

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 20 March 2019

**PRESENT** – Councillors Baldwin (Chair), Galletley, Heslop, Johnson, Knowles, Lee, Lister, Storr, C Taylor, J Taylor and Tostevin

**APOLOGIES** – Councillors Lyonette and K Nicholson,

**ABSENT** – Councillors Kelley

**ALSO IN ATTENDANCE** – Councillors

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Lisa Hutchinson (Principal Planning Officer), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)) and Shirley Burton (Democratic Manager)

### PA67 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA68 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 20 FEBRUARY 2019

**RESOLVED** – That the Minutes of this Committee held on 20 February 2019 be approved as a correct record.

### PA6 9 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. <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.
E2	A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works

	<p>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>
<b>E3</b>	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p><b>Reason</b> - In the interests of the visual amenities of the area.</p>
<b>PL</b>	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,                  ^\N;  <b>Reason</b> - To define the consent.</p>

**PA70 MOWDEN HALL, STAINDROP ROAD, DARLINGTON**

**18/00989/FUL** - Proposed residential development consisting of 30 residential units (Additional Geotechnical Report and Phase 1 Ground Investigation Report received 6 and 11 December 2018; amended and additional plans and information received 17 December 2018, 7 January 2019, 10 January 2019, 11 January 2019, 16 January 2019 and 17 January 2019).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and one objector, both of whom Members heard and the findings a site visit which had been held).

**RESOLVED** – (a) That the Director of Economic Growth and Neighbourhood Services be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate for the development covering:-

- Offsite affordable housing (£369,000)
- Sustainable transport contribution to improve pedestrian facilities on Staindrop Road, in the vicinity of the site (£25,500)
- Sport & Recreation including 10 year maintenance contribution for improving and maintaining the new sport pitches on Staindrop Road (£8,988)
- An open space management and maintenance plan

(b) That upon satisfactory completion and signing of the above agreement,

planning permission be granted subject to the following conditions :-

### **General**

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

**Reason** - In the interests of achieving an improved rate of housing delivery in the Borough.

### **Materials**

2. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled External Finishes Schedule – Document Number E037-GTPN-XX-XX-SC-W-XX-001 and Drawing Number MHD-519-ZZ-XX-D-A-9009 Rev P1 “Proposed Brick Finishes Plan” unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of visual appearance of the development and to safeguard the setting of the Grade II Listed Building (Mowden Hall).

### **Enclosures**

3. No dwellings hereby approved shall be erected above damp proof course until precise details of the new enclosures at Mowden Hall Drive and High Green entrances shall be submitted to and approved, in writing, by the local planning authority. The details shall include the design, location and choice of materials for the new enclosures and 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 development and the surrounding area

### **Flood Risk and Drainage**

4. The development hereby approved shall not commence on site other than those works shown Drawing Number P17-542-3E-00-XX-DR-C-0003- Rev P1 Section 38 & 278 “Enabling Works Extents” until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details:
  - (a) Detailed design of the surface water management system;
  - (b) A build program and timetable for the provision of the critical surface water drainage infrastructure;
  - (c) A management plan detailing how surface water runoff from the site will be managed during the construction phase;
  - (d) Details of adoption responsibilities.

**Reason** -To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the document entitled “Mowden Hall, Darlington. Flood Risk and Drainage Impact Assessment for Galliford Try Partnership North” produced by F Benrley-Gold and dated December 2018 and the following mitigation measures detailed within the FRA

- (a) Attenuate runoff to the greenfield runoff rate of 5l/s
- (b) Discharge location to be NWL surface water sewer

The mitigation measures shall be fully implemented prior to the occupation and

subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

**Reason** -To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

6. The buildings hereby approved shall not be brought into use until:-

- 1) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings;
- 2) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

**Reason** - To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

### **Trees**

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled “Arboricultural Method Statement (Version 3)” dated January 2019 and produced by The Environment Partnership unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the visual appearance of the development and surrounding area.

