

PLANNING APPLICATIONS COMMITTEE

Wednesday, 9 August 2023

PRESENT – Councillors Ali, Allen, Anderson, Bartch, Cossins, Haszeldine, Kane, Laing, Lee, McCollom, Tostevin and Wallis.

APOLOGIES – Councillors Lawley and Robinson,

ALSO IN ATTENDANCE – Councillors Beckett, Durham, Pease and Snedker.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

PA23 APPOINTMENT OF VICE CHAIR FOR THE MUNICIPAL YEAR 2023/2024

RESOLVED - That Councillor Ali be appointed Vice Chair of this Committee for the remainder of the Municipal Year 2023/24.

PA24 DECLARATIONS OF INTEREST

Councillor Tostevin declared a non-pecuniary interest in Minute PA27 below, as a social Member of Dinsdale Golf Club.

PA25 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 12 JULY 2023

RESOLVED – That the Minutes of this Committee held on 12 July 2023 be approved as a correct record.

PA26 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN; Reason - To define the consent.

PA27 DINSDALE GOLF CLUB, NEASHAM ROAD, MIDDLETON ST GEORGE

22/00875/FUL - Infilling of topographical depression with inert construction waste on land at 18th hole and formation of a bund around existing driving range (part retrospective) (Additional information received 28th February 2023 and 2nd March 2023).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, the Council's Environmental Health Officer, the Local Lead Flood Authority and the Environment Agency, 16 letters of objection received, 25 letters of support received, the objections of Neasham Parish Council and Middleton St. George Parish Council, and the views of the Applicant's Agent, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)
A01 P04 Site Location Plan
A05 P03 Driving range plan
A03 - P01 18th Hole Proposed
2245.01 REV A Biodiversity Enhancement Plan
3. Notwithstanding the details submitted with the plan A05 P03 (driving range) the height of the proposed bund shall not exceed 3 metres.

REASON – In the interests of the visual amenity of the locality.

4. All works must be carried out in strict accordance with the following approved document 'Driving Range Plan Proposed, Drawing Number A05, Rev P03, dated 12/06/2022 in relation to surface water management.

REASON – To ensure that the development does not increase the risk of surface water flooding.

5. No material other than inert material shall be deposited at the site.

REASON - Other waste materials raise environmental and amenity issues that would require consideration afresh.

6. No construction activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

7. No development or movement of materials to the development site must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - i. details of any temporary construction access to the site including measures for removal following completion of construction works.

- ii. wheel and chassis underside washing facilities on the development site and where relevant the site material is to be sourced from, to ensure that mud and debris is not spread onto the adjacent public highway.
- iii. the parking of contractors' site operatives and visitor's vehicles.
- iv. areas for storage of plant and materials used in constructing the development clear of the highway.
- v. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- vi. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- vii. protection of carriageway and footway users at all times during demolition and construction.
- viii. details of site working hours.
- ix. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- x. measures to control and monitor construction noise.
- xi. a detailed method statement and programme for the building works; and
- xii. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

REASON – In the interest of public safety and amenity.

8. The landscaping scheme (drawing number 2245.01A.) 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.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

9. The development shall not be carried out otherwise than in accordance with the mitigation, compensation and enhancement measures set out in the submitted Ecological Impact Assessment 'Dinsdale Golf Club Darlington DSG-22-01 (Naturally Wild April 2022) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, Policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

(NOTE: Councillor Bartch was not present for consideration of this item.)

PA28 LAND AT THE ENTRANCE OF FAVERDALE INDUSTRIAL ESTATE, DARLINGTON

20/00852/FUL - Demolition of existing building and erection of six commercial units (464sqm; 1858sqm; 836sqm; 650sqm; 464sqm and 464sqm) three Drive Through Restaurants (350sqm; 167sqm and 180sqm); one industrial unit (789sqm) and an EV

