

## PLANNING APPLICATIONS COMMITTEE

12 February 2014

**PRESENT** – The Mayor (Councillor Johnson); Councillors Baldwin (in the Chair); Councillors Cossins, Knowles, Lee, Long, D A Lyonette, Macnab, Regan, Stenson and J. Taylor. (11)

**APOLOGIES** – Councillors Cartwright and L Haszeldine. (2)

**ALSO IN ATTENDANCE** – Councillors Crudass and Curry. (2)

**OFFICERS** – Roy Merrett, Development Manager, Dave Coates, Principal Planning Officer and Paul Ibbertson, Engineer within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group. (4)

**PA69. DECLARATIONS OF INTEREST** – Councillor Macnab declared a non-pecuniary interest in Minute PA72(3) below (Ref No. 13/00926/CU) as a Ward Councillor.

**PA70. MINUTES** - Submitted - The Minutes (previously circulated) of the meetings of this Committee held on 15<sup>th</sup> and 29<sup>th</sup> January, 2014.

**RESOLVED** – That the Minutes be approved as correct records.

**PA71. 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 :-

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) access (b) appearance (c) landscaping (d) layout (e) scale Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
A2	The development shall be begun two years from the final

	<p>approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved.</p> <p>Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.</p>
A3	<p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p><b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning 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><b>Reason</b> - 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><b>Reason</b> - 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>
D4	<p>The use hereby permitted shall not commence until details of the arrangements for storing of refuse or waste have been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied.</p> <p>Reason - To safeguard the amenities of the area.</p>
D18	<p>Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the Local Planning</p>

	<p>Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing or within such extended period as may be agreed in writing by the Local Planning Authority.</p> <p>Reason - In the interests of the residential amenities of the area.</p>
D19	<p>The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises of an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard or dilution expected, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.</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><b>Reason</b> - 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>

## **PA72. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **(1) Planning Permission Granted**

**13/00855/FUL - Jubilee Wood Farm, Newbiggin Lane, Royal Oak, Darlington.** Development of therapeutic, education and care facility comprising 2 No children's care homes and learning centre with related facilities (additional Protected Species Report received 12 December 2013, additional landscaping, sectional plans, Transport Statement and supporting information received 10 January 2014).

The Committee agreed amendments to the relevant conditions to the effect that the number of children educated at the site should not exceed 14 i.e. those resident; that the offsite highway works should be agreed and implemented before on site development commenced and that the Road Safety Audit requirements should be further clarified.

(In reaching its decision, the Committee took into consideration; the comments of the Environmental Agency, the Council's Environmental Health Officer, Sustainable

Transport Officer and Senior Arboriculture Officer, three letters of support, the objections of the Campaign to Protect Rural England and Heighington Parish Council, 100 letters of objection, as well as letters of objection from George F White, England and Lyle, The National Farmers Union and Fore Consulting representing the views of local residents, all of which had been received. In addition, the Committee also took into consideration the views of two representatives of the applicant, Prism Planning representing objectors, a resident from the local area and one of the Ward Councillors, all of whom Members heard).

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

1. A3 – Implementation Limit (Three Years).
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking and re-enacting that Order, the use hereby approved shall be restricted to that of a children’s care home and associated learning centre for children between the age of 8 and 18 and for no other purpose within Class C2 (Residential Institutions).  
**Reason** - The Local Planning Authority would wish to control future changes of use of the site within the same Use Classes in the interests of amenity.
3. The maximum number of children educated and living within the site at any one time shall not exceed 14.  
**Reason** - In the interests of residential amenity and highway safety.
4. B4 – Details of Materials (Samples).
5. Prior to the commencement of the development a scheme to dispose of foul drainage shall be submitted to and agreed 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 prevent pollution of the water environment.
6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (File No PO31 dated 21 October 2013) published by Plan Arch Design Limited. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any other period as may be agreed in writing with the Local Planning Authority.  
**Reason** - To prevent flooding by ensuring the satisfactory disposal of surface water drainage.
7. Prior to occupation of the development, a full noise impact assessment shall be undertaken and approved by the local planning authority. Prior to commencing the assessment the scope of the report, which must include noise and vibration, including all plant and machinery associated with this planning permission shall be agreed in writing with the local planning authority. The findings of the noise assessment shall be implemented in accordance with a timescale to be agreed with the local planning authority. The Noise Impact Assessment must show that the noise emissions from the development will comply with the noise limit stated in planning condition 8, at the two residential units included within the approved development. The findings of the noise impact assessment shall be implemented in accordance with a timescale to be agreed with the local planning authority. Use of the development shall not commence until the local planning authority has given notice, in writing, that it is satisfied that the level of noise emissions from the identified noise sources will comply with condition 8, and that any vibration issues

