

## **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, 10 November 2008 at 6.00 pm

### PRESENT:

Councillor Ralph Harrison (Chairman)

### Councillors:

T J Smith	M D May
L E W Brown	P B Nathan
G K Davidson	D L Robson
L Ebbatson	M Sekowski
P Ellis	J Shiell
M Gollan	A Turner
D M Holding	F Wilkinson
W Laverick	

### Officers:

S Reed (Development and Building Control Manager), C Potter (Head of Legal and Democratic Services), D Chong (Planning Enforcement Officer), J Taylor (Senior Planning Officer), S Pilkington (Planning Officer), L Morina (Planning Assistant) and M Fell (Democratic Services Assistant)

Also in Attendance: There were 11 members of the public in attendance.

### **30. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors L Armstrong, S Barr, J W Barrett, S A Henig, A Humes and P H May.

### **31. MINUTES OF PREVIOUS MEETING HELD 13TH OCTOBER 2008**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 13 October 2008, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

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

Councillor Shiell declared a personal and prejudicial interest in Item No. 1 of the Planning Matters report, as he would be speaking on behalf of residents

within his ward as an objector to this application. He proposed to leave the meeting and return once a decision had been made.

Councillors Ellis, M May and Davidson declared a personal interest in Item No. 7 of the Planning Matters report as they were all Members of Chester-le-Street Cricket Club, however the Head of Legal and Democratic advised that their declarations would not be necessary as this was an information item only.

Councillor Holding queried whether to declare a personal interest in Item No.2 as he lived in close proximity to the property, however neither the applicant nor the objectors had approached him in connection with the application.

The Head of Legal and Democratic Services clarified that a personal declaration of interest would only be required if he felt the proposal affected any interest he may have in his own property, if not then a declaration would not be required.

### **33. CONFIRMATION OF SPEAKERS**

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

### **34. 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, 3, 2, 4 and 5.

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

- (1) Proposal: Erection of ground floor hot food takeaway unit with residential unit to first floor consisting of one bedroom flat.**

**Location: Land adjacent 1 Hilda Park, South Pelaw,  
Chester-le-Street, Durham**

**Applicant: Mr T Ramshaw – Reference: 08/00323/FUL**

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

He advised Members that since the report had been produced one of the objectors had raised concerns that Members would be unaware that the previous application, reference 07/00294/FUL had been recommended for refusal by Planning Officers before the applicant had actually withdrawn the proposal.

The Development and Building Control Manager also advised Members that an error had been made on page 22 of the Planning Matters report, in the recommended conditions for this item. He stated that extra condition 8 had been a duplication of extra condition 5 and therefore should be omitted from the report.

**Councillor Shiell and Mr Taylor the objectors, and Mr Ramshaw the applicant, spoke in relation to the application.**

The Head of Legal and Democratic Services responded to a comment made by the applicant and advised that it would be a matter for individual Members to consider whether they have a personal or prejudicial interest in a proposal, once all the facts were known to them and that he was not aware of any issues which members should declare at this meeting.

**At this point Councillor Shiell left the Meeting.**

Councillor Gollan requested more detail in relation to the key differences between the current application and the application submitted in 2007, which resulted in the proposal being recommended for approval.

The Development and Building Control Manager advised Members that Officers had recommended that the application submitted in 2007 be refused, as objections against the proposal had been received from the Environmental Health team and also no comments had been received from Durham Constabulary. He commented that since the applicant had withdrawn the original proposal, he had sought advice from Environmental Health and had now satisfied their officers with a revised scheme to deal with any odours the proposal may create, which is included in the current application. He also advised Members that Durham Constabulary had made a decision not to object to the current proposal, which could be associated with the applicant's decision to place cameras inside the premises to act as a deterrent to any anti-social behaviour occurring in the area.

In relation to a query raised by Councillor Holding, the Development and Building Control Manager advised that the key difference between the application approved in 2005 and the current proposal had been the request for a change of use for the ground floor unit, as the applicant would require this to be altered from Planning Use Class A1 to a Use Class A5, in order for the premises to be used as a takeaway.

Councillor Ellis stated that he agreed with the comments raised by the objectors, as he felt an additional takeaway would not be required in South Pelaw as the public already had access to a wide variety of takeaways in the surrounding areas.

