

PLANNING APPLICATIONS COMMITTEE

23rd September, 2009

PRESENT - Councillor Baldwin (in the Chair); Councillors M. Cartwright, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Regan, Robson, Stenson and Walker. (10)

APOLOGIES – Councillors Dunstone, Freitag and Hartley. (3)

OFFICERS – Neil Cookson, Solicitor within the Corporate Services Department; Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Ken Major, Traffic Manager, within the Community Services Department.

PA36. DECLARATION OF INTERESTS – In relation to Application Ref No. 09/00471/FUL Councillor Baldwin declared a personal and prejudicial interest due to his wife working for the Department of Children Schools and Family (DCSF) and also working within the building once built and left the meeting during consideration of that application only.

PA37. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 26th August, 2009.

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

PA38. 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	Details of Materials (Samples) 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	Detailed Drawings (Accordance with Plan)

	<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>
J2	<p>Contamination</p> <p>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:-</p> <p>(a) 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 of the development.</p> <p>(b) 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:</p> <p>(i) A desk top study has been completed satisfying the requirements of paragraph (a) above.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established; and</p> <p>(iii) The extent and methodology have been agreed in writing with the Local Planning Authority.</p> <p>Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.</p> <p>(c) 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.</p> <p>(d) Two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all</p>

	<p>remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.</p> <p>(e) 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.</p> <p>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</p>
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PA39. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

09/00471/FUL - East Beaumont Street Car Park. Erection of a five storey office building.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), one letter of objection; representation from Houndgate House and the comments from North East Planning Body, Tees Valley Joint Strategy Unit, One North East, Northumbrian Water and CCTV that had been received and a further letter of representation from Commission for Architecture and the Built Environment that was reported at the meeting and the views of Mr. Mounsey, applicant’s agent, 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 development shall commence until an archaeological mitigation strategy, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include :-
 - (i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
 - (ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
 - (iii) Post field work methodologies for assessment and analyses;
 - (iv) Report content and arrangements for dissemination, and publication proposals;
 - (v) Archive preparation and deposition with recognised repositories;
 - (vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
 - (vii) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works; and
 - (viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

- (d) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the Local Planning Authority. A copy of any analysis, reporting, publication or achieving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Records within six months of the date of completion of the development hereby approved by this permission or such period as may be agreed in writing by the Local Planning Authority.
Reason - In order to comply with Policy E34 (Archaeological Sites of Local Importance) of the Borough of Darlington Local Plan as the site is of archaeological interest.
- (e) No development shall commence until a detailed scheme for the diversion of Northumbrian Water apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - A public sewer and water main crosses the site and are shown to be built over. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.
- (f) Prior to the commencement of the development, a Dust Action Plan, including information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints, 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 Plan.
Reason - In the interests of the amenity of the area.
- (g) J2 – Contaminated Land.
- (h) The Rating Level (as defined in BS4142:1997) as a result of noise from the four roof mounted air handling units shall not exceed the background noise level at the nearest noise sensitive receptor, when measured in accordance with BS4142:1997.
Reason - In the interests of the amenity of the area.
- (i) Details of any piling method, including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of the amenity of the area.
- (j) The proposed development shall be carried out in accordance with the measures and targets set out in the approved "DCSF Darlington Framework Travel Plan" by AECOM dated June 2009.
Reason - In the interests of highway safety and to encourage the use of sustainable modes of transport.
- (k) Notwithstanding the details shown on the approved drawings details of any bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The details shall include their number, size, type and location. The development shall not be carried out otherwise than in complete accordance with the approved details.
Reason - In the interests of habitat enhancement for the surrounding area.
- (l) Notwithstanding the details shown on the approved drawings, precise details of tree planting shall be submitted to and approved by the Local Planning Authority, prior to the commencement of development. The details shall include the number of trees, the species of the trees, their location and plans for future management. 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 area.

- (m) Notwithstanding the details shown on the approved plans, details of improvement works to the Back Lane shall be submitted to and approved by the Local Planning Authority, prior to development commencing and the development shall be carried out in accordance with the approved details, unless otherwise by the Local Planning Authority.

Reason - In the interests of pedestrian safety.

- (n) Notwithstanding the details shown on the approved plans, a scheme for the provision of a CCTV surveillance scheme to be integrated with the Council's CCTV network shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In the interests of achieving a safe and secure environment in this town centre location.

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

- (p) The development hereby approved shall not commence until details of a scheme for landscaping works on Beaumont Street and Feethams, including timescale for implementation of those works, has been 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 interest of visual amenity.

09/00439/FUL - 396/398 North Road, Darlington. Erection of 13 No. terraced dwelling houses with associated car parking and access arrangements (as amended by plans received 9th September, 2009).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection; the comments of Durham Constabulary Architectural Liaison Officer, Northumbrian Water and the Environment Agency and a petition in support of the application containing 117 signatories that had been received and the views of Councillor G. Cartwright, Ward Councillor, whom Members heard).