identified have been addressed.

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

8. The Rating Level (as defined in BS 4142:1997), as a result of all plant and machinery associated with the development, shall be at least 5 dB(A) below the background noise level at any residential property, including the two residential units included within the approved development, when measured in accordance with BS 4142:1997. The background noise level to be used shall be measured by the applicant during appropriate day time and night time periods and the levels agreed in writing with the local planning authority.

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

9. Prior to the occupation of the development hereby approved, a lighting impact assessment shall be submitted and agreed in writing by the Local Planning Authority. The assessment must show that the lighting levels are limited to those specified in Environmental Zone E2 in Table 2 of the Institution of Lighting Professionals Guidance Notes for the reduction of Obtrusive Light. The development shall be implemented in accordance with the approved details.

**Reason** - In the interests of the general amenity of the locality.

10. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include detail of the proposed hours of construction, measures to control dust and noise during the construction phase, routes of construction traffic, signage, road maintenance measures and the development shall not be carried out otherwise than in complete accordance with the approved Plan.

**Reason** - In the interests of residential amenity and highway safety.

11. Prior to the commencement of the development precise details showing the off site highway works including the site access junctions, the creation of passing places and bend widening on Newbiggin Lane Corner Bank Lane and White House Lane and erection of warning signage and road markings on these roads and the A68 shall be submitted to and approved in writing by the Local Planning Authority and the works shall be fully implemented prior to the commencement of the construction of the facility hereby approved.

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

12. A Full Stage 2/3/4 Road Safety Audit shall be carried out for all of the highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

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

13. Notwithstanding the details shown on the approved plans, details of a secure cycle storage area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The details shall include the location and design of the storage area and the number of cycle spaces and the development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To ensure that sufficient cycle parking is provided within the development.

14. The development hereby approved shall be carried out in complete accordance with the document entitled "Proposed Plant List" produced by Leeming Associates dated December 2013 and Drawing No 1319.01Rev B entitled "Planting Plan for Planning" produced by Leeming Associates dated October 2013 unless otherwise agreed in writing by the Local Planning Authority. 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** - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

15. Notwithstanding the requirements of condition 14 an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan relating to the existing trees to be retained shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the landscaping scheme. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To ensure a satisfactory form of development.

16. The Multi Use Games Area shall not be used outside the hours of 0730 to 2130 Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the amenity of the surrounding area.

17. The development shall be carried out in accordance with the recommendations outlined in the document entitled "Jubilee Wood Farm – Extended Phase 1 Habitat and Bat Risk Assessment Survey" dated October 2013 produced by Eco North Ecological Consultants unless otherwise agreed in writing by the Local Planning Authority. In order to accord with the recommendations of the Survey details of the number and location of the bat boxes and the details of a lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

**Reason** - To preserve species and their habitats.

18. Prior to the occupation of the development a 10 year management plan for the habitat areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the Plan.

**Reason** - In the interests of the biodiversity of the site.

19. Any excavation work and heavy machinery shall be kept 30m away from any active or potential badger sett.

**Reason** - To preserve the species and their habitats.

20. No fires and chemicals shall be used within 20m of any active or potential badger sett.

**Reason** - To preserve the species and their habitats.

21. Any disturbances such as noise or vibrations should be avoided or limited to areas over 30m from active or potential badger setts.

**Reason** - To preserve the species and their habitats.

22. Notwithstanding the details shown on the approved plans, a clear pathway between any active and potential badger setts shall be maintained to ensure the setts are not isolated.

