

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**
held at County Hall, Durham on **Tuesday 23 February 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Blakey, G Bleasdale, P Charlton, S Iveson, R Liddle, J Moran, M Plews, K Thompson and S Zair.

Other Members

Councillor M Wilkes.

Apologies for absence were received from Councillors A Bell, J Brown and B Wilson.

A1 Minutes

The Minutes of the meeting held on 2 February 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

There were no declarations of interest submitted.

A3 Applications to be determined by the Area Planning Committee (Central & East Durham)

- (a) **4/09/00882/FPA – C H Newton Jnr and Co Ltd, Former Beechcroft, Broomside Lane, Carrville**
Application seeking new planning permission to replace extant permission 06/01210/FPA (demolition of existing dwelling and erection of 12 no. dwellings) in order to extend time period for implementation

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended the application for Approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report and advised the Committee that a further objection had been received in relation to condition no. 13 which had been resolved.

Dr Janice Richmond an objector indicated that her property looked onto the development. She had concerns regarding the communal binstore building and cycle parking in particular noise and offensive smells and that motorcycles would use the cycle parking. She indicated that the development was unsympathetic, had no garages, inadequate parking and the tree was not protected. Her Neighbour Mr Hirst had concerns regarding

road safety due to the increase in traffic. She indicated that no highway survey had been carried out and that this development would create an additional 30 to 50 vehicles. The entrance from the development had poor visibility onto the road. She urged the application to be refused.

The Highways Officer indicated that an increase in volume of vehicles would not justify a refusal. The access road was suitable and wide enough which the Highways were happy with. The development had parking for 2 spaces per dwelling, so there should be no spillage onto the road.

Councillor Moran sought clarification on whether the access was adequate for two vehicles to pass. The Highways Officer clarified that the access was suitable for two way traffic.

The Principal Planning Officer indicated that a binstore was not unusual and the design of the store was enclosed and the cycle parking was unlikely to be used by mortobikes.

The Chairman indicated that if noise and smells was a nuisance then this could be addressed.

Resolved: That subject to the applicants entering into a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 to provide a financial sum, towards local facilities in lieu of the provision of open and play space within the application site. the application be **APPROVED** subject to the following conditions;

1. The use hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
5. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
6. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

7. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
9. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
10. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
11. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
12. Notwithstanding the information shown on the submitted plans a fence/wall/hedge shall be erected/planted of a height and design and in a position to be agreed in writing with the Local Planning Authority at the site boundary with the Old School House and thereafter retained at all times.
13. Prior to any development commencing, a scheme for off-street parking for all vehicles associated in any way with construction work on the Beechcroft site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be carried out in full.
14. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning

Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

15. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity. Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.
 16. Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. The development shall not be occupied until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.
 17. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details.
- (b) 4/09/00935/FPA – Mr J Taylor, Low Raisby Farm Cottages, Kelloe, Durham, DH6 4PW**
Erection of agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended the application for Approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Kate Hinchcliffe an objector indicated that this application was for a large extension to a substantial pig farm. This development would have an adverse impact on neighbouring properties. She had concerns regarding the smell of pig manure which was not traditional farm smells. Residents currently could not hang washing out, open windows or sit in the garden for the majority of the year due to the smells. She was concerned that if this application were approved then residents would have to sell their homes.

Mr Staff an objector indicated that he also suffered like his neighbour. The pigs belonged to an outside firm so it was more industrial than agricultural. If development approved he also felt that he would have to consider moving.

The Principal Planning Officer indicated that advice would have to be taken from Environmental Health with regard to the smells but if it was a nuisance then action could be taken. There was no evidence that a new building would make the situation worse.

Councillor Thompson indicated that last year there was a strong smell over many parts of

the area which was investigated by Environmental Health. He also asked if a condition could be added so that the access furthest ways from residents could be used.

The Principal Planning Officer indicated that he had spoken to the applicant who indicated that this access would be used, but it would be difficult to add this as a condition but would take advice.

Councillor Bleasdale indicated that the application could not be refused due to smells. She was concerned that if the application was approved it would make the smell worse. The Principal Planning Officer indicated that the new development was a modern building which would be contained within a defined space.

Councillor Plews indicated that she reported smells last year, which were due to human muck being spread.

Resolved: That the application be **REFUSED** subject to the following reason(s);

The Local Planning Authority considers the proposed agricultural building, by reason of its scale and function, and an anticipated associated increase in the spreading of manure on surrounding land without acceptable mitigation measures, to be likely to result in levels of odour emission detrimental to the residential amenity of those living in the vicinity. As a result, the proposed development is considered to be contrary to the objectives of Policy EMP17A of the City of Durham Local Plan 2004.