RESOLVED – (a) That the Assistant Chief Executive (Regeneration) be authorised to negotiate Act 1990 to secure the following:-

- (i) A financial contribution towards the upgrading and maintenance of an off site area of open space in North Road Ward or Harrowgate Hill Ward and otherwise in accordance with the Darlington Open Space Strategy 2007 – 2017.
 - (ii) A financial contribution towards the upgrading and maintenance of an off site equipped play area in North Road Ward or Harrowgate Hill Ward in accordance with Supplementary Planning Guidance Note - Commuted Sums from New Housing Developments for Existing Equipped Play Areas.
- (b) That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-
- (i) A3 – Implementation Limit (Three Years).
 - (ii) Prior to the commencement of the development a detailed scheme for the disposal of surface water from the development shall be submitted to and

approved by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers.

(iii) J2 – Contamination.

(iv) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason - To confirm that any risks to controlled waters have been adequately addressed.

(v) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - Unsuspected contamination may exist at the site, which may pose a risk to controlled waters.

(vi) No development shall take place until an investigative report assessing the viability of on site renewable energy sources for this particular development including its ability to reduce the CO2 emissions through their use by 10 per cent has been submitted to and approved in writing by the Local Planning Authority. The report shall also have regard to the type of development involved and its design. Should it be shown that the use of such initiatives are viable, before the development is occupied the approved renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy and efficiency for the development for as long as the development remains in existence.

Reason - To limit the energy requirements of the development in accordance with the North East of England Plan Regional Spatial Strategy to 2021 and Design of New Development Supplementary Guidance Note.

(vii) Notwithstanding the details shown on the approved plans, precise details of secure cycle parking areas 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 - To ensure that secure cycle parking is provided within the development.

(viii) Notwithstanding the details shown on the approved plans, precise details of works to the existing footways, including the reinstatement of redundant accesses, the formation of dropped crossings and tactile paving, 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 highway and pedestrian safety.

- (ix) Prior to the development hereby approved being commenced, a detailed assessment of the noise levels due to road traffic shall be carried out and a scheme of noise attenuation measures shall be submitted to, and agreed in writing by, the Local Planning Authority to achieve the following noise levels within dwellings, which shall not be exceeded :-
- a) Less than 35 dB(A) LAeq within living rooms;
 - b) Less than 30 dB(A) LAeq and 45 dB(A) LAMax,F within bedrooms; and
 - c) Less than 55 dB(A) LAeq in garden areas.

Calculations shall be submitted to, and agreed in writing with, the Local Planning Authority to show that the above noise limits will be complied with.

Reason - In order to protect the amenities of the occupiers of the development.

- (x) Prior to the commencement of the development, a Dust Action Plan 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 residential amenity.

- (xi) No construction activities shall occur outside of the hours 0800 – 1730 Mondays to Fridays and 0800 to 1400 on Saturday. No activities shall take place on Sundays or Bank Holidays.

Reason - In the interests of residential amenity.

- (xii) Notwithstanding the details shown on the approved plans, precise details of any external lighting, including the location and type of lighting and a Lighting Impact Assessment, 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 residential amenity.

- (xiii) Notwithstanding the details shown on the approved plans, precise details of any proposed bird boxes shall be submitted to and approved by the Local Planning Authority, prior to the commencement of the development. The details shall include the number, type, size and location of the boxes and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason - In order to enhance biodiversity within the application site and the surrounding area.

- (xiv) Prior to the commencement of the development precise details of the security measures for the proposed footpath to the rear of the approved development shall be submitted to and approved by the Local Planning Authority in consultation with the Durham Constabulary Architectural Liaison Officer. The development shall be carried out in complete accordance with the approved details.

Reason - In the interests of security and preventing crime.

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

09/00553/FUL - 18 The Beeches, Middleton St George. Variation of Condition 6 of planning permission 03/00210/FUL dated 19th September, 2003 to permit the erection of boundary wall enclosure.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and two letters of objection that had been received).

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

- (a) The development hereby permitted shall be commenced no later than three months from the date of this permission.

Reason - In order to ensure that the proposed development is commenced and completed within an acceptable timescale in the light of recent planning decisions and in the interests of the visual appearance of the street scene.

- (b) B4 – Details of Materials (Samples).

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

- (d) Within the first planting season following completion of the development hereby approved, a landscaping scheme for the area between the new enclosure and the public footpath shall be submitted to and approved 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 visual amenity.

- (e) Notwithstanding the submitted elevation drawings and prior to the commencement of development, final details of the appearance of the approved structure and the position of the fence and brick panels 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 visual amenity.

