

PLANNING APPLICATIONS COMMITTEE

5th March, 2008

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, Freitag, Hartley, L. Haszeldine, Lee, S.J. Jones, D.A. Lyonette, Robson, Stenson and Walker.(11)

APOLOGIES - Councillors Johnson and Regan. (2)

PA92. DECLARATION OF INTERESTS – In relation to Application Ref. No. 08/00036/CU Councillor Freitag declared a prejudicial interest as he was the estate agent who had sold the applicant the property and left the meeting during consideration of that application only.

PA93. MINUTES - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 1st and 6th February, 2008.

RESOLVED - That the Minutes be approved as a correct record.

PA94. PROCEDURE – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

RESOLVED – That the procedure be noted.

NOTE - APPLICATIONS FOR PLANNING PERMISSION – The following standard conditions are referred to in those Minutes granting permission or consent :-

Code No.	Conditions
A1	The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :- (a) siting; (b) design and external appearance; (c) means of access; and (d) landscaping. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
A2	The development shall be commenced prior to the later of the following dates :- (i) five years from the date of the permission; or (ii) two years from the final approval of the reserved matters referred to in Condition (i) or, in the case of approval on different dates, the final approval of the last such matters to be approved. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
A3	The development hereby permitted shall be commenced not later than the expiration of five years from the date of this permission. Reason - (one year permission) - Specific reason required to be inserted by case officer.

A5	<p>The development hereby permitted shall be commenced not later than the expiration of five years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990.</p>
B4	<p>Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) 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.</p> <p>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.</p>
B5	<p>The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure the development is carried out in accordance with the planning permission.</p>
B7	<p>The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the Plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure the development is carried out in accordance with the Listed Building Consent.</p>
C4	<p>This permission shall be personal to _____ only and shall not ensure for the benefit of the land. In the event of their vacating the premises the use shall revert to the use for _____ purposes.</p> <p>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 _____ vacating the premises.</p>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p>Reason - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
E5	<p>Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to</p>

	<p>be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
J2	<p>The site shall be investigated for landfill gas to the satisfaction of the Local Planning Authority and details of the test, results and measures required to render the development safe shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development.</p> <p>Where measures are required, they shall be installed prior to the development being occupied or such other time as may be required by the Local Planning Authority.</p> <p>Reason - The site lies within 250 metres of a former landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard for environmental and public safety.</p>

PA95. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

07/01198/FUL - All Saints Church, Ravensdale Road, Darlington. Demolition of existing building and replacement erection of church (amended plans received on 18th January, 2008).

(In reaching its decision, the Committee took into consideration one letter of objection which had been received and the views of Mr. Dobson, the applicant, whom Members heard).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) No demolition or construction works shall take place outside of the hours of 0800 to 1830 Mondays to Saturdays. No demolition or construction works shall occur at all on Sundays and Bank Holidays.
Reason - In the interests of residential amenity.
- (d) Prior to the occupation of the new building, the number of additional "Sheffield" type bike stands, together with their location, shall be submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - To ensure that there is satisfactory provision for cyclists.
- (e) Prior to the commencement of the development hereby-approved details shall be submitted of a scheme to protect the protected Silver Birch trees. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 metres high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any clearance operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of clearance works to allow an inspection of the measurements to ensure their compliance

with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees :-

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

Reason - In the interests of the visual amenities of the area and to safeguard the well being of trees within the site.

- (f) Notwithstanding the details shown on the approved plans, and should any trees other than the preserved Silver Birch be removed, a scheme for the planting of any replacement trees, including species types and locations, shall be submitted to, and approved 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 visual amenities of the area.

- (g) Prior to the commencement of the development, precise details of noise emissions from the boiler room and any external plant associated with the development shall be submitted to, and approved by, the Local Planning Authority. If, noise reduction works are required, a scheme designed to reduce noise emissions shall be submitted, and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved plans.

Reason - To safeguard the residential amenities of neighbouring dwellings.

- (h) B5 - Detailed Drawings (Implementation in accordance with approved plan).

07/01221/FUL - Former Springfield Primary School, Salters Lane South, Darlington.
Erection of 78 No. residential dwellings, new vehicular access from Salters Lane South, new pedestrian access to Alnwick Place and associated works.

