

## PLANNING APPLICATIONS COMMITTEE

11th March, 2009

**PRESENT** - Councillor Baldwin (in the Chair); Councillors Curry, Freitag, L. Haszeldine, Hartley, Johnson, Lee, D.A. Lyonette, Robson, Stenson and Walker. (11)

**APOLOGIES** – Councillors M. Cartwright and Regan. (2)

**OFFICERS** – Andrew Errington, Planning Law Assistant, within the Corporate Services Department; John Anderson, Assistant Director – Regeneration Planning and Transport, Roy Merrett, Development Manager and Dave Coates, Principal Planning Officer, within the Chief Executive’s Department; and Harry Alderton, Highways Engineer, within the Community Services Department.

**PA86. DECLARATION OF INTERESTS** – (1) In relation to Application Ref. No. 08/01005/DC, below Councillor Walker declared a personal interest due to him being a Governor at the School and left the meeting during consideration of that application only.

(2) In relation to Application Ref. No. 08/01007/DC, below Councillor D.A. Lyonette declared a personal interest due to his grandchild attending the school and left the meeting during consideration of that application only.

**PA87. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Committee held on 11th February, 2009.

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

**PA88. 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. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
A4	The development hereby permitted shall be commenced not later than one year from the date of this permission. <b>Reason</b> - (one year permission) - Specific reason required to be inserted by case officer.
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

	<p>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><b>Reason</b> - 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>
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p><b>Reason</b> - In the interests of visual and/or residential amenity.</p>
C1	<p>The permission hereby granted shall be for a limited period only expiring on _____ when the buildings shall be removed and the site restored to its previous condition as _____.</p> <p><b>Reason</b> - (example) The type of building is not one that the Local Planning Authority is prepared to approve, other than for a limited period, in view of its appearance and construction.</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><b>Reason</b> - To ensure a satisfactory appearance of the site and 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> <p><b>Reason</b> - To safeguard the visual amenities of the locality and privacy of adjoining properties.</p>
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</p>

	<p>retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 1.2m high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition works to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:</p> <ul style="list-style-type: none"> <li>(i) The raising or lowering of levels in relation to the existing ground levels;</li> <li>(ii) Cutting of roots, digging of trenches or removal of soil;</li> <li>(iii) Erection of temporary buildings, roads or carrying out of any engineering operations;</li> <li>(iv) Lighting of fires;</li> <li>(v) Driving of vehicles or storage of materials and equipment.</li> </ul> <p><b>Reason</b> - 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>
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**PA89. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**08/00991/FUL - Gilly Flatt Farm, Little Stainton.** 51 metre high Wind Monitoring Mast.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), fifteen letters of comments from residents, a prepared/circulated letter signed by four residents, the objections of East and West Newbiggin Parish Meeting, Bishopton Parish Council, Great Stainton Parish Council and the Seven Parishes Action Group, and the concerns of Campaign to Protect Rural England Durham Branch that had been received and the views of Mrs. Toslevin and Mrs. Penk, objectors, and Mr. Miller, the applicant, whom Members heard).

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

- (a) A4 – Time limit (Three Years).
- (b) B5 – Detailed Drawings (Implementation in accordance with approved plan).
- (c) C1 – Limited period (Three Years).

**07/00388/FUL - Land off Heron Drive.** Erection of 48 Two Storey Dwelling houses.

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), ten letters of objection and the objection of Campaign to Protect Rural

England that had been received and the views of Mrs. Hyde, an objector, and Councillor I. Haszeldine, Ward Member, whom Members heard).

**RESOLVED** – That the Assistant Chief Executive (Regeneration) be authorised to negotiate an agreement under section 106 of the Town and Country Planning Act 1990 to secure the following :-

- (a) A financial contribution towards the upgrading and maintenance of an off site equipped play area in accordance with supplementary planning guidance; and
- (b) A financial contribution towards the provision of a 20 mph. Zone.

That upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions :-

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 - Details of Materials (Samples).
- (c) B5 - Detailed Application (Implementation in accordance with approved plan).
- (d) B9 - Fencing, Walls, Enclosures.
- (e) E2 - Landscaping (Submission).
- (f) E11 - Tree Protection.
- (g) Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 (or order revoking or re-enacting that Order) no development within Schedule 2, Part1, Classes A to H and within Schedule 2, Part2, Classes A and B of the Order shall take place without the prior written consent of the Local Planning Authority, to whom an application must be made.  
**Reason** - The site maybe contaminated as a result of past uses and /or is within 250 metres of a site which has been land filled and the Local Planning Authority wishes to ensure that any future development can be carried out with adequate regard to environmental and public protection.
- (h) Development shall not begin until a detailed remediation scheme to deal with contamination of the site and bring the site to a suitable condition for the use hereby approved has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include:-
  - (i) A Remediation Action Plan based upon the GeoEnvironmental Appraisal reports Gas Risk Assessments submitted as part of the planning application. This shall include an Environmental Management Plan showing how contamination (in soil, aqueous, gas or vapour form) will be managed during the development without causing harm to human health or the environment both during construction and once the site is developed. The Remediation Action Plan shall be written in accordance with a protocol which shall be submitted to and approved by the Local Planning Authority.
  - (ii) The Remediation Action Plan shall be fully implemented (either in relation to the development as a whole, or the relevant phase, as appropriate) in accordance with :-
    - (1) An implementation plan submitted to and approved in writing by the Local Planning Authority;
    - (2) A monitoring and maintenance plan submitted to and approved in writing by the Local Planning Authority;

- (3) A strategy to deal with unforeseen contamination discovered during the development submitted to and approved in writing by the Local Planning Authority; and
  - (4) A “validation strategy” and verification report validating the works undertaken as a result of the implementation plan, monitoring and maintenance plan and strategy to deal with unforeseen contamination submitted to and approved in writing by the Local Planning Authority.
- (i) Unless otherwise agreed in writing by the Local Planning Authority development shall not commence until the measures approved in the remediation scheme have been fully implemented and completed.
  - (j) The approved Remediation Scheme shall be carried out in accordance with the agreed remediation action plan, implementation plan, strategy to deal with unforeseen contamination and validation strategy, no alteration to the approved remediation scheme must be made without the prior approval of the Local Planning Authority.  
**Reason** - To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally.
  - (k) No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy 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 Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.
  - (l) Prior to the commencement of the development, a Dust Action Plan 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 residential amenity.
  - (m) Details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall not be carried out otherwise than in accordance with the approved details.  
**Reason** - To safeguard the amenities of adjoining and neighbouring residents.
  - (n) The development hereby approved shall not be commenced until sectional details showing existing and approved ground levels for the proposed buildings and the neighbouring gardens and dwellings have been submitted to and agreed in writing with the Local Planning Authority.  
**Reason** - In order to ensure a satisfactory form of development.
  - (o) No development shall proceed until details of a surface water drainage system including the means by which run-off will be attenuated to 50l/s have been agreed in writing with the Local Planning Authority. The system shall be installed and operational prior to the construction of any impermeable surfaces draining to that system. The system shall be maintained for the lifetime of the development.  
**Reason** - To reduce the risk of flooding elsewhere.

**08/00950/FUL - Victoria House Residential Home, Barton Street, Darlington, DL1 2LN.**  
Erection of two storey extension to western elevation of existing care facility (Amended description, amended plans received 22/01/09 and 02/02/09 and additional information received 05/02/09).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one letter of objection and the recommendations of the Council's Arboricultural Officer that had been received and the views of Mr. Ashton, the applicants 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) B5 - Detailed Drawings (Accordance with Plan).
- (d) E2 – Landscaping.
- (e) The planting referred to in condition 4 (above) shall include the provision of nine heavy standard trees the species and location of which shall be agreed in writing, with the Local Planning Authority prior to the commencement of the development.  
**Reason** – In the interests of the visual amenities of the locality.
- (f) E5 - Boundary Treatment Submission
- (g) Notwithstanding any details submitted with the application, full and precise details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the details as approved shall be implemented prior to any part of the development hereby permitted first being brought into use :-
  - (i) Details of improvements to the surface of the highway at the entrance of the development;
  - (ii) Details of dropped crossings / tactile paving at the entrance of the development; and
  - (iii) Details of specification of cycle parking provision.  
**Reason** – In the interests of highway safety and in order to provide acceptable movement, accessibility and parking provision for non-car users.
- (h) Prior to the commencement of the development hereby-approved details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained, together with the proposed replacement heavy standard trees referred to in condition 5, above, to include a method statement detailing the means of transporting materials onto the site and any excavation in the vicinity of the RPA of the trees. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any clearance operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of clearance works to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees :-
  - (i) The raising or lowering of levels in relation to the existing ground levels;
  - (ii) Cutting of roots, digging of trenches or removal of soil;

