL – Change of Use from storage (Use Class B8) to shop (Use Class A1) including installation of new shop front, windows and doors.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twenty three letters of objection, the views of the Parish Council, a further comment received by the Planning Officer in advance of the meeting which was read out to the Committee, and the responses to questions asked of the Applicant's Agent).

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

1. 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 carried out in accordance with the approved plan as detailed below:

- a) Drawing Number 2002 – 02 Proposed Plan
- b) Drawing Number 2002 – 03 Site Location Plan

REASON – To define the consent

3. The internal staircase and accessible WC shown on the approved plan (drawing number 2002 – 02) shall be installed prior to the commencement of the use hereby permitted unless otherwise agreed in writing by the local planning authority and shall be retained for lifetime of the development.

REASON – To ensure that the development is suitable for disabled persons

4. Notwithstanding the details shown on the approved plans, precise details of the new shop front and external alterations to the building shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The details shall include materials,

colour scheme, disabled access arrangements and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development.

5. Prior to the commencement of the development, a sound insulation scheme to be used between the building and No 16 Station Terrace, Middleton St George shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the agreed scheme shall be carried out prior to the commencement of the use hereby permitted.

REASON: To safeguard the amenities of the neighbouring dwelling.

6. Prior to the commencement of the use, precise details for the storage and disposal of waste shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the amenity of the area.

7. The use hereby approved shall not operate outside the hours of 0800 – 1700 Monday to Sunday unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of the amenity of the local area.

8. The premises shall be used for Class A1 (shop) purposes only and for no other purpose set out within the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order.

REASON - The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to neighbouring properties but would wish to control future changes of use in the interests of amenity and highway safety.

9. In the event of the need to install any fans, louvres, ducts or other external plant associated with the use, precise details shall be submitted to and approved in writing by the Local Planning Authority prior to such equipment being installed. The development shall not be carried out otherwise than in complete accordance with the approved details and any identified noise mitigation measures shall be implemented prior to the use being brought into operation

REASON: In the interests of the general amenity of the area

10. In the event of the need to install any fans, louvres, ducts or other external plant associated with the use, 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 prior to such equipment being installed. The agreed scheme shall be implemented prior to the use being brought in operation.

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

PA10 WILLIAM HOUSE NURSERY, OLD PRESBYTERY, BARTON STREET

20/00267/FUL – Conversion of children’s nursery (Use Class D1) to 9 No. self-contained residential apartments (Use Class C3) with alterations to windows and doors, including the insertion of first floor window in the north elevation; alterations to ground floor windows in the east elevation and new window and door to west elevation. Enlargement of existing bin store; creation of private amenity spaces and cycle stores (as amended by plans received 14 May 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), three letters of objection received in connection with the original submission, two further letters of objection received following the submission of the amended plans, and the responses to questions asked of the Applicant’s Agent.).

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

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding any description of the external materials in the submitted application, details of the doors, windows and brick work to be used in the carrying out of this permission 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.

3. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include hours of construction and deliveries, construction traffic routes, material storage areas and measures to ensure the three existing parking bays are always kept available for use during the construction phase. The development shall not be carried out otherwise than in complete accordance with the approved Plan.

REASON: In in the interests of highway safety and residential amenity

4. Prior to the occupation of the first dwelling hereby approved, a scheme for the protection of the residential accommodation from excessive road traffic noise shall be submitted to and approved by the Local Planning Authority. Such a scheme shall be shown to be adequate because the applicant must

provide an acoustic report which contains measurements of the current noise levels in the area. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq(16 hour) in living rooms, less than 30 dB(A) LAeq(8 hour) in bedrooms, less than 55 dB(A) LAeq in garden areas and individual noise events shall not exceed 45 dB LAFmax in bedrooms. Any works which form a part of such a scheme shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.

REASON: To safeguard the amenities of the future occupants of the building

5. Notwithstanding the details shown on the approved plans, the works required under Section 184 of the Highways Act 1980 (the dropped crossing for the parking bays) shall be completed prior to the occupation of the first unit, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety

6. Notwithstanding the details shown on the approved plans, the cycle stores shall be installed and be available for use prior to the occupation of the first unit unless otherwise agreed in writing by the Local Planning Authority. The stores shall remain in situ and available for use thereafter.

REASON: To encourage the use of sustainable modes of transport

7. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number L019068-006 Rev C - Ground Floor Plan as Proposed
 - b) Drawing Number L019068-007 Rev B - First Floor Plan as Proposed
 - c) Drawing Number L019068-008 Rev B - Elevations as Proposed - Sheet 1 of 2
 - d) Drawing Number L019068-009 Rev A - Elevations as Proposed - Sheet 2 of 2

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

8. The ground floor bathroom windows formed in the east elevation of units 4 and 5 shall be obscure glazed (hinged to open inwards) and shall not be repaired or replaced other than with obscure glazing.

REASON – To prevent overlooking of the adjoining rear garden areas.

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 Bahadin Mohammed against this Authority's decision to refuse permission to vary Condition No. 4 of 18/01166/CU which states that: The hot food takeaway hereby approved shall not be open to customers outside the hours of 1200 to 2100 Monday to Saturday and 1200 to 2000 on a Sunday at 303 and 303A North Road, Darlington (18/01166/CU).

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

Dismissed the appeal by Mrs Lisa Bentley against this Authority's decision to refuse consent for works to trees protected under Tree Preservation Order (No 6) 2010 - Pollarding of 3 No. Yew Trees up to 6m above ground level at Friary Cottage, 7 Church Lane, Middleton St George, Darlington DL2 1DD (19/00351/TF).

RESOLVED – That the report be received.

PA12 NOTIFICATION OF APPEALS

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

Number One Bar and Coffee House have appealed against this Authority's decision to refuse permission/consent for the formation of an external terrace area incorporating the partial removal of existing roof covering and internal alterations at Number One, 1 Skinnergate, Darlington DL3 7NB (19/00291/FUL and 19/00292/LBC)

Ross Waistell has appealed against this Authority's decision to refuse consent for felling of 1 No. Sycamore Tree (T14) protected under Group (G29) Tree Preservation Order (No.1) 1951 at 47 Blackwell Lane, Darlington DL3 8QF (20/00022/TF)

Mr Stephen Sanderson has appealed against this Authority's decision to refuse permission for outline application for erection of 5 no. dwellings (with all matters reserved) at Land North West of New Lane, New Lane, Neasham, Darlington DL2 1QR (19/00834/OUT)

Mr Tim Wilks has appealed against this Authority's decision to refuse permission for residential development comprising 2 No. dwellings and 1 No. studio on the lower ground level and associated parking and communal storage area (Re-submission) at Land Adjacent to 31 Pendower Street, Darlington (19/00695/FUL)

Mr S Chivers has appealed against this Authority's decision to refuse permission for an outline application for residential development comprising up 9 No. dwellings with all matters reserved except for means of access at land at Cobby Castle Lane, Bishopton (19/01191/OUT)

RESOLVED – That the report be received

PA13 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.

PA14 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 8 JULY 2020 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA82/Mar/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 8 July 2020.

RESOLVED - That the report be noted.