(In reaching its decision, the Committee took into consideration the results of a Statement of Community Involvement undertaken by the developer which addressed concerns raised by local residents).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (d) J2 – Contamination.
- (e) Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those details approved.

Reason - In order that the Local Planning Authority may properly assess and confirm the impact of the development as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.

- (f) Notwithstanding any details submitted with the application, full and precise details of the following shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. Thereafter, the details as

approved shall be implemented prior to any part of the development hereby permitted first being brought into use :-

- (i) A scheme to provide for the introduction of a 20mph traffic-calming zone; and
- (ii) A scheme to provide for the introduction of a home zone;

Reason – In the interests of highway safety.

- (g) Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following :-

- (i) The reinstatement of the existing access to the northern end of the site;
- (ii) A pedestrian Safe zone within the home zone / shared areas with demarcation and use of different / contrasting materials;
- (iii) Car parking layout (to show no individual allocation for car parking within adoptable areas); and
- (iv) Dropped crossing / tactile paving at all road crossings.

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use.

Reason – In the interests of highway safety.

- (h) Prior to the commencement of the development a detailed survey of trees to be affected by the development (both within the site and within properties adjoining the site) shall be carried out. The survey shall include the identification of measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837: 2005, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place throughout the carrying out of this planning permission. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

- (i) The site shall be enclosed at all boundaries except at the permitted point of access.

Reason – To achieve a satisfactory form of development.

- (j) Detailed drawings showing the details of the following items shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of the development:

- (i) Refuse storage accommodation;
- (ii) Treatment of those parts of the site not covered by buildings, including planting, landscaping, surface treatment, walls, fences and gates; and
- (iii) Secure cycle parking.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason – In order that the Local Planning Authority may be satisfied as to the details of the development.

- (k) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such

schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended time 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..

- (l) D12 - Soundproofing (Equipment and Machinery).

07/00292/OUT - 22 Friars Pardon, Hurworth. Outline application for erection of a detached bungalow (additional information received on 20th November, 2007).

(In reaching its decision, the Committee took into consideration twenty letters of objection, one petition containing twenty three signatures and the objections of Hurworth Parish Council that had been received and the views of Mr. Puchala, the applicant, and Mr. Brooks and Mrs. Miller, objectors whom Members heard).

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

- (a) A1 - Outline (Reserved Matters).
- (b) A2 - Outline (Implementation Time).
- (c) E5 - Boundary Treatment (Submission).
- (d) C5 - Restriction of Permitted Development Rights (Residential).
- (e) No development shall commence until a scheme for the provision and implementation of a surface water drainage scheme incorporating run-off limitation has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason – To reduce the risk of flooding.

- (f) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees on the site. The submitted details shall comprise generally the specification laid down within BS5837: 2005 and shall include fencing of at least 2.3 metres high and consist of a scaffolding frame, braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition work and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition work to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees :-

- (i) The raising or lowering of levels in relation to the existing ground levels;
- (ii) Cutting of roots, digging of trenches or removal of soil;
- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

Reason - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

- (g) Notwithstanding any information provided in the submitted application, a minimum of two in-curtilage parking spaces shall be provided for the proposed dwelling.
Reason – In the interests of highway safety.

(3) Planning Permission Deferred

07/00041/OUT - Dean And Chapter Land, Morton Park, Darlington. Outline application for development of B1/B2/B8 employment uses, ancillary commercial development, including Hotel, Pub/Restaurant and provision of access (amended plans received on 21st February, 2007 and 5th June, 2007).

(In reaching its decision, the Committee took into consideration two letters of objection, the comments of Sadberge Parish Council, Tees Valley Joint Strategy Unit, North East Assembly, One North East, Tees Valley Regeneration, the Council's Economic Regeneration and Highways Officers and the concerns of Campaign for the Protection of Rural England which had been received and the views of Mr. Jiva, an objector, whom Members heard).

RESOLVED – That the above application be deferred to enable further negotiations to take place.

07/01151/FUL - West Newbiggin Farm, Norton Back Lane, Sadberge, Darlington. Conversion of redundant agricultural buildings to form 9 No. dwelling houses, with garages and parking spaces (amended plans received on 20th February, 2008).