Charging Station with associated access, parking, drainage and landscaping (Revised Description) (Amended and additional plans received 13 July 2021; Ground Contamination Risk Assessment received 15 July 2021; amended drainage design plan received 1 October 2021; additional retail information received 14 March 2022; additional Planning Policy Statement received 23 March 2022; Sequential Test Addendum received 5 July 2022; additional and amended plans and reports received 15 September 2022; Biodiversity Net Gain information received 16 and 21 September 2022; Tree Survey and Tree Constraints Plan received 4 October 2022; Drainage information received 6 October 2022).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Public Rights of Way Officer, the Environmental Health Officer, the Environmental Health Manager (Commercial), the Travel Planning Officer, the Transport Policy Officer, the Highways Engineer, the Council's Ecology Consultant, the Lead Local Flood Authority, the Environment Agency, Northumbrian Water, National Highways and Northern Gas Networks.

The Committee also gave consideration to 16 letters of objection, 199 letters of support and 11 comments received in relation to the originally submitted application, and a further three letters of support and 21 letters of objection to a subsequently amended scheme. The Committee also took into consideration eight letters of objection, two letters of support and two comments received in relation to the further amended application, with one further objection received in relation to revised access arrangements. The views of the Applicant's Agent, one Objector and a Ward Councillor, whom the Committee heard, were also given due consideration.

In formulating a decision, Members reflected greatly on the retail impact of the scheme and were reassured that the impact on the shopping outlets in Cockerton, and the retail offer in the Town Centre, would not be as greatly affected as initially feared.)

RESOLVED – That (upon satisfactory completion and signing of 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 a Travel Plan including a monitoring fee, a personalised Travel Advice fee and a Travel Plan Implementation bond equating to £47,250; and a financial contribution of £50,000 towards offsite highway improvement works to be identified in the Infrastructure Delivery Plan) Planning Permission be granted subject to the following conditions and reasons:

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 1810 PL 102F – Proposed Site Layout
 - b) Drawing Number 20 147/006 Rev A – Wider Site Context
 - c) Drawing Number 20 147/TK11 Rev A – Swept Path Analysis Max Legal

Articulated Vehicle

- d) Drawing Number 1810 PL 120A – Proposed Ground Floor Plan Unit 3
- e) Drawing Number 1810 PL 121A – Proposed Roof Plan Unit 3
- f) Drawing Number 1810 PL 122A – Proposed Elevations 1 & 2 Unit 3
- g) Drawing Number 1810 PL 123 – Proposed Elevations 3 & 4 Unit 3
- h) Drawing Number 1810 PL 115A – Proposed Ground Floor Plan Unit 2
- i) Drawing Number 1810 PL 116A – Proposed Roof Plan Unit 2
- j) Drawing Number 1810 PL 117A – Proposed Elevations 1 & 2 Unit 2
- k) Drawing Number 1810 PL 118A – Proposed Elevations 3 & 4 Unit 2
- l) Drawing Number 1810 PL 125B – Proposed GA Floor Plan Unit 4
- m) Drawing Number 1810 PL 126B – Proposed GA Roof Plan Unit 4
- n) Drawing Number 1810 PL 127B – Proposed Elevations 1 & 2 Unit 4
- o) Drawing Number 1810 PL 126C – Proposed Elevations 3 & 4 Unit 4
- p) Drawing Number 1810 PL 145 – Proposed GA Floor Plan Unit 6
- q) Drawing Number 1810 PL 146 – Proposed Roof Plan Unit 6
- r) Drawing Number 1810 PL 147 – Proposed Elevations 1 & 2 Unit 6
- s) Drawing Number 1810 PL148 – Proposed Elevations 3 & 4 Unit 6
- t) Drawing Number 1810 PL 135 – Proposed GA Floor Plan Unit 5
- u) Drawing Number 1810 PL 136 – Proposed GA Roof Plan Unit 5
- v) Drawing Number 1810 PL 137 – Proposed GA Elevations Unit 5 Elevations 1 & 2
- w) Drawing Number 1810 PL 138 – Proposed GA Elevations Unit 5 Elevations 3 & 4
- x) Drawing Number 1810 PL 140 – Proposed Charging Station
- y) Drawing Number 1810 PL 110 – Proposed Ground Floor Plan Unit 1
- z) Drawing Number 1810 PL 111 – Proposed Floor Plan Unit 1
- aa) Drawing Number 1810 PL 112 – Proposed Elevations 1 & 2 Unit 1
- bb) Drawing Number 1810 PL 113 – Proposed Elevations 3 & 4 Unit 1
- cc) Drawing Number 1810 PL 100 – Site Location Plan

