

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, 14 April 2008 at 6.00 pm

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

R Harrison	W Laverick
L E W Brown	M D May
P Ellis	P B Nathan
D M Holding	A Turner
A Humes	F Wilkinson

Officers:

S Reed (Development and Building Control Manager), C Potter (Head of Legal and Democratic Services), J Bradley (Assistant Solicitor), J Taylor (Senior Planning Assistant), L Morina (Planning Assistant) and D Allinson (Democratic Services Assistant)

Also in attendance: Councillor S C L Westrip (non-member of Planning Committee) and 35 members of the public.

68. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors K Potts, D L Robson and M Sekowski.

69. MINUTES OF MEETING HELD 10 MARCH 2008

With reference to Minute number 62 of the previous meeting, Councillor Brown acknowledged that a response had now been received from Durham County Cricket Club and Durham Constabulary in respect of the parking problems that had been raised in relation to the planning application of the South East Stand. A copy of these responses had been circulated to Members prior to the Meeting.

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 March 2008, be confirmed as being a correct record, subject to the following amendments:

Minute No. 65 (B) second of last paragraph – that conditional approval be changed to read refusal. Last paragraph – Councillor Holding be changed to Councillor Laverick."

70. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillors D Holding and P Nathan declared a personal interest in Item No. 1 of the report as Councillors of the said Ward who had both been approached by members of the public and had attended a meeting regarding this item, however both Members stated that they had remained impartial.

71. CONFIRMATION OF SPEAKERS

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

72. 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. 1, 7, 4, 6, 2, 3, 5 and 8.

(A) District Matters Recommended Refusal

Proposal: Proposed erection of 29 no dwelling houses with associated road infrastructure and amenity space

Location: West Farm, Waldrige Lane, Waldrige, Chester-le-Street

Applicant: Mr T McGiven – Reference 07/00545/FUL

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

The Development and Building Control Manager advised that since the report had been produced he had received two further letters of objection in relation to the following issues:

- That the boundary fencing around the site should be replaced with a fence of more suitable quality.
- That the three storey properties were inappropriate for this particular site and out of character with the area.
- That construction traffic should not be routed on Waldrige Lane as this would cause congestion and disruption to surrounding residents especially with reduced visibility along the lane.

The Development and Building Control Manager advised that he had also received a 215 named petition in support of not using Waldrige Lane as the access into the development site. The grounds of petition had been raised on the understanding that the lane was not suitable for the volume of traffic and

as a result would raise the possibility of collision with other users of the lane. He advised that a copy of this petition had been circulated to Members prior to the Meeting.

He also advised that an e-mail had been received this morning from a resident of the area who had pointed out an error in the report on Page 18 paragraph 3 which advises that the Meadow Drive estate was approximately five years old, however this should be amended to state that it was 12 years old.

Mr Carter the applicant's agent and Mr White and Mrs Greer the objectors spoke in relation to the application.

The Development and Building Control Manager spoke in response to the comments made by Mr Carter in relation to his request for a deferral of this application and advised that the report which was presented at this Meeting was thorough and his view Members could proceed to make a decision on this matter at the meeting.

In relation to the issues of ecology, contaminated land and affordable housing he advised that these issues had been raised over the course of the consideration of this application with the appointed agents for the scheme. However it was considered that both the contaminated land report and the ecology report which the agents had submitted were not up to standard in terms of demonstrating the relevant impacts of the proposed development. In relation to affordable housing he advised the 30% figure was an indicative figure in the Local Plan, however it was up to the applicants for the particular scheme to come up with a justification for any proposed lower figure.

He advised that all applications for major housing development, which had been before the Committee since the adoption of the Local Plan, had included the 30% figure. He referred to the housing needs survey that the Council undertook in 2002 and updated in 2004 which had indicated a very significant demand for affordable housing within this District and this Ward and as a result of that he was not aware of any material planning considerations which would justify a low figure in this instance.

In relation to Mr Carter's proposal that the pedestrian link could be handled as a condition of approval, he felt that this showed insensitivity to the issue at hand and he did not agree with this proposal. He advised that consideration of this issue would take time as there would be a need for Officers to liaise with the architects and police to ensure that any link was designed in accordance with secured by design advice to ensure it did not promote crime and that this was not an after thought after any decision.

