

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 21st April 2009**

PRESENT

COUNCILLOR C. WALKER in the Chair

Members

Councillors J. Blakey, G. Bleasdale, D. Boyes, A. Laing, J. Maslin, M. Plews, R Liddle, M. Simmons, P. Taylor, M. Williams and B. Wilson

A1 Declarations of Interest

There were no declarations of interest submitted.

A2 Applications to be determined by the Area Planning Committee (Central & East Durham)

- (a) **09/00062/FPA – Maybe Hire Ltd Depot, Burn Street, Bowburn, Durham**
Outline application with all matters reserved for residential development of 36 dwellings (indicative), together with associated landscaping, car parking and access

Members had visited the site of this application on 21 April 2009 and the Development Control Manager (Durham Office) presented his report (for copy see file of minutes) which recommended the application for approval.

The site was situated within the centre of Bowburn and was currently used as a storage and distribution depot, having previously formed part of Bowburn Colliery. Outline planning permission was being sought, with all matters reserved, for residential development of the site. The indicative layout showed provision for 36 dwellings with areas of landscaping, parking and vehicular and pedestrian access.

Councillor Williams commented that he had concerns about flooding and drainage issues. This was a continuing problem in Bowburn as the treatment works had reached capacity and required improvement. The main road and community centre were at a lower level than the site and had previously been affected by flooding. He also suggested that borehole tests should be carried out on the capped shafts on the site and that these should be monitored.

The Development Control Manager confirmed that the drainage problems in the area were well known. Temporary solutions had been agreed by Northumbrian Water for development in this area and it was anticipated that improvement works to the sewage works would be completed between April 2010 and April 2011. As this was an outline application, it was considered unlikely that development of the depot site would be completed within two years.

Councillor Williams suggested therefore, that condition no. 16 in the report be strengthened by the replacement of the word 'shall' with 'must'. Members agreed this amendment.

Resolved: That the application be approved subject to the following conditions:-

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, other than the decontamination of the site, is commenced.
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. 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.
7. The existing trees along the southern boundary of 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.

8. The existing trees along the southern boundary of the site 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.
9. Prior to the commencement of development, a scheme showing existing and proposed site levels, means of ground retention structures and ground slab levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
10. 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.
11. Before the development hereby permitted is commenced, details of an artistic feature designed in accordance with the Council's Supplementary Planning Document: Provision of Public Art as Part of Major New Development Schemes, shall be submitted to and approved by the Local Planning Authority. The feature shall be provided as part of the development and before completion of 75% of the dwellings.
12. 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. The scheme shall include:
 - a) The numbers, type and location of the site of the affordable housing provision to be made;
 - b) The timing of the construction of the affordable housing;
 - c) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - d) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
13. The development hereby permitted shall not be commenced until a scheme providing for appropriate informal play space and amenity space associated with the residential development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
14. No building on any part of the development hereby permitted shall exceed 8.5 meters in height as identified in the submitted Design and Access Statement.

15. The development hereby permitted shall not exceed a density of 55 dwellings per hectare.
16. Development must 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 redesign of the proposals to avoid building over a public sewer by 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.
18. 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.
19. Notwithstanding the submitted phase 1 and 2 reports, an investigation and risk assessment, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and shall include a specification and verification for the location and treatment of the on site mine shafts. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report findings must include:
 - a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites; and, ancient monuments;
 - c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

20. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

21. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.
23. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

**(b) PL5/5/2009/0024 – Coldwell Burn Farm, Salters Lane, Haswell
Residential development (outline)(resubmission)**

The Principal Planning Services Officer (Easington Office) presented his report (for copy see file of minutes) on this application, Members of the Committee having previously inspected the site on 21 April 2009.

The application site consisted of Coldwell Burn Farm and associated grounds, which were situated approximately 200 metres to the north of Haswell Village.

The application was a resubmission of a previously refused scheme, and had seen the application site amended with the proposed development moved approximately 20 metres southwards towards Haswell. The application was outline for residential development and dealt purely with the principle of development on the site.

The application was recommended for refusal on the grounds that the site was outside the established settlement boundary.

Mr Tweddle, the agent, spoke in support of the application. He indicated that the incorrect plan had been displayed during the presentation and that the application site was closer to Haswell.