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

3. Units 4a, 4b, 4c, 4d and 4e hereby permitted and shown on Drawing Number 1810 PL 102F – Proposed Site Layout shall be used for the retailing of non food sales only in bulky comparison goods normally found in retail parks which are DIY home and garden improvements, car maintenance and accessories, building materials and builders' merchants goods furniture, carpets, electrical goods, garden items and such other trades as the Council may permit in writing and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)

REASON - In the interests of retail planning policy.

4. Units 3c hereby permitted and shown on Drawing Number 1810 PL 102F – Proposed Site Layout shall be used as a veterinary practice and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory

instrument revoking and re-enacting that Order)

REASON - In the interests of retail planning policy.

5. Units 3b hereby permitted and shown on Drawing Number 1810 PL 102F – Proposed Site Layout shall be used as a tanning salon and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)

REASON - In the interests of retail planning policy

6. There shall be no internal sub-division of any unit hereby approved.

REASON - In the interests of retail planning policy

7. Prior to the first occupation of the development, a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider to deliver a Biodiversity Offsetting Scheme totalling greater than 13.17 biodiversity units shall be submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Offsetting Scheme which shall run for a period of not less than 30 years to be delivered by the 'Off-Site Biodiversity Net Gain Provider' or 'Offset' Provider should be located within the Darlington Borough Council administrative area or other location within the Tees Lowland Character Area, as defined by Natural England (that area recorded in DEFRA Magic Mapping, July 2022, and extending across Darlington, towards Richmond and Barnard Castle to the west and to the coast to the east, between Hartlepool and the northern edge of the North York Moors National Park) unless otherwise agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider or Offset Provider. The details of biodiversity enhancements, together with provision for future monitoring and reporting shall be documented by the Off-Site Biodiversity Net Gain Provider or Offset Provider and issued to the Council for their records.

REASON - To comply with Local Plan Policies ENV7 and ENV8.

8. Prior to the commencement of the development except for investigative works, precise details of all required offsite highway works must be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed 'Ghost Island' Junction access to be designed in accordance with DMRB CD123. Details shall also include, footways and cycleway routes linking the development to existing infrastructure, crossing points, and associated signage and road markings. Details shall also include where appropriate' removal and reinstatement of existing access points, additional off-site parking restrictions, bus stop amendments and resurfacing works. The agreed works must be completed prior to occupation of the first unit, unless agreed otherwise in writing with the Local Planning Authority.

REASON - To ensure that the detailed design is appropriate, and that required

infrastructure for safe access is delivered at the appropriate time, in the interests of the safety and convenience of all highway users.

9. Prior to commencement of works on site, except for investigative works, an independent Stage 2 Road Safety Audit (RSA) carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

REASON - In the interests of highway safety.

10. Prior to occupation of the first unit, and each additional unit thereafter, a servicing and delivery schedule to control operations on site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include but are not limited to; the type and maximum size of vehicle to be used, access and turning routes, drop off location, times, and frequency of deliveries. Deliveries and servicing arrangements must thereafter be in accordance with the agreed plan.

REASON - In the interests of highway safety.

11. Prior to the commencement of the development, precise details of the retaining boundary walls shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the height and design of the wall and the materials and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of the visual appearance of the development and surrounding area.

12. Prior to the commencement of the development including any demolition works, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a. 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 construction phase 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.
- b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
- c. Construction Traffic Routes (including plant and machinery), including parking areas for staff and visitors.

- d. Details of wheel washing.
- e. Details of site hoarding fencing (no less than 2m in height of a solid construction with no gaps or loose panels).
- f. Road Maintenance.
- g. Warning signage.
- h. Details of any temporary construction access to the site including measures for removal following completion of construction works.
- i. Areas for storage of plant and materials used in constructing the development clear of the highway.
- j. Details of the measures to be taken for the protection of trees; and
- k. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- l. The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON - In the interests of the amenity of the area and highway safety.

