

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, 30 March 2009 at 6.00 pm

PRESENT:

Councillor Ralph Harrison (Chairman)

Councillors:

T J Smith	M D May
L Armstrong	P H May
L E W Brown	P B Nathan
G K Davidson	M Sekowski
L Ebbatson	J Shiell
M Gollan	D Thompson
D M Holding	A Turner
A Humes	S C L Westrip
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: D Stewart (Durham County Council Highways Officer), Esther Brooks (Durham County Council Sustainable Transport Officer) and Ian Henry (Durham County Council Sustainable Transport Officer).

There were also 58 members of the public in attendance.

59. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P Ellis and D L Robson.

60. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Sekowski declared a personal and prejudicial interest in Item No. 2 of the Planning Matters report, as he lived in close proximity to the application site and owned an area of land to the rear of the site. He proposed to leave the meeting whilst the item was being discussed and return once a decision had been made.

Councillor P May also declared a personal and prejudicial interest in Item No. 2 of the Planning Matters report, as he would be speaking as an objector to the application. He proposed to leave the meeting whilst the item was being discussed and return once a decision had been made.

Councillor Wilkinson declared a personal and prejudicial interest in Item No. 3 of the Planning Matters report, as a Member of Durham County Cricket Club. He proposed to leave the meeting whilst the item was being discussed and return once a decision had been made.

61. CONFIRMATION OF SPEAKERS

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

62. PLANNING MATTERS

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

(A) District Matters Recommended Refusal - Withdrawn

(1) Proposal: Erection of 1 no. residential dwelling. (Use Class C3)

**Location: Woodside, Waldridge, Chester-le-Street, Durham,
DH3 3SL**

Applicant: Mr Robert Howey – Reference: 2/09/00019/FUL

The Development and Building Control Manager advised that the applicant had recently submitted amended plans in support of this application and as a result this item would be deferred and removed from consideration at the Meeting.

Prior to consideration of the following item, Councillor Sekowski declared his interest and left the Meeting.

(B) District Matters Recommended Approval

(2) Proposal: Resubmission of planning application 06/00530/FUL residential development comprising 248 dwellings with associated infrastructure.

Location: Land rear of Newfield Terrace, Newfield,

Chester-le-Street, Durham

Applicant: Persimmon Homes – Reference: 07/00488/FUL

Due to the number of speakers wishing to address the Committee in relation to this item, the Chairman requested that Standing Orders be suspended in relation to the 10 minute speaking rule for speakers and the speaking time be extended to allow the speakers who were objecting to the application four minutes each to speak in relation to the application. Members were in agreement with this proposal and also agreed that the applicants and the supporter be allowed to speak for as long as the objectors had been given.

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 updated Members in relation to the proposal and advised that recent discussions with Durham County Council as Highways Authority had lead to an agreement that the £70,000, which is to be provided to fund the link into Heathmeads, can now be paid on the occupation of the 35th private dwelling as opposed to the 20th dwelling, as previously mentioned in the report.

He further advised that the County Council as Highways Authority had also requested that an additional clause to be included into the proposed 106 Agreement requiring that the developers agree a traffic routing scheme for the heavy goods vehicles, which would be accessing the site during the construction stage of the development.

He also spoke in relation to extra condition 6 of the recommendation for approval, and stated that Officers were concerned that the condition as currently phrased only required the implementation of a landscaping scheme upon the completion of the development. He therefore proposed to amend extra condition 6 to require the implementation of a landscaping scheme, in accordance with a time scale to be agreed in writing with the planning authority, with the intention of securing a significant amount of the landscape works at an earlier stage as appose to final completion.

The Development and Building Control Manager also updated Members on comments that had been received following the publication of the report from interested people and parties, including three additional letters of comments received from the Newfield and Pelton Action Group. He advised that he did not propose to go through all of the issues raised in detail, on the grounds that a representative of the action group was registered to speak at the meeting. However a summary of the concerns raised was provided as follows:

- Not all the dwellings are situated within 400 metres of a bus stop.

- The bus service in the locality has dropped in terms of the frequency of service since the applicants carried out their transport assessment.
- They wished to stress in their view, the remoteness of the site in terms of the range of community facilities which would be required to make this a genuinely sustainable community, in particular concerns about lack of shopping, hospitals and doctors in the vicinity, as well as the lack of employment opportunities within the village.
- As a result of the concerns surrounding the lack of bus services in the vicinity, they feel the proposed development will lead to a significant increase in the amount of vehicular trips in the area.

In a second letter, the Newfield and Pelton Action Group requested that Members be updated in relation to the following concerns:

- That in the surveys carried out by Officers, over 90% of the local residents who attended the exhibitions were opposed to the development scheme. The Development and Building Control Manager clarified that this statement was correct and advised that the feedback that Officers had received from the two community events had been fully referenced in the report.
- That the proposed highway improvements works on the A693 will create additional vehicle congestion especially during peak times, with particular concerns being raised in relation to the junction to the east of Perkinsville.
- That the transport assessment submitted by the applicant had in their view not given any consideration to traffic problems on Station Lane, to the east of the application site.
- That the traffic calming measures, which are proposed to be installed through the Section 106 monies, will not be sufficient enough to mitigate against highway safety concerns within the area, in particular due to the close proximity of the two schools.

In a third letter, the Newfield and Pelton Action Group raised concerns in relation to the principle of the development as follows:

- Regional Spatial Strategy (RSS) advises that housing allocations should be informed by the Strategic Housing Assessments which Local Authorities should carry out as part of their Local Development Framework (LDF), and they raise concern that this site and the principle allocation of this site was not assessed against that particular criteria.
- That the RSS seeks to focus major development into previously developed land in major conurbations, and they wish to stress that in their view this development is contrary to the RSS aims and advice.

