

PLANNING APPLICATIONS COMMITTEE

Wednesday, 6 September 2023

PRESENT – Councillors Ali, Allen, Anderson, Haszeldine, Kane, Laing, Lawley, McCollom, Tostevin and Wallis.

APOLOGIES – Councillors Bartch, Cossins, Lee and Robinson.

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).

PA33 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA34 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 9 AUGUST 2023

RESOLVED – That, with the addition of the following ‘Note’ at Minute PA28,

‘During discussion on the Application, Councillor Durham, addressing the Committee in his capacity as Ward Councillor, requested that the biodiversity credits managed by Durham Wildlife Trust be ring-fenced for use by Brinkburn Nature Reserve. Members expressed agreement with this request, and the Applicant’s Agent also agreed that this would be undertaken.’

the Minutes of this Committee held on 9 August 2023 be approved as a correct record.

PA35 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

PA36 15 STATION TERRACE, MIDDLETON ST GEORGE

23/00637/FUL - Application submitted under Section 73 of the Town & Country Planning Act 1990 for the variation of condition 2 (opening hours) and 4 (outdoor seating), and removal of condition 6 (no. of covers) attached to planning permission 21/00922/FUL dated 29 Oct 2021 to permit a change in opening hours on Thurs, Fri and Sat from 8am-6pm to 8am-9pm to allow up to 2 late openings per month, to allow the installation of 4 no. picnic benches in front forecourt with alterations to car-parking and to permit an increase in the number of covers from 20 to 30 (description amended following receipt of amended application form and supporting statement on 20th June 2023).

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Highways Engineer, the Council’s Environmental Health Officer, an initial 58 letters of objection and 23 letters of representation received, a further three letters of objection and 14 letters of representation received, the views of Middleton St. George Parish Council, one further letter of support and one further letter of objection received subsequent to the publication of the Agenda for the

meeting, the views of the Applicant, and one Supporter, whom the Committee heard. Members were also notified that the Applicant had subsequently advised they would be willing to keep the maximum number of covers to be served at any time at 20, the figure already established in Condition 6.).

Members took the view that, if the number of covers that would be served at any one time did not change, then there would be no greater impact on parking, highway safety or residential amenity.

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

1. The use hereby approved shall not open outside the hours of 08:00 – 18:00 Monday to Saturday and 10:00 – 16:00 Sundays and Bank Holidays, with the exception of a maximum of 2 no. late night openings per calendar month on either a Thursday, Friday or Saturday evening where the premises shall close not later than 21:00. The applicant shall retain a record of all late night openings which shall be made available to the Local Planning Authority upon request.

REASON – In the interests of residential amenity

2. Outdoor seating and parking on the forecourt area to the north of the application site shall be provided in accordance with the details shown on drawing number 21.149.PD 06G 'Proposed Ground Floor Plan'. Notwithstanding details of the cycle parking shown on this drawing, the cycle parking shall be repositioned to a location on the forecourt that shall first be agreed in writing by the Local Planning Authority within 2 months of the date of this decision.

REASON – In the interests of highway safety and to encourage access to the premises by sustainable modes of transport

3. The number of covers to be provided shall be limited to 20 covers at any one time.

REASON – In the interests of highway safety and residential amenity

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

- (a) Site location plan
- (b) First floor proposed, drawing number 21.149 PD 07A
- (c) Front and rear elevations proposed, drawing number 21.149 PD 08A
- (d) Gable elevation proposed, drawing number 21.149 PD 09A
- (e) Proposed section and return boundary, drawing number 21.149 PD 10A

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

PA37 210 CONISCLIFFE ROAD, DARLINGTON

22/00432/FUL - Erection of retaining wall to existing boundary wall to protect TPO Trees.

Construction of garage with habitable space above to side of house, erection of single storey extension to rear and infill extension to existing conservatory and removal of steps. Conversion of attic back into habitable space including alterations to roof and reinstatement of windows to attic gables. Alterations to windows including replacing single glazed windows with double glazed upvc sash windows and installation of roof lights (additional Ecology Report received 16/06/2022 and Structural Condition Inspection Report received 11/07/2022) (as amended by plans received 27/04/2023, 19/07/2023 and 25/07/2023) and including tree works identified in Arboricultural Method and Impact Statements (Rev B) including Tree Protection Plan (received 19/07/2023).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Senior Arborist and the Conservation Consultant, four letters of objection received in response to the original proposal, one further letter of objection received in relation to the latest amended plans, the views of the Applicant, the Applicant's Agent and one Objector, 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 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 - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy DC1 of the Darlington Borough Local Plan 2016-2036.

3. Notwithstanding any description of the external materials in the submitted application (Condition 2), details of the external materials used to repair/replace the conservatory together with the colour of the paint for the pebbledash render on the rear elevation and the style of the 'Victorian' front door 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.