The applicants wished to move the business and the jobs it created to a site more suited for industrial use. Relocation of the business would also reduce heavy goods vehicle movements on Salters Lane. Residential development of the existing site would be necessary to achieve this.

He accepted that the site lay outside the settlement boundary but noted that in this revised application, the area to be developed had been moved closer to Haswell. He considered that planning guidance had been complied with, and a business plan had indicated that the business could trade successfully from new premises.

He asked the Committee to approve the application.

Luan Sayers also addressed the Committee in support of the application. She advised that discussions on this site had been taking place for over two years and several options have been considered. If outline planning permission for residential development was granted, the business could be relocated to a more appropriate site and this in turn could lead to opportunities of create more jobs in the future.

She also requested that the Committee support the application.

Councillor Boyes commented that the application site was outside the settlement boundary and development was contrary to Local Plan policies, the Regional Spatial Strategy and national policy. In his opinion approval of this development may open the floodgates to further applications of this nature.

Councillor Wilson indicated that he supported the application. He had visited the site and considered it suitable to develop. Councillor Laing echoed Councillor Wilson's views while Councillor Bleasdale noted that previous applications for development outside the settlement boundary had been approved where circumstances were appropriate. She considered that each application should be considered on its own merits.

Councillor Wilson proposed that the application be approved on the grounds that it would be an improvement to the village and would safeguard 14 jobs and had the potential to create more in the future. Councillor Bleasdale seconded this motion.

The Principal Planning Services Officer advised Members that, should they be minded to approve the application, it was necessary to agree appropriate conditions. He suggested relevant conditions to the Committee and requested their approval of these. He also queried whether Members wanted the approval to be subject to a Section 106 legal agreement to keep the business in the former Easington District area, as had been offered by the applicants. They confirmed this.

Resolved: That the application be approved subject to a Section 106 legal agreement as described, and to the following conditions:-

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

2. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.
3. 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.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
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 take place unless in accordance with the mitigation detailed within the protected species report Bat Scoping Report, Coldwell Burn Farm, Haswell - Naturally Wild dated 11/07/2008, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.
8. Unless otherwise agreed by the Local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until requirements 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until requirement 4 has been complied with in relation to that contamination.
 1. Site Characterisation: An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be

undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of a Remediation Scheme: A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. Implementation of Approved Remediation Scheme: Unless otherwise agreed in writing by the Local planning authority the approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.
4. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with requirements above, and where remediation is necessary a remediation scheme must be prepared in accordance with requirement 2, which is subject to the approval in writing of the Local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with requirement 3.
5. Long Term Monitoring and Maintenance: A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 3 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority. This must be conducted in accordance with DEFRA and

the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

9. If 15 or more dwellings are proposed at reserved matters stage there is a requirement to provide 20% of the proposed dwellings as affordable homes. Details of the affordable element of the scheme shall be submitted to and agreed by the Local Planning Authority prior to works commencing on site, thereafter, the development will be completed and marketed with regard to the agreed details.
10. If ten or more dwellings are proposed at reserved matters stage, provision shall be made within the site for children's play space and outdoor recreation space in accordance with Policy 66 of the District of Easington Local Plan.
11. In relation to the development hereby permitted, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 to 1800 hours Mondays to Fridays (excluding Bank Holidays) and 0800 to 1300 hours on Saturdays, unless approved in writing in advance by the Local Planning Authority.

**(c) PL5/5/2009/0029 – Welfare Close, Easington Colliery
12no. houses and 12no. flats**

The Principal Planning Services Officer (Easington Office) presented his report (for copy see file of minutes) on this application which recommended approval. Members had undertaken a visit to the site on 21 April 2009, prior to the Committee meeting.

The site had previously been occupied by local authority flats and garages and was therefore considered to be brownfield. The application proposed 12 flats and 12 houses that would be Housing Corporation funded and available for social rent.

It was highlighted that in the recommendations in the report, condition no. 5 should read 'except between the hours...'.

Councillor Boyes commented on the lack of a financial contribution towards recreational space, and suggested that if a contribution was waived in this case, it may set a precedent for the future.