- That in terms of growth for the Chester-le-Street area, the RSS stress the importance of regeneration for the town, and in their view the proposal does not accord with that advice.
- That the number of housing units proposed on the site was higher than the figure allocated in Chester-le-Street's Local Plan.

The Development and Building Control Manager concluded that in his opinion all the concerns raised above were fully detailed and referenced in the report before members.

He further advised that two letters had been received from the North East Regional Office of the Council for the Protection of Rural England (CPRE), however he felt the concerns raised had previously been highlighted by the Durham branch of the CPRE and as a result were fully detailed and referenced in the report.

The Chairman welcomed Ian Henry, Esther Brooks and David Stewart from Durham County Council to the Meeting and introduced them to those present.

Mrs Oliver, Mr Fergusson, Mrs Hall and Councillor P May (the objectors) spoke in relation to the application.

The Development and Building Control Manager spoke in relation to the issues raised by the objectors and clarified the following points:

In relation to the comments made regarding the proposed development being within the countryside, the Development and Building Control Manager confirmed that in planning policy terms the Chester-le-Street Local Plan verified that the site was a greenfield site, but was not considered as being in the countryside. He stated that following the Local Plan Inquiry the settlement limit for Newfield and Pelton had been moved back to allow the allocation of this land for housing, and advised that the policies included in the Chester-le-Street Local Plan would be included in the new Local Development Plan for Durham as part of the transitional arrangements.

In relation to the comments made concerning the loss of agricultural land, the Development and Building Control Manager advised that National Planning Advice and the Regional Spatial Strategy (RSS) stated that productive agricultural land should not be used for development, unless there are other material planning considerations, which indicate otherwise. He further advised that from the Local Plan Inquiry, it had been determined that Chester-le-Street as a Local Authority would be required to release one large greenfield site to meet housing needs. He also spoke in relation to a Strategic Housing Land Assessment recently carried out by the Council's Regeneration team and advised that the survey had indicated that unless this site was released by the Authority, they could not maintain the five year supply of immediately available land for housing which they are required to do through Central

Government Planning Policy in PPS3. Therefore he felt that for the reasons outlined it remain appropriate to release the site for housing needs.

In relation to the comments made concerning the water and sewerage issues, the Development and Building Control Manager advised that a sustainable urban drainage system (SUDS) had been incorporated into the scheme, which would handle and contain a significant amount of surface water from the site, thus preventing the water from entering the public sewers. He stated that due to the recent floods in the area, Officers felt that it was important to secure such a scheme and preserve as higher percentage of water as possible on site to prevent the overloading of the surface water systems, which had been referred to by an objector. He also felt it was important to note that the Environment Agency and Northumbrian Water, who are the relevant Government Statutory Bodies on surface flooding issues and foul sewerage, had not raised any objections to the scheme and that the proposed SUDS scheme complied with National Planning Advice in PPS25.

In relation to the comments made with regard to the willingness of the Residents Association to work with the community, the Development and Building Control Manager advised that the recommendation before Members proposed to obligate Persimmon Homes into participating in a community forum if the development was approved. He stated that this meeting would also be attended by Planning Officers, and would allow the residents and the developers to discuss and resolve any issues, which may arise during the construction stage of a development.

In relation to the comments made regarding the number of houses in the development and the proposed impact on the character of the village, the Development and Building Control Manager advised that the number of dwellings proposed was smaller than the original proposal to build 270 dwelling on the site. He commented that the current number of properties proposed on site would be at the lower end of the acceptable density thresholds detailed in PPS3 advice, for an area of land that size and as a result felt Government advice would make it difficult to reduce the density of this scheme further.

Mr Bolam (the supporter) and Mr Jordan (the applicant) spoke in relation to the application.

At this point Councillor P May declared his interest and left the Meeting.

In relation to a query raised by Councillor Nathan on the importance of this land being used for housing needs, the Development and Building Control Manager spoke in relation to a number of planning appeal decisions both nationally and regionally, whereby if local authorities have been weak in providing a five-year supply of land under the Governments Housing Growth Initiatives, then it has been taken into account in the planning decision process at present. He confirmed that planning policy advice in PPS3 states

that local authorities should provide a five year supply of immediately available land for housing development and a further ten to fifteen year supply of future sites, through their development plan. He commented that unless Officers release the site in principle, then they would be failing to comply with PPS3 advice and in his opinion, the refusal of the scheme would subsequently be overturned at an appeal on those grounds.

Councillor Brown sought clarification as to whether the developer owned the additional areas of land, which surrounded the application site, and whether this land could be used for housing development in the future.

The Development and Building Control Manager clarified that an area of land referred to by the applicant at the front of the site was presently within the ownership of Durham County Council. He also spoke in relation to the areas of land to the east of the application site and clarified that a land registry search had confirmed the land to be within the ownership of Persimmon Homes. He advised that it would be difficult to speculate the future use of the land but commented that significant physical constraints such as the C2C cycle route and the lack of a future access point from this development would make it difficult for any future development of the land. He further advised Members that they were required to make a decision on the application before them tonight and should disregard these areas of land from their consideration.

In relation to concerns raised by Councillor Brown regarding the proposed traffic calming measures, the Highways Officer clarified that a decision in relation to the possible location and intended form of the measures had not as yet been determined. He advised that a decision would be made in conjunction with the Council's Area Highway Office and local residents, with any traffic calming measure being located in the immediate vicinity of the development. He identified that the most suitable location for these measure would be on the roads in close proximity to the sites access and also those leading from the development site to the A693 road.