13. Construction and demolition activities, including delivery of materials and external works in terms of fitting out the units, shall be limited to the hours of 08.00-18.00 weekdays, 08.00-13.30 on Saturdays and not at all on Sundays or Bank Holidays without prior consent of the Planning Authority

REASON - In the interests of the amenity of the surrounding area.

14. Notwithstanding the approved plans, no individual building shall be constructed above damp proof course until precise details of all external materials to be used in the construction of that building has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interest of the visual appearance of the development and surrounding area.

15. The development hereby permitted shall be constructed to BREEAM 'Very Good' standard or better unless otherwise agreed in writing by the Local Planning Authority

REASON - To comply with the requirements of Local Plan Policy DC1.

16. No building shall be constructed above damp proof course until precise details of the

cycle parking and storage provision for both staff and visitors for that building has been submitted to and approved in writing, by the Local Planning Authority. The parking provision shall accord with guidance contained within Cycle Infrastructure Design – Local Transport Note 1/20 July 2020 unless otherwise agreed in writing by the Local Planning Authority. The development shall not be carried out unless than in complete accordance with the approved details which shall be available for use prior to occupation and retained in situ for the lifetime of the development.

REASON - To encourage the use of sustainable modes of transport.

17. No building shall be constructed above damp proof course until a landscaping scheme, planting schedule and soft landscape specification has been submitted to, and approved in writing by, the Local Planning Authority 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.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

18. Deliveries to the commercial and industrial premises hereby approved and collections of waste shall only take place between the hours of 07.00 – 21.00 Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of the amenity of the surrounding area.

19. Prior to occupation of the development as a whole or each unit, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:

- i. A description of the proposed lighting units including height, type, angling and power output for all lighting;
- ii. Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- iii. The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment;
- iv. Details of the Sky Glow Upward Light Ratio, Light Intrusion (into

windows of relevant properties) and Luminaire Intensity;

- v. The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

REASON - In the interests of residential amenity and the visual appearance of the locality.

20. If piling is to be carried out, it shall be of the augured type unless prior approval is obtained from the Planning Authority. If an alternative method of Piling is to be used, then a noise and vibration impact assessment for this is to be submitted to and approved in writing by the Local Planning Authority before the commencement of any works

REASON - In the interests of the amenity of the surrounding area.

21. No noise emitting fans, louvres, ducts or any other external plant associated with this permission shall be installed on the buildings, other than the industrial unit (see condition 22) until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON - In the interests of the amenity of the surrounding area.

22. No external plant, equipment or machinery shall be installed on the industrial unit associated with the proposed development without the prior written approval from 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, operational details and the proposed locations. 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, operated and maintained in accordance with the approval for the life of the development.

REASON - In the interests of the amenity of the surrounding area.

23. Prior to the commencement of the development and any further site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

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.

24. Prior to the commencement of the development 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.

25. Prior to the commencement of the development 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

26. Prior to the commencement of the development 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

27. 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.

28. 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 shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development 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.

29. 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;

- 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; 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 Policy DC2 of the Darlington Local Plan 2016 - 2036 and the National Planning Policy Framework.

30. The development permitted by this planning permission shall only be carried out in accordance with the approved Plan Drainage Drawing No 601-31, Revision P02 and Flood Risk Assessment (FRA) & Drainage Strategy dated September 2020 Project Ref 4499 and the following mitigation measures detailed within the FRA.
- a. Total Discharge rate must not exceed 17l/sec

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.

31. The building hereby approved shall not be brought into use until: -
- a) 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 building;
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority.

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

32. Prior to the commencement of the development, a detailed scheme for the disposal of foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2021.

33. Prior to the first occupation of the development hereby approved, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequent multiple occupier Travel Plans shall be submitted to and approved in writing by the Local Planning Authority within three months of the occupations of the buildings. All Travel Plans shall be added to the ModeshiftStars

Community / Modeshift Stars Business site and the Travel Plans shall be continued in accordance with the details contained therein, including attaining Bronze Standard with 12 months of the commencement of the use unless otherwise agreed in writing by the Local Planning Authority.