- (iii) Erection of temporary buildings, roads or carrying out of any engineering operations;
  - (iv) Lighting of fires; and
  - (v) Driving of vehicles or storage of materials and equipment.
- Reason** - In the interests of the visual amenities of the area and to safeguard the well being of trees within the site.

**09/00068/FUL - 299 Yarm Road, Darlington, DL1 1BA.** Installation of new shop front.

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

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

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

**08/01003/OUTE - Humbleton Farm, West Auckland Road, Burtree.** Erection of an agricultural centre to include replacement livestock market and equine centre and ancillary uses (in outline). (Additional travel plan received 28 January 2009)

In reaching its decision, the committee took into consideration the Planning Officer's report (previously circulated), eighty six letters of objection, the comments of the Government Office for the North East, North East Assembly, One North East, the Highways Agency, Durham Constabulary – Traffic Management Officer and Natural England, and the objections of the Ramblers, Campaign to Protect Rural England the Environment Agency and Coatham Mundeville Parish Meeting that had been received and the views of Mr. Mosher, an objector, Mr. Aitken, the applicant, Councillor Welsh, Chair of Archdeacon Parish Council, and Councillor B. Jones and Councillor Hughes, Ward Members, whom Members heard).

**RESOLVED** – That Members are minded that planning permission be granted for the following reasons subject to the Secretary of State deciding not to call in the application but that prior to the matter being referred to the Secretary of State officers seek to resolve outstanding technical matters and report back to Committee with suggested conditions and heads of terms for legal agreement :-

Members considered that the proposed development should be located within a Countryside location and not on the borders of the town. There is an urgent need for the existing Mart to be relocated from its Clifton Road site.

## **(2) Planning Permission Refused**

**08/00917/FUL - Former Torrington's site, Yarm Road, Darlington** - Hybrid Application for mixed use development comprising B1 office, B8 storage and warehousing (Outline); and B1 office, B2 industrial units, A3 restaurant, A4 public house, builder's merchants and 57 bed hotel.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the comments of North East Assembly, Tees Valley Joint Strategy Unit, the Highways Agency, Northumbrian Water and the Environment Agency, and the concerns of One North East, Durham Constabulary Architectural Liaison Officer, and the observations of

English Heritage that had been received and the views of Mr. Headley, the applicants agent, and Councillor I. Haszeldine, Ward Member, whom Members heard).

