

**PLANNING APPLICATIONS COMMITTEE**

Wednesday, 10 April 2024

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

**APOLOGIES** – Councillor Ali.

**ABSENT** – Councillor Bartch.

**ALSO IN ATTENDANCE** – Councillors Coe and Holroyd.

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

**PA75 DECLARATIONS OF INTEREST**

Councillor Robinson declared a Pecuniary Interest in Minute PA77(b) below, as the occupier of an adjoining property, and left the meeting during discussion of this item.

**PA76 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 7 FEBRUARY 2024**

**RESOLVED** – That the Minutes of this Committee held on 7 February 2024, be approved as a correct record.

**PA77 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

A1	The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters before the development is begun:-  (a) layout; (b) scale; (c) appearance; (d) access; (e) landscaping.  Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  <b>REASON</b> - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 (as amended).
A2	The development shall be begun two years from the final approval of

	<p>the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.</p> <p><b>REASON</b> - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p>
A3	<p>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.</p> <p><b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
B4	<p>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.</p> <p><b>REASON</b> - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p><b>Reason</b> - To ensure the development is carried out in accordance with the planning permission.</p>
CL1	<p>Prior to the commencement of the development and any 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.</p> <p><b>REASON</b> - 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</p>

	Framework.
CL2	<p>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 Land Contamination: Risk Management (LCRM)) 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 and assess pollutant linkages. 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.</p> <p><b>REASON</b> - 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.</p>
CL3	<p>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 Land Contamination: Risk Management (LCRM)) 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.</p> <p><b>REASON</b> - 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.</p>
CL4	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and</p>

	<p>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.</p> <p><b>REASON</b> - 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.</p>
CL5	<p>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.</p> <p><b>REASON</b> - 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.</p>
CL6	<p>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.</p> <p>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 and shall be submitted and agreed in writing with the Local Planning Authority within 2-months</p>

	<p>of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>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.</p> <p><b>REASON</b> - 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.</p>
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**(1) POWER PLAY SNOOKER AND POOL, ELDON STREET**

**23/00178/FUL** - Demolition of 2 No. existing buildings and erection of 12 No. residential dwellings (4 No. 3 bed houses and 8 No. 2 bed houses) with parking provision (Bat report received 26th May 2023) (Nutrient Neutrality assessment / budget calculator received 9th October 2023) (Revised drainage strategy received 2nd February 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Transport Planning Officer and Environmental Health Officer, the Local Lead Flood Authority, the objections of the Conservation Officer, nine letters of objection received, the view of Darlington Association on Disability, and the views of the Applicant's Agent, an Objector 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) Highways contribution (improvements to pedestrian infrastructure in Eldon Street) £6000 (to be costed);
- ii) Sustainable transport contribution in line with the SPD. This will be based on £500 per 2 bedroomed dwelling, £750 per 3 bedroomed dwelling.

that Planning Permission be granted subject to the following conditions:

**GENERAL**

- 1. A3 (Standard 3-year time limit)

**APPROVED PLANS**

## 2. PL (Accordance with Plans)

### Site location Plan

4017-HMH-DD-2B4P-DR-A-1010-P02\_2B4PHOUSE Revised 2B4P House Plan

4017-HMH-DD-3B5P-DR-A-1020-P02\_3B5PHOUSE Revised 3B5P House Plan

4017-HMH-DD-SBXX-DR-A-1041-P04\_Rear Elevation Street scene

4017-HMH-DD-SPXX-DR-A-1001-P07\_ Revised Proposed site plan

4017-HMH-DD\_B1XX-DR-A-1040-P06 Revised Street elevations and block plan

## MATERIALS

### 3. B4 External Materials

## AFFORDABLE HOUSING

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

**REASON** – The provision of affordable housing within the scheme was given significant weight in the planning balance. To comply with Council housing policy.

## HERITAGE IMPACTS

5. The buildings shall not be demolished until an appropriate programme of historic building recording (level 2) and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning.

**REASON** - To ensure that an appropriate record is made of the historic building fabric that will be affected by the development.

## NUTRIENT NEUTRALITY

6. 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

#### **M4(2) STANDARD**

7. The dwellings hereby approved shall fully meet building regulations category M4(2) adaptable and accessible dwelling standards.

