

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 13th March, 2008, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Cowper, Freeman, Holland, Howarth, Kinghorn, Laverick, Marsden, Rae, Simmons, Simpson, Southwell, Stoddart, Taylor and Young.

Also Present: Councillors Kellett, Kelly, Robinson, Smith, Thompson and Wilkes.

550. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Guy, Laverick, Lodge, Plews, Walker and Wolstenholme.

551. MINUTES

The Minutes of the Meeting held on 5th February, 2008, were confirmed as a correct record and signed by the Chair.

Note: Councillor Holland entered the Meeting at 5.37 p.m.

Report of Director of Strategic Services

552. REPORT FOR INFORMATION

The Director of Strategic Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1st April, 2007, to 31st December, 2007, a copy of which had been placed in the Members' Room.

Resolved: That the report be noted.

Note: Councillor Freeman entered the Meeting at 5.40 p.m.

Report of Head of Planning Services

553. REPORTS FOR INFORMATION

Reports in relation to the following items had been circulated:-

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Banks Development Ltd – Site at Mount Oswald Golf Course, South Road, Durham, DH1 3TQ
 - (ii) Appeal by T Lewis - First Class Trade Windows – Site at the adopted highway land adjoining Graham House, Dragon Way, Dragonville Industrial Estate, Durham, DH1 2TX
 - (iii) Site at 4 Buford Court, Western Hill, Durham, DH1 4TL
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:

- (i) Appeal by J McArdle – Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU
 - (ii) Appeal by I Foster – Site at land east of Paradise Cottage, Shadforth, Durham, DH6 1NJ
 - (iii) Appeal by Taylor Wimpey UK Ltd (George Wimpey North East) – Site at Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham, DH1 5AJ
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

Note: Councillor Southwell declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

554. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/08/34** **St Oswalds Infants School, Church Street, Durham, Durham County Council DH1 3DQ**
County Council consultation relating to erection of canopy, ramps, steps and shelter

The above application was considered by the City Council under delegated powers on 28th January, 2008, when it was resolved to offer no objection.

The above decision was given on the basis of the proposals relating to the wooden 'parent shelter' shown on the drawn elevations forming the basis of the application – not the steel and polycarbonate structure referred to in the supporting documentation. The City Council would question whether the proposed disabled ramp meets the required standards, given its relation to the entrance gates. Whilst no objection was raised to the entrance canopy, subject to a condition on colouring, the design of the new entrance doors was not considered acceptable, whether considered set against the rendered older building, the modern flat-roofed structure, or the new canopy.

Durham County Planning Committee had now considered the proposal and resolved to approve the application subject to conditions.

- (b) **CM4/08/50** **Site Entrance from A167 Durham Johnston Durham County Council**
Comprehensive School, Crossgate Moor, Durham
Erection of 2no. advertisement flagpoles

The above application was considered by the City Council under delegated powers on 23rd January, 2008, when it was resolved to offer no objection.

Durham County Planning Committee had now considered the proposal and resolved to approve the application for a limited period of 2 years.

Resolved: That the report be noted.

Note: *Councillor Kelly entered the Meeting at 5.43 p.m.*

555. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following applications and the following decisions were made:-

(a) **06/00494/RM**
Ramside Estates Ltd

Land surrounding Hill Top Farm, Pittington Lane, High Pittington, Durham, DH6 1BW

Application for approval of reserved matters in respect of extension of existing golf course including major groundworks, creation of ponds and landscaping, footpath diversions, creation of footpaths and underpass

Resolved: (i) That the application be **APPROVED** subject to the following conditions:-

- (1) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (2) - No development within the specified areas (including groundworks) shall commence until the applicant has submitted and carried out an agreed programme of archaeological works, to include publication of the results, for those specified areas as shown on drawing no. 206-03, revision 1, submitted by the applicant. These works must be approved in writing by the County Archaeologist on behalf of the Local Planning Authority. The specified areas may be released on an area-by-area basis subject to approval in writing from the County Archaeologist on behalf of the Local Planning Authority.
- (3) - No development shall commence until a geophysical survey report and pre-development evaluation report for the application site has been submitted to and approved in writing by the County Archaeologist on behalf of the Local Planning Authority.
- (4) - The scheme of landscaping and tree planting shown on drawing no. 206-03 revision 1, received by the Local Planning Authority on 7 February 2008 shall be carried out in its entirety within a period of 24 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.

