

## PLANNING APPLICATIONS COMMITTEE

6th July 2011

**PRESENT** - Councillor Baldwin (in the Chair); Councillors Cossins, Johnson, Landers, Lee, D.A. Lyonette, Macnab, Regan, Stenson and J. Taylor. (10)

**APOLOGIES** – Councillors L. Haszeldine, Knowles and Lee. (3)

**OFFICERS** – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer and Ken Major, Highways Engineer, within Services for People and Andrew, Errington, Lawyer (Planning) within Resources Group.

**PA10. DECLARATION OF INTERESTS** – In relation to application 11/00229/FUL, Councillor Stenson declared a personal and prejudicial interest and spoke as a Ward Member on behalf of the objectors and then left the meeting for the consideration of this application only.

**PA11. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 8th June 2011.

**RESOLVED** - That with the inclusion of the Section 106 Agreement and details of the Development Managers comments for the Darlington Golf Club Application and the additional comments in relation to the impact on the conservation area for the Elton Parade application the Minutes be approved as a correct record.

**PA12. 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
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.
B4	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. 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.
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>
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>
D16	<p>The use hereby permitted for _____ purposes shall not commence until full particulars and details of a scheme to insulate the premises against the transmission or airborne and impact sound has 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.</p> <p>Reason - To prevent noise disturbance to nearby properties.</p>
E2	<p>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 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.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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.</p> <p>Reason - In the interests of the visual amenities of the area.</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 be submitted to, and approved in writing by, the Local Planning Authority.</p>

	Reason - To safeguard the visual amenities of the locality and privacy of adjoining properties.
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. 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, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure 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:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels;  (b) Cutting of roots, digging of trenches or removal of soil;  (c) Erection of temporary buildings, roads or carrying out of any engineering operations;  (d) Lighting of fires;  (e) Driving of vehicles or storage of materials and equipment.</p> <p>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.</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>
K4	<p>No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such a scheme shall be implemented to the satisfaction of the Local Planning Authority before other development commences on site.</p> <p>Reason - To ensure that adequate measures are taken for the disposal of surface water.</p>

**PA13. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**11/00229/FUL - 4 Barnes Close, Darlington.** Erection of first floor extension to gable end, addition of pitched roof to garage and canopy to front elevation (additional information submitted 17 and 21 June 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection that had been received and the views of Mr. Crane, applicant, Mr. Kavanagh, an objector, and Councillor Stenson Ward member, whom Members heard).

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

- (a) 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.

- (b) 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.

**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.

- (c) The first floor landing window formed in the north elevation of the main dwelling and the window formed in the west elevation of the first floor extension hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing. The level of obscurity and the method of opening for the window shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

**Reason** - To prevent overlooking of the nearby dwellings.

- (d) No additional flank windows or other glazed openings shall be formed in the north and east walls of the first floor extension hereby approved without the prior written consent of the Local Planning Authority.

**Reason** - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

- (e) 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.

**Reason** - To ensure the development is carried out in accordance with the planning permission.

**11/00193/FUL - The Gardens Care Home, Pondfield Close.** Erection of elderly mentally ill (EMI) unit incorporating 12 No bedrooms to the south elevation and an extension to the north

elevation to form a 2 No bedroom extension to the existing care home (Amended and additional plans received 26 May 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection and the comments of the Highway Engineer and Environmental Health Officer that had been received and the views of Mr. Cundick, applicants agent, whom Members heard).

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

- (a) 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.

- (b) 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.

**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.

- (c) 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.

**Reason** - To ensure the development is carried out in accordance with the planning permission.

- (d) The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which 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** - In the interests of the visual amenities of the area.

- (e) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. 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 by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure 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;
- (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.

- (f) Prior to the commencement of the development hereby permitted a Dust Action Plan 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** – To protect the amenities of the neighbouring dwellings.

- (g) The parking area shown on Alpha Plus Architects drawing number 04, Revision B received on 25 March 2011 shall be used only for the parking and turning of vehicles and for no other use.

**Reason** – In order that adequate on-site parking is available to serve the development hereby permitted.

**11/00299/FUL - Site of Former 59 Blackwell, Darlington.** Variation of condition 3 of planning permission 05/00788/FUL dated 18 November 2005 for substitution of house types relating to plots 1 and 2 (Demolition of 2 No. existing dwellings and construction of 5 No. detached dwellings to include upgrading of the river bank) and retrospective slope stabilisation works (Resubmission) (amended plans received 3 June 2011 and 12 May 2011 and additional plans received 20 June 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection, three letters of support and the comments of Natural England, the Environment Agency, the Council's Environmental Health Officer and Highways Engineer that had been received and the views of Mr. Barlow, applicants agent, Mrs. Readman, an objector that had been received).