### **Amenity**

8. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled “Mowden Hall, Darlington, Site Management Methodology” dated December 2018 and produced by Galliford Try Partnerships and Drawing Number SITE SETUP—01 Site Set Up and Traffic Management Plan unless otherwise agreed in writing by the Local Planning Authority.

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

9. Notwithstanding the information in the Site Management Methodology document by Galliford Try dated December 2018, construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority.

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

### **Highways**

10. No dwellings hereby approved shall be erected above damp proof course level until precise details of the works within the public highway on High Green and Mowden Hall Drive have been submitted to and approved in writing by the Local Planning Authority. The details shall include dropped kerbs, footways, tactile paving, and additional signage and road markings. The development shall not be carried out otherwise than in accordance with the approved details unless agreed in writing by the Local Planning Authority.

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

### **Landscape and Ecology**

11. The submitted landscaping scheme, as shown on Drawing Number N771-

ONE-ZZ-XX-DR-L-0201 Rev PO8 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. Notwithstanding the requirements of condition 12 above, the two Lime trees which form part of the Tree Group GD of the Darlington Borough Council Variation Order No. 1 2012 in respect of the County Borough of Darlington Tree Preservation No. 1 Order 1951 (adjacent to Plot 12 on Drawing Number MHD-519-ZZ-XX-D-A-9001 Rev P18 Site Plan as proposed and denoted as T19 and T20 on Drawing Number MHD-A519-ZZ-XX-D-A9002 Rev P5 Site Plan proposed tree removal) shall be retained and incorporated into the landscaping scheme for the approved development.

**Reason** – In the interests of the visual amenities of the area.

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the details contained within the document “Mowden. Landscape Management Plan” produced by One Environments Limited dated October 2018 unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the visual appearance and enhancing the ecological nature of the site and the surrounding area.

14. Prior to the occupation of the first dwelling, precise details as to how the land and trees and hedges between the proposed boundary fences of Plot Numbers 1 and 6 to 12 and the existing dwellings on Hall View Grove and Edgecombe Grove shall be submitted to and approved in writing by the Local Planning Authority and future maintenance shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** – In the interests of achieving a satisfactory form of development.

15. The development shall not be carried out otherwise than in complete accordance with the recommendations contained within the document entitled “Mowden Hall. Darlington. Ecological Assessment” produced by the Environment Partnership dated July 2018 unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interest of enhancing the ecological nature of the development.

16. The development hereby approved shall not be carried out otherwise than in complete accordance with the ecological mitigation measures (location of bird and bat boxes) shown on Drawing Number MHD-519-ZZ-XX-D-A-9001 Rev P18 “Site Plan as Proposed” unless otherwise agreed in writing by the Local Planning Authority. Thereafter the bird and bat boxes as approved shall be maintained on site for the lifetime of the development.

**Reason** - In the interest of enhancing the ecological nature of the development.

#### **Heritage Asset Matters**

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no development within Schedule 2, Part 1, Classes A, B, D, E, G, H of that Order shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

**Reason** - In order to safeguard the significance of Mowden Hall which is a Grade II listed building.

### **Contaminated Land**

18. The development hereby approved shall not commence on site other than those works shown Drawing Number P17-542-3E-00-XX-DR-C-0003- Rev P1 Section 38 & 278 "Enabling Works Extents" until a Phase 3 Remediation and Verification Strategy has been prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