**Reason** - To preserve the species and their habitats.

23. The use of vermicides (chemicals to kill worms) shall be avoided on amenity grassland and gardens that form part of the approved development and any top soil to be removed should be stripped and piled to avoid compaction up to a maximum of 2 metres which can then be seeded with leguminous seeds.

**Reason** - To enhance the site for badgers as a foraging habitat.

24. The area identified for “Land Based Studies” should remain as a grazed habitat unless otherwise agreed in writing by the Local Planning Authority.  
**Reason** - To enhance the site for badgers as a foraging habitat.
25. B5 – Implementation Limit (Accordance with Plan).

**13/00989/FUL - Proposed Site for Railway HA By Yuill Homes, Alverton Drive, Darlington.** Proposed erection of 10 No bungalows and associated landscaping and vehicular access (additional plans received 16 and 23 January 2014).

(In reaching its decision, the Committee took into consideration the objections of three local residents which had been received and the views of the applicant and an objector, both of whom Members heard).

**RESOLVED** - The Director of Economic Growth be authorised to negotiate under Section 106 of the Town and Country Planning Act to secure the following :-

a commuted sum to improve the quality and biodiversity value of other green space in the area;

and that planning permission then be granted subject to the following conditions :-

1. A3 – Implementation Limit (Three Years).
2. B4 – Details of Materials (Samples).
3. J2 – Contamination.
4. Prior to the commencement of the development a Construction Management Plan shall be submitted and to and agreed in writing by the Local Planning Authority. The Plan shall include details of the hours of construction, methods for controlling dust and noise during the construction phase, construction traffic routes, warning signage, road maintenance regimes and the development shall not be carried out otherwise than in complete accordance with the approved Plan.  
**Reason** - In the interests of residential amenity and highway safety.
5. Prior to the occupation of the dwellings, a Landscape Maintenance and Management Plan for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the landscaped areas shall be maintained and managed in complete accordance with the Plan.  
**Reason** - To ensure that the landscaped areas are appropriately managed and maintained in the interests of the visual amenity of the surrounding area.
6. A scheme to protect the existing trees shown on the submitted plans to be retained shall be implemented prior to the commencement of the development. The scheme shall accord with 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 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:
  - (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.

**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.

7. The glazing installed in the bedrooms and living rooms of the residential properties shall have as a minimum a noise reduction Rw and CTR- value of 25 dB(A)".

**Reason** - In order to protect the amenities of the future occupiers of the development from road traffic noise and noise from the neighbouring commercial premises.

8. 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 not to prejudice the amenities of the adjoining properties and the existing neighbouring properties in order that the Local Planning Authority is able to exercise control over future development of the site.

9. The development shall be carried out in complete accordance with the requirements set out in the submitted document entitled "Sustainability Statement – Sustainability Statement in relation to Proposed Residential Development, Associated Sewers and Landscaping" unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - To ensure a satisfactory form of development.

10. The development shall be carried out in complete accordance with the submitted document entitled "Proposed Residential Development, Alverton Drive – Code for Sustainable Homes SUR 1 and SUR 2" Revision A, Report Number 1340-01 dated 4 December 2013 and produced by Richard Hall (Coast Consulting Engineers) unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - To prevent flooding by ensuring the satisfactory disposal of surface water drainage.

11. The development shall be carried out in complete accordance with Drawing No 13011/L001 entitled "Proposed Landscape Plan & Schedule with Specification" dated November 2013 and produced by Ingreen Architectural Solutions Limited. 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.

12. B5 – Detailed Drawings (Accordance with Plan).

13. The proposed drainage works shall be constructed to an adoptable standard prior to any of the units hereby approved being occupied.

**Reason** - In the interests of securing effective drainage.

14. Details of the boundary fencing shall be submitted to and agreed in writing with the Local Planning Authority prior to the development being commenced and shall



thereafter be implemented in accordance with the agreed details and retained.