The Development and Building Control Manager spoke in relation to the travel plan and confirmed that a modelling exercise carried out by the applicants, had established that during peak travel times i.e. early mornings and early evenings; the usage of the junctions within the vicinity of the site would only be increased by up to two additional vehicles a minute.

The Highway Officer spoke in relation to the transport assessment and advised of their use in assessing the acceptability of new developments in terms of their impact on the highway network. He explained the use of trip generation in the transport assessment, which establish the average number of trips per dwelling based on a survey of different national sites that are of a similar design to the proposed site and clarified that this particular method provided a realistic assessment of the impact a development will have on the highway network.

The Highway Officer referred to the concerns raised by the Newfield and Pelton Action Group in relation to the transport assessment and advised that figures used in the trip generation report had been of a high nature at the request of Officers, as it would not be in their interest to accept a development which could later generate a higher level of traffic than was originally anticipated.

The Highway Officer spoke in relation to the concerns regarding the access to bus services and clarified that once the C2C cycle link is created there would be four possible links out of the site including routes to either bus stop locations or the wider cycle network by foot, bus or bicycle.

The Highway Officer referred to the concerns in relation to the impact of traffic on the Holmesland roundabout and the wider highway network, and clarified that in terms of the transport assessment i.e. where a vehicle is likely to go and distance from its original location, these factors would all lessen the impact of the original traffic numbers in proportionate terms. Therefore in terms of the proposed development, the size was not considered to be substantial enough to sustain a highway objection.

Councillor Holding sought clarification from one of the objectors in relation to their connection with a local construction business operating in the area, which had been referenced in the Planning Matters report and also in a newsletter issued by the Newfield and Pelton Action Group in March.

Councillor Westrip raised concerns in relation to Planning Policy Statement (PPS) 9 and queried whether any provision had been put in place to protect wildlife on the site, during the construction phase.

The Development and Building Control Manager advised that the proposed 106 agreement contained a clause, which required the developer to submit a detailed landscaping and habitat replacement plan for the land and also put management arrangements in place to ensure that the ecology value of this site is retained in perpetuity. He further advised that through the phasing plan, which had submitted as part of the application, Officers had established that a significant loss of the wildlife habitat would only occur as the development reaches its completion phase. Therefore by securing a significant amount of the landscape works at an earlier stage as opposed to final completion through extra condition 6 of the recommendation, new habitats would be created which would help mitigate the loss of the wildlife habitat.

The Development and Building Control Manager spoke in relation to additional habitat improvements referenced in the ecology reports, which included the use of bat crevice roosts in the barn conversion scheme. He also commented that both Natural England and the Durham Wildlife Trust were happy with the ecology mitigation proposed for this application and clarified that all their comments were fully referenced in the report.

Councillor Nathan sought clarification from Officers in relation to Planning Policy Statement (PPS) 1 and the use of the term sustainable development in relation to the policy and the proposed development.

The Development and Building Control Manager explained that one of the key aims of sustainable development was to provide an alternative means of transport as opposed to the use of the private car. He advised Members that the developers were demonstrating a better use of the off site public rights of way network as they were providing a link to the C2C cycle route, improving the pedestrian links into Pelton to the north of the site and had provided an indication as to how the pedestrian link to the south of the site could also be improved. As a result of these proposals, Officers felt the application did meet the aims of sustainable development.

The Development and Building Control Manager also spoke in relation to PPS7, which advises that Local Authorities should take a positive approach to developing proposals, which help sustain rural communities. He advised that in his opinion, a development of this size would help retain and enhance the local amenities in the area i.e. schools, which was in accordance with the aims of sustainable development.

In relation to further concerns raised by Councillor Nathan on the sustainability of the development, the Development and Building Control Manager advised that through the improved pedestrian links and the commitments to local bus facilities; the developers had provided an enhanced scheme which would be of benefit to the local community and would therefore meet the aims of sustainable development.

In relation to a comment made by Councillor Davidson regarding the future development of the land surrounding the application site, the Development and Building Control Manager advised that as part of the Strategic Housing Land Availability Assessment, developers were asked to put forward any potential sites which they wish to develop for housing needs in the future. He further advised that it was of particular merit to note that Persimmon Homes had not put these sites forward for future development. He also stated that as part of the proposed 106 agreement, Persimmon Homes would be obligated to develop a long term management plan for the site to maintain the ecology and wildlife value of the area.

In relation to a concern raised by Councillor M May on whether any community enhancements would be made available to the village, the Development and Building Control Manager advised that through the proposed 106 agreement a significant amount of funds would be secured for public artwork within the district ward area. He also clarified that the 106 agreement would also secure additional funds to help meet community health needs within the village, which would enhance existing community facilities.

Councillor Brown spoke in relation to proposed monies allocated for traffic calming works in the vicinity of the application site through the 106 agreement

and queried whether the provision of a new roundabout would be allocated from these monies.

The Development and Building Control Manager clarified that the requirement to create a roundabout would be controlled through extra condition 9 of the recommendation and would require the developers to implement the highway improvement works on the land, which is under the control of Durham County Council. He confirmed that the developers would be required to cover all of the cost of the proposed highway improvement works as well as providing the figure of £60,000 for traffic calming measures, as detailed in the proposed 106 agreement.

