

## **THE DISTRICT COUNCIL OF CHESTER-LE-STREET**

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 9 March 2009 at 6.00 pm

### **PRESENT:**

Councillor Ralph Harrison (Chairman)

### **Councillors:**

|             |             |
|-------------|-------------|
| T J Smith   | M D May     |
| L E W Brown | P H May     |
| L Ebbatson  | M Sekowski  |
| M Gollan    | J Shiell    |
| D M Holding | D Thompson  |
| A Humes     | A Turner    |
| W Laverick  | F Wilkinson |

### **Officers:**

S Reed (Development and Building Control Manager), C D Simmonds (Assistant Solicitor), J Taylor (Senior Planning Officer), S Pilkington (Planning Officer), L Morina (Planning Assistant) and M Fell (Democratic Services Assistant)

Also in Attendance: There were 17 members of the public in attendance.

## **54. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G Armstrong, S Barr, J W Barrett, R Court, G K Davidson, P Ellis, P B Nathan, D L Robson and A Willis.

## **55. MINUTES OF PREVIOUS MEETING HELD 9 FEBRUARY 2009**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 9 February 2009, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

## **56. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS**

Councillors M May and P May declared a personal interest in Item No.2 of the Planning Matters report, as the applicant was personally known to them. They

advised that they had not discussed the application with the applicant and had remained impartial. It was noted that they were therefore allowed to take part in considering this item.

Councillor Turner declared a personal interest in Item No.1 of the Planning Matters report in his capacity as a Parish Councillor for Sacriston. He stated that he had attended the Parish Council meeting where the item had been discussed but left the meeting before the discussion took place and therefore had remained impartial. It was noted that he would therefore be allowed to take part in considering this item.

Councillor Shiell declared a personal interest in Item No.4 of the Planning Matters report, as he knew the applicant through his capacity as a School Governor. He stated that he had not discussed the item with the applicant and had remained impartial. It was noted that he would therefore be allowed to take part in considering this item.

## **57. CONFIRMATION OF SPEAKERS**

The Chairman referred to the list of speakers and confirmed their attendance.

## **58. PLANNING MATTERS**

A report from the Development and Building Control Manager was considered, copies of which had previously been circulated to each Member.

The Chairman suggested that the order of the Agenda be changed to reflect the registered speakers present and it was agreed that it be considered in the following order – Item Nos. 4, 1, 2 and 3.

### **(A) District Matters Recommended Approval**

- (4) Proposal: Change of use of open land to private garden area in association with the conversion of existing garage to habitable room and erection of single storey extension at side to provide new garage. (Revision of previously withdrawn application 08/00478/FUL).**

**Location: 95 Elmway, Chester-le-Street, Durham, DH2 2LG**

**Application: Mrs J. Watson – Reference: 2/09/00033/COU**

The Development and Building Control Manager referred to photographs and plans in relation to the proposal, which were displayed for Members' information.

The Development and Building Control Manager provided Members with a brief update and advised that since the report had been produced one additional letter of objection had been received.

Objections had been raised in relation to the following issues:

- Concerns that the applicant had not discussed the proposal with neighbouring properties and as a result the objector had been unable to fully consult with a Solicitor in relation to the application. They had therefore requested that the application be deferred until such a consultation had taken place.
- Concerns that the predominant character of the estate would be altered if the land to the side of the property was to be enclosed by a fence. The Development and Building Control Manager advised that the proposal did not include plans to enclose the land situated between the proposed garage and the road side with fencing and confirmed that the land would remain open.
- Concerns that the applicant had not undertaken an environmental audit of the site.
- Concerns that the applicant had not consulted with the utility operators in the area, with specific concerns that a telegraph pole and a manhole are situated in the vicinity of the site.
- Concerns that the proposed fence would interrupt the site line of the cul-de-sac, especially for any drivers and learner drivers who may be using this area.
- Further concerns that the proposed fence would disrupt public view of the objectors' property, increasing the risk of crime due to it not being visible from public vantage points.
- Concerns that the driveway should be at least 5.5 metres in length away from the pavement edge to prevent vehicles having to park on the Highway.

**Mr Sandford the objector, and Mrs Watson the applicant, spoke in relation to the application.**

Councillor P May considered the proposal to be acceptable as he felt this type of extension was often seen on housing estates where the residents have preferred to extend the property rather than move. In addition he stated that a precedent would not be set by the acceptance of this application as each planning application had to be considered on its own merits.

Councillor Sekowski referred to a comment made by the objector in relation to the land being used for recreational use by local children and stated that as the land was in the ownership of the applicant, then she could prevent anyone using the land for recreational use.