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

#### **EV CHARGING POINTS**

8. Prior to the first occupation of the development hereby approved 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.

#### **LAND CONTAMINATION**

9. Prior to the commencement of the development and any site investigation works, (excluding site preparation and demolition) 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 Land Contamination: Risk Management (LCRM)) 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 and assess pollutant linkages. 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. 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.

10. Prior to the commencement of each phase of the development (excluding site preparation and demolition) 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 Land Contamination: Risk Management (LCRM)) 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. 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.

11. Prior to the commencement of the development (excluding site preparation and demolition) 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.

12. 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.

13. 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.

## **CONSTRUCTION IMPACTS**

14. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following, unless the Local Planning Authority dispenses with any requirements 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 demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
  - 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 wheel washing.
- e) Road Maintenance.
- f) Warning signage.
- g) 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.

## HIGHWAYS

- 16. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme of delivery.

**REASON** - To secure an appropriate form of vehicular and pedestrian access is constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

- 17. No part of the development to which this permission relates must be brought into use until offsite access works are completed and any internal carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

**REASON** - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all highway users.

- 18. No part of the development shall be brought into use until the access, parking,

maneuvering, and turning areas for all users within the development, 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 retained for their intended purpose at all times.

**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.

## **TRANSPORT POLICY**

19. 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.

## **FLOODING AND DRAINAGE**

20. 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.

- Detailed design of the surface water management system.
- A build program and timetable for the provision of the critical surface water drainage infrastructure.
- A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- A Section 104 adoption agreement entered into before construction.
- Amended Flood Risk Assessment (FRA) & Drainage Strategy.

**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 Policy DC2 of the Darling Borough Local Plan 2016-2036 and the National Planning Policy Framework 2021.

21. The development permitted by this planning permission shall only be carried out in accordance with an amended and approved Flood Risk Assessment (FRA) & Drainage Strategy and the following mitigation measures detailed within the FRA.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no enlargement, improvement or other alteration of the premises, including

any additional structures/building within the curtilage of the site or alterations or removal of the permeable block paving shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

**REASON** - The plots contain critical elements of surface water attenuation structures beneath ground. The surface finish proposal above attenuation is “permeable block paving” which is integral to the long-term drainage strategy.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site or alterations or removal of the permeable block paving shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

**REASON** - The plots contain critical elements of surface water attenuation structures beneath ground. The surface finish proposal above attenuation is “permeable block paving” which is integral to the long-term drainage strategy.

23. 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.

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

- 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.
- 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.

## **LANDSCAPE AND MEANS OF ENCLOSURE**

25. 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 and to achieve Biodiversity Net Gain.

26. The boundary treatment for each dwelling as specified on the submitted drawing (4017-HMH-DD-SPXX-DR-A-1001-P07\_) shall be in place prior to the occupation of the dwellings hereby approved.

**REASON** – In the interests of visual and residential amenity

## **ECOLOGY**

27. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Appraisal (Land off Eldon Street, Darlington, OS Ecology, May 2023) 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.

**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.

## **(2) GARAGES TO THE REAR OF 63 WOODLAND ROAD, VANE TERRACE**

**23/00956/FUL** - Demolition of garage block (four garages) and construction of 1 no. two bed residential dwelling (Use Class C3) incorporating the existing two storey dovecote and the creation of a courtyard/garden, together with the provision of a footpath for pedestrian access and installation of street lighting (additional information received 9 February 2024; Nutrient Calculator and Provisional Nutrient Certificate received 15 February 2024; Bat and Bird Breeding Survey received 29 February 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Street Lighting Engineer, Environmental Health Officer, Highways Engineer and Ecology Officer, Natural England, Northern Gas Networks, six letters of objection received, 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 – Implementation Limit (Three Years)

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:

- a) Drawing Number 21-33/P002C Proposed Plans & Elevations
- b) Drawing Number 21-33/P-LP – Location Plan

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

3. Prior to the first occupation of the development hereby approved, 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

4. A lit footway, as shown indicatively on drawing 23066-LE-00-01-DR-D-0001P02, shall be constructed, completed and available for use prior to the first occupation of the dwelling hereby approved.

**REASON:** To ensure that the dwelling has appropriate access, with particular regards to pedestrians and people with mobility issues in accordance with policies IN1 and IN2 of the Darlington Borough Local Plan.