The Highways Officer advised that no estimates had been carried out in relation to the cost of the highway improvement works; however he confirmed that the developer would meet all of the costs involved

Councillor Laverick as a Ward Member for the area raised a number of issues in relation to the application including traffic congestion, school capacity and local amenities; however he concluded that a decision had to be made on planning merits and not personal views.

In relation to a query raised by Councillor Wilkinson, the Development and Building Control Manager advised that the Police were consulted in relation to the application and their comments were fully referenced in the report.

After much discussion and consideration of the points raised by the speakers, Councillor Holding proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Turner. 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:

RECOMMENDATION

APPROVE SUBJECT TO THE ENTERING INTO OF SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:

- 1) 73 dwellings to be provided as affordable units to a specification and tenure mix to be agreed; not less than 25% via social rented. The open market discounted housing to be retained as affordable in perpetuity
- 2) The payment of £124,000 for public artwork provision in the District Ward area
- 3) The payment of £164,920 for sport use in the District Ward area

- 4) The payment of £60,000 for traffic calming works in the immediate vicinity to the application site
- 5) The payment of £50,000 towards public bus service subsidy in the locality
- 6) The payment of £60,000 for community health provision in the locality
- 7) The establishment of a community liaison group to meet no less than once every six months following the commencement of the development. Such liaison group to be facilitated by the Local Authority and to be attended by at least one employee of the applicants and the Local Planning Authority
- 8) The development of a landscaping management plan; to ensure maintenance of the landscaping and wildlife mitigation area as proposed in the application in perpetuity
- 9) Arrangements being made for the maintenance of the SUDS scheme proposed to serve the development
- 10) The payment of £70,000 towards upgrading of pedestrian links to the north of the site
- 11) The agreement of a lorry routing scheme for construction vehicles during the construction phase of the development

Payment for Items 2,3 and 6 to be made pro rata on occupation of the 40th; 80th and 120th private dwelling. Payments for items 4 to be paid on commencement; payment on Item 5 pro rata every year for 5 years. Payment for item 10 to be made on occupation of the 35th private dwelling.

AND 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.

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 proposed hard standing and hard surfacing areas shown within the site 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 RSS and Policy HP9 of the Chester-le-Street District Local Plan

Extra 3.

Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

Extra 4.

Prior to the commencement of the development hereby approved a scheme to secure compliance with the Code for Sustainable Homes level 3 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 minimise energy consumption and to ensure the development meets the aims of sustainable development and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

Extra 5.

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) and the hard standing areas (including public rights of way areas) 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 Policy HP9 of the Chester-le-Street District Local Plan.

Extra 6.

Notwithstanding any information submitted 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. For the avoidance of doubt the landscaping scheme shall extend to the areas shown on the land edged blue in the application and indicated for treatment as part of the landscaping strategy drawing submitted 4 February 2008. The works agreed to shall be carried out in accordance with a phasing to be agreed in writing prior to the commencement of 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 7.

Notwithstanding any details contained in the application hereby approved, full details of a cycle link to the C2C cycle route to the east of the application site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include specification of linkages into the existing C2C route. The approved scheme shall thereafter be implemented on site in accordance with the agreed scheme prior to the occupation of the 20th private dwelling. In order to ensure the development meets the aims of sustainable development and to accord with the provisions of Policies 2, 7 and 24 of the RSS and policy T15 of the Chester-le-Street District Local Plan.

Extra 8.

Notwithstanding any details contained in the application hereby approved, full details of the laying out and equipping of the areas of open space as proposed in the application including for the avoidance of doubt the provision of equipped play areas on the areas referred to as 'The Common'; the kick about area shown adjacent to 'The Common' and 'The Green' in the application shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved scheme shall be implemented on site in accordance with a phasing to be agreed in writing with the Local Planning Authority. In order to ensure the development provides for appropriate recreational and play areas and to accord with policy RL 5 of the Chester-le-Street District Local Plan

Extra 9.

No more than 20 private dwellings as approved by this application shall be occupied until such a time as the proposed highway improvement works onto the A693, as shown in the application hereby approved or as in accordance with details which may be otherwise agreed in writing with the Local Planning Authority have been implemented. In order to ensure the development does not prejudice the free flow of traffic on the surrounding highway network and to accord with the aims of Policies HP9 and T15 of the Chester-le-Street Local Plan

Extra 10.

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 adjoining 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 Local Plan.

Extra 11.

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 Local Plan

Extra 12.

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 13.

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 14.

Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in the interest of the adequate disposal of surface water and thereafter implemented in accordance with this approved scheme in accordance with Planning Policy Statement 25 and Policy 24 of the RSS.

Extra 15.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of an ecology and biodiversity mitigation scheme; to accord with that outlined in the E3 Ecology Ltd report dated 27/02/09 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 mitigation of any harm arising to ecological and protected species interests as a result of the development and to accord with the provisions of Policy 33 of the RSS, PPS 9 and Policy NE8 of the Chester-le-Street District Local Plan.

Extra 16.

No ground works shall take place until an archaeological strip, map and record mitigation strategy 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. In order to comply with the aims of Policy 32 of the RSS.

Extra 17.

No works to the units shown as plot numbers 106 to 111 on the development hereby approved shall take place until a photographic record of these buildings has been submitted to, and approved in writing, by the local planning authority. In order to comply with the aims of Policy 8 of the RSS.

Extra 18.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and / or re-enacting that Order with or without modification), no walls, fences, palisades or other means of enclosure shall be erected forward of the main front (or side in the case of corner sites) walls of dwellings, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the open-plan character and appearance of the development.

Extra 19.