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

- (a) The proposed scheme would not accord with the development plan strategy for the site. It would be contrary to Policies EP2 (Employment Areas) and EP6 (Prestige Employment) of the Borough of Darlington Local Plan in that it would involve the development of part of the site for hotel, public house, restaurant and builders merchant on land which should normally only be used for prestige employment purposes within Classes B1, B2 and B8. The loss of the land for employment purposes would be detrimental to the strategic employment policy for the Borough.
- (b) The applicants have failed to show that there is a special need for the proposed hotel on this site or to demonstrate satisfactorily that a more sequentially-preferable location to meet the needs of the Darlington market is not available, suitable or viable. The proposal would impact negatively on the prospects of developing a hotel in or on the edge of Darlington town centre. The development would thereby be contrary to Policies S2 (Safeguarding the Town Centre) of the Borough of Darlington Local Plan and 25 (Urban and Rural Centres) of the Regional Spatial Strategy and PPS6 (Planning for Town Centres).
- (c) The applicants have failed to demonstrate a special need for the proposed pub and restaurant, as they are of a scale and nature which cannot be accepted as being ancillary to the proposed employment uses, nor would they constitute community facilities. The pub and restaurant could be accommodated in a sequentially-preferable location, within the town centre. Locating the uses on this site would have a detrimental impact on the Council's strategy for increasing the attractiveness of the town centre in general and investment in locations such as Commercial Street and Beaumont Street in particular. Pub and restaurant uses on this site would not be genuinely accessible by a range of means of transport; they would be overwhelmingly car-oriented, leading to an increase in car use and in overall distance travelled by car, contrary to the Government's policies on sustainability. The proposed development would thereby be contrary to Policy 25 (Urban and Rural Centres) of the Regional Spatial Strategy, and Policies S2 (Safeguarding the Town Centre) and S18 (Food and Drink Uses Outside the Town Centre) of the Borough of Darlington Local Plan, and PPS6 (Planning for Town Centres) and PPG13 (Transport).
- (d) The proposed Yarm Road frontage elements of the development, namely the restaurant, public house and hotel uses would detract from the setting of the nearby Grade II\* listed buildings by reason of their siting and design, contrary to PPG15 (Planning and The Historic Environment).
- (e) The design and appearance of the proposed B2 industrial units and builders merchants are considered to be an inappropriate form of development for this site in that they would erode the generally good quality of design already adopted within the Yarm Road prestige employment areas and if approved it would be difficult to resist further poorly designed buildings for the latter phases of the employment uses within the site, and would thereby be contrary to Policies E16 (Appearance from Main Travel Routes) and EP6 (Prestige Employment) of the Borough of Darlington Local Plan.

**08/00018/FUL - Southfields Farm, Glebe Road, Great Stainton.** Erection of agricultural workers dwelling, detached block of 4 No. garages and associated agricultural building (Amended Description) (Additional plan received 04/09/08 and 05/09/08).



(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection, the objections of Campaign to Protect Rural England, and the concerns of the Ramblers Association that had been received and the views of Mr. Barker, an objector, Mr. Heath and Mr. Nixon, the applicants agent, and Councillor B. Jones, Ward Member, whom Members heard).

**RESOLVED** - That planning permission is refused for the following reasons :-

- (a) The applicant has not provided sufficient evidence to demonstrate that there is a functional need for an agricultural worker to live permanently on the site itself, outside of the development limits of the Borough.
- (b) The applicant has failed to demonstrate that the need could not be fulfilled by other existing accommodation in the area which is suitable and available for the occupation of the workers concerned.
- (c) The proposed dwelling house and agricultural building, by reason of its layout, design and siting, would appear as a strident and obtrusive addition to the landscape, and would harm the character and appearance of the open countryside.
- (d) The proposed development is thereby contrary to policies H7 (Areas of Housing Development Restraint), E7 (Landscape Conservation), E4 (New Buildings in the Countryside) and E29 (The Setting of New Development) of the Borough of Darlington Local Plan 1997 together with national guidance contained within PPS7: Sustainable Development in Rural Areas (2004).

### **(3) Planning Permission Deferred**

**08/01004/OUT - Field at OSGR E429931 N512826, Neasham Road, Darlington.** Outline application for residential development (160 dwellings) (additional travel plan received 28 January 2009).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objection, the comments of North East Assembly, One North East, the Highways Agency, Natural England, Durham Wildlife Trust, the Environment Agency, Northumbrian Water, the Ramblers, the concerns of Durham Constabulary and the objections of Campaign to Protect Rural England and Hurworth Parish Council that had been received and the views of Mr. Aitken, the applicant, whom Members heard).

**RESOLVED** – That planning permission be deferred for the following reasons :-

To enable officers to seek to resolve outstanding technical matters with the applicant and to report back to Committee with further information on financial matters and relevant conditions and a legal agreement in the event that Members are minded to approve the development.

### **(4) Darlington Borough Council Granted**

**08/00978/DC - George Dent Nursery School, Elms Road, Darlington.** Erection of single storey lean to canopy to north elevation.

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

**08/01007/DC - St Augustine's RC Primary School, Beechwood Avenue.** Erection of metal framed cycle parking shelter and retention of existing cycle parking shelter (additional plans and photographs received 24 February 2009).