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

**13/00793/FUL - Black Banks Farm, Snipe Lane, Darlington.** Replace existing bungalow with two storey dwelling.

(In reaching its decision, the Committee took into consideration the comments of the Highways Agency and the Council's Environmental Health Officer and the objections of Hurworth Parish Council and the Campaign to Protect Rural England, all of which had been received, and the views of the applicant's agent whom Members heard).

**RESOLVED** - That Planning Permission be granted with the following conditions :-

1. A3 – Implementation time.
2. B4 – Details of materials.
3. B5 – Accordance with plans.
4. J2 – Contaminated land.
5. This permission shall relate to amended plans received by the Local Planning Authority on 20 December 2013.

**Reason** For the avoidance of doubt.

6. C5 (Permitted development rights removed).

**Reason** – In the interests of the character of this rural location.

## **(2) Outline Planning Permission**

**13/00999/OUT - 23 The Green, Brafferton.** Outline application for erection of 1 no. dwelling (amended plan received 30 January 2014)

(In reaching its decision, the Committee took into consideration the comments of the Highways Engineer, the Council's Estates Officer and Senior Arboricultural Officer the objections of Brafferton Parish Council and one letter of objection, all of which had been received).

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

1. A1 (Submission of reserved matters).
2. A2 (Standard implementation period).
3. The application for Reserved Matters shall be accompanied by an Interim Certificate for Code for Sustainable Homes. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.

**Reason** – To ensure that the development accords with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 and the Revised Design of New Development Supplementary Planning Document 2011.

4. Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with the requirements of condition 3.

**Reason** – To ensure that the development has been carried out in complete accordance with condition 3 in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 and the Revised Design of New Development Supplementary Planning Document 2011.

5. The application for approval of Reserved Matters required by condition 1 above shall include details of any walls, fencing or other means of enclosure. The approved means of enclosure shall be erected prior to the first occupation of the dwelling hereby approved and shall thereafter be so maintained.

**Reason** – In the interests of visual and residential amenity.

6. Prior to the commencement of the development details shall be submitted of a scheme to protect the two existing sycamore trees within the village green to the south of the application site. The submitted details shall comprise generally the specification laid down within BS 5837 2012 and shall include fencing of at least 2.3 metres 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:

- (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.

**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.

### **(3) Change of Use Granted**

**13/00926/CU - 73 Crosby Street.** Change of use from gymnasium/motor cycle repair shop to fitness centre (D2) (additional information and parking plan received 14 January 2014).

(In reaching its decision, the Committee took into consideration the comments of the Highway Engineer, the Council's Environmental Health Officer, a letter of objection and the results collated from a residents' survey carried out by the Ward Councillors, all of which had been received and the views of one of the Ward Councillors whom Members heard).

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

1. A3 (Standard 3 year implementation period).
2. The fitness centre hereby approved shall not be brought into use until such time as the parking area shown on the plan received on 14 January 2014 has been made available for use. Thereafter the parking area shall be maintained solely for

the use of patrons of the fitness centre and for no other purpose.

**Reason** – To safeguard the residential amenities of the surrounding area and to ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding streets by parked vehicles.

3. The fitness centre hereby approved shall not be brought into use until such time as details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - (a) A scheme for the widening of the car park access junction and installation of drop kerbs to the adjacent footways;
  - (b) Details of a signage scheme to direct patrons of the fitness centre to the car park;
  - (c) Details of a scheme of secure cycle parking and storage details to serve the fitness centre.

Thereafter the works shall be carried out in complete accordance with the approved details prior to the fitness centre hereby approved first being brought into use.

**Reason** - To safeguard the residential amenities of the surrounding area and to ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding streets by parked vehicles.

4. Noise generated within the premises subject to this permission shall not be audible beyond the boundary of the premises.

**Reason** – In the interest of residential amenity.

5. The fitness centre hereby approved shall not be operated outside the hours of 7.30am until 8.00pm Monday to Friday and 9.30am until 6pm on weekends and Bank Holidays.

**Reason** – In the interest of residential amenity.

6. B5 (Development in accordance with the approved plans).

**13/00958/CU - 87 Grainger Street, Darlington.** Change of Use from Retail Shop (A1) to Hot Food Takeaway (A5).

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

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

1. A3 – Implementation Limit (Three Years).
2. The use hereby permitted shall not be carried on outside of the hours 1130 to 2100 Monday to Saturday and 1200 to 1900 on Sundays and Bank Holidays.