(2) Planning Permission Refused

09/00465/FUL - Coatham Grange, Burtree Lane. Change of use of building to form residential dwelling including erection of two storey extension to the front elevation and construction of access road.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), 83 letters of objection; the objections of The British Horse Society, The Ramblers Association and Coatham Munderville Parish Council; the comments of Durham Wildlife Trust, the Environment Agency and Natural England; the concerns of Campaign to Protect Rural England; two letters of support and a petition containing 110 signatories that had been received and the views of Mr. Turnbull, applicant, Mr. Ayre, Mr. Craddock and Mr. Middleton, objectors, and Councillor B. Jones, Ward Councillor, whom Members heard. An objector also submitted an additional to the Committee and circulated photographic evidence at the meeting).

RESOLVED – That planning permission be refused for the followings reasons :-

- (a) The proposed development would result in an increase in vehicular traffic along a designated public bridleway with consequent loss of amenity and risk of additional hazard and inconvenience to all users of the designated right of way. The proposed development would be contrary to Policy T12 (New Development – Road Capacity) of the Borough of Darlington Local Plan.
- (b) Patches Lane and the proposed tracks by reason of their restricted width, poor alignment and lack of provision for vehicles to pass are considered unsuitable to serve as a means of access to the proposed development. The proposed development would

be contrary to Policy T13 (New Development – Standards) of the Borough of Darlington Local Plan.

(3) Darlington Borough Council Granted

09/00537/DC - High Coniscliffe Primary School, High Coniscliffe. Change of use from agricultural land to car park, drop off area, woodland and informal community garden area and school playing field extension (amended Transport Assessment received 4th September, 2009).

(In reaching its decision, the Committee took into consideration the Planning officer's report (previously circulated), a petition in support of the application containing 164 signatories that had been received and the comments of High Coniscliffe Parish Council that were reported verbally at the meeting).

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

- (a) A3 – Implementation Limit (Three Years).
- (b) Notwithstanding the details shown on the approved plans, precise details of the woodland area, the sensory garden, informal community garden and play area extension shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall be agreed with the Local Planning Authority but they shall include the species and Management Plan for the area. 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 surrounding area.
- (c) Prior to the commencement of the development, the details of any means of enclosure, including the access gates, 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 surrounding area.
- (d) Prior to the commencement of the development, an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. 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, 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 :-
 - (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.
- (e) Notwithstanding the details shown on the approved plans, details of cycle parking facilities 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 a satisfactory cycle parking area is provided and to encourage the use of sustainable modes of transport.
- (f) Notwithstanding the details shown on the approved plans, details of dropped crossing and tactile paving the new access 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 highway and pedestrian safety.
- (g) B5 – Detailed Drawings (Implementation in accordance with approved plan).

09/00531/DC - Play Area, West Park, West Auckland Road. Installation of equipped play area.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

RESOLVED – That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 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).
- (c) J2 – Contaminated Land.

09/00560/DC - North Road Primary School. Application for biomass boiler installation and associated service yard area (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

RESOLVED – Provided no objections are received once the publicity exercise has expired on 2nd October, 2009, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 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).

09/00541/DC - Broken Scar Picnic Site, Coniscliffe Road. Construction of enlarged children's play area and ancillary features, including footpath, fencing, picnic area and relocation of existing trim trail area.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated)).

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

- (a) A3 - Implementation Limit (Five Years).
- (b) B5 - Detailed Drawings (Implementation in accordance with approved plan).
- (c) Any excavation works necessary in connection with the approved extended play area shall be by hand dig method only where within the Root Protection Areas and drip lines of canopies of adjacent trees. The precise extent of the hand dig area shall be agreed by the Local Planning Authority prior to the commencement of work.

Reason – To safeguard the well being of the trees in the interests of the visual amenities of the area.

- (d) Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect existing trees adjacent to the extended children’s play area and the relocated trim trail. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3 metre 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. 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 (other than agreed under condition 3 above) 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 tree 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.

PA40. NOTIFICATION OF APPEALS – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Mr. V. Bonyadi has appealed against this Authority’s decision to refuse planning permission for erection of single storey rear dining room extension at 1 Peterhouse Close, Darlington (Reference Number 09/00344/FUL);
- (b) Instant Cash Loans Limited (t/a The Money Shop) has appealed against this Authority’s decision to refuse planning permission for change of use from Class A1 (Retail) to Class A2 (Financial Professional Services) at 18-19 Bondgate, Darlington (Reference Number 09/00408/CU); and
- (c) Mr. R. Burnside has appealed against this Authority’s decision to refuse planning permission for erection of detached dormer bungalow and detached garage at Skipbridge, Darlington (Reference Number 09/00306/FUL).

RESOLVED – That the report be noted.

PA41. NOTIFICATION OF DECISIONS ON APPEALS - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have dismissed the appeal by Mr. J. Fagan against this Authority’s decision to

refuse planning permission for the erection of residential dwelling at West View Cottage, Darlington Road, Sadberge (Reference Number 09/00155/FUL).

RESOLVED – That the report be noted.

PA42. 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.

PA43. PLANNING ENFORCEMENT ACTION (EXCLUSION PARAGRAPH NO. 7) - Pursuant to Minute PA35/Aug/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 14th September, 2009.

RESOLVED - That the report be received.