

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10 January 2024

PRESENT – Councillors Cossins (The Mayor) and Haszeldine (Chair), Anderson, Beckett, Kane, Laing, Lawley, Lee, McCollom and Robinson.

APOLOGIES – Councillors Ali, Allen, Bartch and Tostevin.

ALSO IN ATTENDANCE – Councillors 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), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

PA58 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA59 TO APPROVE THE MINUTES OF THE MEETINGS OF THIS COMMITTEE HELD ON 6TH DECEMBER 2023 AND 20TH DECEMBER 2023

RESOLVED – That the Minutes of the meetings of this Committee held on 6 December 2023 and 20 December 2023 be approved as a correct record.

PA60 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.
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. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area. Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

E3	<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>Reason - In the interests of the visual amenities of the area.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p>Reason - To define the consent.</p>

PA61 LAND TO THE WEST & SOUTH OF STATION ROAD, STATION ROAD, MIDDLETON ST GEORGE, DARLINGTON

21/00529/FUL - Demolition of existing agricultural buildings and structures and development of 260 no. dwellings including access, open space, landscaping, sustainable drainage systems and associated infrastructure and works (Amended plans received 18th September 2023) (Amended description) (BNG information received 24th October 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, Public Rights of Way Officer, Transport Planning Officer, Ecology Officer and Environmental Health Officer, the views of the Historic Environment Record Officer, the Local Lead Flood Authority, Natural England, and National Highways, thirty-one letters of objection, twenty-six additional letters of objection reported at the meeting, two letters of support reported at the meeting, four letters of representation, the views of the Friends of the Stockton and Darlington Railway, the objections of Middleton St. George Parish Council, and the views of the Applicant, an Objector, a representative of the Parish Council and the Ward Councillor, whom the Committee heard.)

RESOLVED – Subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate to the development covering:

- i) Strategic Network Improvements.
- ii) Education Contribution.
- iii) Public Transport Contribution.
- iv) Sustainable Transport Contribution.
- v) Travel Plan Contribution.
- vi) Former Stockton and Darlington Railway Contribution.
- vii) Landscape Management Clause.
- viii) Delegate to officers to negotiate a contribution towards a community use in Middleton St George.

that Planning Permission be granted subject to the following conditions:

1. A3 Implementation limit (3 years)
2. PL Accordance with plan
 - Site Location Plan PLN1 Rev C
 - Layout Plan/General Arrangement 30020 PLN GA Rev L
 - Branford A20.1 M42 PD
 - Butler A20.1 PD
 - Cranford A20.1 M42 PD
 - Dawson A20.3 PD – updated December
 - Ferguson A20.1 PD
 - Fraser A20 PD
 - Harrison – A20.1 PD
 - Hartford M42 A20.1 PD
 - Langford M4 2 A20.1 PD
 - Milford M4 2 A20.1 PD
 - Newford A20.1 PD
 - Sanderson A20.1 PD
 - Stanford NDSS M4 2 A20 PD
 - Sutton A20.1 PD
 - Wilson A20.1 PD
 - PLN 3 Basic EFBT Rev D
 - PLN 5 Noise Mitigation Plan Rev D
 - PLN 8 Indicative Adoption and Management Plan Rev E
 - PLN 9 Affordable Unit Plan Rev E
 - PLN10 PROW diversion plan rev E
 - PLN11 Key Pedestrian Route plan Rev D
 - Landscape Strategy Masterplan – P21- 0714.001 L
 - LVIA – P21- 0714.002 C
 - Proposed Materials Palette PLN SCH2 – Rev A – September 2023
 - Culvert Crossing QD2079 FW 04 18 Rev B
 - Surface Water Management Plan SH SWM Rev B
 - Engineering Layout QD2079 -03-01 - A
 - External Works Sheet 1 QD2079 -04-01-B
 - External Works Sheet 2 QD2079 -04-01-A
 - External Works Sheet 3 QD2079 -04-01-A
 - External Works Sheet 4 QD2079 -04-01
 - FRA DS 20075 Station Road MSG V1
 - QD FRA Addendum – October 23
 - QD Drainage Calcs SW 08 09 23
 - QD Drainage Calcs FQ 08 06 23
 - Road Sections Sheet 1 QD2079 – 05 -01
 - Road Sections Sheet 2 QD2079 – 05 -02
 - Impermeable Areas QD2079 – 03 -02
 - Manhole Schedules QD2079 – 03 -03
 - Engineering Layout QD2079 – 03 -01 B

3. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 2 unless a further planning application specific to one or more of the severable areas is submitted and approved by the Council in substitution for that part of the approved development. If such an application is approved, the remaining severable areas may still be developed as approved in this planning permission, it being intended that this Planning permission should permit each severable area separately and severably from the others.