**(c) 4/09/00954/FPA – Mr J Penny, Land Rear of Glens Flats, High Pittington, Durham
Erection of two storey pitched roof dwellinghouse with roof accommodation and erection of detached triple garage (revised and resubmitted proposal)**

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended the application for Approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Newlove of Pittington Parish Council gave a powerpoint presentation on the application. The Parish raised concerns with the access in particular reference to two serious road accidents which had taken place at the junction and asked if consideration could be given to a condition in relation to access and that the property be unoccupied until the access had been improved. He indicated that the applicant owned additional land in the vicinity and concerns were raised that a further dwelling would be built. He also asked if Durham County Council could look into the creation of a more formal play area adjacent to the site and that the applicant install additional lighting and improve the footpath surface next to the site. He also pointed out that the planning notice on display at the site was not at eye level.

Mr Jackson the Agent indicated that most of the issues raised by Pittington Parish Council had already been addressed. He indicated that an access condition had been imposed on the new property located within the site, which had not been enforced.

The Highways Officer indicated that an access condition had been included on the property located within the site. The access had sufficient visibility and was laid out to the standard for a private access. The access was currently for 2 properties and if the

application was approved would be for 3 properties and would still be classed as an unadopted road. He also indicated that the footpath was not adopted but was a public right of way which was informal so would not require kerb stones etc.

Councillor Plews indicated that the Committee should not be considering the potential of another dwelling and that there was already 16 properties 1 more should not make a difference.

Resolved: That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including cross sections, of the proposed windows, showing a reveal of a minimum of 75mm for all elevational windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission, shall at any time be erected without the grant of further specific permission from the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no additional windows, rooflights, doors or other openings (other than those expressly authorised by this permission) shall be inserted at any time without the grant of further specific permission from the Local Planning Authority. All windows shown as obscure glazed on the approved plans must remain as such.

**(d) 4/09/00955/FPA – Mr M Green, Pity Me Nursery, Stank Lane, Durham, DH1 5GZ
Erection of 2 no. polytunnels, coffee shop and associated highway
improvements (revised and resubmitted)**

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended the application for Refusal. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Mr Taylor the Agent indicated that the report's prime concern was the impact on the highway. He went on to say that the Nursery was an existing business for approximately 11 years which was situated in a good location. This application was a re-submission which was originally a larger scheme. It was now proposed that the coffee shop be attached to the existing building. The impact on the green belt would be minimal. The building would be 3% of the site area and the coffee shop was not intended to be the prime motivator and that the business was seasonal. Other nurseries across the county had café facilities so a precedent had been set. The scheme would create two agricultural jobs and five full-time and five part-time positions in the coffee shop. They accepted that the access was not good but no accidents had been recorded on current status. It was felt that the suggested highway improvements to the highway outweighed concerns of safety. There was currently poor access which would be improved as part of the application.

Councillor Wilkes the Local Ward Councillor indicated that he had visited the Nursery on several occasions and had no problems leaving the junction. He was sure Highways could confirm that that there had never been an accident. As the junction was near a roundabout vehicles would not be travelling at 70 miles per hour. Improvements to the highway would make it more visible. Was the Council going to stop a business creating jobs and improving access arrangements. The business could improve the volume of visitors due to advertising with no improvements to the highway. He referred to various planning policies which had been met.

Councillor Blakey sought clarification on whether the jobs created would be permanent or seasonal.

Resolved: That the application be **REFUSED** for the following reason(s);

The Local Planning Authority considers that the proposed development, with particular reference to the proposed creation of coffee shop and notwithstanding the highway alterations proposed, would create an increase in traffic using a junction sited off a very busy dual carriageway and within close proximity to a roundabout which would be to the detriment of highway safety contrary to the requirements of Policies T1 and EMP17 of the City of Durham Local Plan 2004.

- (e) **4/09/00991/FPA – Mr A Ford, Land to the Rear of 15 and 16 Front Street East, Coxhoe, Durham**
Erection of detached two storey pitched roof dwelling with attic accommodation including provision of 2 no. vehicular parking spaces for existing dwellings

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended the application for Approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Sheila Hyland the Agent indicated that the planning report indicated that the Highway Authority had been consulted and no objections had been received. Privacy distances, amenity space, adverse impact, parking and storage had been overcome to the satisfaction of planning. The development was a small infill development which would improve the area and would encourage other residents to improve their properties. The objections raised had been addressed.

Councillor Thompson sought clarification on the policy with regard to privacy distances which was clarified by the Principal Planning Officer.

Resolved: That the application be **APPROVED** subject to the following conditions:

1. The use hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan Reference Nos. PL/02 Rev A, PL/03 Rev A, PL/04 Rev A, PL/05 Rev A, PL/06 Rev A, PL/07 Rev A received 31st December 2009.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor windows within the front (east facing) elevation of the dwelling hereby approved shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent and the relevant windows must be top opening window types only. Full details of the obscure glazing and

window types must first be submitted to and then agreed in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved details. The agreed windows shall remain in place unless the further written permission of the Local Planning Authority has been received for their removal or replacement.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B or E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.
 8. Notwithstanding the information shown on the submitted plans, the car parking spaces attributed to Nos. 15 and 16 Front Street East must be clearly demarcated on the land prior to the dwelling hereby approved being brought into occupation in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
- (f) **PL/5/2009/0416 Mr J Grundy, Eden Vale Cottage, Stockton Road, Castle Eden Amendment to Planning Permission Reference PL/5/2009/0034:- Addition of Windows and Dormer**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the following conditions;

1. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
 2. The extension hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house only, and shall not be used for any trade or business purposes.
- (g) **PL/5/2009/0510 North Blunts (No. 1) Ltd, Former ITEC Site, Land at Neville Road/Burnhope Way, Peterlee Residential Development Comprising 52 No. Units**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report and reported that five further letters of objection had been received but the points raised had been covered in the report.