**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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

19. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

20. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be

occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

**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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

21. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
- (a) Drawing Number N771-ONE-ZZ-XX-DR-L-0201 Rev PO8 Landscape Proposals
  - (b) Drawing Number MHD-519-HT7-XX-DR-A-2001 Rev P2 Proposed House Type Cottingham
  - (c) Drawing Number MHD-519-HT4-XX-DR-A-2001 Rev P6 Proposed House Type Mountford
  - (d) Drawing Number MHD-519-HT3-XX-DR-A 2001 Rev P7 Proposed House Type 1001
  - (e) Drawing Number MHD-519-HT1-XX-DR-A 2001 Rev P6 Proposed House Type 304
  - (f) Drawing Number MHD-519-HT5-XX-DR-A 2001 Rev P6 Proposed House Type Goodridge
  - (g) Drawing Number MHD-519-HT6-XX-DR-A-2001 Rev P6 Proposed oHoise Type MylnmeHouse House Type Mylne
  - (h) Drawing Number P17-542-3E-00-XX-DR-C-2000 - Rev P2 Proposed Levels Sheet 1 of 2
  - (i) Drawing Number P17-542-3E-00-XX-DR-C-2001- Rev P2 Proposed Levels Sheet 2 of 2
  - (j) Drawing Number D7167.001 Tree Constraints Plan Existing
  - (k) Drawing Number SITE SETUP—01 Site Set Up and Traffic Management Plan
  - (l) Drawing Number P17-524-3E-00-XX-DR-C-1000 Rev P2 Proposed Drainage Layout
  - (m) Drawing Number MHD- A519-ZZ-XX-D-A9002 Rev P5 Site Plan Proposed Tree Removal
  - (n) Drawing Number MHD-519-ZZ-XX-D-A 9004 Rev P5 Proposed Boundary Treatment
  - (o) Drawing Number MHD-519-ZZ-XX-D-A-9006 Rev P5 Site Sections as Proposed
  - (p) Drawing Number MHD-519-ZZ-XX-D-A-9001 Rev P18 Site Plan as Proposed
  - (q) Drawing Number P17-542-3E-00-XX-DR-C-0001 Rev P1 Flood Flow Routes Plan
  - (r) Drawing Number P17-542-3E-00-XX-DR-C-0002 Rev P1 Drainage Maintenance Plan
  - (s) Drawing Number MHD-519-ZZ-XX-D-A-9003 Rev P3 Site Location Plan
  - (t) Drawing Number MHD-519-ZZ-XX-D-A- 9009 Rev P1 Proposed Brick Finishes
  - (u) Drawing Number MHD-519-ZZ-XX-D-A-9010 Management Company Site

Layout

- (v) Drawing Number P17-542-3E-00-XX-DR-C-0003- Rev P1 Section 38 & 278 Enabling Works Extents

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

(c) That, should the Section 106 Agreement be not completed within 6 months without the written consent of the Local Planning Authority to extend this time (the decision as to whether or not time is to be extended is delegated to Officers), the permission shall be refused without any further reference to the Planning Committee on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Core Strategy Policy CS4 (Developer Contributions) namely :-

the proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan document 2011 as adequate provision has not been made for affordable housing, improving and enhancing walking routes in the vicinity of the site in order to mitigate the impact of the proposed development.

**PA71 FIELD AT OSGR E425124 N514093, GATE LANE, LOW CONISCLIFFE**

**18/01151/FUL** – Application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 24 (Restriction of Permitted Development Rights); condition 35 (accordance with plans) and removal of condition 11 (visibility splays) of planning permission reference number 16/01231/FUL dated 22 February 2018 (residential development comprising of 37 No. detached dwellings (including seven affordable units) and associated access road, car parking and landscaping) to permit the substitution of house types and revisions to the layout, open space, vehicular access arrangements and landscaping scheme (amended plan received 14 February 2019).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of two objectors and the objections of Low Coniscliffe and Merrybent Parish Council, all of whom Members heard).

The Parish Councillor informed Committee that he had received two letters from HM Land Registry which he claimed contradicted the Ownership Certificate completed by the applicant. The Planning Officer advised Members that the Council was obliged to ensure that the Certificate was completed accurately.

**RESOLVED** – That, to enable further clarification to be sought on the land ownership issues, consideration of this application be deferred.

**PA72 FIELD TO THE EAST OF OAK TREE INN, YARM ROAD, OAK TREE, MIDDLETON ST GEORGE, DARLINGTON**

**19/00040/FUL** – Erect 12 dwellings and access roads and other infrastructure. Variation of condition 3 (approved plans) attached to planning permission



18/00591/FUL to permit the substitution of house types and minor changes to the layout.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and a representative of Middleton St George parish Council, both of whom Members heard).