- (5) - Notwithstanding the information shown on drawing no. 206-01 revision B in relation to the removal of trees and hedgerows, all other 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.
- (6) - No development shall commence until a scheme for the protection of all trees to be retained on site has been submitted to and agreed in writing with the Local Planning Authority, in accordance with BS59837:2005 (Trees in Relation to Construction). This scheme shall accord with the most recent plans and particulars and shall include:
 - a) Indication of the Root Protection Area and necessary special protection works within this area;
 - b) Protection works including details of means of enclosure/protection; and,
 - c) Such scheme as agreed in writing with the LPA shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- (7) - Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the use hereby permitted shall be used only provided the approved access has been constructed, in accordance with the approved plans and specifications.
- (8) - No development shall take place unless in accordance with the mitigation detailed within the protected species report, namely: Section E1-E4 of Great Crested Newt Risk Assessment. Ramside Golf Course Extension, Carrville, Co. Durham by Durham Wildlife Services, 2007; Section E1-E6 of Hill Top

Farm Buildings, Pittington Lane, Durham – Proposed Development. Bat and Barn Owl Report by Ruth Haddon, Autumn 2006; and, Section E of Water Vole Survey, Ramside hotel and Golf Course, Durham by Durham Wildlife Services, November 2005.

- (9) - The public footpath through the site shall not be closed or obstructed until a scheme for the diversion of the footpath has been implemented and opened for public use.
- (10) - Notwithstanding the information shown on the submitted application details of the surfacing materials of the footpath and details of the heights and appearance of the adjacent fences along the length of the footpath 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.
- (11) - The golf course shall not be opened until the underpass has been constructed and made available for use.
- (12) - Prior to development commencing, a scheme of site practices and a scheme for the provision of access to the site for construction vehicles and traffic, whilst the development is under construction, aimed at minimising disturbance to those living close by, shall be agreed in writing with the Local Planning Authority and adhered to thereafter until the development's completion.
- (13) - Prior to development commencing, full details of a programme for the phasing of the implementation of the planning permission have been provided in a statement to the Local Planning Authority, and approved in writing. The statement shall include works methodology; details of the removal of materials; and details of any remediation works (either temporary or permanent). The development shall thereafter be carried out strictly in accordance with that statement unless otherwise first agreed in writing by the Local Planning Authority.

(ii) That authority be given to the making of an order under Section 257 of the Town and Country Planning Act 1990 to the diversion of the public footpath, subject to the applicant paying the Council's administrative and advertisement costs.

(b) 07/00923/FPA
Ministry of Justice

HM Prison Frankland, Finchale Avenue, Brasside, Durham, DH1 5YD
Removal of existing kennel buildings and training units, and erection of 120 person cell block, together with erection of replacement kennel facilities,

change of use of existing kitchen building to gymnasium and reconfiguration of existing car park to provide 20no. additional spaces

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed throughout the conditions of this planning permission.
- (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) - The requirements of the approved HMP Frankland Travel Plan dated 7th December 2007 (Section 6 actions and progress) submitted with this application shall be implemented upon occupation of the development hereby approved.
- (5) - A review of the Travel Plan submitted with this application shall be undertaken annually and submitted to the Local Planning Authority and County Highway Authority and shall include updating the travel to work data and used to amend targets and actions in the Travel Plan as appropriate.

(c) 07/00997/FPA
07/00998/CAC
Anvil Homes Ltd

**Scripton Farm, Brancepeth, Durham
Demolition of part of roof of existing buildings,
demolition of metal framed barn, and brick store
building**

Resolved: (i) That the application no. 07/00997/FPA be **APPROVED** subject to the following conditions:-

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - 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 shall thereafter be completed in accordance with the approved scheme.

- (3) - 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 in writing by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (4) - 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.
- (5) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
- (6) - 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.
- (7) - Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 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 information shown on the submitted plan full joinery details of all windows, doors, louvres, bargeboards and soffits and external wooden parts of the building, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
- (9) - 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.
- (10) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until detailed drawings including cross sections showing the existing and proposed site levels, including means of ground retention structures and walls and the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Before development is commenced the developer must meet on site with the Local Planning Authority to establish the site levels to be used in the development. The development shall be thereafter completed in accordance with the agreed details.
 - (11) - Notwithstanding the information shown on the submitted plans, full details of the proposed rainwater goods, to include a section, details of materials, hoppers and junctions, and existing sections to be retained, shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented to the satisfaction of the said Authority.
 - (12) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no garages or car ports (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
 - (13) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
 - (14) - 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 beyond the forward-most part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

- (15) - 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), and no new windows, doorways or openings in any elevation or roof-slope of the dwellings or outbuildings without the grant of further specific permission from the Local Planning Authority.
- (16) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no satellite antenna shall be installed, altered or replaced on the dwelling-house(s) or within its/their curtilage(s) without the grant of further specific permission from the Local Planning Authority.
- (17) - Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
- (18) - 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.
- (19) - 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.