Mr Wolfe, an objector indicated that his property was closest to the 4BR properties and that the properties at Burnside were not shown on the plans. He was concerned at the removal of the trees and the distance and position of the new houses in particular house

No. 20, which was located in close proximity to his lounge which would be overlooked. He currently had problems with water logging in his garden for most of the year. He had installed extra drainage but he was still unable to control the water after heavy rain fall. The removal of the trees would make the flooding worse as trees soaked up water.

The Principal Planning Officer indicated that a flood assessment had been completed and Northumbrian Water did not raise any concerns.

The Developers indicated that if extra drainage was required then it would be provided but they were not aware of any flood issues. They also indicated that it may be feasible to adjust the siting of house No. 20 to improve Mr Wolfe's situation.

Councillor Moran asked if a condition could be added that plot No. 20 be reassessed with a view to improving the relationship with Mr Wolfe's property..

Resolved: That the application be **APPROVED** subject to the following conditions as well as two further conditions relating to a revision to Plot 20 and submission of drainage details, and the completion of a Section 106 agreement in respect of affordable housing and provision of off-site play facilities.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, roofing, and hard-surfacing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
5. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

7. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees. No development shall commence until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by the Local planning authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed: a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local planning authority. b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local planning authority. c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees. d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local planning authority has been sought. e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'.
8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
9. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level four (4). Evidence shall be provided to the local planning authority that: Prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level four (4). and, Prior to the first occupation of the development, the development has achieved a Code for

Sustainable Homes post construction certificate level four (4), or alternative as agreed in writing by the local planning authority.

10. Before any of the dwellings hereby approved are first occupied, a puffin crossing, as shown on the site layout plan (ref. S103 Rev D) submitted with the application, together with any highway works that may be necessary, shall be constructed in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority.
11. All works shall be carried out in accordance with noise mitigation measures included in the Noise Assessment (Capita Symonds - 18th November 2009) submitted with the planning application. All mitigation measures in relation to each dwelling, shall be completed before that dwelling is occupied, unless otherwise agreed in writing with the local planning authority.

(h) PL/5/2009/0531 ISOS Housing, Former Leisure Centre, Lowhills Road, Peterlee 13 No. Bungalows

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Blakey sought clarification on the number of bedrooms. The Principal Planning Officer indicated that they were all 2BR.

Resolved: That the application be **APPROVED** subject to the applicant entering into a Section 106 legal agreement to secure a financial contribution for the enhancement or provision of a recreational facility and subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.
3. No development shall commence until a detailed landscaping scheme is submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

- season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
5. No construction work shall take place nor shall any materials or machinery be brought on the site unless the trees indicated on the approved plans as being retained are protected in accordance with a scheme to be submitted to and agreed with the Local Planning Authority.
 6. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
 7. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
 - d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
 - e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority
 8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.

9. A scheme for the relocation of the existing bus stop opposite the junction with Nottingham place, the provision of a bus shelter and the extension of the public footway to the north side of Lowhills Road shall be submitted to and agreed with the Local Planning Authority before development commences. Thereafter the approved works shall be carried out and made available for use prior to the development hereby approved being first occupied, unless otherwise agreed with the Local Planning Authority.

(i) **PL/5/2009/0545 S Moor and Son, Little Coop House Farm, Hawthorn Straw Storage Building**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.

A4 Appeal Update

(a) **Appeals Received**

The Principal Planning Officer (Durham City Area Office) and the Principal Planning Officer (Easington Area Office) gave details in relation to the following appeals, which had been lodged with the Planning Inspectorate:

- (i) An appeal had been lodged by Mrs E and Mr S Lavender against the issue of an Enforcement Notice in respect of the breach of planning control on land referred to as St Helens Paddock. The breach being, without planning permission, the material change of use from agricultural land to the siting and use of caravan for residential occupation and the carrying out of operation and the carrying out of operations involving the stripping of topsoil and laying of hard core materials to complete the formation of hardstanding area, the siting of timber shed and water storage tanks on the above land.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.

- (ii) An appeal had been lodged by Mrs H Clarke against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to front of existing dwelling, and a three storey side and rear extension, with a single storey element to the rear at Fairfields, The Dene, Dalton-le-Dale, SR7 8QW.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.

- (iii) An appeal had been lodged by Mr Dennis Lamb against the Council's refusal to grant planning permission for the erection of two storey and single storey extensions at Wardens House, Lowhills Road, Peterlee, SR8 2DW.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.