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

- (a) 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.

- (b) 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.

**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.

- (c) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

- (i) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater

contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion.

- (ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
  - (A) A desk top study has been completed satisfying the requirements of paragraph (a) above.
  - (B) The requirements of the Local Planning Authority for site investigations have been fully established; and
  - (C) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion.

- (d) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.
- (e) Two copies of a completion report ( the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.
- (f) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- (g) 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 dwellings, including any additional structures/building/fences/hardstanding area and footpaths within the red line boundary of the submitted Site Location Plan , shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

**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. Also, development that encroaches on watercourses has a potentially severe impact on their ecological value. Planning Policy Statement (PPS) 1 and 9 requires that planning decisions should prevent harm to biodiversity interests and should seek to enhance biodiversity where possible. PPS 9 stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats.

- (h) 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 be submitted to, and approved in writing by, the Local Planning Authority.

**Reason** - To safeguard the visual amenities of the locality and privacy of adjoining properties.

- (i) Notwithstanding the details contained in the drawings hereby approved the specification of all hard surfaces including footpaths and driveways shall be submitted to and approved by the Local Planning Authority. The details shall specify that they are constructed to be permeable surfaces and the section of the driveway adjacent to the public highway shall be constructed from bound material. The surfaces shall be constructed in accordance with these details and shall be maintained as such thereafter, unless otherwise agreed by the Local Planning Authority.

**Reason** - In order to reduce the impact of this type of development on flooding and pollution of watercourses and to prevent materials being transported onto the public highway.

- (j) Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

**Reason** – To prevent pollution of the water environment.

- (k) Should the regrading of the embankment require the importation of material, the details and specification of this material shall be assessed and agreed by the Local Planning Authority prior to it being brought onto the site.

**Reason** – To ensure that contaminated material is not brought onto the site.

- (l) Prior to the commencement of the development a surface water drainage scheme for the site, where appropriate based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include details of how the scheme shall be maintained and managed after completion, for the design life of the development. The development shall not be carried out otherwise in complete accordance with the approved details.

**Reason** - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- (m) Prior to the commencement of the development, a scheme for the provision and management of a buffer zone alongside the River Tees shall be submitted to and agreed in writing by the Local Planning Authority. The buffer zone to be identified as land between the River Tees and existing gabion wall should be without structures, hardstanding, footpaths, fences and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character. The development shall not be carried out otherwise than in complete accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- (i) Plans showing the extent and layout of the buffer zone
- (ii) Details of the planting scheme (for example, native species)
- (iii) Details demonstrating how the buffer zone will be protected during development and management/maintained over the longer term.

**Reason** - Development that encroaches on watercourses has a potentially severe impact on their ecological value. Planning Policy Statement (PPS) 1 and 9 requires that



planning decisions should prevent harm to biodiversity interests and should seek to enhance biodiversity where possible. PPS 9 stresses the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats. The buffer zone condition will ensure protection of the habitat corridor to allow the movement of species along the watercourse.

- (n) Notwithstanding the details shown on the approved plans, the requirements of the Bat Survey Report prepared by Argus Ecological Services dated 2005 shall be fully complied with unless otherwise agreed with the Local Planning Authority in consultation with Natural England.

**Reason** - To ensure that any potential for roosting bats is safeguarded.

- (o) Prior to the occupation of any of the dwellings, a plan for the management of the communal gardens to the rear of the dwellings adjacent to the riverbank shall be submitted to and approved by the Local Planning Authority and thereafter implemented.

**Reason** - In the interests of visual amenity.

- (p) Notwithstanding the details shown on the approved plans, precise details of planting proposals shall be submitted to and agreed by the Local Planning Authority prior to the buildings being occupied. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally approved and planted.

**Reason** - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

- (q) An Arboricultural Methods Assessment; an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To enable the Local Planning Authority to ensure the retention of the maximum number of trees on and around the site and their protection from damage, in the interests of visual amenity.

- (r) Prior to the commencement of the construction of the development a design statement, to secure at least Code for Sustainable Homes Rating 3 for the development shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details.

