

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 28 October 2020

**PRESENT** – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, C L B Hughes, Johnson, Keir, Lee, Marshall, McCollom, Tait, Tostevin and Wallis.

**APOLOGIES** – Councillor Lister.

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

### PA44 DECLARATIONS OF INTEREST

Councillor Cossins declared a non-pecuniary interest in Minute PA47 below, as a Member of the Co-operative Party.

Councillor Marshall declared a non-pecuniary interest in Minute PA50 below, having held discussions with both the Applicant and Objectors as the Ward Councillor.

### PA45 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 30 SEPTEMBER 2020

**RESOLVED** – That the Minutes of this Committee held on 30 September 2020 be approved as a correct record.

### PA46 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.  <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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### PA47 VANTAGE POINT SITE, FAVERDALE, DARLINGTON

**18/00694/FUL** - Erection of a 1,900sqm (GIA) supermarket (A1 use), 1,900 sqm (GIA) retail store (A1 use) and a 167sqm (GIA) and drive-thru unit (A1/A3 use) with associated parking for 263 cars, ancillary service and delivery areas, landscaping and new access (amended Planning Policy Statement and Retail Policy Statement received 29 November 2018, additional Sequential Test document received 5 February 2019; additional Employment Land Viability Report received 30 April 2019; amended plans received 31 May 2019; drainage information received 29 August 2019; additional Retail Impact Assessment received 26 September 2019

and Retail Assessment information received 14 May 2020 ; amended drainage information received 28 May 2020 and 8th July 2020).

In line with Members' instructions at the Ordinary Meeting of the Planning Applications Committee on 30 September 2020, where Members were minded to grant planning permission contrary to Officer recommendation, the submitted report set out the reasons for granting planning permission and the associated conditions which should be attached to the permission for Members' consideration.

In introducing the submitted report, the Head of Planning, Development and Environmental Health advised Members of legal advice received in relation to considering this application in light of a subsequent application received in relation to an adjacent site. It was noted that the two applications were substantially different, and therefore the advice was that consideration of this application could proceed.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), an objection received from Co-op's inhouse Town Planning Manager, a representation received from Royal Pilgrim Communications, and a representation received from a resident of Daylesford Grove).

**RESOLVED** – That Planning Permission be granted subject to the completion of a Section 106 Agreement within six months to secure financial contributions towards the following:

- A public transport contribution to improve the Faverdale Outbound stop with raised kerb and shelter and the Faverdale Inbound with a shelter. The obligation for this would be £15,440.
- A sustainable transport contribution to improve and maintain footways and cycleways close the site including improvements to Faverdale Black Path and a potential shared use path continuing along Faverdale. The obligation would equate to £52,600.

And the following Planning Conditions:

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

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

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

- a) XX-DR-A-91-1003 P4 - Site - Proposed - Lidl - ECO Store Type
- b) RF-DR-A-01-0002-S3-P4 - General Arrangement Plan - Roof – Lidl
- c) XX-DR-A-01-0001-S3-P4 - Proposed Ground Floor GA Plan – Lidl
- d) XX-DR-A-02-0001-S3-P4 - General Arrangement Elevations – Lidl
- e) XX- -DR-A-91-0002-S3-P30 - Proposed Site Plan - Home Bargains /

Starbucks

- f) XX-DR-A-91-0008-S3-P4 - Site Location Plan
- g) XX-DR-A-91-0010-S3-P8 - Proposed Boundary Treatments
- h) XX-DR-A-91-0014-S3-P7 - Proposed Master Plan - Planning Issue
- i) RF-DR-A-01-0002-S3-P1 - General Arrangement Plan - Roof - Home Bargains
- j) XX-DR-A-01-0001-S3-P5 - Proposed Ground Floor GA Plan - Home Bargains
- k) XX-DR-A-02-0001-S3-P5 - GA Elevations - Home Bargains
- l) PML B1 00 DR A 0001 P3 – Starbucks Building
- m) 2043-100-P-001 – Proposed Access Arrangement onto Faverdale – General Arrangement
- n) LD(13)-ED-01 INFO 03 – Landscape Details Sheet 1
- o) LD(13)-ED-02 INFO 03 – Landscape Details Sheet 2
- p) XX-DR-A-91-0015-S3-P2 – Substation Layout

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

3. The units identified as ‘Lidl’ and ‘Home Bargains’ on Masterplan reference XX-DR-A-91-0014-S3-P7 shall be used for Class A1 retail and for no other purpose (including any other purpose within the same Use Class as identified by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**REASON** - In the interests of retail planning policy.

4. The unit identified as ‘Starbucks’ on Masterplan reference XX-DR-A-91-0014-S3-P7 shall be used for Class A1/A3 purposes and for no other purpose (including any other purpose within the same Use Class as identified by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**REASON** - In the interests of retail planning policy.

5. The unit identified as ‘Lidl’ on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 1,900 square metres gross internal area of which no more than 1,256 square metres shall be used for net retail sales. Of this, not more than 1,005 square metres shall be used for convenience goods sales, and not more than 251 square metres shall be used for comparison good sales.