Any existing trees and hedgerows within the development site shall be protected by a chestnut paling, or similar protective fence or barrier, in accordance with a scheme to be agreed in writing prior to the commencement of the development hereby approved, in order to ensure that building materials, plant and machinery are not stored around the existing trees and hedgerows, in the interests of the long term health and well-being of the trees and hedgerows and in the interests of visual amenity and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 20.

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 plans received 3/9/08; 12/2/09 and 27/2/09 in order to ensure the development is carried out in complete accordance with the approved plans.

Councillors P May and Sekowski returned to the Meeting.

At this point Councillor Thompson entered the Meeting and Councillors Humes and Wilkinson left the Meeting at 7.51pm.

- (3) Proposal: New stands, scoreboard, replay screen, floodlighting, function suite; together with drainage, car parking / access roads, turnstiles, gateway building, extension to members room (full). 149 bed hotel with associated car parking / access works (outline).**

**Location: Durham County Cricket Club, Riverside,
Chester-le-Street, Durham, DH3 3QR**

Applicant: Durham County Cricket Club

Reference: 08/00488/FUL

Prior to the consideration of this item, the Development and Building Control Manager confirmed that the proposed permanent floodlighting had now been removed from the application.

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, on behalf of the residents of Lancaster Terrace, Chester-le-Street. Concerns were raised in relation to visitors parking in and around the residential streets on major match days, as in their opinion the green travel measures proposed in the application would not be sufficient enough to alleviate existing problems. Additional concerns were raised in relation to the development continuing to encourage the closure of the Riverside Park on major match days, as the residents felt was not acceptable for the public to be denied access. The Development and Building Control Manager concluded that in his opinion all the concerns raised were fully detailed and referenced in the report before members tonight.

Mr Robinson and Mr Taylor (the objectors), Mr Hollins (the supporter) and Mr Harker and Mr Dowson (the applicants) spoke in relation to the application.

The Development and Building Control Manager advised that at the request of the Environmental Agency, a number of amendments and additional conditions had been proposed and clarified that these conditions would form part of the recommendation if approved by Members. He confirmed that these amendments had been provided to Members through a report update.

The Development and Building Control Manager spoke in relation to the issues raised by the objectors and clarified the following points:

In relation to the comments made regarding the consultation exercise, the Development and Building Control Manager advised that as part of the Council's commitment to community involvement, Officers had requested that the developers seek the community's views on the application before submission. He further advised that a pre-application event had been successful in allowing local residents to meet with the development team and obtain a better understanding of what the development entails. He stated that any advice given by Planning Officers in relation to this application had been entirely without prejudice, and commented that Members of this Committee would determine the outcome of the application. He further commented that in addition to the statutory advertising and press on site; Officers had carried out a wider consultation in the area, which resulted in 17 letters of objection been received in response to the 821 consultation letters sent out to local residents.

In relation to the comments made concerning the proposed floodlights, the Development and Building Control Manager advised that Officers had raised their own concerns in relation to the 55 metre high permanent lighting columns and the impact they would have on the Riverside and surrounding area. He commented that the permanent floodlighting had now been removed from the application; however the developers would be entitled to resubmit a further application to install a form of floodlighting on this site in the future. He advised that Members were required to consider the application on its own merit and commented that any future debate in relation to the acceptability of floodlighting columns would be decided by the new authority.

In relation to the comments made with regards to the parking and highway issues, the Development and Building Control Manager advised that in his opinion all the concerns raised were fully detailed and referenced in the report; however two Officers from the County Council's Sustainable Transport Team were in attendance to provide Members with any additional information.

Councillor Brown thanked the speakers for their presentation and advised that their comments and observations had been both noted and appreciated. He expressed concerns in relation to the development and advised that he could not support the Officer's recommendation of conditional approval because of the following reasons:

- The proposed development was not within the terms of the lease agreed between Chester-le-Street District Council, the freeholder of the land and Durham County Cricket Club, the lessee of the land, with particular concern in relation to clause 5.2b of the lease.
- The land was originally donated for the benefit of Chester-le-Street residents for leisure purposes, with the District Council retaining the freehold interest and the ownership of the land on behalf of the residents. Therefore the District Council has a vested interest and is not fulfilling its obligation in fairly representing the residents of Chester-le-Street.
- The application does not accord with the provisions of the development plan currently in force.
- Concerns in relation to the lighting columns, although it was noted that they had been withdrawn from the application.
- Concerns in relation to the proposed Park and Ride, and Park and Stride scheme and whether these schemes would be available for non-major matches and events. In his opinion these schemes would increase the amount of vehicular movement in Chester-le-Street itself.
- Concerns that the highway infrastructure would not cope with increased volume of traffic as a result of the proposed development.
- Concerns in relation to the parking problems experienced by local residents on major match days and that this will increase as a result of the proposal.
- Criteria in respect of the RSS Policy 8b, Chester-le-Street Local Plan Policy NE15 and TM3, and National Planning Policy PPG4 and PPS6 not being met.
- The land is subject to specific allocation for leisure and residential uses policy RL3, RL8 of the Chester-le-Street Local Plan and is situated within an area of high landscape value and the Great North Forest as stated in the Local Plan.

Following on from the comments raised by Councillor Brown, the Assistant Solicitor clarified that the legalities of building on the land were a matter for the developer to determine with the County Council, in due course. He advised that he could not confirm whether there were any restrictive covenants on the land or any conditions contained within the lease, however these issues were not material planning considerations for the Committee to consider.

Councillor Westrip spoke in relation to the proposed travel plan but felt it would be more beneficial if the plan used Chester-le-Street Rail Station as opposed to Durham Rail Station. He also felt it would be useful if the travel plan could be linked with the District Council's Town Centre Master Plan.