In relation to the points raised by Mr White and Mrs Greer in relation to the Highways issues he advised that it was relevant to rely on the advice received from Durham County Council's Highway Authority who were of the view that the construction traffic would be acceptable as a temporary measure along Waldrige Lane but not as a permanent access into the estate. They had

taken the view that the access through Heathfields was acceptable on the grounds that it does meet current Highways standards.

He advised that this was an issue that Officers and in particular the Case Officer had discussed at great length with Durham County Council to ensure the Highways Authority were fully aware of the contentious nature of the access arrangements which had informed the recommendation of refusal.

Councillor Brown spoke in relation to the comments raised by speakers on the rear lane access, concerns of heavy traffic and danger to pedestrian access. In his opinion he felt the access should be through the existing estate subject to conditions being added to restrict the times of access of traffic.

Councillor Nathan felt it was difficult for Members to make a decision and accept this application due to the Officer's recommendations and the request from the applicant's agent to defer the proposal. He raised issues on the proposal as follows:

- That the proposed access roads were very narrow and would not handle construction traffic.
- He sympathised with the speakers with respect to the comments on the pedestrian link, which he could not support.
- That the access via Waldrige Lane would only be used for construction traffic and not in the longer term.
- He had concerns in relation to unbalanced development and how this would fit in with the regional spatial strategy.
- He felt that there was a lack of facilities in this area and there should be a better way for this area to be used.

Councillor Turner sought clarification on the distance of the access of the proposal from the main road, which was clarified by the Chairman. He had concerns of lorries going through the estate and alternatively if they were to go along Waldrige Lane. He also felt the footpath access could lead to anti-social behaviour problems.

Councillor Harrison proposed to move the Officer's recommendation of refusal.

Councillor Laverick advised of his frustration that the issues in relation to the ecology survey, contamination and affordable housing could have been resolved if the applicant had taken the time to take up the free advice offered by the Planning Team. He felt that he was minded to support the Officer's recommendation and seconded Councillor Harrison's proposal. 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 application has not fully taken account of the potential for contamination of the site by providing a desk top study of the readily available

records assessing the previous uses and their potential for contamination in relation to the proposed development. Therefore the proposed development is contrary to Planning Policy Statement 23: Planning and Pollution Control 2004.

Extra 2 The application has not had full regard to wildlife and ecology considerations on site by not taking account of known nearby protected species principally the great crested newt population on Waldrige Fell of full consideration of the possibility of bats roosting in the building through inspection and surveys during the emergency periods. It is therefore considered that the presence or otherwise of protected species, and the extent that they may be affected by the development cannot be fully established contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation 2005 and Policy 35 of the Regional Spatial Strategy.

Extra 3 The application has not provided for a pedestrian link to Waldrige Lane that would give access to local recreational areas as well as public transport and amenities. This is contrary to the objectives of sustainable development in promoting walking as an alternative to the motor vehicle and as such the development is contrary to Policy 5A of the emerging Regional Spatial Strategy, Planning Policy Statement's 1 and 3 and Policies HP9, T15 and T17 of the Chester-le-Street Local Plan.

Extra 4 The development hereby proposed does not provide the required level of affordable housing, thus fails to comply with policy HP13 of the Chester-le-Street Local Plan 2003."

Councillor Turner left the Meeting at 6.50pm.

(B) District Matters Recommended Approval

(7) Proposal: Erection of two-storey extension to side and rear elevations and enclosure, and change of use of land adjacent to side elevation from open amenity space to domestic garden (revised scheme of 07/00376/COU)

Location: 100 Queen Street, Grange Villa, Chester-le-Street

Applicant: Mr R H Robson – Reference 08/00096/COU

The Development and Building Services Manager advised that since the report had been produced one further letter of objection had been received in relation to the following issues:

- That the two-storey extension would constitute an invasion of privacy as well as a major and unwelcome restriction of view.