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

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

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

**08/01008/DC - Firthmoor Primary School, Ingleby Moor Crescent.** Erection of metal framed cycle parking shelter.

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

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

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

**09/00027/DC - Federation of Abbey Schools, Abbey Road.** Erection of wooden framed canopy to form covered walkway (amended description, amended photographs and documents received 03.02.09 and amended and additional plans received 24.02.09).

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

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samples).
- (c) B5 – Detailed Application (Implementation in accordance with approved plans).
- (d) E11 – Tree Protection.

**09/00053/DC - Windsor Court, Newton Lane.** Modernisation of existing sheltered housing complex to include internal remodelling of flat units and communal areas, upgrading facades and redevelopment of external communal areas with hard and soft landscaping.

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

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

- (a) A3 – Implementation Limit (Three Years).
- (b) B4 – Details of Materials (Samples).
- (c) B5 – Detailed Drawings (Implementation in accordance with approved plans).

**PA90. IMPLEMENTATION OF PLANNING AGREEMENTS SECURED THROUGH SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990** – The Assistant Chief Executive (Regeneration) submitted a report (previously circulated) informing Members of the improvements to infrastructure, services and amenities that have been achieved using Section 106 developer contributions, together with details of current agreements at various stages of progress.

The submitted report highlighted the planning agreements where financial obligations had been fully or partly implemented, planning agreements where financial obligations were outstanding in full, planning agreements involving non financial obligations and planning agreements awaiting payment triggers.

**RESOLVED** – That the report be noted.

**PA91. NOTIFICATION OF APPEALS** – The Assistant Chief Executive (Regeneration) reported that :-

- (a) Punch Taverns PLC had appealed against this Authority's decision to refuse planning permission for installation of kitchen extract with wooden covering structure (Retrospective) at the Otter and Fish, 1 Strait Lane, Hurworth, Darlington, DL2 2AH (Reference No. 08/00349/FUL);
- (b) Mr. P. Dowse had appealed against this Authority's decision to refuse planning permission for Certificate of Lawfulness (Existing Use) for residential caravan at Field at OSGR E436133 N511391 Middleton St. George, Darlington (Reference No. 08/00575/LU);
- (c) Mr. A. Ward had appealed against this Authority's decision to refuse planning permission for erection of residential dwelling house (additional information received 26th August, 2008) at Green Gables, 36 Carmel Road South, Darlington, DL3 8DJ (Reference No. 08/00596/FUL); and
- (d) W.K. Mounstey had appealed against this Authority's decision to refuse planning permission for erection of fodder store at Stable Block, Snipe Lane, Darlington (Reference No. 08/00888/FUL).

**PA92. NOTIFICATION OF DECISIONS ON APPEALS** - The Assistant Chief Executive (Regeneration) reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) Allowed the appeal by Mrs. J. Murray against this Authority's decision to refuse the application for works to fell 2 No. Horse Chestnut trees (T.129, T.130) protected under Tree Preservation Order (No. 8) 1979 at 10 Thorntree Villas, Middleton St. George, Darlington, DL2 1BJ (Reference No. 08/00402/TF);
- (b) Dismissed the appeal by Mrs. D. Ives against this Authority's decision to refuse the application for erection of two storey side extension, single storey extension and larger conservatory to rear at 84 Neville Road, Darlington, DL3 8NE (Reference No. 08/00606/FUL);
- (c) Dismissed the appeal by Hazel Tarakji against this Authority's decision to refuse the application for variation of condition four of planning permission reference number 07/00537/CU dated 30th August, 2007 (The number of children within the site at any one time shall not exceed the upper limit of 38 without the prior written permission of the Local Planning Authority) to permit an upper limit of 60 children at Day Nursery, West View, 4 Middleton Lane, Middleton St. George, Darlington, DL2 1BW (Reference No. 08/00445/FUL); and
- (d) Withdrew the appeal by Mr. P. Dowse against this Authority's decision to refuse the application for Certificate of Lawfulness (Existing Use) for residential caravan at Field at OSGR E436133 N511391, Middleton St. George, Darlington (Reference No. 08/00575/LU).

**PA93. 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 involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA94. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA85/Feb/09, the Assistant Chief Executive (Regeneration) submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 2nd March, 2009.

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