Councillor Davidson felt that the proposed travel plan would help alleviate some of the existing parking problems. He was also in agreement with the comments made by Mr Hollins, the supporter of the application, as he felt it

would be for Members to decide whether the proposal was acceptable on the grounds that it did not comply with the aims of the development plan. He therefore felt the application should be approved in line with the Officers recommendations, as he had heard no arguments against the proposal to persuade him otherwise.

Councillor Smith felt that the proposed development would be of benefit to both the local economy and the Town Centre, however she was of the opinion that the signage between the Cricket Ground and the Town Centre could be improved upon, as this would help the local traders capitalise on any commercial opportunities. She was also in agreement with the objectors concerns in relation to parking issues, and felt that the proposed Park and Ride Schemes and the pre-paid parking arrangements would assist with these issues in the future.

Councillor P May was in agreement with the comments made by Councillor Brown in relation to the visual impact of the proposal. He sought clarification from Officers in relation to the distance between the proposed hotel, the fence which currently surrounds the site and the riverside public right of way, as he felt the closeness of the proposal would have an effect on the public's enjoyment of this area.

The Development and Building Control Manager clarified that the distance between the hotel and the fence line varied from between four and half metres at its most narrow point and five and a half metres at its widest point. He also confirmed that the distance between the hotel and the public right of way would be approximately twenty-five metres.

Councillor Ebbatson spoke in relation to the proposal not complying with the aims of the development plan currently in force in the area, as the application included the development of a gateway building with a significant amount of conferencing facilities attached, and also the hotel which were both non-sporting and recreational uses of the land. She also referred to the Town Centre Master Plan, which had been developed by the Council as a reference document and commented that the proposal also failed to comply with its aims due to the weak transport links between the Town Centre and the Riverside Complex. She therefore suggested that an additional condition be included as a priority in the proposed 106 agreement, which would require the developer to provide better linkage with the Town Centre as detailed in the Council's Town Centre Master Plan.

Councillor Ebbatson also spoke in relation to the proposed Travel Plan, as she felt this did not make use of the town's transport facilities nor did it reimburse the people of Chester-le-Street for their investment in this area. She therefore suggested that Officers make reference to Chester-le-Street Railway Station, as opposed to Durham Railway Station in the Travel Plan, with the possibility of also providing a shuttle service from the station to the ground before and after major events.

The Development and Building Control Manager advised that Officers were concerned that Durham County Cricket Club would be in danger of losing their current category A status with England Test and the County Cricket Board if the development were not approved and as a result of that the inward investment to the North East economy and to Chester-le-Street's economy would also be lost.

He also advised that at present the Durham County Cricket Club had lawful planning permission to hold 16,000 people in the ground without any control measures from the planning authority, however through Central Government Planning Policy in relation to sustainable development and the additional increase of 4,000 people entering the ground, Officers were now able to ensure that the developers secure alternative means of travel to the private car as part of the recommendation.

The Development and Building Control Manager spoke in relation to the travel plan, which had been influenced by the surveys carried out by the Work Place Travel Company on behalf of the applicants. He stated that the surveys had shown that visitors placed a heavy reliance on the use of a private car. It was also noted that the visitors who use the train arrive at the railway station in the City of Durham and subsequently use mini buses or taxis to complete their journey. Because of these findings, Officers felt it would be necessary to include the provision of a shuttle bus service as part of the 106 agreement.

The Development and Building Control Manager advised that the applicants and the rail operators had looked at providing a shuttle bus services from Chester-le-Street Town Centre to the cricket ground, however Officers felt this would lead to a significant loss in passing trade for the local businesses. He therefore felt that visitors should be encouraged to walk to the ground, via the pedestrian links, as this would be made more achievable by the proposed improved signage.

The Development and Building Control Manager concluded that he would be happy to reword the recommendations to ensure that any future reviews of the travel plan be carried out on an annual basis and that the methodology behind any reviews of the Travel Plan in the future would put Chester-le-Street Town Centre first.

Councillor Ebbatson raised further concerns in relation to the proposal and felt that a condition which requires the developers to prioritise better linkage with the Town Centre, in line with the recommendations of the Town Centre Master Plan as this would improve access to the riverside for both visitors and local residents, and would justify the proposals deviating from the aims of the development plan.

Councillor Laverick felt the cricket ground was a great facility for the area and was of the opinion that the proposed gateway building and hotel was of a worthy design and would enhance the local area. He commented that the parking facilities at the ground were considered better than those available at

other grounds throughout the country and as a result he could see no merit in refusing the application.

Councillors Shiell and M May raised concerns in relation to the parking problems experienced in residential areas and the closure of the Riverside Park on major match days.

Councillor Gollan was in support of the amendments proposed by Councillor Ebbatson as he felt it was important for the Cricket Club to engage directly with the Town Centre and local residents.

In relation to concerns raised by Councillor Brown with regard to the lack of pedestrian crossings on the A167, the Highway Officer advised that the proposed signage improvements as part of the proposal would help direct visitors to the ground via the footbridge over the A167, as this would be the safest possible route to the riverside. He further advised that Durham County Cricket Club would finance all of the signage improvements, which would be positioned at various intervals from the Town Centre and Railway Station. He also spoke in relation to the existing pelican crossing, situated at the southern end of Lancaster terrace on the A167 and advised that this would be the best possible location for this type of crossing, as they can affect traffic flow if they are positioned too close to a roundabout.