REASON - For the avoidance of doubt.

4. B4 External Materials

5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing (excluding demolition and site access work) 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.

6. E3 Landscaping (Implementation)

7. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement and PLN7 Tree Protection Plan Rev E (Brindle & Green, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. Notwithstanding the approved specification, none of the following activities shall take place within the segregated protection zones in the areas 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 to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

8. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards

and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted plans.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036

9. The boundary treatment for each dwelling as specified on the submitted drawings (30020.PLN.EFBT Rev D), shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

10. The development shall not begin (excluding demolition and site access works) 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.

11. No development (excluding demolition and site access works) shall commence until 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 interests of visual and residential amenity.

12. Prior to the first occupation of any dwelling nearby approved the applicant will:

Submit the details of and then, once subsequently agreed with the LPA install, a suitable ventilation strategy for the houses shown to require it on the Storey Homes Northeast Drawing No. 30020.PLN.NOI Revision D submitted with the application.

The ventilation strategy must (as a minimum) allow the building to be ventilated in accordance with the appropriate building regulations without the need to open a window. Future residents should however retain the ability to open a window to provide purge ventilation if they choose to do so. The proposed ventilation strategy must, when providing

whole dwelling ventilation, not exceed noise levels of:

- o 26dB LAeq, nT in bedrooms, and
- o 30 dB LAeq, nT in living rooms.

when measured according to BS EN ISO 16032

And when providing extract ventilation, sound from any type of mechanical ventilation system shall not exceed:

- o 26 dB LAeq, nT in bedrooms, and
- o 35 dB LAeq, nT in living rooms, and
- o 45 dB LAeq, nT in kitchens, sanitary accommodation and bathrooms

when measured according to BS EN ISO 16032.

The approved strategy must be thereafter retained and maintained for the lifetime of the development.

REASON – In the interests of residential amenity.

13. Prior to the first occupation of plots 1 and 256 on Drawing No. 30020.PLN.NOI REVISION D submitted with the application, the applicant will install the required noise mitigation measures around garden areas in plots 1, and 256 as shown to be required in the njd noise assessment dated August 2023 reference NJD21-0037-001R/R3 submitted with the development.

REASON – In the interests of residential amenity.

14. Prior to the commencement of the development, a site-specific Construction Management Plan (CMP) 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) The dust emissions mitigations measures set out in Table 6 of the njd Air Quality Assessment shall be implemented as part of the CMP.
- 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 parking areas for staff and visitors.
- d) Details of site where the site compound and construction staff welfare facilities will be situated, loading and delivery areas, any temporary site lighting, and the proposed build route through the development.
- e) Details of wheel washing for site vehicles.
- f) Road Maintenance.
- g) Warning signage.
- h) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON – In the interests of residential amenity and highway safety.

15. 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 Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

16. Prior to the first occupation of the development, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

17. The proposed water efficiency measures including the appropriate fittings shall be installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 110 litres and shall be maintained as such thereafter.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

18. 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 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 approved shall not be commenced (excluding demolition and site clearance), 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: • Detailed design of the surface water management system; • A build program and timetable for the provision of the critical surface water drainage infrastructure; • 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 Local Plan and the National Planning Policy Framework.

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 26th March 2022/Addendum FRA dated 2nd of October 2023 and the following mitigation measures detailed within the FRA.

Discharge to Watercourse restricted to 49.87 l/s 4060m³ of storage provided.

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.

23. 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 building.

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.

24. Development shall not commence (excluding demolition and site clearance) until a detailed scheme for the disposal of foul 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. 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 NPPF.