Councillor Nathan felt unsure whether the area would benefit from the proposal as it could enhance existing problems in relation to litter, traffic and antisocial behaviour, although he did feel the residents could benefit from the close proximity of the takeaway. He was however concerned that the Police had raised no objection to the proposal and due to the possible impact the development may have on antisocial behaviour in the area; he felt it would be useful to know why they came to this decision.

Councillor Davidson commented that it would be for the applicant to decide whether there would be a demand for a takeaway in the area and that it would not be for this Committee to discuss. He also stated that Environmental Health would be responsible for ensuring that any flue extraction system installed worked correctly and that if residents encountered any problems in relation to odour from the premises they should contact the Environmental Health Department.

In relation to a comment made by Councillor Wilkinson, the Development and Building Control Manager advised that the proposed parking space to the rear of the property would most likely be provided for the resident of the first floor flat and there had not been an intention to provide a parking provision for any customers or staff of the establishment. In addition he stated that there were no parking restrictions in the local area and the development would be located in close walking distance to a number of residential properties.

In relation to a query raised by Councillor Sekowski, the Development and Building Control Manager advised that as the Local Plan 2003 had not been in force in 1990, the applications refused in this year would not have been dealt with in the same planning policy context as the application from 2007 and the current application. He also stated that the current application has been assessed against Local Plan Policy R19, which would consider the impact the development would have on the amenities of the residents in the area and consider issues such as litter and highway safety in relation to the application. He commented that the Policy also provided support in principle for takeaway developments as part of local shopping provision in housing schemes.

Councillor Laverick agreed with the comments made by Councillor Davidson in relation to the demand for a takeaway in this area and stated that he did have concerns in relation to the extraction of odours from the takeaway. However as both the County Council Highway's department and Durham Constabulary had raised no objections to the proposal, he could see no reason why the application should be refused.

Councillor Nathan commented that at present two additional takeaways were located in the area and the location of these premises had not significantly affected the area in terms of traffic and parking problems.

Prior to a vote being taken on this proposal the Head of Legal and Democratic Services advised that Officers had proposed extra condition 7 as part of the recommendation for approval, which would required a ventilation system to be in full working order at all times. He clarified that should the applicant fail to comply with the recommended condition, it would be the responsibility of the Planning Authority to enforce this condition and any others contained in the planning approval. He also stated that any potential odour concerns should be reported to and dealt with by the Environmental Health team.

Councillor Davidson therefore proposed to move the Officer's recommendation, which was seconded by Councillor Sekowski. 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.

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 adjoining property, 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. 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 to comply with policy R11 (Shop front design) of the Chester-le-Street Local Plan.

Extra 4.

The premises shall not be open for business outside the hours of 09:00 to 23:00 on any given day. In order to ensure that adjacent properties are not adversely affected by the development and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan

Extra 5.

Prior to the development hereby permitted being brought into use an additional hard standing car parking space shall be provided within the curtilage of the property as identified on plan no. TR/2 Received 3rd July 2008. The car-parking layout shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. To provide sufficient parking for the use and to comply with Policy T15 (Access and Safety Considerations in Design) of the Chester-Le-Street Local Plan.

Extra 6.

A litterbin shall be provided outside the premises during opening hours in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The bin shall be located in its approved position before the takeaway begins operating. To protect the character of the area and amenity of neighbouring residents, and to comply with policy R19 (Food and Drink) of the Chester-le-Street Local Plan.

Extra 7.

Prior to the commencement of the development a detailed report for a scheme of odour suppression and ventilation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed scheme shall be installed prior to the development/use being implemented. The apparatus shall thereafter be operational at all times while the building is in use and shall be maintained in working order to the satisfaction of the Local Planning Authority. To achieve a satisfactory form of development to ensure that occupants of nearby properties are not adversely affected by the development and to comply with policy R19 (Food and Drink) of the Chester-le-Street Local Plan

Extra 8.

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.