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

- Proposed Site Plan Drawing No. 200 Revision P4 dated 26/06/2023
- Proposed Basement Floor Plan Drawing No. 210 Revision P4 dated 26/06/2023

- Proposed Ground Floor Plan Drawing No. 212 Revision P5 dated 26/06/2023
- Proposed First Floor Plan Drawing No. 213 Revision P4 dated 26/06/2023
- Proposed Attic Plan Drawing No. 214 Revision P4 dated 26/06/2023
- Proposed Roof Plan Drawing No. 215 Revision P4 dated 26/06/2023
- Proposed South (Front) Elevation Drawing No. 240 Revision P5 dated 26/06/2023
- Proposed West Elevation Drawing No. 241 Revision P5 dated 26/06/2023
- Proposed North Elevation Drawing No. 242 Revision P4 dated 26/06/2023
- Proposed East Elevation Drawing No. 243 Revision P5 dated 25/07/2023
- Proposed East Sectional Elevation Drawing No. 244 Revision P4 dated 26/06/2023
- Proposed North Sectional Elevation Drawing No. 245 Revision P4 dated 26/06/2023
- Proposed West Sectional Elevation Drawing No. 246 Revision P4 dated 26/06/2023
- Proposed South Sectional Elevation Drawing No. 247 Revision P4 dated 26/06/2023

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

5. Notwithstanding details approved in Conditions 2 above, the three conservation rooflights formed in the east elevation of the proposed side extension shall remain non-opening and made from opaque glazing in perpetuity and shall not be repaired or replaced other than with opaque glazing.

REASON - In the interests of maintaining the residential amenity.

6. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted Arboricultural Impact Assessment (Revision B) and the Arboricultural Method Statement (Revision B) and the Tree Protection Plan detailed below submitted by AllAboutTrees:-

- Arboricultural Impact Assessment Tree Protection Plan (TPP Rev B) dated 19/07/2023

REASON – In the interest of the visual appearance of the development and to protect trees within the site.

7. No demolition, site clearance or building operations shall be commenced until 2m high fencing consisting of galvanized tube, braced to resist impacts and supporting by a welded mesh wired to the uprights and horizontals to dissuade encroachment has been erected around the root protection area,

REASON – To safeguard the life of the trees within and adjacent to the site by protecting them from damage.

8. (E9) None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority :-
 - (i) the raising or lowering of levels in relation to the existing ground level;
 - (ii) cutting of roots, digging of trenches, removal of soil;
 - (iii) the construction of buildings, roads or the carrying out of other engineering

- operations;
- (iv) the lighting of fires;
- (v) driving vehicles over the area below the spread of the branches of the tree;
and
- (vi) the storing of materials or equipment.

REASON - In the interests of the visual amenities of the area and to safeguard the wellbeing of the tree(s) on the site.

9. The development shall not be carried out otherwise than in complete accordance with the methodology set out in the submitted Ecological Impact Assessment submitted by Naturally Wild (HOO-21-09 dated August 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To accord with the Wildlife & Countryside Act 1981.

10. Prior to the commencement of the development, details of the proposed nest boxes should be submitted to and approved in writing by the Local Planning Authority and said nest boxes should remain in situ for the lifetime of the development.

REASON – To accord with the submitted Ecological Impact Assessment detailed in Condition 9.

11. The work to the boundary wall hereby permitted shall be carried out in accordance with the details shown on drawing no. 0359-HOOT-XX-XX-DR-A 280 Revision P1 dated 26.04.2022 entitled 'Proposed Indicative Boundary Wall Detail'.

REASON - To ensure the development is carried out in accordance with the planning permission and to minimise impact on tree roots along the boundary with No. 1 Linden Avenue.

PA38 2 DARLINGTON ROAD, HEIGHINGTON

23/00236/TF - Felling of 1 no. Sycamore protected by Tree Preservation Order (No.8) 1995.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of the Council's Senior Arboricultural Officer, two letters of representation in support of the application, the views of the Heighington Parish Council, and the views of the Applicant, whom the Committee heard).

RESOLVED – That consent be refused.

REASON - In the opinion of the Local Planning Authority the Sycamore Tree (T.1) is considered to be in reasonable form and condition and is highly valuable tree in the street scene, contributing to the visual amenities of the area. The proposed felling has not been adequately justified; and alternatives have not been adequately explored. It's removal would therefore be contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance

(PPG).

PA39 NOTIFICATION OF DECISION ON APPEALS

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

Dismissed an appeal by Vivid Outdoor Media Solutions (B) Limited against this Authority's decision to refuse consent for Display of 1 no. free standing internally illuminated LED digital advertisement display unit at Harrowgate Hill Working Mens Club, Salters Lane North, Darlington (23/00043/ADV).

Dismissed an appeal by Mr Nick Cooper against this Authority's decision to refuse permission for the Erection of porch to front elevation (23/00068/FUL).

RESOLVED – That the reports be received.

PA40 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.

PA41 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 25 AUGUST 2023 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA32/Aug/2023, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 25 August 2023.

RESOLVED - That the report be noted.