Councillor Ebbatson spoke in relation to the street line and frontage of the estate and sought clarification from the Development and Building Control

Manager as to the position of neighbouring property in relation to the existing street line of the cul-de-sac.

The Development and Building Control Manager confirmed that the neighbouring property, No.2 Sycamores, was situated slightly behind the existing gable end of the application property.

Councillor Ebbatson further commented that in her opinion the garage extension as proposed would enhance the property.

In relation to a query raised by Councillor Turner on the location of the objectors' properties in relation to the applicant's property, the Planning Assistant confirmed that from the four letters of objections received, three had been from two properties in close proximity to the application site with one further objection being received from a property outside the consultation area. She further advised that the late objection referred to by the Development and Building Control Manager, had been received from one of the neighbouring properties shown on the plan previously displayed for Members' information.

Councillor Laverick was of the opinion that there was sufficient land available to accommodate the proposed extension and supported Councillor P May's comments that each separate planning application needed to be considered on its own merits. He further commented that, as the County Council's Highway Authority had not raised any objections to the proposal; he felt it would be difficult for Members to refuse the application on these grounds.

Discussion ensued in relation to a neighbouring property, as Members queried whether this had been extended in a similar way to the proposal being discussed.

The Assistant Solicitor advised Members that they needed to disregard any comments made in relation to a neighbouring property, as the Planning team could not verify whether this property had actually been extended.

Councillor P May therefore proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Laverick. This proposal was carried.

**RESOLVED:** "That the recommendations of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

Extra 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; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. Reason - In order to ensure that the proposal does not have an adverse impact upon the scale, form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

Extra 4.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the proposed garages shown on the approved drawings shall be implemented in accordance with the agreed details, and retained thereafter for the purposes of the parking of private vehicles, and shall not be used as or converted into habitable accommodation; in the interests of ensuring the development hereby approved is served by adequate off street car parking provision and to accord with the aims of Policies HP 9 and T 15 of the Chester-le-Street Local Plan.

**Councillor Thompson entered the Meeting at this point.**

**(B) District Matters Recommended Refusal**

- (1) Proposal: Revision of application 05/00152/FUL to substitute plots 71-79 and 107-123 (26 dwellings) with 40 new dwellings.**

**Location: Land at Holly Crescent, Sacriston, Durham**

**Applicant: Mr K. Richardson – Barratt Homes**

**Reference: 08/00482/FUL**

The Development and Building Control Manager referred to photographs and plans in relation to the proposal, which were displayed for Members' information.

Councillor Holding spoke in relation to the proposal and felt that the developers ought to be given time to produce an alternative scheme which may remedy any concerns the Planning Officers have in relation to the current application. He raised further concerns in relation to the Councils' policy for section 106 agreements, which requires a developer to increase their contribution to a provision for public art or open space on the development, if they significantly increase the number of proposed dwellings on the site. He felt that due to the present state of the construction industry, it would be unreasonable of the council to request an additional contribution towards the provision of public art or open space for the development.

Councillor Ebbatson was in agreement with the Officers recommendation to refuse the application, as the proposal did not comply with the criteria set by National Planning Policy and Chester-le-Street Local Plan guidelines.

Councillors Turner and Wilkinson also felt the application should be refused in line with the Officers recommendation, due to the reduced mix in the type of houses being provided and the inadequate provision of affordable housing.

Councillor Ebbatson therefore proposed to move the Officer's recommendation of refusal, which was seconded by Councillor Turner. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager to refuse the application be agreed for the following reasons:

Extra 1.

The design of the development through incongruous house types and an overly dense layout does not create a sense of place or identity resulting in an intrusive overbearing development harmful to the appearance and visual amenity of the area contrary to Policy HP9 of the Chester-le-Street District Local Plan and Policy 8 of the Regional Spatial Strategy.

Extra 2.

The development does not provide adequate facing distances between first floor habitable windows and blank two storey gables harmful to the residential amenity of future occupiers contrary to Policy HP9 of the Chester-le-Street District Local Plan.

Extra 3.

The development does not make adequate provision for affordable housing, contrary to Policy HP13 of the Chester-le-Street District Local Plan.

Extra 4.

The development does not make adequate provision for public art contrary to Policy BE2 of the Chester-le-Street District Local Plan.

Extra 5.

The development does not make adequate provision for play and open space contrary to Policy RL5 of the Chester-le-Street District Local Plan.