- (3) Proposal: Erection of 1.5m – 2m high fencing and wall pillars along east elevation of property to provide extended fence (Partly retrospective application).**

**Location: 19 Castlefields, Bournmoor, Houghton-le-Spring, Tyne and Wear, DH4 6HH**

**Applicant: Mr J. Boyd – Reference: 08/00380/FUL**

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

**Ms Main the objector, and Mr Boyd the applicant, spoke in relation to the application.**

Councillors Holding, Ebbatson, Davidson and Sekowski all referred to points raised by the objector in relation to the driving ability of individuals in the area and the speed limit put in place on the estates' roads. Councillors felt that these issues were not material planning considerations and therefore should not be commented on by the Planning Committee.

Councillors also made comments in relation to the possibility of other vehicles obstructing the view and also bushes being grown in lieu of a fence, as neither would require the applicant to apply or be restricted by planning permission.

Councillor Holding made reference to the application being partly retrospective and sought clarification from the applicant on the amount of work still to be completed on the application.

Councillor Ebbatson felt in her opinion that the fence restricted the line of sight on the road adjacent to the development and felt that the committee should discuss this issue in detail.

Councillor M May commented that she had been able to view the site prior to the Committee Meeting and felt the road was clearly visible past the fence and the view had not been obstructed by the proposal.

In relation to a comment made by Councillor Shiell, the Development and Building Control Manager advised that if a restrictive covenant applied to the

property, the applicant would need to contact the original developer and apply to have the covenant raised, however this would be a civil matter for the applicant to consider separately. He also commented that when this Planning Committee granted planning permission for the estate, a condition had been attached requiring the estate to be kept open plan. As a result of this planning permission would be required by anyone wishing to erect a fence or wall between a building line and highway on the estate, as was the case here.

Councillor Laverick felt that as the County Council's Highways department had raised no objections against the proposal, they should be guided by their opinion in relation to any highway safety issues.

The Development and Building Control Manager responded to comments made by Councillors in relation to the proposed fencing panels and the extent of the area to be enclosed by the proposed fence.

Councillor Davidson therefore proposed to move the Officer's recommendation, 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.

As the proposal is based on a retrospective nature, no conditions are required in this instance.

**Councillors Smith and Wilkinson left the Meeting at 7.00pm.**

- (2) Proposal: Revised application of 07/00504/FUL - Erection of part two-storey / part single-storey extension at side and rear of dwelling including dormer windows and construction of balcony at rear (amended plans received 13.10.08 to provide two off-street parking spaces at the front of the site).**

**Location: 7 The Oval, Chester Moor, Chester-le-Street, Durham, DH2 3RH**

**Applicant: Mr & Mrs Kane – Reference: 08/00379/FUL**

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

In relation to comments made by Councillor Holding, the Development and Building Control Manager advised that any concerns the Highways Officers had in connection with the off-street parking provision has been addressed by the amended plans submitted on 13<sup>th</sup> October 2008, as the applicant has agreed to a change in the site layout to allow the provision of two off-street parking space to the front of the property. He stated that as the applicant had agreed to an additional parking space, the Highways Officers felt the garage as described in the plans, would be acceptable.

In relation to a query raised by Councillor Nathan, the Development and Building Control Manager advised that across the five years he had been in post at the Council, a number of applications had been received from residents of The Oval including applications for conservatories, sun rooms, detached garages and in each case, Officers have encouraged any appointed architects to ensure that the designs they put forward are in keeping with the special character of the estate. He also stated that, as a reasonable amount of development, had already taken place on the estate, it would be for Members to decide whether they felt the design of the extension would be in keeping with the attractive character of the estate.

Councillor Laverick was of the opinion that the design of the extension was sympathetic to residents of the estate and felt it was an acceptable proposal.

Councillor Brown expressed concern in relation to extra conditions 3 and felt that although the extension had been well designed, it would be imperative that the applicant adhered to this condition, however he would recommend that the application be approved.

Therefore Councillor Brown proposed to move the Officer's recommendation, which was seconded by Councillor Holding. 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 13 October 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.

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 hereby approved plans, the proposed double driveway at the front of the site shall be constructed using permeable materials and shall be brought into use prior to the occupation of the hereby approved extension and thereafter shall remain in existence with the ability to accommodate two cars for so long as the development hereby approved remains in existence unless details of an alternative scheme are submitted to and approved in writing by the Local Planning Authority in order to ensure adequate off-street parking is maintained in the interests of highway safety in accordance with policy T15 of the Chester-le-Street Local Plan and Policy 24 of the Regional Spatial Strategy.

Extra 5.