**REASON** - In the interests of retail planning policy

6. The unit identified as ‘Home Bargains’ on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 1,858 square metres gross internal area of which no more than 1,486 square metres shall be used for net retail

sales. Of this, not more than 669 square metres shall be used for convenience goods sales, and not more than 818 square metres shall be used for comparison good sales.

**REASON** - In the interests of retail planning policy

7. The unit identified as 'Starbucks' on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 167 square metres gross internal area.

**REASON** - In the interests of retail planning policy.

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

**REASON** - In the interests of retail planning policy.

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

- a. Detailed design of the surface water management system for each phase of the development;
- b. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- c. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- d. Details of adoption responsibilities.

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

10. The development permitted by this planning permission shall only be carried out in accordance with the approved FAVERDALE DEVELOPMENT Drainage Strategy and the following mitigation measures detailed within

- a) Total surface water discharge from the proposed development will not exceed 7.3l/sec
- b) Sufficient storage to contain the 1 in 100+40% cc will be accommodated in the car parking areas of Home Bargains and Lidl stores

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.

11. The building hereby approved shall not be brought into use until:-

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, 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.

12. The unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not operate outside the hours of 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays unless otherwise agreed in writing by the Local Planning Authority.

**REASON** - In the interests of safeguarding the amenity of the area.

13. The unit identified as "Home Bargains' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not operate outside the hours of 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays unless otherwise agreed in writing by the Local Planning Authority

**REASON** - In the interest of safeguarding the amenity of the area

14. Deliveries and waste collection to the unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not take place outside the hours of 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays.

**REASON** - In the interests of safeguarding the amenity of the area.

15. Deliveries and waste collection to the unit identified as "Home Bargains' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not take place outside the hours of 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays.

**REASON** - In the interests of safeguarding the amenity of the area.

16. 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.

**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.

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

**REASON** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. 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.

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. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- a. A preliminary risk assessment which has identified all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**REASON** - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

22. Prior to any part of the approved development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**REASON** - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in



writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**REASON** - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**REASON** - To prevent the creation of pathways for contaminants in made ground, soils and superficial geology to reach the underlying principal aquifer.

25. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
- 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. Methods for controlling noise and vibration during the 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" 2009.
  - b) Hours of construction (including internal works) and deliveries.
  - c) Details of any security fencing to be erected during the construction phase.
  - d) Construction Traffic Management Plan and Routes, including parking areas for staff and visitors.
  - e) Details of wheel washing.
  - f) Road Maintenance.
  - g) 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 safeguarding the amenity of the area

26. No noise emitting fans, louvres, ducts or any other external plant associated with this permission shall be installed on or within the curtilage of the units hereby approved until a scheme to reduce noise and vibration has been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In the interests of safeguarding the amenity of the area

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

- a) A description of the proposed lighting units including height, type, angling and power output for all lighting
- b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.
- d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light).
- f) Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

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

28. The development shall not be carried out otherwise than in complete accordance with Section 7 – Mitigation of the document entitled “Faverdale Industrial Estate, Darlington. Noise Impact Assessment” Revision O2/Final dated 6 July 2018 and produced by Royal HaskoningHDV unless otherwise

agreed in writing by the Local Planning Authority.

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

29. The development shall not be carried out otherwise than in complete accordance with the document entitled "External Materials Schedule" Version 02 dated July 2018 and produced by Space Architects unless otherwise agreed in writing by the Local Planning Authority.

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

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the biodiversity enhancements set out in Section 6.4 of the document entitled "Preliminary Ecological Appraisal. Faverdale, Darlington" dated June 2018 and produced by ITP Energised. The mitigation and enhancement work shall include the erection of boxes as set out below, in locations to be agreed by a suitably qualified ecologist but positioned to face outwards from the centre of the development:

- a) Drive Thru building: House Sparrow & Starling
- b) Supermarket building: Bat, Swift & House Sparrow or Starling
- c) Retail store: Tree Sparrow (multiple holes), Starling and Swift.

**REASON** - In the interests of biodiversity of the development.

31. The lighting scheme to be approved under condition 27 must take account of any foraging and commuting behaviour of nocturnal mammals such as bats and the biodiverse greenspace to the north of the site. Lighting should be in line with the Institution of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18: Bats and Artificial Lighting in the UK – Bats and the Built Environment Series (ILP and BCT, 2018), and lighting should be directed to where it is needed and in order to reduce light spillage.

**REASON** - In the interests of biodiversity of the development.

32. Site clearance shall only take place outside of bird nesting season unless under the supervision of a suitably qualified ecologist.

**REASON** - In the interests of existing habitats on the site.

33. Prior to the commencement of the development, precise details showing the offsite highway works including the creation of the site access junctions onto Faverdale, widening of Faverdale to incorporate improved pedestrian/cyclist facilities, potential relocated bus stops and revised signing, lining including Traffic Regulation Orders along Faverdale, and Keep Clear markings opposite Faverdale Road shall be submitted to and approved in writing by the Local Planning Authority.

**REASON** - In the interest of highway safety.

34. Prior to the occupation of the first unit, a servicing and delivery schedule to control the operations on site shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include but not limited to the maximum size/type of vehicle to be used (16.5m) its drop off location within the site and times of deliveries.