Discussion ensued in relation to the proposed amendments to improve linkages with the Town Centre. The Development and Building Control Manager advised that an amendment could be made to the 106 agreement to obligate the Cricket Club into carrying out an annual travel plan survey, which would include a review of the potential linkages between the cricket ground and Chester-le-Street Rail Station. He clarified the difference between what can be achieved through a planning condition and what you can require a developer to mitigate through a section 106 agreement. He spoke in relation to the proposed increase in capacity and was of the opinion that the extra impact as a result of this development would not justify any significant physical improvements between the Town Centre and the Riverside. An alternative approach would be to amend the recommendation to insert another clause into the 106 agreement that the applicant would have to carry out an audit of the existing links between the Town Centre and the Riverside. He stated that Officers would appraise the audit and the cost of any desired physical improvement works would have to be met by the developer. The Development and Building Control Manager concluded by reminding Members that whilst he was providing advice, the final decision rested with them.

In relation to concerns raised by Councillor Nathan regarding light spill, the Development and Building Control Manager informed Members that there were conditions within the report to control both internal and external lighting on the hotel and an illuminated sign would be the subject of a separate consent.

Cllr Holding also raised concerns in relation to parking issues and sought clarification from the applicant as to whether the Park and Ride schemes would be made available for non-sporting events.

In response to concerns raised by Councillor Westrip regarding the 106 monies, the Development and Building Control Manager stated that the Cricket Club have agreed to £50,000 of artwork provision in the District Ward area, however the only other sum of money forthcoming would be used to improve signage between the venue and the Town Centre. He added that the Cricket Club would be required to spend a sum of money to advertise the sustainable travel options to the site as an alternative to the private car.

The Sustainable Transport Officer made the following comments in relation to the proposal and confirmed that:

- A travel plan co-ordinator will be appointed on the site for the lifetime of the development.
- The travel plan makes reference to Chester-le-Street Railway Station; however the number of trains that currently stop there is a commercial decision of the train operating companies and Officers are unable to affect their decisions.
- The travel plan can only be prepared in conjunction with the proposed development and whilst it only affects the additional 4,000 people it is to be hoped that the conditions will impact on the other 16,000 people.
- Durham County Cricket Club have been asked to structure the price of parking on site in such a way as to make using Park and Ride and Park and Stride more attractive.
- The road network would not be suitable for the provision of a drop off point, as it would result in standing traffic on the roundabout, which would obstruct vehicles entering and leaving the site. Officers would prefer Park and Ride buses be given priority on and off the site to make that option more attractive.

Councillor P May had reservations in relation to the proposed hotel development however he was of the opinion that there was sufficient merit in the overall proposal for him to second Councillor Davidson's proposal.

Councillor Westrip was in agreement with Councillor Ebbatson's comments in relation to the Town Centre Master Plan, and reinforced the view that it was to be used as a working document to guide future planning decisions.

Councillor Nathan expressed doubt that in view of the advice given, the reference to the Town Centre Master Plan and the request for financial contribution towards linkages could not be put together with this particular planning application.

The Development and Building Control Manager was in agreement with Councillor Nathan's comments and took the opportunity to summarise the options available to Members as follows:

- Members' could refuse planning permission if they were not persuaded by the amended conditions including the sequential use of Chester-le-Street Railway Station and the signage.
- Members' second option is that if they think its essential that some linkages between the Town Centre and the riverside are secured, as part of this application, then the extra clause in the 106 agreement would have to be phrased in such a manner that a survey had to be done of the existing links and there after some physical definite work had to be carried out. He subsequently advised that in his opinion he did not think this application was large enough to merit what might be quite significant engineering works.
- Members' third option was to defer the application.

Councillor Nathan seconded Councillor Ebbatson's proposed amendments.

In relation to concerns raised by Councillor Sekowski with regard to further detailed planning applications, the Development and Building Control Manager advised that the only further detailed planning application which the Council would be receiving if the proposal was approved would be a reserved matters application looking at the design of the hotel.

The Assistant Solicitor confirmed that the proposed amendments would be considered and voted upon individually. The following amendments were proposed, seconded and carried by Members:

- 1) Additional condition to the recommendation to the carrying out of an annual travel survey with results informing annual reviews of the agreed travel plan to read 'the carrying out of an annual travel survey to include a sequential review prioritising Chester-le-Street'.
- 2) Change to clause 7 which is for the cricket club to be obligated to provide a computed sum to pay for signage improvements between the venue and Chester-le-Street Town Centre, such a scheme to be agreed in writing with the local planning authority to ensure that the signage goes where appropriate. However as the phrasing of this amendment was similar to that already proposed, Officers felt there would be no need to propose this condition.
- 3) That a full review of the linkage between the Town Centre and the riverside be conducted and there after a scheme for upgrading that linkage be implemented in accordance with a plan to be agreed with the local planning authority.