**(C) District Matters Recommended Approval (Continued)**

**(2) Reference: 08/00471/FUL**

**Proposal: Demolition of two agricultural barns and domestic extensions within Plawsworth Conservation Area and the erection of 13 residential units consisting of part barn conversion, sub-division of existing dwelling and part new build including access and hard surfacing details.**

**Reference: 2/09/0055/CON**

**Proposal: Conservation Area Consent for demolition of two agricultural and domestic extensions within Plawsworth Conservation Area.**

**Location: Plawsworth Farm, Wheatley Well Lane, Plawsworth, Chester-le-Street, Durham, DH2 3LD**

**Applicant: Mr R. Kirton-Darling**

The Development and Building Control Manager referred to photographs and plans in relation to the proposal, which were displayed for Members' information.

The Development and Building Control Manager provided Members with a brief update and advised that an amended layout had been received, which allows for the retention of the existing trees at the front of the site and includes further replacement landscaping along the western boundary of the site.

He further advised that since the report had been produced one additional letter of objection had been received from the residents of Priory Heights; with concerns being raised in relation to the impact a proposed new dwelling would have on their own property. The Development and Building Control Manager clarified that although unit 13 is situated in close proximity to Priory Heights; it would not directly overlook the rear elevation of the objectors' property and would retain a relatively uninterrupted view from the rest of the property. He also advised that the developer had refrained from including any windows in the side elevation of unit 13, to lessen the overbearing impact of the property on Priory Heights.

Councillor Ebbatson spoke in relation to the proposal being situated within a conservation area and queried whether an additional condition could be

incorporated in the Officers recommendation which would allow the County Council's Archaeologist access to the site on a regular basis during the ground excavations to examine any artefacts which may be uncovered as part of the works.

The Development and Building Control Manager stated that the County Council's Archaeological Officers had been consulted in connection with the application and had not forwarded any comments in relation to the development. However he further advised that he was in agreement with the comment made by Councillor Ebbatson, on the basis of the general historic value of the site and suggested that a condition be included which required the applicant to agree a method for the recording and publicising of any material or artefacts, which are found on site as part of the development works.

In relation to concerns raised by Councillor Brown on the demolition of an existing building within the development site, the Development and Building Control Manager advised that Officers had accepted the applicant's proposal to demolish the barn on balance, as the developer had demonstrated that part of the site remained inaccessible because of this building. Therefore the removal of the barn would allow the developer to propose a high quality conversion scheme for the additional buildings, which were to be accessed by these works. In addition he advised Members that the County Council Design Conservation Area Officer had not raised any objections to the proposal and clarified that a decision to refuse the demolition of the barn would result in both applications being rejected, as this would fundamentally affect the layout proposed.

The Senior Planning Officer confirmed that there were no significant structural defects detected in the barn, however it had been used as a stable yard for a significant period of time and had not been used for residential use. He further advised that as the barn was not clearly visible to the public from the main road and the design of the scheme positively enhanced the conservation area, then these factors would compensate for the loss of the barn.

In relation to a query raised by Councillor Brown on the proposed number of new builds associated with the development, the Development and Building Control Manager confirmed that a terrace of four new build properties had been proposed to the rear of the site, however the completion of these properties would be difficult unless the existing barn in the centre of the site was demolished. He also commented that the separation standards between the gable end of the barn and the front of these properties would be non-existent, if the barn remained.

Councillor Gollan raised concerns in relation to the access arrangements and the parking provision for the proposed site.

The Development and Building Control Manager advised that the County Council as Highways Authority felt the current road network, which services the application site, could accept the additional traffic created by the



development as it adheres to the criteria outlined in National Planning Policies PPS1 and PPS3. He further advised that if the business had continued under its existing agricultural use, then a number of vehicular trips would have continued to be generated from the site, therefore Officers could not verify whether the proposed development would significantly increase this number enough to warrant refusal of the application.

Discussion ensued in relation to concerns raised by Councillor Ebbatson on the age of the barn proposed for demolition. The Development and Building Control Manager advised that although the barn had a modern roof, it was of a similar age to other existing properties on the site.

The Senior Planning Officer confirmed that the actual Farmhouse was built in the 18<sup>th</sup> Century and stated that the barns were approximately built around the same date.

The Development and Building Control Manager advised that Officers felt the barn was of lesser value than other buildings on the site as it had been significantly changed internally with a modern roof being added in the past. He also spoke in relation to National Planning Policy Guidance PPG15, which states that a Local Authority should resist the demolition of buildings, which are of high value, within Conservation Area and commented that if the barn had been in a more prominent location on the site, then Officers would have insisted the applicants include the barn in the conversion scheme.