- (20) - 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.
- (21) - The garage(s) hereby approved shall not be used for commercial purposes and shall not be used for the storage and parking of vehicles other than private motor vehicles relating to the use of the residential dwelling.
- (22) - The Conclusions and recommendations of the 'Bat and Barn Owl Survey of Scription Farm', by E3 Ecology Ltd., received by the Council 25th Oct. 2007, pages 30 -35 must be carried out in full before and during development work. If the development works do not take place within a period of 12 months of this consent, a further, up to date investigation must be carried out and submitted to the Council, and approved in writing by them before works commences.

(ii) That application no. 07/00998/CAC be approved subject to the following conditions:-

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

(d) 07/01220/FPA
M Hope

**Land to the north of Oakway Court, Littleburn Road, Meadowfield, Durham
Erection of 10no. industrial units (Classes B1, B2 and B8) including vehicular access and parking**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.

- (2) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (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) - All surface water runoff shall be collected before it reaches the adopted highway.

(e) 07/01243/RM
KW Reader & Sons Ltd

Land adjacent to Durham City Football Park, New Ferens Park, Belmont Industrial Estate, Durham
Reserved matters application for the erection of 1no. office building (Class B1) and 1no. leisure use building (Class D2) including details of siting, design

and external appearance, means of access and landscaping

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - 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.
- (3) - 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.
- (4) - 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.
- (5) - Before development is commenced details of all flues, vents, and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.
- (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 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.
- (8) - 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.
- (9) - Prior to any development commencing, full details of the bin stores indicated on drawing A-200:02 Rev 09 (Proposed Site Plan) shall be agreed in writing with the Local Planning Authority. The bin stores shall be completed prior to the occupation of either of the hereby approved buildings.
- (10) - Within three months of the occupation of the buildings hereby approved, a Travel Plan shall be agreed with the Local Planning Authority. Thereafter, the terms of the agreed Travel Plan shall be fully complied with.

(f) 08/00041/FPA
Councillor WJH Lodge

Nags Fold Farm, Nags Fold Farm Road, Pity Me, Durham
Erection of agricultural livestock and general purpose building

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- (3) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and

specifications and the details agreed through the conditions of this planning permission.

Note: Councillors Bell and Southwell declared a personal interest in the undermentioned application and remained in the Meeting during consideration thereof.

(g) **08/00056/FPA
Durham Villages
Regeneration**

**Land at Prince Charles Avenue and Horton Crescent,
Bowburn, Durham
Erection of 73no. dwellings with associated
vehicular and pedestrian access
(revised and resubmitted)**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (3) - No development shall commence until a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will secure the transfer of 23 of the 73 dwellings hereby approved to the ownership of a Registered Social Landlord.
- (4) - 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.
- (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) - 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.

- (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 fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.
- (9) - Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forwardmost part of the dwellinghouse facing a highway without the grant of further specific permission from the Local Planning Authority.
- (10) - 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.
- (11) - No development shall take place until scheme showing the provision of a footpath link from Horton Crescent to Prince Charles Avenue 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 of the approved dwellings are occupied.

Note: Councillor Rae left the Meeting at 6.42 p.m.

(h) 08/00069/FPA
Heliocity Ltd

**Former Stonebridge Dairy, Durham
Construction of business park
(revised and resubmitted)**

Resolved: That Members be **MINDED TO APPROVE** upon the completion of a Section 106 Agreement to pay an agreed sum into a fund for the improvement of the B6300-A167 road junction to the north of Croxdale, and that the application be referred to the Secretary of State as a Departure under the Town & country Planning (Development Plans and Consultation)(Departures) Directions 1999 and subject to the following conditions:-

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - 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.
- (3) - 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.
- (4) - 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.
- (5) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing 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 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.
- (8) - 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.
- (9) - No development shall take place within the full area of the application site until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- (10) - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
- (11) - Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local planning Authority. Thereafter, the terms of that agreement shall be fully

- complied with, and documentary evidence made available upon request.
- (12) - 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.
 - (13) - The terms of the submitted Draft Travel Plan shall be fully complied with, and within three months of the occupation of any building a Final Travel Plan shall be approved in writing with the Local Planning Authority. Thereafter, the terms of the Final Travel Plan shall be fully complied with.
 - (14) - No development shall commence until a scheme to deal with site contamination has been agreed in writing with the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, with measures taken to avoid risk to the public, buildings and the environment when the site is developed. These measures shall be fully implemented and validated in writing prior to built development commencing.

The Meeting terminated at 6.50 p.m.

Chair