- The 6 foot 6 inch green industrial fence that had already been erected without planning permission was deemed to be an eyesore and was a second hand fence that had allegedly been taken from a local school.
- The fence was not in keeping with what the Council is trying to achieve in Grange Villa.
- The two-storey extension would not only affect privacy but it would also block out sunlight.
- The objector points out that when they purchased the property eight years ago this was on the grounds that the property did have a high degree of privacy because there was not a house in front of the window.

The Development and Building Control Manager advised that since considering this objection he proposed to recommend two additional extra conditions of approval as follows:

- To secure a different style of fence to the one that has been erected without planning permission along the northern elevation.
- That the fence be set back some 2 metres off the footpath edge to protect the visual amenity of the area.

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

Miss Robson the objector spoke in relation to the application.

Councillor Holding referred to page 85 of the report in relation to the untidy condition of the garden area and whether this was a material planning issue. He queried whether the decision could be split between the extension and the change of use of the land. The Chairman explained that a split decision would not be recommended and had been frowned upon in the past by the Planning Inspectorate at appeal.

Councillor Nathan sought clarification on where the objector lived which was indicated on a map and shown to all Members of the Committee. Councillor Nathan after viewing the map felt that every property in that street was overlooked in a similar manner.

Councillor Ellis queried whether a condition to impose obscure glazing would resolve the issue of overlooking. The Development and Building Control Manager advised that this would not be recommended and clarified that the separation standards proposed for this application did mirror the rest of the properties within the street.

Councillor Nathan proposed to move the Officer's recommendation of conditional approval to include the two extra conditions that had been suggested. This proposal was seconded by Councillor Humes and carried by Members.

RESOLVED: “That the recommendation 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 details shown on the submitted plans, a detailed planting scheme along the Western elevation of the enclosure to be submitted and agreed in writing by the Local Planning Authority, prior to commencement of the development, in the interests of the satisfactory appearance of the development upon completion.

Extra 5 A contaminated land survey be carried out and submitted to the Local Planning Authority for approval prior to commencement of any work(s) on site. Thereafter any works recommended by the said survey shall be undertaken in accordance with details to be first agreed in writing with the Council in order to ensure the safe development of the site and to accord with the aims of Planning Policy Statement 23 and Policy 24 of the Regional Spatial Strategy.”

Extra 6 Notwithstanding the details shown on the hereby approved plans and elevations, full details of a revised fence style to the Northern elevation of the site shall be submitted to, and approved in writing by, the Local Planning Authority, within 56 days from the date of approval, 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 HP16 of the Chester-le-Street District Local Plan.

Extra 7 Notwithstanding the details shown on the hereby approved plans and elevations, the proposed fence line to the Northern elevation of the site is to be set back 2m from the footpath. Full details of which shall be submitted to, and approved in writing by, the Local Planning Authority, within 56 days from the date of approval, 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 HP16 of the Chester-le-Street District Local Plan.

At this point Councillor Humes left the Meeting at 7.05pm.

(4) Proposal: Resubmission of 08/00003/FUL for the erection of 1 dormer bungalow (Amendment to provide additional dormer window at front of bungalow)

Location: Land West of the Populars, Arcadia Avenue, Chester-le-Street

Applicant: Mr J Fletcher – Reference 08/00065/FUL

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

The Development and Building Control Manager explained the difference between the application, which was approved in February, and this application. He advised that the applicant's architect had made a mistake and on the planned view drawings he had made reference to the dormer window but it had not been shown on the elevational drawings.

He advised that the applicant then had a choice to make on whether to amend the application to include this window for consideration or delete it. He advised that if the application had been amended Officers would have then had to go back out for consultation therefore the applicant had chosen to leave the application as it was and secure approval for the bungalow without the dormer window.

The Development and Building Control Manager clarified that this application was only to consider the dormer window on the front elevation and the remainder of the development had already been agreed at the Meeting in February.

He referred to a two-page letter submitted by the applicant, which had been circulated to Members.

Mrs Willis the objector and Mr Fletcher the applicant spoke in relation to the application.

Following a query from Councillor May, a plan was circulated to all Members to show the physical difference between the applications.