Notwithstanding the details shown on the submitted plans, no additional doors or windows should be added to the side facing elevation of the hereby approved extension facing no.6 The Oval for so long as the development remains in existence. In the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

**(4) Proposal: Conversion of existing agricultural barns to form 6 no. residential units.**

**Location: Urpeth South Farm, High Urpeth, Chester-le-Street, Durham, DH9 0SH**

**Applicant: Mr J. Boon – Reference: 08/00393/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 responded to the comments made by Councillor Ebbatson as follows:

In relation to current Local Plan policies he advised that when the applicant originally applied for planning approval in 2005, the applicant would have been required to demonstrate that there had not been a demand for these properties to be converted for commercial use, before Officers would allow the properties to be converted for residential use. He emphasised that there would have been a preference for the applicant to use the property for commercial use through current Local Plan Policies and through national planning advice in Planning Policy Statement 7, which is the most relevant government advice on development in the Countryside. However as the applicant had been able to demonstrate a lack of demand for the commercial use of the buildings two years ago, policies do allow for buildings in the Countryside to be converted for residential use instead.

In relation to the nature of the objection received from Natural England, he advised that as no objection had been received from themselves in connection with the earlier application approved in 2005 and that as the applicant has agreed to create a bat loft in the proposed garage block as mitigation, he felt there objection had been inconsistent especially due to the similarities between the previous application and the current application. He also felt that Natural England's objection maybe due to a lack of knowledge of the history of the site.

In relation to how the proposed mitigation works would be implemented and monitored for compliance with the proposed condition, he advised that the developer would be obliged to install the scheme in accordance with the conditions attached to approval of the application. He emphasised that the site would be monitored by Officers to ensure the mitigation works were carried out and if any planning conditions not carried out, Officers have the power to take enforcement action to ensure any work is carried out. He also advised that the Building Control team would be able to monitor the development as work commences and report on any inconsistencies in relation to the approval.

Councillor Brown expressed concern in relation to the marketing exercise, which had been carried out in 2005 and queried whether Officers were given the opportunity to observe any evidence of this exercise.

The Chairman confirmed that Officers were able to view evidences of the marketing exercise, when the developer had submitted the original planning application in 2005.

In relation to a comment made by Councillor Brown, the Development and Building Control Manager advised that the developer had not been asked to submit another marketing report as planning permission to convert the buildings to residential properties in 2005 was still valid and the purpose of the current application was to approve a number of design amendments including a reduction in the number of residential units and the inclusion of a former glasshouse to the north east of the site in the proposal.

In relation to a query raised by Councillor Gollan, the Development and Building Control Manager advised that conversion schemes in the countryside were often deemed more acceptable than new build schemes, as the use of existing structures lessens the physical impact on the landscape and allows the character of buildings to be retained.

### **Councillor Holding left the Meeting at 7.25pm.**

Councillor Laverick felt the conversion of buildings with no commercial use, into habitable properties would create a positive rather than a negative impact on the area. However he did express concern in relation to the possible over provision of parking spaces, as he felt any future residents would benefit from the creation of additional spaces.

In relation to a comment made by Councillor Sekowski, the Development and Building Control Manager informed Members that some parts of the site had collapsed when development commenced in accordance with the original approval granted in 2005. He stated that the applicant had appointed a specialist engineer to design a revised underpinning methodology, which once implemented would enable the architectural character of the buildings to be retained.

Councillor Brown therefore proposed to move the Officer's recommendation, which was seconded by Councillor Davidson. 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 22<sup>nd</sup> October 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, 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 visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4

The highway access improvements as indicated on plan 1545/003 Rev C. shall be implemented prior to the occupation of the first of the dwellings hereby approved in the interest of highway safety and the amenities of the occupiers in accordance with Policy HP9 & T15 of the Chester-le-Street District Local Plan.

Extra 5

Prior to works commencing notwithstanding the details shown on the hereby approved site plan a scheme of parking layout and provision shall be submitted to, and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter, in the interest of sustainable development and visual amenity in accordance with Policies T15, T17 and HP9 of the Chester-le-Street District Local Plan.

Extra 6

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

Extra 7

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) 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 HP 9 of the Chester-le-Street District Local Plan.

