

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10 July 2019

PRESENT – Councillors Mrs D Jones (Chair), Allen, Heslop, Howarth, Johnson, Keir, Lee, Lister, McCollom, Tait and Tostevin.

APOLOGIES – Councillors Clarke, Marshall and Wallis.

ABSENT – Councillor Baldwin.

ALSO IN ATTENDANCE – Councillors Howell and Snedker.

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)

PA18 DECLARATIONS OF INTEREST

Councillor Johnson declared a non-pecuniary interest in Minute PA22 (19/00156/FUL) and left the meeting during consideration of the item. There were no other declarations of interest reported at the meeting.

PA19 TO APPROVE THE MINUTES OF THE MEETINGS OF THIS COMMITTEE HELD ON 5 JUNE 2019

RESOLVED – That the Minutes of the meetings of this Committee held on 5th June 2019, be approved as correct records.

PA20 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.

PA21 EARLSTON, 181 CONISCLIFFE ROAD

19/00048/CU - Change of use from a specialist care facility (C2 Residential Institutions) into serviced office accommodation (B1 Business and D1 Non-Residential Institutions) (Amended plans received 13 March 2019).

(In reaching its decision, the Committee took into consideration the Planning

Officer's report (previously circulated), seven letters of objection received, one letter of support, one further comment received, a late submission from Mrs. S. Pickersgill (which was read to the Committee by the Head of Planning, Development and Environmental Health), the views of the Council's Highways Engineer, and the Applicant's Agent, whom Members heard).

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

1. A3 - Implementation Limit (Three Years).
2. The use of the building and outdoor areas hereby permitted shall not be carried on outside the hours of 08:00 to 20:00 Monday to Friday; 08:00 to 18:00 on a Saturday with no working on Sundays and Bank Holidays.

REASON: In the interests of residential amenity.

3. Notwithstanding the details shown on the approved plans, the first 2m of the drive within the property shall be constructed in a sealed material (i.e. not loose gravel) and the work shall be completed prior to the commencement of the use.

REASON: In order to prevent loose material being pulled into the public highway.

4. The number and size of rooms within the building to be used for Class D1 (Non-residential purposes) purposes of the Town and Country Planning Use Classes Order 2015 or any Order revoking or re-anacting that Order, shall be as shown on the approved plans and shall not increase or be revised without the prior consent of the local planning authority first being obtained.

REASON: To enable the local planning authority to control the future usage of the building to safeguard parking requirements and in the interests of the amenity of the local area.

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

- (a) Drawing Number L018070-003 Rev A Proposed Ground Floor Plan
- (b) Drawing Number L018070-004 Proposed First and Second Floor Plans
- (c) Drawing Number L018070-007 Rev C Proposed Fourcourt Layout and Boundary Elevation
- (d) Drawing Number L018070-008 Proposed Cycle Shelter

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

PA22 1 GATE LANE, LOW CONISCLIFFE

19/00156/FUL - Subdivision of existing dwelling to provide two dwellings and associated works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Highway Engineer, three letters of objection received, and the views of the Low Coniscliffe and Merrybent Parish Council).

Members were informed that, whilst the application sat within the area of the recently approved Neighbourhood Plan, the application remained silent as it constituted a change of use, rather than a new build application.

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 plan(s) as detailed below:

Site Plan No – 18002 - 5
Elevation Plan No – 18002 – 4
Floor Plan No - 18002 - 3

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. The four car parking spaces shown on drawing no. 18002-5 shall be used only for the parking of vehicles and remain available for such use for the lifetime of the development hereby permitted'.

REASON – To avoid traffic congestion through additional parking on the village street.

NOTE: Councillor Johnson left the meeting during consideration of the item.

PA23 5B THE SPINNEY, MIDDLETON ST GEORGE

19/00183/FUL - Application under Section 73 of the Town and Country Planning Act 1990 for variation of condition no. 4(approved plans) attached to planning permission 16/00500/FUL to permit changes in design and landscaping works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Campaign for the Protection of Rural England, seven letters of objection received, the views of the Middleton St. George Parish Council, and the Applicant's Agent and the Chair of the Middleton St. George Parish Council, both of whom Members heard).

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

1. This permission shall be commenced not later than 1st August 2019.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990.

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

Site Plan No – L017079-009
Elevation Plan No – L017079-006
Floor Plan No - L017079-005
Tree Protection Plan No - L017079-008

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. Prior to the construction of the dwellings reaching damp proof course level, details of the provision of bat roosting boxes within the design of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved and maintained for the lifetime of the development.

REASON – In the interests of the welfare of protected species.

4. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety and residential amenity

5. Prior to the construction of the dwellings reaching damp proof course level, details of the proposed boundary walls and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of visual amenity.

PA24 ROSEBANK NURSERIES, 1 MERRYBENT

19/00092/FUL - Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 15 (accordance with proposals) attached to planning permission 17/00789/FUL dated 12 December 2017 - to permit changes to garage and internal/external alterations to dwelling (Plot 1) (amended Site Location Plan received 10 May 2019)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection received, and the objections of the Low Coniscliffe and Merrybent Parish Council).

RESOLVED – That planning permission be granted subject to the following conditions:

1. The garage/workshop hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house only and shall not be used for any business or commercial activities.

REASON: In the interests of residential amenity.

2. The first floor window formed in the south facing elevation of the dwelling shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON: In the interests of the residential amenity.

3. The materials used in the external surfaces of the dwelling and garage hereby permitted shall be in complete accordance with the photographs/samples submitted with planning permission reference number 17/00789/FUL dated 12 December 2017 unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual appearance of the development and surrounding area

4. Prior to the development hereby approved being first occupied, a 3 metre high reflective acoustic barrier shall be constructed along the entire eastern site boundary and 20 meters along the northern boundary as shown on the approved Means of Enclosure plan. The barrier shall have a minimum surface density of 10kg/m² and form a continuous barrier with no gaps with the ground. Thereafter the barrier shall be retained and maintained for the life of the development.

REASON: In the interests of residential amenity.

5. The glazing specification for all windows associated with the development shall have a minimum acoustic performance value of 36dB (Rw + Ctr).

REASON: To safeguard the amenities of the future occupiers of the dwelling.

6. The acoustic window ventilator specification for all windows associated with the development shall have a minimum acoustic performance value of 42dB

(Dne,w).

REASON: To safeguard the amenities of the future occupiers of the dwelling

7. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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.

8. 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.

9. 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 and shall be submitted and agreed in writing with 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.

10. The development shall not be carried out otherwise than in complete accordance with the document entitled "Construction Management Plan" dated 12 June 2017 produced by ADG Architects and submitted with planning permission reference number 17/00789/FUL dated 12 December 2017 unless otherwise agreed in writing by the Local Planning Authority.

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

11. Notwithstanding condition 9, construction work, including deliveries to and the removal of material from the site, shall not take place outside the hours 08.00-18.00 Monday to Friday and 08.00-14.00 on a Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON: In the interests of residential amenity

12. If piled foundations are proposed, prior to the development commencing details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise then in accordance with the approved Plan.

REASON: In the interests of residential amenity.

13. The development, including the demolition works, shall not be carried out otherwise than in complete accordance with the mitigation/countermeasures outlined in the document entitled "Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement – Merrybent Nursery, Merrybent, Darlington. REF: ARB/AE/948" dated July 2016, produced by Elliot Consultancy Limited and submitted with planning permission reference number 17/00789/FUL dated 12 December 2017 unless otherwise agreed in writing by the Local Planning Authority.

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

14. The development, including the demolition works, shall not be carried out otherwise than in complete accordance with the mitigation measures and recommendations outlined in Section F of the approved document entitled "Bat Risk Assessment – Merrybent Nursery. Report No 3" dated June 2016 and produced by E3 Ecology Limited and submitted with planning permission reference number 17/00789/FUL dated 12 December 2017 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To preserve and enhance the biodiversity of the site and surrounding area

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

- (a) Drawing Number 9-9 Rev A Proposed Garage Elevations
- (b) Drawing Number 00-2 Elevations/Ground Floor Plan
- (c) Drawing Number 00-3 First Floor Plan
- (d) Drawing Number 21-1 Proposed Site Plan

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

PA25 303 AND 303A NORTH ROAD

18/01166/CU - Change of use of Cafe (Use Class A3) to Hot Food Takeaway (Use Class A5) erection of single storey extension incorporating wc and addition of external flue to the rear elevation and insertion of window window to first floor flat (side elevation).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received, and the views of the Council's Environmental Health Officer, and the views of the Applicant's brother, who addressed the Committee on behalf of the Applicant).

RESOLVED – That permission be granted subject to the following conditions:

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

Elevation and Floor Plan No – 250119 Sheet 2

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. This permission shall relate to the additional details relating to the extraction system submitted by Eastern Catering Ltd on 11th March 2019.

REASON – In the interests of residential amenity.

4. 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.

REASON – In the interest of residential amenity.

PA26 10 CHESTER GROVE

19/00175/FUL - Two storey side extension, single storey rear extension and front porch.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection received, and the views of the Applicant's Agent and an Objector, both of whom Members heard).