REASON - To accord with the policy IN2 of the Local Plan and the Council's Travel Plan Guidance Note.

34. The electrical vehicle charging points as shown on the approved plans shall be in place and shall be operational prior to the first occupation of the development hereby approved and shall be maintained in accordance with approved details for the lifetime of the development.

REASON - To ensure provision of electric vehicle charging infrastructure in accordance with Local Plan Policy IN4.

35. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Impact Assessment Plus Tree Survey – Land at Entrance of Faverdale Industrial Estate, Darlington" dated September 2022 and produced by Brooks Ecological unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of the visual appearance of the development.

36. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled "Preliminary Ecological Appraisal Report – Faverdale Darlington" dated March 2021 and produced by Brooks Ecological unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of the visual appearance of the development.

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MIND 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 DARLINGTON LOCAL PLAN 2016-2036, WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE.

(**NOTE:** Councillor Bartch was not present for consideration of this item.)

(**NOTE:** During discussion on the Application, Councillor Durham, addressing the Committee in his capacity as Ward Councillor, requested that the biodiversity credits managed by Durham Wildlife Trust be ring-fenced for use by Brinkburn Nature Reserve. Members expressed agreement with this request, and the Applicant's Agent also agreed that this would be undertaken).

23/00367/FUL - Application submitted under Section 73 of the Town & Country Planning Act 1990 for the variation of condition 2 (opening hours) and 4 (outdoor seating), and removal of condition 6 (no. of covers) attached to planning permission 21/00922/FUL dated 29 Oct 2021 to permit a change in opening hours on Thurs, Fri and Sat from 8am-6pm to 8am-9pm to allow up to 2 late openings per month, to allow the installation of 4 no. picnic benches in front forecourt with alterations to car-parking and to permit an increase in the number of covers from 20 to 30 (description amended following receipt of amended application form and supporting statement on 20th June 2023).

(In considering the application, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Environmental Health Officer and the Council's Highway Engineer, 40 letters of objection received, 22 letters of support received, a further 18 letters of objection to the subsequently amended proposal, and one letter of representation in support of the amended proposal, the views of Middleton St. George Parish Council, and the views of the Applicant, three Objectors, two Supporters and a Ward Councillor, whom the Committee heard).

Members considered the application and discussed the concerns raised in relation to the increase in covers and the resultant car-parking issues, and weighed these concerns up against similar businesses within the village.

RESOLVED – That consideration of the Application be deferred to a future meeting of this Committee (6 September 2023).

(NOTE: During the course of discussion a vote was taken on whether Planning Permission should be refused, in line with the Officer recommendation, however this was lost, and a Motion to defer the application to a future meeting was agreed, in order to allow for appropriate conditions to be drafted and presented to Members and for the matter to be considered at that time and a decision to be made).

PA30 LAND TO SOUTH OF LONG PASTURE FARM, LITTLE STANTON, STOCKTON ON TEES

22/01329/FUL - Proposed ground mounted solar farm consisting of the Installation of 49.9MW solar photovoltaic array/solar farm with associated infrastructure (additional health impact assessment and battery safety management plan received 20th January 2022, response to Northern Gas objection received 9th February 2023, Written Scheme of Investigation received 16th March 2023, Trial Trench Evaluation report received 28th June 2023 and amended Trial Trench Evaluation report received 20th July 2023).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, the Environmental Health Officer, Arboricultural Officer, Climate Change Officer, the Lead Local Flood Authority, the Council's Conservation Adviser, the Council's Ecology Adviser, the Council's Rights of Way Officer, Northumbrian Water, the Environment Agency, Teesside Airport, Northern Gas Network, the Health and Safety Executive, Stockton Borough Council, the recommendations of the Durham County Council Archaeology, five letters of objection received, four letters of representation received, the objections of Sadberge Parish Council, the objections of Bishopston Parish Council, the objections of East and West Newbiggin Parish Meeting, and the views of the Applicant, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. The development hereby approved shall be commenced not later than 7 years from the date of this permission.