Extra 8

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 visual amenity and the protection of the North Durham Green Belt and to accord with the aims of Policies HP 9, NE 6 of the Chester-le-Street District Local Plan.

#### Extra 9

Prior to occupation of the first dwelling hereby approved the garaging incorporating the bat loft as indicated on drawings 1545/004 rev A and 1545/005 rev A shall be constructed on site in the position as indicated on drawing 1545/001 rev C, thereafter the bat loft shall be maintained in perpetuity in order to ensure the preservation and enhancement of species protected by law in the interests of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

#### Extra 10

Development shall not commence between the months of November and March (inclusive) in order to ensure the development makes adequate provision for the presence of protected species within the development site and to accord with the aims of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

#### Extra 11

Development involving works to the existing roof of the buildings shall be carried out by hand and the pointing of any walls and re-roofing of the development shall only be undertaken between mid-November and mid-April in order to ensure the development makes adequate provision for the presence of protected species within the development site and to accord with the aims of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

#### Extra 12

Notwithstanding the information submitted six hibernacula will be created prior to occupation of the dwellings in the north facing external walls of the development hereby approved with the entrances at head height. These shall consist of gaps in the masonry which give access to the rubble infill of the walls measuring 100mm in width and no narrower than 15mm and should slope upwards to allow water to escape to ensure the preservation and enhancement of species protected by law in the interests of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

#### Extra 13

Notwithstanding the information submitted six 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 the interests of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 14

The re-aligned dry stone boundary wall either side of the improved access road shall be erected using existing stone unless otherwise agreed in writing, in order to ensure the development respects the visual amenity of the area and the character of the North Durham Green Belt and to accord with the aims of Policy HP 9 and NE 6 of the Chester-le-Street District Local Plan

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 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 16

Notwithstanding the information submitted a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter in the interest of the adequate disposal of foul and surface water in accordance with Planning Policy Statement 25 and Policy 24 of the Regional Spatial Strategy.

**Councillor Turner left the Meeting at 7.40pm.**

- (5) **Proposal: Substitution of house types on plots 165, 166, 167 & 180. Repositioning of plots 168, 169, 181 and redesign of cul-de-sac head to the rear of plots 170 & 171.**

**Location: Pelton Fell Regeneration Site, Whitehill Crescent, Pelton Fell, Chester-le-Street, Durham**

**Applicant: Bellway Homes (NE) Ltd – Reference: 08/00400/FUL**

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

Councillor Brown therefore proposed to move the Officer's recommendation, which was seconded by Councillor Robson. 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:

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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 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.

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 District Local Plan.

**(B) Planning General**

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

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

In relation to a query made by Councillor Nathan, the Development and Building Control Manager advised that the list of Planning Appeals and Current Status could be provided to Members once a quarter, if they felt that would be satisfactory. Discussion ensued in relation to the publication of planning appeal updates and members expressed satisfaction with the current arrangements whereby reports are provided monthly.

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

**(2) Notification of Planning Appeal Decision**

**ERECTION OF SINGLE STOREY EXTENSION AT SIDE OF DWELLING AND ERECTION OF DETACHED GARAGE IN GARDEN AREA AT SIDE/FRONT AT 3 KINGSMERE, CHESTER-LE-STREET, DURHAM, DH3 4DB (AMENDED PLANS RECEIVED 18 FEBRUARY 2008).**

RESOLVED: "That the decision of the Planning Inspectorate to dismiss the appeal, be noted."

**(3) Development Control Performance Update for Quarter One and Two 2008/09**

Consideration was given to a detailed update on the Development Control Team's performance during the first two quarters of 2008/09.

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

**35. EXCLUSION OF PUBLIC AND PRESS. TO RESOLVE:-**

RESOLVED: "That under Section 100(A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information as defined in paragraphs 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act."

**36. PLANNING ENFORCEMENT PERFORMANCE UPDATE**

Consideration was given to a report, which provided Members with a comprehensive and detailed update on the planning enforcement discipline within the Authority.

The Planning Enforcement Officer spoke in relation to the report and advised Members that performance had continued to improve due to the Authority being able to provide additional Officer resources to the team. He advised that if Members did have any queries in relation to the individual cases outlined in the report they should contact the Enforcement Officer outside the Meeting. Discussion ensued in relation to the report.

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

The meeting terminated at 7.55 pm