Both Councillor Laverick and Councillor Nathan were in agreement that the substitution of the dormer window in place of the velux would cause no more problem of overlooking on the adjacent property than what was originally approved.

Councillor Brown was of the opinion that the application should remain as originally agreed and he did not support the application before him.

Councillor Wilkinson felt that there was no reason why this application should be refused as the application complied with the 45-degree rule and separation distances.

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

RESOLVED: "That the recommendation 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 walls and / or roofs of the building (s) 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 HP9 of the Chester-le-Street District Local Plan.

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 HP9 of the Chester-le-Street District Local Plan.

Extra 5 The hereby approved development shall be carried out in accordance with the scheme of landscaping which was submitted to the Local Planning Authority on the 20 February 2008 and approved via letter on the 6 March 2008 in accordance with plan reference LPA1 attached to planning application 08/00003/FUL. The works agreed 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 thereafter be maintained for 5 years, in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 6 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) 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 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 and residential amenity.

(6) Proposal: Erection of new residential dwelling to side of existing property

Location: 2 George Street, Chester-le-Street, Co Durham

Applicant: Mr and Mrs McGee – Reference 08/00078/FUL

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

Mrs Cruddas-Wynne the objector spoke in relation to the application.

The Development and Building Control Manager referred to points raised by the speaker and made reference to the access for wheelie bin storage, which he advised, would be a civil matter and this was not a reason to refuse the application.

In relation to the access arrangements he advised that this had been subject of discussions with the County Council as a Highways Authority and explained that the gates were designed to open inwards so that they would not obstruct the Highway.

In terms of the extra traffic he advised that there was no significant safety risk that the development would propose. In relation to the construction stage he advised that the developer needed to put scaffolding on the Highway then he would need a licence, which would be administered by Durham County

Council Highways Authority who could look at alternative provision for pedestrians.

In the Development and Building Control Manager's opinion these were all issues, which did not constitute refusal for this application.

Councillor Brown advised that although he agreed with the application in principal he had concerns in relation to parking problems, the lack of parking spaces and access for this development, therefore he felt he could not go support the Officer's recommendation.

The Development and Building Control Manager clarified the points raised by Councillor Brown which he felt would be difficult to refuse the application on the grounds he had raised.

In response to a query from Councillor Nathan the Development and Building Control Manager confirmed that he understood the Highways Authority Officers had visited the site.

Councillor Harrison referred to the points raised and advised that in his opinion the problems with parking was a civil matter and he agreed with the Officer's recommendation.

Councillor Wilkinson was in agreement with Councillor Harrison and proposed to move the Officer's recommendation, which was seconded by Councillor Harrison. This proposal was carried.

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

01A 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 1 The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 2 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, roofs and hard standings/access roads 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 visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 3 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 and in the interests of visual and residential amenity in accordance with policy HP9 of the Chester-le-Street Local Plan 2003.”

At this point Councillor Holding left the Meeting at 7.45pm.

(2) Proposal: Erection of 10 no apartments and associated parking

Location: Former Dog and Gun, Front Street, Great Lumley

Applicant: Ashbrooke Developments – Reference 07/00542/FUL

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

He referred to an error on page 33 paragraph 1 of the report, which should state that the open space was to be served by extra planning condition 9 and not 3.

He advised that since the report had been published the case officer had held further discussions with the architect which had resulted in Block B to the rear of the site being moved further forward so that it complied with the 21 metre separation standards.

He suggested that an extra condition be added to state that the development was recommended for approval in accordance with the approved plans received on 25 March 2008.

Councillor Ellis proposed to move the Officer’s recommendation of conditional approval, which was seconded by Councillor Harrison. This proposal was carried.

RESOLVED: “That the recommendation 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 as amended drawings No's 1 to 5 amended 25 March 2008; 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 walls, roofs and hard standings/access roads 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 visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4 Notwithstanding the details shown on the hereby approved plans and elevation, 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 HP9 of the Chester-le-Street District Local Plan.

Extra 5 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 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) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP9; of the Chester-le-Street District Local Plan.