**Reason** - In order that the Local Planning Authority are satisfied as to the details of the development and to ensure that the development is carried out in a sustainable manner in accordance with the Darlington Core Strategy Development Plan Document and the Supplementary Planning Document 2009 – Design for New Development.

- (s) 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.

**Reason** - To ensure the development is carried out in accordance with the planning permission.

**11/00241/FUL - County Durham And Darlington NHS Foundation Trust, Darlington Memorial Hospital, Hollyhurst Road, Darlington.** Variation of condition 8 (Access to Elms Road) of planning permission 02/00092/RM1 dated 21 January 2004; and variation of condition 8 (Access to Elms Road) of planning permission 10/00592/FUL dated 20 October 2010 to permit continued use of the Elms Road access for vehicle deliveries of oxygen to the VIE compound.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection and the comments of the Council's Highways Engineer that had been received and the views of Mr. Gallantry, applicant, and Mrs. Archer, an objector that Members heard).

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

- (a) The entrance on Elms Road shall be used only for emergency purposes and to enable oxygen deliveries to the existing VIE compound and at no time for the provision of vehicular access to the hospital for staff, members of the public, construction related traffic or any other visitors unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of residential amenity.

- (b) Details of the means for remotely controlling access to the site from Elms Road to ensure that it is used for Emergency purposes and oxygen deliveries to the existing VIE compound only shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for commencing the scheme and thereafter the scheme shall implemented in accordance with the agreed details and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

**Reason** - In the interests of residential amenity.

- (c) The delivery vehicle shall enter the Elms Road access during the hours 9:15 - 11:30; 12:00 - 15:15 and 16:00 - 17:00 weekdays only unless otherwise agreed in writing with the Local Planning Authority.

**Reason** - In the interests of highway safety.

**11/00268/CU - 97 Bondgate, Darlington.** Change of use from shop (A1) to restaurant/bar (A3) as extension to existing Tapas Bar/Restaurant and installation of a new shop front (Amended plan and letter received 8 June 2011).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of Darlington Association on Disability and the comments of the Council's Environmental Health Officer (Commercial) that had been received and the views of Mr. Turnbull, applicant, and Mr. Pybus, an objector, whom Members heard).

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

- (a) 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.

- (b) Notwithstanding the details shown on the approved plans, the entrance door within the approved shop front shall not be used by members of the public at any time unless other agreed in writing by the Local Planning Authority.

**Reason** - This entrance would need to incorporate improvements in order to be acceptable for members of the public and people with impaired mobility to use.

- (c) The use hereby permitted for purposes shall not commence until full particulars and details of a scheme to insulate the premises against the transmission or airborne and impact sound has 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** - To prevent noise disturbance to nearby properties.

- (d) 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.

**Reason** - To ensure the development is carried out in accordance with the planning permission.

- (e) Prior to the extended premises coming into use, details of toilet facilities at ground floor level suitable for use by disabled persons shall be submitted to and approved by the Local Planning Authority. The approved details shall be fully implemented prior to the extended premises being brought into use and shall thereafter be retained.

**Reason** - To ensure that adequate provision is made for disabled users of the premises.

## **(2) Planning Permission Deferred**

**11/00187/FUL - 37 The Wayside, Darlington.** Erection of 2 No. detached dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection and the comments of the Council's Highway Engineer and Environmental Health Officer that had been received and the views of Mr. Henderson, applicant, Mrs. Hughes, Mrs. Bell and Mrs. Hall, objectors and a Parish Councillor that Members heard).

**RESOLVED** – That the application be deferred to enable a site visit to take place.

**PA14. NOTIFICATION OF APPEALS** – The Director of Place will report that :-

- (a) Mr. Mazidur Rahman Choudhury had appealed against this Authority's decision to refuse planning permission for replacement UPVC windows to front (retrospective) at 17 North Lodge Terrace, Darlington, DL3 6LZ (Reference Number 10/00841/FUL).
- (b) Mr. G. and T. Smith had appealed against Condition 5 that permission shall be for a limited period expiring on 19th November 2013 when the use shall cease and the caravans and works removed and the land restored to its previous use for agricultural purposes at Proposed Private Gypsy Site, Burma Road, Hurworth Moor, Darlington (Reference Number 10/00059/FUL).

**RESOLVED** - That the report be received.

**PA15. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100B(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.

**PA16. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA9/Jun/11, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 23rd June 2011.

**RESOLVED** - That the report be received.