5. Prior to any demolition works and the commencement of the development, a site specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] 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 demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- 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 wheel washing.
- e. Road Maintenance.
- f. Warning signage.

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.

6. Prior to the removal of any ridge tiles and roofing on the existing building, a Toolbox

Talk and Method Statement provided by an ecologist shall be submitted to and approved in writing by the Local Planning Authority. The development must not be carried out otherwise than in complete accordance with the approved Statement.

**REASON** - In the interests of biodiversity and to protect habitats and protected species.

7. Should a bat or bats be uncovered by the removal of the roof of the existing buildings, all works in that area must cease immediately and the developer must contact a suitably qualified ecologist for advice in consultation with the local planning authority.

**REASON** - In the interests of biodiversity and to protect habitats and protected species.

8. No building shall be constructed above damp proof course level until details of a scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum of two bat features and two bird nesting features (either or both swift and house sparrow features), and the details shall include, but not be limited to, plans to show the location of the integrated features. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be retained in situ for the lifetime of the development.

**REASON** - To ensure the development complies with policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036

9. No building shall be constructed above damp proof course until a landscaping scheme, incorporating native and/or wildlife friendly ornamental species has been submitted to, and approved in writing by, the Local Planning Authority and, upon approval of the scheme, 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 visual and ecological interests of the area.

10. No building shall be constructed above damp proof course level until details of the external materials to be used in the carrying out of this permission have been submitted to, and approved by, the Local Planning Authority. The details shall include bricks, roof tiles, cills and headers, windows, doors, rainwater goods, railings, gates, brick bond, rooflights and the development shall not be carried out otherwise than in complete accordance with the 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 and the West End Conservation Area

11. No building shall be constructed above damp proof course until precise details of cycle parking have been submitted to and approved in writing by the local planning authority. The agreed parking provision shall be made available for use prior to the occupation of the development and retained in situ for the lifetime of the development.

**REASON** - In order to encourage the use of sustainable modes of transport

12. No building shall be constructed above damp proof course until precise details of refuse storage and disposal have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be made available for use prior to the occupation of the development and retained in situ for the lifetime of the development.

**REASON** - In order to prevent the storage of refuse in the public highway and in the interests of the amenity of the area.

13. 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 residential amenity.

14. The two garages shown within the land edged in red on Drawing Number 21-33/P-LP – Location Plan shall be retained permanently and made available for parking purposes associated with the dwelling hereby approved only and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

**REASON** - To ensure that the development retains appropriate parking provision on the interests of highway safety.

15. An electrical socket suitable for the charging of electric vehicles shall be installed into one of the retained garages prior the first occupation of the dwelling. The socket shall be a minimum single phase 13 amp socket and shall be retained for the lifetime of the development.

**REASON** - To ensure the development complies with Policy IN4 of the Darlington Local Plan 2016 – 2036.

16. The first floor bedroom window formed in the south elevation of the dwelling hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

**REASON** - To prevent overlooking of the neighbouring dwelling.



17. All repointing, repair or rebuilding works to the Dovecote and the construction of the new dwelling hereby approved shall be undertaken using lime mortar only.

**REASON** - In order to safeguard the visual appearance and character of this building of local historic interest and the West End Conservation Area.

18. The dwelling hereby approved shall meet Category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) unless otherwise agreed in writing by the Local Planning Authority

**REASON** - To ensure the development complies with Policy H4 of the Darlington Local Plan 2016 – 2036.

**NOTE:** Councillor Robinson left the meeting during the discussion and subsequent vote on this item.

**(3) LAND AT FORMER 25 GATE LANE, LOW CONISCLIFFE**

**22/00021/OUT** - Outline application with all matters reserved for the erection of 3 no. dwellings (Provisional Nutrient Certificate received 22 September 2023; additional Nutrient Statement and amended Nutrient Calculator received 17 October 2023; Provisional Nutrient Certificate received 3 January 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Ecology Consultant, Environmental Health Officer and Transport Policy Officer, Northern Gas Networks, Natural England, and three letters of objection received).