**Reason** - In the interests of residential amenity.
3. D4 - Refuse Storage (Details to be submitted).
4. D18 - Control of Fumes.
5. D19 - Ventilation Equipment (Details required).
6. Prior to the commencement of the use, the existing step at the entrance to the premises shall be removed and a level access shall be created to the satisfaction of the Local Planning Authority.

**Reason** - To ensure that the premises are accessible for disabled persons.
7. B5 – Detailed Drawings (Accordance with Plan).

**PA73. NOTIFICATION OF APPEALS** – The Director of Economic Growth reported that :-

- (a) Mr Bill Cairney had appealed against this Authority's decision to refuse planning permission for the change of use of land to form extension to existing private gypsy site for 3 No additional pitches to accommodate 1 No static caravan and 1 No touring caravan on each pitch, and a transit pitch for guest car space and touring caravan; and erection of 3 No amenity buildings, hardstanding, widening of access to the site and an internal track, with boundary treatment at Field At OSGR E428885 N521385, Aycliffe Lane, Brafferton, Darlington (Ref No 13/00433/FUL);
- (b) Mr T Mounsey had appealed against this Authority's decision to refuse planning permission for the change of use of land to private gypsy site for residential purposes on 2 No plots, each plot incorporating the siting of a mobile home and touring caravan. Erection of 2 No amenity buildings, fencing, hard standings, installation of shared septic tank and construction of an internal access road, and landscaping (revised application) at Field At OSGR E424077 N521153, Walworth Road, Heighington (Ref No 13/00594/FUL);
- (c) Mrs T Harker had appealed against this Authority's decision to refuse planning permission for the change of use of land to private gypsy site for residential purposes on 2 No plots, each plot incorporating the siting of a mobile home and touring caravan. Erection of 2 No amenity buildings, fencing, hard standings, installation of shared septic tank and construction of an internal access road, and landscaping (revised application) at Field At OSGR E424077 N521153, Walworth Road, Heighington (Ref No 13/00592/FUL);and
- (d) Mr S Edwards has appealed against this Authority's decision to refuse planning permission for the erection of a building to form an annexe (revised application) at 9A Tees Grange Avenue, Darlington (Ref No 13/00156/FUL).

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

**PA74. NOTIFICATION OF DECISIONS ON APPEALS** - The Director of Economic Growth reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- (a) dismissed the appeal by Mr J Brown against this Authority's decision to refuse permission for the erection of a detached dwelling house (Outline) at 28 Highside Road, Heighington, Newton Aycliffe (Ref No. 12/00688/OUT) (copy of Inspector's decision letter previously circulated);
- (b) dismissed the enforcement appeal by Mr Anthony Shepherd for Land at Steel Store, St Nicholas Industrial Estate, Dodsworth Street, Darlington (copy of Inspector's decision letter previously circulated);
- (c) dismissed the appeal by Mr and Mrs Loughhead against this Authority's decision to refuse permission for the erection of two story extension (revised application) at 10 Woodland Terrace, Darlington (Ref No. 13/00452/FUL) (copy

of Inspector's decision letter previously circulated);and

- (d) part dismissed the appeal by Mr Daniel Midcalf against this Authority's decision to refuse planning consent for works to trees protected under the Tree Preservation Order (No 3) 1962 – fell Monkey tree (T1); fell large Conifer/Pine tree (T2); fell Leylandii tree (T3); fell Holly tree (T4); crown lift Yew tree to 2.5m (T7); fell unknown young tree (T8); fell Holly tree (T9); fell large Holly tree (T10); remove lower level overhanging branches Sycamore tree (T11); remove low level branches Horse Chestnut trees (T12, T13) at 17 Compton Grove, Darlington (Ref No 13/00055/TF) (copy of Inspector's decision letter previously circulated).

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

**PA75. 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.

**PA76. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA65/Jan/14, the Director of Neighbourhood Services and Resources submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 29 January 2014.

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