RESOLVED - That planning permission be refused contrary to Officer recommendation for the following reason:-

1. The proposed two storey extension would have an overbearing impact on the neighbouring property at 6 Chester Grove contrary to Saved Policy H12 (Extensions and Alterations to Existing Dwellings) of the Borough of Darlington Local Plan, 1997 and the Revised Design of New Development Supplementary Planning Document, 2011.

PA27 GARAGES AND GARDEN TO THE REAR OF 38 LANGHOLM CRESCENT

19/00071/FUL - Demolition of existing garages and erection of 2 No. detached double garages with associated means of enclosure.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received, one comment received, a petition signed by 18 signatories, and the views of the Applicant and the Applicant's Agent, both of whom Members heard).

RESOLVED - That planning permission be granted subject to the following conditions:

1. A3 - Implementation Limit (Three Years).
2. The garages and associated land within the application site shall be used for domestic storage purposes only and shall not be used for any business or commercial activities.

REASON: In the interests of safeguarding the amenities of the neighbouring

dwellings.

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

- (a) Drawing Number 18170/P002 Rev A Proposed Plan and Elevations
- (b) Email from Nick Vassilounis dated 6th April 2019

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

PA28 1 CHURCH CLOSE, MIDDLETON ST GEORGE

19/00164/TF - Felling of 1 No Pinus Sylvestris (Scots Pine) protected under Tree Preservation Order 2018 No. 6 (T1).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Senior Arboricultural Officer, and the views of the Applicant, whom Members heard).

RESOLVED – That consent be granted subject to the following condition:

1. Not later than the next planting season immediately following this consent, a replacement Birch tree, the exact species, size and position of which shall first be agreed in writing by the Local Planning Authority, shall be planted by or under the supervision of a competent forester, to the like satisfaction, and such tree shall be deemed to be included in the preservation order under which this consent is given, as though it had originally been specified therein.

REASON – In the interests of visual amenity.

PA29 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 T L Shepherd and Son against this Authority's decision to refuse permission for the erection of an agricultural worker's dwelling, livestock barn and associated footpath diversion at White House Farm, Sadberge Road, Middleton St George DL2 1RL (17/01119/FUL).
- (b) Dismissed the appeal by Mr Taylor against this Authority's decision to refuse permission for outline application for erection of 1 No. dwelling (with all matters reserved except for access) at land at Mill Lane, High Coniscliffe, Darlington DL2 2LJ (18/00742/OUT).
- (c) Allowed the appeal by Mr Paul Gibson against this Authority's decision to refuse the application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of conditions 2 (garages to be used incidental to the main dwelling) and 3 (living

accommodation not be occupied, let, or otherwise disposed of as a separate dwelling) attached to planning permission 16/01128/FUL dated 19 December 2016 at The Annexe, Spa Wells, Low Dinsdale, Neasham, Darlington DL2 1PL (18/01064/FUL).

- (d) Dismissed the appeal by Mr Jesbir Singh against this Authority's decision to refuse permission for variation of condition 7 (Opening Hours) of planning permission 14/00563/FUL allowed on appeal APP/N1350/A/14/2228133 dated 23 January 2015 (Change of use from shop (Use Class A1) to hot food takeaway (A5) and external alterations) to permit opening hours from 11.30 - 22.00 Friday and Saturday and 12.00 - 21.00 on Sundays and Bank Holidays at 15 Belvedere Road, Darlington DL1 5EP (18/00376/FUL).
- (e) Allowed the appeal by Mr Patrick Connors against this Authority's decision to refuse permission for outline application for erection of a dormer bungalow and double garage at Bridge View, Middleton Road, Sadberge, Darlington DL2 1RP (17/00848/OUT).
- (f) Dismissed the appeal by Mr and Mrs Routledge against this Authority's decision to refuse permission for a residential development comprising of 5 No. dwellings (amended plans and additional information received 9 February 2018 and 16 May 2018) at Land to the Rear of East Green and Manor Court, Heighington DL5 6PP (18/00034/FUL).

RESOLVED – That the report be received.

PA30 NOTIFICATION OF APPEALS

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

- (a) Mr and Mrs Ishtiaq Rehman had appealed against this Authority's decision to refuse permission for erection of a detached oak framed dwelling at Land Adjacent to Rowan House, Middleton Road, Sadberge, Darlington DL2 1RR (18/00807/FUL).

RESOLVED – That the report be received.

PA31 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.

PA32 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 26 JUNE 2019 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA10/Jun/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 26 June 2019.

RESOLVED - That the report be noted.