Councillor Laverick was of the opinion that Officers had secured a well-designed scheme for the site and felt the application should be approved in line with the Officers recommendations.

Councillor Holding proposed to move the Officer's recommendation of approval as he felt the applicant had put forward an attractive development, which made best use of the original buildings. The proposal was seconded by Councillor Laverick, subject to the additional condition to allow the County Council's Archaeological Officer access to the site during the excavation works, being included in the recommendations. This proposal was carried.

RESOLVED: "That the recommendations of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

Extra 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 and in accordance with the amended plan received 12th January 2009; unless otherwise firstly approved in writing by the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls, hard standings, access roads, roofs of the development have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 4.

Notwithstanding any information submitted the window and door frames in the hereby approved development shall be of timber construction unless otherwise agreed in writing with the Local Planning Authority; in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 5.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 6.

The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including identifying retained trees and shrubs, new species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in

accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 7.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1 (Class A-H inc.) and also Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 8.

Notwithstanding the information submitted thirteen bat crevice roosts will be created prior to the occupation of the dwellings on south and south east facing walls of the development hereby approved and should be 100mm in width and not narrower than 15mm these should be located as high as possible in the respective walls and not over windows or doorways to ensure the preservation and enhancement of species protected by law in accordance with Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 9.

No development shall commence unless in accordance with the mitigation detailed within the protected species report 'Bat Survey Report, Plawsworth Farm, Mervyn Anthony 21st June 2008, Revision 2' including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the report, to ensure the preservation and enhancement of species protected by law in accordance with Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 10.

No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the recording and investigation of any possible contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

In accordance with the aims of Planning Policy Statement 23.

Extra 11.

Notwithstanding the information submitted and prior to works commencing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and implemented in accordance with the approved scheme thereafter in the interest of pollution control, adequate disposal of foul and surface water in accordance with Planning Policy Statement 25 and Planning Policy Statement 23.

Extra 12.

No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to surrounding residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street District Local Plan.

Extra 13.

Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street District Local Plan.

Extra 14.

No ground works shall take place until an archaeological record mitigation strategy (to include a programme of building recording/analysis) has been submitted to, and approved in writing, by the local planning authority. A copy of any analysis, reporting, publication or archiving required as part of the

mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority as the building is of architectural/historical significance and the specified works are required to record features of interest, inform works and mitigate impact in accordance with the aims of Planning Policy Guidance 16 and Policy 32 of the Regional Spatial Strategy.

**RECOMMENDATION 2)** Approve Conservation Area Consent  
SUBJECT TO THE FOLLOWING CONDITIONS:-

The demolition of the buildings hereby approved shall not take place until a contract for the carrying out of works for the redevelopment of the site has been made and planning permission for those works has been granted, in order to protect the character of the Plawsworth Conservation Area and to accord with the aims of Policy BE 5 of the Chester-le-Street District Local Plan.

**(3) Proposal: Erection of four live/work units and two holiday lets.**

**Location: Jingling Gate Inn, Twizell Lane, West Pelton,  
Chester-le-Street, Durham, DH9 6SL**

**Applicant: Mr D. Smith – A1 Upholstery – Reference: 08/00487/FUL**

The Development and Building Control Manager referred to photographs and plans in relation to the proposal, which were displayed for Members' information.

The Development and Building Control Manager provided Members with a brief update and advised that the Council's Environmental Health team had provided further comments on the application. In relation to the view expressed by the Environmental Health team, he proposed to include an additional condition in the recommendation, which requires the applicant to provide an acoustic/sound proofing scheme for the development, to protect the residents of the live/work units and the holiday cottages and their amenities.

In relation to a query raised by Councillor P May on whether the type of business being carried out in the live/work units would be restricted, the Development and Building Control Manager confirmed that extra condition 10 would restrict the type of industrial work being carried out in the live/work units to a B1 use, which includes light industrial or office use.

Councillor Brown sought clarification in relation to the height of the proposed dwellings. The Development and Building Control Manager confirmed that the

live/work units would be two storey in height, dropping to one storey in places with the holiday cottages being single storey in height.

In relation to comments made by Councillor Brown on Local Plan Policy TM3 and the properties being used for tourism accommodation outside settlement boundaries, the Development and Building Control Manager advised that as Officers had managed to secure a high quality scheme for the site and as the site had previously been used for a similar development, they were of the opinion that there was a justification to approve the development, which is not in accordance with the Local Plan.

The Senior Planning Officer confirmed that extra condition 16 had been included in the recommendations, which restrict the occupation of the holiday-let cottages, to prevent the properties being used for permanent residential use.