REASON – In order to comply with the provisions of Section 91(1)(b) of the Town and Country Planning Act, 1990.

2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.

REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

3. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the Local Planning Authority.

REASON - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

4. The development hereby approved shall be carried out in accordance with the following plans and documents:

- (a) Development area plan, drawing number 4449-PUB-028, dated 15.12.2022
- (b) Indicative site layout, drawing number 4449_DR_P_0003, dated 24.08.2022
- (c) Landscape mitigation plan, drawing number 4449_DR_P_0004, dated 17.08.2022
- (d) Typical PV panel section, drawing number 4449_DR_P_0005, dated 17.08.2022
- (e) Inverter/transformer, drawing number 4449_DR_P_0006, dated 17.08.2022
- (f) Security fencing and CCTV, drawing number 4449_DR_P_0007, dated 17.08.2022
- (g) Security gate, drawing number 4449_DR_P_0008, dated 17.08.2022
- (h) Access track cross-section, drawing number 4449_DR_P_0009, dated 17.08.2022
- (i) Container storage unit, drawing number 4449_DR_P_0010, dated 17.08.2022

- (j) Substation compound, drawing number 4449_DR_P_0011, dated 17.08.2022
- (k) Indicative temporary construction compound, drawing number 4449_DR_P_0012, dated 17.08.2022
- (l) BESS battery unit elevations, drawing number 4449_DR_P_0013, dated 17.08.2022
- (m) BESS PCS unit elevations, drawing number 4449_DR_P_0014, dated 17.08.2022

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

5. Prior to the commencement of the development hereby permitted a final biodiversity management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the measures contained within the final biodiversity management plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

REASON – To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

6. Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed 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 visual amenity

7. Prior to the commencement of the development hereby approved (including demolition work, details shall be submitted of a scheme to protect those existing trees to be retained as part of the development. The submitted details shall comprise generally the specification laid down within BS 5837 and where necessary shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachments. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of protection works prior to the commencement of any of the work to allow an inspection of the measures to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads, or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON – To ensure a maximum level of protection in order to safeguard the well-being of the trees on site and in the interests of the visual amenities of the area.

8. No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and completed to the satisfaction of the Local Planning Authority.

REASON – To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhanced biodiversity.

9. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

10. Prior to the commencement of the development, precise detail of works to the site accesses (Norton Back Lane) shall be submitted to and approved in writing. Details shall include visibility splays, swept path analysis, details of cut off drainage to prevent the discharge of surface water onto the highway, location of gates, and turning facilities for the long-term operation of the site. The first 12m of each access/internal road shall be constructed in a sealed material (i.e., not loose gravel).

REASON – In the interests of highway safety.

11. Prior to the solar farm hereby approved becoming operational details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - The materials to be used to form any access tracks crossing rights of way within the site to ensure this does not present a trip hazard;
 - A signage scheme to warn pedestrians and drivers of the presence of any access points crossing the rights of way within the site

Thereafter the access tracks shall be formed in accordance with the approved details and the approved signage shall be in place prior to the first operation of the solar farm and shall be maintained for the lifetime of the development.

REASON – In the interest of the safety of users of the rights of way network.

12. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

13. Prior to the solar farm hereby approved becoming operational details of a 3m high acoustic barrier around the BESS units designed to limit the transmission of sound from the BESS shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier must be installed prior to the solar farm becoming operational and must be retained and maintained thereafter for the lifetime of the development.

REASON – In the interest of residential amenity.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, Long Pasture Solar Farm dated October 2022.

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.

15. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON – To safeguard any archaeological interest in the site and to comply with part 16 of the National Planning Policy Statement. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

16. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON – To comply with paragraph 205 of the NPPF which required the developer to record and advance understanding of the significant of heritage assets, and to

ensure information gathered becomes publicly accessible.

PA31 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.

PA32 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28 JULY 2023 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA22/Jul/2023, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28 July 2023.

RESOLVED - That the report be noted.