(In reaching its decision, the Committee took into consideration eleven letters of objection, the objections of East and West Newbiggin Parish Meeting and the concerns of Campaign for the Protection of Rural England which had been received and the views of Mrs. Tostevin, Mr. McAuley and Mrs. Dunn, objectors, and the objections of the Ward Councillor, whom Members heard).

RESOLVED – That the above application be deferred to enable a site visit to take place and Durham Archaeology Department to be consulted.

(4) Change of Use Granted

08/00036/CU - 1 Eskdale Street, Darlington. Proposed change of use of ground floor from warehouse and offices to retail shop with ancillary store and office (amended description).

(In reaching its decision, the Committee took into consideration three letters of objection and the comments of the Council's Traffic Manager which had been received).

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

- (a) A3 - Implementation Limit (Three Years).
- (b) The use hereby approved shall not operate outside of the hours of 0900 and 1700 Monday to Saturday and not at all on Sundays.
Reason - To safeguard the amenities of the neighbouring dwellings.
- (c) Deliveries to the premises shall not occur outside of the hours of 1000 and 1500 Monday to Friday. No deliveries shall occur on Saturdays and Sundays.
Reason - To safeguard the amenities of the neighbouring dwellings.

- (d) Notwithstanding the details shown on the approved plans, precise details of the external alterations to the premises, including shop front details, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development. 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 locality.

- (e) Notwithstanding the details shown on the approved plans, details of any external plant and ventilation systems, including noise emissions, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved plans.

Reason - To safeguard the amenities of the neighbouring dwellings and in the interests of the visual appearance of the locality.

- (f) B5 - Detailed Drawings (Implementation in accordance with approved plan).

07/00908/CU - 3 The Green, Piercebridge. Conversion of existing outbuilding to form 2 bedroom holiday cottage, with internal and external alterations (as amended by plans received on 28th November, 2007).

(In reaching its decision, the Committee took into consideration one letter of comment which had been received).

RESOLVED - That subject to a Section 106 Agreement restricting the use of the building to holiday accommodation and limiting the period of let planning permission be granted subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
(b) B4 - Details of Materials (Samples).
(c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no enlargement, improvement or other alteration of the premises, including any additional structures / building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

Reason – In order that the Local Planning Authority may retain control over the future development of the site.

- (d) The holiday cottage hereby approved shall be used only for the purposes of temporary holiday lettings. At no time shall the holiday cottage be occupied as a dwelling house within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (As Amended) or any order revoking or re-enacting that Order.

Reason – The building is not considered suitable for permanent residential occupation.

- (e) Prior to any occupation of the holiday cottage, the location and a parking space specifically for use of the occupiers of the cottage during occupation, shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the parking space shall be maintained permanently as such thereafter.

Reason – To ensure adequate parking provision for the occupiers of the holiday cottage.

(3) Darlington Borough Council Granted

07/01210/DC - Hummersknott School And Language College, Edinburgh Drive, Darlington. Erection of gas kiosk.

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

- (a) A3 - Implementation Limit (Three Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plan).

07/01226/DC - Bennett House, 14 Horsemarket, Darlington. Alterations to entrance off Bull Wynd (amended plans received on 10th January, 2008).

RESOLVED - That planning permission be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) Prior to the commencement of the development, plans showing the details of how the roller shutter doors shall be fixed to the building, along with a colour scheme, shall be submitted to, and agreed in writing, with 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 visual appearance and character of the listed building.
- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).

07/01220/DC - Playing Field, West Auckland Road, Darlington. Installation of play area and construct new footpath access from West Auckland Road.

RESOLVED - that planning permission be granted subject to Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) Prior to the commencement of the development, precise details of the fencing, including colour scheme, shall be submitted to and approved 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 visual amenity of the locality.
- (c) Prior to the commencement of the development hereby approved details shall be submitted of a scheme to protect the surrounding trees. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any works and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any works to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
 - (i) The raising or lowering of levels in relation to the existing ground levels;
 - (ii) Cutting of roots, digging of trenches or removal of soil;

- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (iv) Lighting of fires; and
- (v) Driving of vehicles or storage of materials and equipment.

Reason - In the interests of the visual amenities of the area and to safeguard the well being of trees within the site.