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

1. A1 - Outline (Reserved Matters)
2. A2 - Outline (Implementation Time)
3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below.

a. Drawing Number Site – A001 Location Plan

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

4. The planning application made in pursuance of condition 1 shall not propose more than three dwellings.

**REASON** - For the avoidance of doubt.

5. Notwithstanding the details contained within the Nutrient Neutrality Statement dated 10 July 2023 submitted in support of the planning application, precise details of

the water efficiency measures to ensure the daily water usage per person per day does not exceed 105 litres shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The details shall include details of the appropriate permanent fittings and they shall be installed within each dwelling prior to their occupation and retained in place for the lifetime of the development.

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

6. Prior to the first occupation of the development hereby approved, 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.

7. The planning application made in pursuance of condition 1 shall be made for dwellings which are a maximum 2.5 storeys in height

**REASON** - In the interests of the visual appearance of the street scene, residential amenity and to accord with the Council's adopted Supplementary Planning Document: Design for New Development (2011).

8. The planning application made in pursuance of condition 1 shall include, but not be limited to, the following details:

- a) Cycle parking provision for the dwellings (one cycle space per bedroom).
- b) Electric Vehicle Charging provision for each dwelling (one single phase 13 amp socket).
- c) Precise details of all boundary treatments for the site.
- d) Precise materials for in- curtilage driveways including a sealed material for the first 3.0m measured from the highway boundary.
- e) Precise details of in curtilage parking including the number, location and dimensions of each space.
- f) Details of refuse and recycling storage
- g) Details of any external lighting
- h) Precise details of proposals for biodiversity net gain (landscaping/bat and bird boxes) measures
- i) Precise details of vehicle access including dropped kerbs, pavement crossings and where appropriate removal of redundant crossing points and reinstatement of footways.

**REASON** - in order to ensure a satisfactory form of development which accords with the Darlington Local Plan (2016 – 2036) and the Low Coniscliffe and Merrybent Neighbourhood Plan.

9. The planning application made in pursuance of condition 1 shall be for dwellings

which comply with Category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings). The planning application shall include details as to how the requirements will be met and the development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In order to comply with policy H4 (Housing Mix) of the Darlington Local Plan 2016 – 2036

- 10 CL1 - Phase 1 Preliminary Risk Assessment
- 11 CL2 - Phase 2 Site Investigation Strategy
- 12 CL3 – Phase 2 Investigation Works
- 13 CL4 - Phase 3 Remediation and Verification Strategy
- 14 CL5 - Construction/Remediation works.
- 15 CL6 - Phase 4 Verification and Completion Report
16. 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 residential amenity

17. Prior to the commencement of the development, a site-specific 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 parking areas.
  - d. Details of Contractor Parking and Compound, if necessary
  - e. Pedestrian Routes
  - f. Details of wheel washing, if necessary
  - g. Road Maintenance, if necessary

h. Warning signage.

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

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

**PA78 NOTIFICATION OF DECISION ON APPEALS**

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

- a) Dismissed the appeal by Mr Rod Farrow against this Authority's decision to refuse permission for the erection of 2 no. residential dwellings with associated access, hard standing and private amenity space (revised scheme) (Addendum to Noise Assessment received 19 December 2022; amended Planning Statement received 21 March 2023; Nutrient Calculator and Provisional Nutrient Certificate received 26th July 2023) at 42 Durham Road, Coatham Mundeville, Darlington DL1 3LZ (22/01271/FUL).
- b) Allowed an appeal by Mr Robert Flannigan (Appeal A) and dismissed an appeal by Mr Mitchell Flannigan (Appeal B) against an enforcement notice issued by Darlington Borough Council in relation to the unauthorised stationing of four caravans for residential use at land on the northeast side of Neasham Road, Hurworth Moor, Darlington.

**RESOLVED** – That the report be received

**PA79 NOTIFICATION OF APPEALS**

The Chief Executive reported that:

- a) Clear Channel UK had appealed against this Authority's decision to refuse permission for Display of 1 no. internally illuminated LED digital advertising display including the removal of 2 No. advertising displays at BP Service Station, High Northgate, Darlington, DL1 1UW (23/01024/ADV).
- b) Ian Robert Hodgson had appealed against this Authority's decision to refuse permission for Felling of 1 no. Cypress tree protected under Tree Preservation Order (No.3) 1962 (T52) at 67 Milbank Court, Darlington, DL3 9PF (22/01281/TF).

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

**PA80 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.

**PA81 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 27 MARCH 2024 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA74/Feb/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 27 March 2024

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