**REASON** - In the interest of highway safety.

35. The development shall not be carried out otherwise than in complete accordance with the document entitled "Framework Travel Plan, Faverdale, Darlington" dated 6th July 2018 and produced by Fore unless otherwise agreed in writing by the Local Planning Authority.

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

36. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any work commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

37. Prior to the occupation of any part of the development hereby approved, a scheme to make provision for the charging of electric vehicles shall be submitted to and approved by the Local Planning Authority and thereafter implemented and maintained for the lifetime of the development.

**REASON** – To comply with paragraph 110 of the NPPF, 2019.

**PA48 PROSPECT HOUSE, MIDDLETON ROAD, SADBERGE**

**20/00154/FUL** - Demolition of existing conservatory and erection of two storey rear extension, erection of canopy over patio, alterations to rear porch roof and insertion of sun tube to main rear roof, demolition of outbuilding and erection of single storey annexe with mezzanine level (as amended by plans received 09.07.20).

(In making its decision the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Highway Officer and the Senior Arboricultural Officer, the objections of the Parish Council, four letters of objection, and the responses to questions asked by Members of the Applicant's Agent during the meeting).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the email received 19 August 2020 from the Agent.

**REASON** – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2.

3. The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Prospect House, Middleton Road, Sadberge and shall not be independently occupied.

**REASON** – To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit, which would be contrary to the development plan, and in order that the Local Planning Authority is able to exercise control over the future development of the site.

4. No additional flank windows or other glazed openings shall be formed in any of the walls of the extension or annex hereby approved without the prior written consent of the Local Planning Authority.

**REASON** - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

5. No demolition, site clearance or building operations shall be commenced until fencing of a height of not less than 2 metres has been erected around the trees, adjacent to the site. The distance of the fence from the trunk of each tree on the perimeter of the group shall be whichever is the greater distance of the following:-

- a. five metres from the base of the tree; or
- b. the area described by the limit of the spread of the branches of the tree.

Such fencing is to be maintained during the course of the development to the satisfaction of the Local Planning Authority.

**REASON** - To enable the Local Planning Authority to ensure the retention of the trees on the site and their protection from damage, in the interests of visual amenity.

6. Tree Protection (During development)  
None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority: -
  - (i) the raising or lowering of levels in relation to the existing ground level;

- (ii) cutting of roots, digging of trenches, removal of soil;
- (iii) the construction of buildings, roads or the carrying out of other engineering operations;
- (iv) the lighting of fires;
- (v) driving vehicles over the area below the spread of the branches of the tree; and
- (vi) the storing of materials or equipment.

**REASON** - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

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

- 8069 (-9) 1 - Existing Site and Location Plan
- 8069 (21) 2 - Rev C – Proposed Elevations
- 8069 (-9) 3 - Rev B – Proposed Roof on Site Location Plan
- 8069 (00) 4 - Rev B – Proposed Ground Floor Layout Plan and Tree Plan
- 8069 (00) 5 - Rev B – Proposed First Floor Layout Plan
- 8069 (00) 6 - Rev C – Proposed Roof Plan (larger Scale)

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

#### **PA49 MARCHBANK SCHOOL, BARNES ROAD**

**20/00664/TF** - Works to various trees protected under Tree Preservation Order (No 1) 1951 in accordance with arborists report (as amended by arborists report received 14.10.20).

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

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

1. The pruning works hereby permitted shall be undertaken within two years of the date of this permission.

**REASON** - To accord with the provisions of The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

2. The pruning works hereby permitted shall be carried out in accordance with the details specified in the submitted tree report entitled 'Mowden Hall, Darlington – TPO Works Schedule (Amended)' by The Environment Partnership.

**REASON** – To safeguard the health of the trees.

3. All pruning works to trees shall be carried out to BS Specification 3998 (as amended) and are to be carried out by a qualified and insured arborist.

**REASON** - To safeguard the health of the trees.

## **PA50 THE MOWDEN, STAINDROP ROAD, DARLINGTON**

**20/00768/FUL** - Erection of canopy over existing external seating area to front elevation.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received and ten letters of support. Members were also informed that, subsequent to the publication of the Agenda for this meeting, further objections from the three original objectors had been received, one further letter of support had been received, and that a letter from the Agent had been received).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

1920-011-001(A1) Rev A Existing and Proposed layout, elevations and site plan

**REASON** – To define the consent

3. An acoustic barrier/fence with a minimum height of 2 metres shall be installed along the side boundary between the Mowden and 3 Boundary View. Specifications of this barrier/fence shall be submitted to and agreed in writing by the Local Planning Authority prior to the erection of the canopy hereby approved. The erection of the barrier/fence shall thereafter be undertaken prior to the use of the canopy in accordance with the agreed scheme and shall be retained and maintained thereafter.

**REASON** – To minimise any adverse effect upon the neighbouring residents from noise pollution.

4. Within one month of the erection of the canopy, the existing temporary marquee shall be removed from the site.

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

## **PA51 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.

**PA52 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 16 OCTOBER 2020 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA43/Sept/2020, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 16 October 2020.

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