**RESOLVED** – (a) That, subject to the completion of a Deed of Variation of the Section 106 Agreement dated 21<sup>st</sup> December 2018 and subject to the obligations contained therein, planning permission be granted subject to the following conditions :-

1. The development hereby permitted shall be commenced not later than 19 June 2012.

**Reason** – Due to the planning application being submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

2. B4 – Materials

3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Site layout plan – 1853/001F Revision F

House detail plans – 1853/003, 1853/004A and 1853/005A

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

**Reason** - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

4. E2 – Landscaping

5. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. This shall include a plan showing the location of the units. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include:

(a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

(b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);

(c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

(d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;

(e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

**Reason** – To comply with the requirements of the local Development Plan.

6. Precise details of the off site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of the existing footway along the north-south section of Oak Tree Close to 2.0m wide, the addition of a new footway along the frontage of the development on the east-west section of Oak Tree Close at 2.0m wide (measured between restraints) connecting into the surrounding infrastructure and the new site access junction and linking footways. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

7. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.

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

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

**Reason** – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities.

**Reason** - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

10. The buildings hereby approved shall not be brought into use until:-
  - I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said buildings;
  - II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

**Reason** - To reduce flood risk and ensure satisfactory long term maintenance

are in place for the lifetime of the development.

(b) That, should the 106 agreement not be completed within the prescribed period without written consent of the Council to extend this time (the decision as to whether or not time is to be extended is delegated to officers), the permission shall be refused without any further reference to the Planning Committee on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Core Strategy Policy CS4 (Developer Contributions), namely :-

The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for improving sustainable transport and public transport facilities in the locality of the application site in order to mitigate the impact of the proposed development.

**PA73 FIELD AT OSGR E435307 N513463 YARM ROAD, MIDDLETON ST GEORGE, DARLINGTON**

**17/01195/OUT** – Outline planning application for the erection of up to 330 residential dwellings with associated landscaping and engineering works, 3 retail units and provision of a new single form Primary School.

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

**RESOLVED** – (a) That the previous decision of this Committee at Minute PA57(1)/Jan/19 be rescinded and that the Director of Economic Growth and Neighbourhood Services be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate for the development covering :-

- i) strategic network improvements;
- ii) gifting of school site to the Council for provision of a single form primary school in lieu of a financial education contribution;
- iii) sustainable transport contribution;
- iv) provision of one bus pass per dwelling.

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

1. Approval of the following details ('the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:
  - (a) layout
  - (b) scale
  - (c) appearance
  - (d) landscaping

The development shall not be carried other than in accordance with the

approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of eighteen months from the date of this permission.

**Reason** – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

2. The development hereby permitted shall be begun either before the expiration of;
  - (a) three years from the date of this permission, or
  - (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.

3. PL (Accordance with plans)
  - Y81:1054.06 Revision D Developable areas
  - Y81.1054.05 Revision D Illustrative masterplan

4. E3 Landscaping (Implementation)

5. No development shall take place on the western section of the application site (to the west of Middleton Back Road) until the existing industrial/ haulage uses have fully ceased operation.

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

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - (a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
  - (b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - (c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
  - (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason** – To comply with Council Housing Policy.

7. The development hereby approved, as it affects that part (or phase) of the site to be developed, shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing the following details:

- i. Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- ii. A build program and timetable for the provision of the critical surface water

drainage infrastructure;

- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- iv. Details of adoption responsibilities;
- v. Management plan for the Surface Water Drainage Scheme.

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

**Reason** – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 11<sup>th</sup> December 2017 and the following mitigation measures detailed in the FRA.
  - Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with section 10.6 and 10.7 stating a post development discharge limit of 224.3l/s (subject to condition below).
  - Further, the applicant shall demonstrate that the existing positive drainage network is currently operable. Otherwise, the existing impermeable area shall be considered as greenfield for the pre-development run-off calculations.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason** – To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

9. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

**Reason** – To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

10. Development, as it affects that part (or phase) of the site to be developed, shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved, has been submitted to and approved in writing by, the Local Planning Authority. Thereafter, the development shall not take place otherwise than in complete accordance with the approved details.