Extra 6 Notwithstanding the information submitted with the application all parking spaces on the application site indicated on plan 2 amended March 2008 shall be 4.4m wide unless otherwise agreed in writing with the Local Planning Authority, in the interests of highway safety and acceptable, useable parking provision in accordance with policy HP9 of the Chester-le-Street Local Plan.

Extra 7 No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report 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 should 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 8 The development hereby 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 until arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE2 of the Local Plan 2003.

Extra 9 The development hereby 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 until arrangements have been made to secure the provision of adequate children's play and open sporting space within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for children's play and recreational sporting facilities and to comply with the aims of Policies HP9 and RL5 of the Local Plan 2003.

Extra 10 Prior to the commencement of development hereby approved a scheme to demonstrate compliance with the aims of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3."

(3) Proposal: Substitution of house types at plots 72-74, 81-95, 102-115, 117-134, 146-162, 246 and three additional dwellings (plots 253-255)

Location: Pelton Fell Regeneration Site, Whitehill Crescent, Pelton Fell

Applicant: Bellway Homes (NE) Ltd – Reference 08/00036/FUL

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

RESOLVED: "That the recommendation 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 as amended on drawing S.3681 Rev A received 28th March 2008; 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 walls, roofs and hard standing/access roads 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 visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4 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 species, sizes, numbers and densities), 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 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) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in

accordance with the provisions of Policy HP9; of the Chester-le-Street District Local Plan 2003.

Extra 5 Unless otherwise agreed in writing, the submitted planting scheme shall be implemented with the first planting season following completion of the development (or of that phase of the development in the case of phased developments) and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority, with the first 5 years of the planting being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.

Extra 6 Notwithstanding the details shown on the hereby approved plans and elevation, 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 upon completion and in the interests of visual and residential amenity.

Extra 7 Notwithstanding the information submitted on the application a parking scheme shall be submitted to and approved in writing by the Local Planning Authority for plots 134, 161 and 162 prior to works commencing and implemented in accordance with the agreed scheme thereafter in accordance with Policy HP9 of the Chester-le-Street Local Plan 2003.

Extra 8 The development hereby 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 until arrangements have been made to secure the provision of the 32 units as referred to in the development hereby approved as affordable dwellings, provided for through a shared ownership scheme, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for affordable housing and to comply with the aims of Policy HP13 of the Chester-le-Street Local Plan 2003.

Extra 9 The development hereby 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 until arrangements have been made to secure the provision of adequate open space and recreational facilities within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policies HP9 and RL5 of the Local Plan 2003.

Extra 10 The development hereby 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 until

arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE2 of the Local Plan 2003.

Extra 11 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), any walls or fences forward of the elevation of a dwelling house fronting onto a highway shall require the benefit of planning permission, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity in accordance with policy HP9 of the Chester-le-Street Local Plan 2003.

(5) Proposal: Erection of three illuminated fascia signs, two illuminated projecting signs and one non-illuminated wall sign

Location: Kwik Save, Osborne Road, Chester-le-Street

Applicant: Wilkinson Hardware Stores – Reference 08/00076/ADV

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

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

Extra 1 This permission is given for a limited period of 5 years from the date hereof, expiring on 14 April 2013 when the signs hereby permitted shall be removed to the reasonable satisfaction of this Local Planning Authority, in the interests of visual amenity. In accordance with Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

(8) Proposal: Change of use and conversion of existing commercial property to residential dwelling (Use Class C3)

Location: 8 Red Rose Terrace, Chester-le-Street

Applicant: Mr I Cross Smith and Ms M Fenwick – Reference 08/00109/COU

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

RESOLVED: "That the recommendation 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 approved plans."

(C) Planning General

(1) List of Planning Appeals

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

(2) Proposed Planning Validation Checklist

RESOLVED: "That the draft validation checklist be approved."

(3) Changes to Planning Performance Indicators for 2008-09

Consideration was given to a report from the Development and Building Control Manager to advise Members of changes to the Government's published list of performance indicators for Local Authority planning services, to be implemented from 1 April 2008.

RESOLVED : "That the contents of the report be noted."

The meeting terminated at 7.55 pm