The Principal Planning Services Officer confirmed that discussions had taken place with the applicants on this point, however as this development was to be housing association properties, finance for development was limited. Evidence of financial aspects of the scheme had been provided. 100% of the development was to be affordable housing and a need for this had been identified. He considered that the circumstances of this development warranted an exception, but future applications would be dealt with as appropriate.

Councillor Boyes noted that Easington Colliery was a deprived area and that this development could be used as an opportunity to provide more facilities. Councillor Walker suggested that the possibility of seeking funding be looked at further, but without being imposed as a planning condition.

Councillor Williams asked for clarification on the affordability of the properties. The Principal Planning Services Officer confirmed that the properties would be provided for rent by a Registered Social Landlord.

Councillor Laing considered that this application was another important factor in the regeneration of Easington Colliery and she supported the recommendation for approval. Councillor Boyes confirmed that he supported the scheme for redevelopment of the site, but still felt that recreational facilities should be included on the site.

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 only be carried out in accordance with the submitted application, as amended by the following plans: 785/001/Roof and 785/001A.
3. No development shall commence until 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.
4. 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.
5. In relation to the development hereby permitted, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 to 1800 hours Mondays to Fridays (excluding Bank Holidays) and 0800 to 1300 hours on Saturdays, unless approved in writing in advance by the Local Planning Authority.
6. 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.
7. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any) shall be submitted to and approved in writing by the Local Planning Authority and the works shall be completed entirely in accordance with any subsequently approved submission.

A3 Appeal Update

The Development Control Manager (Durham Office) and Principal Planning Services Officer (Easington Office) presented reports (for copies see file of minutes) in relation to the following appeals which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant planning permission for the variation of condition 2 of approval 08/00288 to extend opening hours until 11pm, Thursday to Saturday on land south of Apex Cables, City West Business Park, Meadowfield Industrial Estate, Durham, DH7 8ER.
- (ii) Appeal against the Council's refusal to grant outline consent for the erection of detached dwellinghouse (all matters reserved) on land fronting Pit House Lane adjacent Lilac Cottage, Leamside, Durham.
- (iii) Appeal against the Council's issue of an enforcement notice in respect of the material change of use, without planning permission, from public house to ten bedroom house in multiple occupation, involving partial demolition with erection of single storey extension to the rear, at variance with approval granted for an 8 bedrooomed single dwelling at 85 Gilesgate, Durham.
- (iv) Appeal against the Council's refusal to grant planning permission for installation of a telecommunications base station consisting of a 20m high monopole mast, associated antennae, an equipment cabin and ancillary development at Enfield Road, Seaham, Co Durham.
- (v) Appeal against the Council's refusal to grant planning permission to alter the hours of opening at 56 Ambleside Avenue, Seaton, Seaham, Co Durham.
- (vi) Appeal against the Council's refusal to grant planning permission for a change of use from A1 (shop) to A5 (hot food takeaway) at G L Barber Hardware, Claxton House, 73 Seaside Lane, Easington Colliery, Co Durham.

A4 Appeal Decisions

The Development Control Manager (Durham Office) and Principal Planning Services Officer (Easington Office) presented reports (for copies see file of minutes) in relation to the following appeals which had now been considered by the Planning Inspectorate:

- (i) Appeal against the Council's issue of an Enforcement Notice in respect of the unauthorised erection on an ancillary building comprising a domestic three car garage, offices and residential accommodation at Coalford Lane Farm, Littletown, Durham.

Appeal Withdrawn

- (ii) Appeal against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to front/side of existing dwelling and erection of porch to front at 43 Luke Avenue, Cassop, Durham, DH6 4RD

Appeal Dismissed

- (iii) Appeal against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to side and rear of existing dwelling at 20 Whinney Hill, Durham.

Appeal Allowed

- (iv) Appeal against the Council's refusal to grant planning permission for the erection of 5 no. Holiday Chalets at Crimdon Cottage, Coast Road, Blackhall, Co Durham.

Appeal Dismissed

- (v) Appeal against the Council's refusal to grant planning permission for the erection of 2 x 250 kW wind turbines at Cumbrian Seafoods, Unit 8 Foxcover Industrial Estate, Seaham, Co Durham.

Appeal Withdrawn

Chair