**Reason** – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, a Demolition and Construction

Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following:

- (a) Methods for controlling dust from the construction activities on site. These have already been outlined in the Miller Goodall Air Quality Assessment submitted with the application and should be incorporated into the CMP as part of the measures necessary to control dust on the site;
- (b) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014;
- (c) Methods for controlling noise and vibration during the demolition and construction phase7. which shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009;
- (d) Construction Traffic Routes, including parking areas for staff and visitors;
- (e) Details of wheel washing;
- (f) Road Maintenance;
- (g) Warning signage;
- (h) Details of parking for show homes.

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

12. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

**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.

13. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed, or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically

and in writing.

**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.

14. Prior to the commencement of the development as it affects that part (or phase) of the site to be developed, or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.

**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

15. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

16. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development as it affects that part (or phase) of the site to be developed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

**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.

17. For each phase of development, prior to, or at the same time as any reserved matters application, relating to layout, scale, appearance and landscaping, a noise impact assessment and a scheme to protect any noise sensitive receptors from excessive noise, undertaken by a suitably qualified acoustic consultant shall be submitted to and approved in writing by, the Local Planning Authority. The scope of the report, including the relevant noise sources to be considered and noise sensitive receptors shall be agreed in advance with the Local Planning Authority. Any works which form part of a mitigation scheme outlined in the noise impact assessment shall be completed prior to any part of the development being first occupied or used, or within an alternative timescale to be agreed with the Local Planning Authority. This requirement can be dispensed with if it is demonstrated and agreed in writing with the Local Planning Authority that no adverse noise impacts will arise for each phase.

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

18. Construction and demolition work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no working on a Sunday and Bank / Public Holidays without the prior written permission from the Local Planning Authority.

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

19. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to, and approved by the Local Planning Authority.

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

20. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

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

21. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include dropped kerbs, footways to the development frontage to connect into the surrounding infrastructure, tactile paving, improvements to visibility splays, junctions, roundabout, bus stops traffic calming and signage/road markings. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** – In the interest of highway safety.

22. Prior to the commencement of any development on the western section of the application site (to the west of Middleton Back Road) details of the footpath entrance from Chapel Street, including details of the timing of the works to implement the link, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details.

**Reason** – To achieve satisfactory pedestrian access provision in the interests



of connectivity.

23. A Road Safety Audit shall be carried out for all of the works within the public 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 interest of highway safety.

24. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

**Reason** - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

25. Prior to the commencement of the development hereby approved, as it affects that part (or phase) of the site to be developed, details of pedestrian links within the site to connect to existing surrounding infrastructure, to improve the permeability of the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

26. No development, as it affects that part (or phase) of the site to be developed, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:

- 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-fieldwork 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 Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

**Reason** – To comply with para 197 and 199 of the NPPF because the site is of archaeological interest.

27. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

shall be deposited at the County Durham Historic Environment Record.

**Reason** – To comply with para 199 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

28. Prior to the commencement of the development, as it affects that part (or phase) of the site to be developed, details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

29. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development, as it affects that part (or phase) of the site to be developed. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

30. Prior to the commencement of the development, as if affects that part (or phase) of the site to be developed, details of a scheme to prevent vehicular access from the development northwards underneath the railway structure shall be submitted to, and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

31. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

32. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing on site. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

33. Prior to the commencement of the development hereby permitted, as it affects that part (or phase) of the site to be developed, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

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

34. The mitigation measures set out in the Ecological Impact Assessment prepared by Naturally Wild (SHA-17-06 September 2018) shall be implemented in full. In addition, no development shall take place until precise

details of a landscaping scheme to mitigate for the loss of habitat on the site and for the provision of bat roosting and bird nesting opportunities on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site and maintained for the lifetime of the development.