25. Prior to the commencement of the development (excluding demolition and site clearance) precise details of 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 in accordance with DMRB CD123 along with details of footways which link to the surrounding cycling/pedestrian infrastructure. The agreed works must be completed prior to occupation of the first dwelling.

REASON - In the interests of highway safety.

26. Prior to the commencement of the development (excluding demolition and site clearance) precise details of traffic calming features within the development required as part of the implementation of a 20mph speed limit, must be submitted to and approved in writing by the Local Planning Authority.

REASON - In the interests of highway safety.

27. Prior to the commencement of the development precise details of each phase of the development (phasing plan) must be submitted to and approved in writing by the Local

Planning Authority. Details shall include vehicle and pedestrian connectivity to surrounding infrastructure, with turning facilities sufficient to accommodate an 11.2m refuse vehicle.

REASON - In the interests of highway safety.

28. Prior to commencement of works on site, 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 interests of highway safety.

29. Prior to the occupation of the development, a plan to show details of pedestrian / cyclist crossing points within the development, shall be submitted to and approved in writing by the Local Planning Authority. The crossing points shall be constructed in accordance with the approved details prior to the occupation of the development and shall remain in place thereafter.

REASON – In the interests of highway safety.

30. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and always retained for their intended purpose.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

31. The development shall not be carried out otherwise than in complete accordance with the submitted Travel Plan (Proposed Residential Development Station Road, Middleton St George Travel Plan Report No. 784-B048157/ 2, Tetra Tech, September 2023) unless otherwise agreed in writing by the Local Planning Authority.

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.

32. Prior to the first occupation of the development hereby approved, details of secure cycle parking shall be submitted to, and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the agreed details prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

33. Prior to the first occupation of the development hereby approved or each phase of the development, details of the type and location of an electrical socket suitable for charging electric vehicles for each property with a dedicated garage or parking space, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the

dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

34. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON - To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

35. Prior to the commencement of the development an updated 30-year Biodiversity and Ecological Management Plan (BMMP) or a Landscape and Ecology Management Plan (LEMP) 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 approved 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.

36. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Impact Assessment (Station Road Middleton St George, E3 Ecology, September 2023) (except in respect of the number of barn owl and bat and bird boxes which should exceed the numbers proposed with details to be submitted as part of an overall wildlife features plan (condition 40)) unless otherwise agreed in writing by the Local Planning Authority.

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

37. On submission of the final landscape design required by condition 6, a final BNG calculation will be undertaken and the BNG metric and supporting report provided to the LPA for approval.

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

38. Development works to which the consent applies must not take place; between 1st March and 31st August or at any time while barn owls are nesting and until temporary alternative provision has been made in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority. If development

occurs during barn owl nesting season, then a check of potential nesting sites must be conducted prior to any works being undertaken.

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

39. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of barn owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which the consent applies) within 3 days of work commencing.

REASON – To ensure that nesting barn owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife and Countryside Act (1981).

40. Prior to the commencement of development, a Plan outlining the wildlife features (to include bat, bird and barn owl boxes as well as hedgehog highways and a series of hibernacula and refugia for hedgehogs, amphibians, and invertebrates to the southern and western borders of the site) shall be submitted to and approved in writing by the LPA. The Plan should be reviewed by an appropriately experienced ecologist prior to submission. The agreed Plan shall show the number, specification of the wildlife features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. The agreed Plan shall show the number, specification of the wildlife features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwellings 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.

41. Within 3 months of completion of all of the relevant dwellings a report from an appropriately qualified ecologist confirming that all wildlife features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the LPA. In the interim, photographic evidence will be provided to the Council ecologist for dwelling specific wildlife features prior to the occupation of each dwelling for information purposes unless otherwise agreed in writing with the LPA.

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

42. Prior to the commencement of the development otter survey results from installed cameras shall be submitted to the Local Planning Authority for review. A pre-commencement survey should be conducted prior to any works being undertaken on the site within 30m of the watercourse and a report sent to the Local Planning Authority for approval.