- (d) J2 – Contamination.
- (e) B5 - Detailed Drawings (Implementation in accordance with approved plan).

07/01230/DC - Play Area, Eggleston View, Darlington. Replacement play area and construction of new footpaths to improve access.

(In reaching its decision, the Committee took into consideration one letter of objection which had been received).

RESOLVED - That planning permission be granted subject to Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) Prior to the commencement of the development, precise details of the design of the fencing, including colour scheme, shall be submitted to and approved 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 visual amenity of the locality and to ensure that the fencing does not act as a barrier to water flow routes.

- (c) B5 - Detailed Drawings (Implementation in accordance with approved plan).

08/00042/DC - Hopetown Carriage Works, Hopetown Lane, Darlington. Railway track extension.

RESOLVED - That planning permission be granted subject to Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

- (a) A3 - Implementation Limit (Three Years).
- (b) Prior to the commencement of the development a scheme for replacement tree planting shall be submitted to, and approved 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 visual appearance of the street scene.

- (c) No public activities shall operate on the track hereby approved outside the hours of 0800 and 1800.

Reason - To safeguard the amenities of the nearby residential properties.

- (d) Prior to the commencement of the development, a scheme for the control of noise, smoke, fumes and grit (including hours of operation restrictions, Action Plans and details for steam raising) shall be submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To safeguard the amenities of the nearby residential properties.

- (e) J2 – Contamination.
- (f) B5 - Detailed Drawings (Implementation in accordance with approved plan).

(4) Darlington Borough Council Listed Building Granted

07/01227/DCLB - Bennett House, 14 Horsemarket, Darlington. Listed Building Consent for alterations to entrance off Bull Wynd (as amended by plans received on 10th January, 2008).

RESOLVED - That no objection be raised to the proposed alterations and that the application be referred to the Department for Communities and Local Government (Government Office for the North East) for determination and consideration given to the following conditions :-

- (a) A5 – Listed Building Applications (Implementation Limit).
- (b) Prior to the commencement of the development, plans showing the details of how the roller shutter doors shall be fixed to the building, along with a colour scheme, shall be submitted to and agreed, in writing, with 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 visual appearance and character of the listed building.
- (c) B7 - Detailed Application (Listed Buildings).

(5) Variation of Planning Condition

08/00034/FUL - 1 Church Row, Hurworth. Application to vary Condition 3 of planning permission Ref. No. 07/00394/CU granted on 4th June, 2007 (For change of use of ground floor dwelling house to physiotherapy clinic) to permit an extension to opening hours of 7:30am - 8:00pm Mondays to Fridays and 7:30am - 2:00pm on other days.

(In reaching its decision, the Committee took into consideration the comments of Hurworth Parish Council and two letters of objection which had been received).

It is not considered that the proposal would result in significant levels of noise and disturbance. The Highways Officer has been consulted on the application and has raised no objections.

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

- (a) A3 - Implementation Limit (Three Years).
- (b) The use hereby permitted as a physiotherapy clinic shall not be carried on outside the hours of 7.30 am – 8.00 pm Mondays to Fridays or 7.30 am – 2.00 pm on other days.
Reason - To ensure that the residential amenity of nearby residents are adequately protected.

(6) Application Withdrawn

08/00040/OUT - 26 Abbey Road, Darlington. Erection of 5 No. dwellings (Outline).

RESOLVED – That the application be withdrawn at the request of the applicant.

PA96. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that Mr. D.F. Saint had appealed against this Authority's decision to refuse planning permission at land at Aycliffe Lane, Brafferton.

RESOLVED - That the reports be received.

PA97. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have allowed the appeal by Mr. Harker against this Authority's decision to refuse the application for change of use from petrol filling station to roadside café and rest area and car wash/valeting at Ivanhoe Service Station, Sadberge, Darlington, DL2 1TD. This appeal was previously dismissed on 29th December, 2006, but the appeal went to the High Court who asked the Inspectorate to look at it again. The appeal was then allowed on 12th February, 2008 (Ref. No. 06/00319/CU).

RESOLVED - That the report be received.

PA98. EXCLUSION OF THE PUBLIC - 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.

PA99. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7) - Pursuant to Minute PA91/Feb/08, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 25th February, 2008.

RESOLVED - That the report be received.