**Reason** – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

35. No tree or hedgerow removal or works to buildings shall take place within the bird breeding season (March to August inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

**Reason** – In the interest of nesting birds.

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

- (a) The raising or lowering of levels in relation to 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 a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

37. The retail floorspace shall comprise three self-contained units of 500 square metres gross each, and thereafter no amalgamation to larger units shall take place without the prior written approval of the Local Planning Authority, to whom a planning application must be made.

**Reason** – To ensure that the proposed retail units meet local needs.

38. The retail units hereby approved shall only be used for A1 (Shops), A2 (Financial and professional services) or A3 (Restaurants and Cafes) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use without the prior written approval of the Local Planning Authority, to whom a planning application must be made.

**Reason** – To ensure that the proposed retail units meet local needs and to allow the Local Planning Authority to retain control over the uses within the site in the interests of residential amenity.

39. The use of the retail units hereby permitted shall not commence until details of the arrangements for the storing of waste or refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the

development shall be carried out in accordance with the details as approved.

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

40. No development in connection with the retail units hereby approved shall take place until a Servicing Management Plan, which shall limit the size of service vehicles visiting the site and make and providing for the management of the car parking in connection with service vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter all vehicle servicing shall take place in accordance with the approved Servicing Management Plan.

**Reason** – In the interest of highway safety.

41. No external plant, equipment or machinery shall be installed as part of the proposed retail units without the prior written approval of the Local Planning Authority. Where external plant, equipment or machinery is proposed details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local Planning Authority, appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

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

42. Deliveries to and the collection of waste from the retail units hereby permitted shall only permitted whilst the premises is open and in any event only between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on Sundays and Bank Holidays.

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

(b) That, should the 106 agreement not be completed within this prescribed period without written consent of the council to extend this time, the minded to approve status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of core strategy Policy CS4 (Developer Contributions), without any further reference to the Planning Committee, namely :-

The proposed development would be contrary to Policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for strategic highway network improvements, sustainable transport and education in order to mitigate the impact of the proposed development.

## **PA74 NOTIFICATION OF DECISION ON APPEALS**

The Director of Economic Growth and Neighbourhood Services reported that, Inspectors, appointed by the Secretary of State for the Environment, have dismissed the appeal by Mr J Singh against this Authority's decision to refuse permission for a change of use of ground floor of dwelling house (Use Class C3) to local convenience store (Use Class A1) with living accommodation above and erection of single storey rear extension to form part of shop and associated internal and external alterations (Revised scheme) at 201 Greenbank Road, Darlington,

DL3 6EY (Ref: 18/00672/FUL)  
(Copy of Inspector's decision letter enclosed)

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

#### **PA75 NOTIFICATION OF APPEALS**

The Director of Economic Growth and Neighbourhood Services reported that :-

- (a) Mr Paul Gibson had appealed against this Authority's decision to refuse permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of conditions 2 (garages to be used incidental to the main dwelling) and 3 (living accommodation not to be occupied, let or otherwise disposed of as a separate dwelling) at The Annexe, Spa Wells, Low Dinsdale, Darlington, DL2 1PL. (18/01064/FUL).
- (b) Mr Jesbir Singh had appealed against this Authority's decision to refuse permission for Variation of condition 7 (Opening Hours) of planning permission 14/00563/FUL allowed on appeal APP/N1350/A/14/2228133 dated 23 January 2015 (Change of use from shop (Use Class A1) to hot food takeaway (A5) and external alterations) to permit opening hours from 11.30 - 22.00 Friday and Saturday and 12.00 - 21.00 on Sundays and Bank Holidays, at 15 Belvedere Road, Darlington, DL1 5EP. (18/00376/FUL).
- (c) Mr Marcus Nimmo had appealed against this Authority's decision to refuse permission for the Erection of detached garage at Creebeck House, Roundhill Road, Hurworth Moor, Darlington, DL2 1QD. (18/00765/FUL).

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

#### **PA76 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS**

**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.

#### **PA77 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 6 MARCH 2019 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA66/Feb/19, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 6 March 2019.

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