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

43. A sensitive lighting design plan shall be submitted prior to the commencement of the development (excluding demolition and site access work) or within such extended time as may be agreed in writing by the Local Planning Authority. The plan shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Dark corridors should be mapped out and included within the lighting plan. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON – To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

44. No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to the local planning authority and the Environment Agency for review and approval. The CEMP should include:

- A detailed biosecurity plan which includes a biosecurity protocol to prevent the introduction of crayfish plague, signal crayfish, and other invasive non-native species to the site.
- Pollution prevention measures to address the risk of siltation to the watercourse during construction of the site, including the construction of the culvert.
- A species protection plan for white-clawed crayfish (WCC), consisting of a pre-works check methodology, toolbox talks for contractors prior to any/all works around the watercourse, and a procedure to follow in the event WCC are encountered during the works. This should be developed by a licenced WCC ecologist and informed by a survey.
- A scheme for the long-term management of the landscape buffer around the watercourse within the development site. Once agreed, the CEMP should always be available on site so that it can be referred to by contractors.

REASON - No CEMP has been submitted to support this application. This raises risks of mitigation measures going unimplemented during construction of the development and therefore of an offence being committed under the Wildlife and Countryside Act (1981, as amended)

Note: Should the 106 Agreement not be completed within the 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 Darlington Local Plan 2016-2036, without any further reference to the Planning Committee.

PA62 3 OAK TREE CLOSE, MIDDLETON ST GEORGE

23/01097/TF - Work to 1 no. Oak Tree protected under Tree Preservation Order (no.2) 1997 (T.2) - Containment pruning; up to 30% reduction in crown size.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Senior Arboricultural Officer, three letters of representation received, and one letter of objection received.)

RESOLVED - That consent be refused.

REASON - The Oak tree (T2) protected under Tree Preservation Order (No. 2) 1997 is in good form and condition and is a highly valuable tree in the street scene, contributing to the visual amenities of the area, and as such remains worthy of protection by a Tree Preservation Order. Without sufficient justification, the proposed crown lift of up to 30% would result in a loss of natural form to a protected tree in acceptable condition with no safety concerns. The proposed development would therefore have a detrimental impact upon the amenity value of the tree itself and that of the surrounding area, contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).

PA63 4 WELLINGTON DRIVE, MIDDLETON ST GEORGE

23/00804/FUL - Erection of an entrance porch to front elevation and conversion of loft into habitable space with an increase in ridge roof height, pitched dormer extension to rear and installation of roof lights.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Development Control Section, four letters of objection, a general representation comment and one further comment received on the amended proposals.)

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

1. Time Limit

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 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Plan Reference Number	Date
L023030 – 001	14 August 2023
L023030 – 101	14 August 2023

L023030 – 003	14 August 2023
L023030 – 004 REV B	15 November 2023
L023030 – 005 REV B	19 December 2023

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

3. Materials

The materials used in the construction of the external walls and roof of the development hereby approved, shall match those within the existing main dwelling.

REASON - In the interests of visual amenity and to ensure a satisfactory form of development.

4. Obscurely Glazed and Non-Opening Window

The hereby approved rear dormer window demonstrated on drawing L023030 – 005 REV B (dated 19th December 2023) to be located to the east / rear of the host dwelling, shall have obscure glazing to a minimum level 4 and shall be non-opening. The obscurely glazed and non-opening windows shall be installed prior to the occupation of the loft conversion and shall be retained for the lifetime of the development.

REASON - In the interests of the amenity of the neighbouring properties.

5. Obscurely Glazed Roof Light

The hereby approved rear / eastern Velux roof light as demonstrated on drawing L023030 – 005 REV B (dated 19th December 2023) of the development, shall be obscurely glazed to a minimum level 4. The obscurely glazed window shall be installed prior to the occupation of the loft conversion and shall be retained for the lifetime of the development.

REASON - In the interests of the amenity of the neighbouring properties.

PA64 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had:-

Allowed the appeal by Mr. Geoff Wood against this Authority's decision to refuse planning permission for the erection of a 1.83m high fence to the side and rear boundaries of the property at 2 Fox Close, Darlington, DL2 2HG (23/00311/FUL)

RESOLVED – That the report be received

PA65 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.

PA66 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28TH DECEMBER 2023 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA54/Dec/2023, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28th December 2023.

RESOLVED - That the report be noted.