Members voted in favour of the additional conditions and the proposal was carried. Further to Councillor Davidson's proposal to move the Officer's

recommendation of conditional approval, Councillor P May seconded the proposal. 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:

RECOMMENDATION

MINDED TO GRANT PLANNING PERMISSION SUBJECT TO REFERRAL TO THE SECRETARY OF STATE AS A DEPARTURE TO THE AIMS OF THE DEVELOPMENT PLAN IN FORCE; SUBJECT TO THE PRIOR ENTERING INTO OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:

- 1 Appointment of a Travel Plan Co-ordinator
- 2 The carrying out of an annual travel survey; with results informing annual reviews of the agreed travel plan with a sequential preference to direct future transport investments arising from such annual reviews to Chester-le-Street town centre
- 3 Implementation of a park and ride facility (minimum 1,000 spaces); details of which to be agreed
- 4 Implementation of a park and stride facility (minimum 500 spaces) details of which to be agreed
- 5 Provision of shuttle bus service, between Durham Railway Station and Riverside before and after major events
- 6 Implementation of pricing mechanism to ensure cost of parking at venue is financially disadvantageous compared to other options
- 7 The club to be obligated to provide commuted sum to pay for signage improvements between the venue and Chester-le-Street Town Centre
- 8 The club to be obligated to undertaking annual publicity in regard to travel options other than the private car to the venue.
- 9 The payment of £50,000 to be used for artwork provision in the District Ward area
- 10 The developer to undertake a survey of existing linkages between the application site and the Chester-le-Street town centre and thereafter to implement a scheme of measures to improve such linkages. Such measures to be first agreed in writing with the Local Planning Authority.

AND 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.

Application for approval of reserved matters for the hotel element of the scheme shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Extra 3.

Approval of the details of appearance and landscaping of the hotel (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the hotel development is commenced. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Extra 4.

Notwithstanding the details contained in the application hereby approved details of any external lighting to the proposed development and the details of the internal lighting to the proposed hotel facility shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme and any proposed changes to the agreed scheme shall first be submitted to and agreed in writing with the Local Planning Authority; in order to ensure the development does not harm ecological interests in the locality, and respects the character of the surrounding area and to accord with the aims of PPS 9, and RSS policy 33.

Extra 5.

Prior to the commencement of the gateway and hotel elements of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statement 1

Extra 6.

Prior to the commencement of the gateway and hotel elements of the development hereby approved a scheme to demonstrate compliance with BREEAM 'very good' standards 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 minimise the use of natural resources within the development and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1.

Extra 7.

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 plans received 11/3/09 and 19/3/09 in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 8.

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) and the hard standing areas 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 RSS.

Extra 9.

Notwithstanding any information submitted 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 in accordance with a timescale to be agreed in writing, 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 RSS.

Extra 10.

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 adjoining 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 8 of the RSS.

Extra 11.

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 8 of the RSS.

Extra 12.

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 13.

No development associated with ground clearance works shall be carried out between the months of March and August, unless otherwise first agreed in writing with the Local Planning Authority; in order to protect ecological resources and to accord with the aims of PPS 9 and Policy 33 of the RSS.

Extra 14.

Development to be carried out entirely in accordance with the approved plans; in particular the following elements:

- The ground floor of the hotel must be set no lower than **11.96 mAOD**.
- The ground floor of the gateway building must be set no lower than **11.60 mAOD**.
- The gateway building must be constructed so as to be flood resilient up to a minimum level of **11.96 mAOD**

- The raised walkway between the hotel and new stand must be set no lower than **15.30 mAOD**.

Extra 15.

Details of a Surface water discharge scheme, to ensure discharges to the River Wear must be attenuated to no greater than **255 l/s**. shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be carried out in accordance with the approved details. Reason to accord with the aims of PPS 25 and RRS Policy 35.

Extra 16.

The hotel and gateway development hereby permitted shall not be commenced until such time as an evacuation plan including full details of the following have been submitted to, and approved in writing by, the local planning authority:

1. Route,
2. Signage,
3. Procedure
4. Raised walkway
5. Car park operation details
6. Maintenance of evacuation plan details

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason to prevent public safety concerns arising and to accord with the aims of PPS 25 and RSS Policy 35.

Extra 17.

The hotel and gateway development hereby permitted shall not be commenced until such time as a scheme detailing the operation of the floodgates outlined in Paragraph 9.2.7 of the FRA, has been submitted to, and approved in writing by, the local planning authority. The floodgates must be designed to prevent flow into the development up to the 30 year flood event. Once this return period is exceeded the floodgates should be utilised to allow the drainage of the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason, to prevent flood risk in the locality and to accord with the aims of PPS 25 and RSS Policy 35.

Extra 18.

The hotel and gateway development hereby permitted shall not be commenced until such time as a method statement and maintenance plan for the works to the flood defence including the construction of the superstructure has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently

maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason, to prevent flood risk in the locality and to accord with the aims of PPS 25 and RSS Policy 35.

Extra 19.

The hotel and gateway development hereby permitted shall not be commenced until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason, to prevent flood risk in the locality and to accord with the aims of PPS 25 and RSS Policy 35.

Extra 20.

There must be no stockpiling of material on the wet side of the flood defence scheme. Reason, to prevent flood risk in the locality and to accord with the aims of PPS 25 and RSS Policy 35.

Extra 21.

Any fencing constructed within or around the site shall be designed to be permeable to flood water; details of any such fencing shall first be submitted to and agreed in writing with the Local Planning Authority. Reason, to prevent flood risk in the locality and to accord with the aims of PPS 25 and RSS Policy 35.

Extra 22.

No development approved by this permission shall be commenced until a scheme for the provision of water proofing methods including fittings and building services has been submitted to and approved in writing by the Local Planning Authority. Reason, to prevent flood risk in the locality and to accord with the aims of PPS 25 and RSS Policy 35

Extra 23.

The development permitted by this planning permission shall only be carried out in accordance with the approved Method Statement for the Control of Giant Hogweed and Himalayan Balsam (October 2008, ref: RT-NN-1575-01). Reason in accordance with the aims of PPS 9

Extra 24.

Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. Reason in the interests of pollution control.

At the close of the Meeting, the Chair thanks Members for their hard work and gave thanks to the Planning and Democratic Services team for their help and support over the years.

The meeting terminated at 10.02 pm