Councillor Brown raised further concerns in relation to work being carried out in the rear yards of the live/work units. The Development and Building Control Manager confirmed that if any work was being carried out in the outside space of these properties it would be a breach of planning control and Officers would be eligible to investigate and take any appropriate action if justified.

Councillor Brown therefore proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor P May. This proposal was carried.

RESOLVED: "That the recommendations of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

Extra 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; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external hard surfacing, walls and / or roofs of the buildings have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory

appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 4.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 5.

Notwithstanding any of the detail on the hereby approved plans the development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 6.

Notwithstanding the details shown on the hereby approved submitted plans and prior to the commencement of any development or building operation on either of the four live/work units or holiday accommodation, the widened carriageway to the west of the development site next to live/work unit 4 shall first be constructed to adoptable standards and provide alongside it a 1.2m wide footway also to adoptable standard to ensure a safe and satisfactory vehicular access to the neighbouring poultry farm and pedestrian footway in accordance with Policy T15 of the Chester-le-Street District Local Plan.

Extra 7.

Notwithstanding the details shown on the hereby approved submitted plans and prior to the occupation of any of the live/work units the brick boundary wall alongside Twizell Lane and indicated on the approved site plan shall be removed in its entirety and replaced with a random coursed stone wall to 900mm high; unless otherwise agreed in writing with the Local Planning Authority; in the interests of visual amenity, the satisfactory appearance of the development upon completion and to accord with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 8.

Notwithstanding the information submitted six bat crevice roosts shall be created prior to the occupation of the dwellings on south and south east facing walls of the development hereby approved and should be 100mm in width and not narrower than 15mm these should be located as high as possible in the respective walls and not over windows or doorways to ensure the preservation and enhancement of species protected by law in accordance with Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 9.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the live/work units and holiday accommodation (except painting and repairs) and any development within the curtilage of the live/work units and holiday accommodation (i.e. development permitted under Schedule 2, Part 1 (Class A-G inc.) and also Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual amenity in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 10.

The business/commercial/workshop floor space of the live/work units shall not be used for any purpose other than for purposes within Class (B1) in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Extra 11.

The residential floor space of the live/work units shall not be occupied other than by a person solely or mainly employed in the business occupying the business/commercial/workshop floor space of that unit, a widow or widower of such a person, or any resident dependants; to ensure the live/work unit is not occupied solely for residential purposes as a new dwelling in open countryside outside settlement boundaries contrary to Planning Policy Statement Seven and Policy NE2 of the Chester-le-Street District Local Plan.

Extra 12.

The business/commercial/workshop floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use; to ensure the live/work unit is not occupied prematurely solely for residential purposes as a new dwelling in open countryside outside settlement boundaries contrary to Planning Policy Statement Seven and Policy NE2 of the Chester-le-Street District Local Plan.



Extra 13.

Notwithstanding the details shown on the hereby approved submitted plans all window and door frames shall be timber construction set in a 100mm reveal unless otherwise agreed in writing with the Local Planning Authority; in the interests of visual amenity in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 14.

Notwithstanding any information submitted in the hereby approved application, a scheme of first-floor fenestration (consisting of window locations) in live/work units three and four shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing, and implemented on site in accordance with the approved scheme thereafter; in the interests of preserving the residential amenity of future occupiers in accordance with the provisions of Policy 8 of the Regional Spatial Strategy.

Extra 15.

No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

In accordance with Planning Policy Statement 23: 2004.

Extra 16.

Notwithstanding any information submitted the proposed application shall be in accordance with the following:

- (i) the two holiday dwellings hereby approved shall be occupied for holiday purposes only;

(ii) the two holiday dwellings hereby approved shall not be occupied as a person's sole, or main place of residence and for not more than 60 days in one stay by that person in a 12-month period;

(iii) the owners/operators shall maintain an up-to-date register of the names of all guests using the hereby approved holiday cottages, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Extra 17.

Notwithstanding the details contained in the application hereby approved an acoustic scheme, to mitigate potential noise nuisance arising to the proposed residential occupiers, shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. Thereafter the approved scheme shall be incorporated within the development; In order to ensure the proposed B1 commercial element of the development does not adversely affect residential amenity and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

**Councillor Humes left the Meeting at 7.21pm.**

**(D) List of Planning Appeals and Current Status**

The Chairman referred to the list of Planning Appeals, which were included in the report for information.

RESOLVED: "That the list of Planning Appeals and the current status be noted."

The meeting terminated at 7.25 pm