

Meeting of the **PLANNING COMMITTEE** of the Teesdale District Council
held at Teesdale House, Galgate, Barnard Castle on
WEDNESDAY 1 OCTOBER 2008 at 5.30 pm

PRESENT:

Chairman: Councillor P Hughes

Councillors:

M Bolden	GM Richardson
AJ Cooke	GK Robinson
O Hedley	KP Ryman
KJ Hodgson	WHT Salvin
D Metcalfe	JR Watson
DH Reed	

Apologies of Absence:

Apologies for absence were received from Councillors RA Bell and AJ Cooke

Also Present: Councillor A Smith

Officers in attendance:

E Hall	Development Control Manager
M Dennis	Chief Governance Officer
C Colling	Planning Officer
G Robinson	Democratic Services Officer
R Staley	Planning Technician

25 ITEMS OF URGENT BUSINESS

There were no items of urgent business

26 DECLARATIONS OF INTEREST

Being a member of Teesdale Housing Association, Councillor DH Reed declared a prejudicial interest in application 6/08/187/DM (Evenwood & Barony) and left the Council Chamber whilst it was discussed and voted on.

27 MINUTES

The minutes of the meeting held on 3 September 2008, as circulated to members, were confirmed as a correct record and signed by the Chairman.

28 PLANNING APPLICATIONS

(i) Barnard Castle 6/08/249/DM

Alterations to existing shop to provide 2 units (A1), rear extension & conversion of offices/outbuildings into 5 dwellings at 54 Galgate

RESOLVED:

That Full Planning Permission be granted subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
3. Notwithstanding the information shown on the submitted application, full details of all materials to be used externally and the standard of their finish shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved details.
4. Notwithstanding the details shown on the approved plans the following details shall be incorporated into the scheme of development:
 - a) The shopfront shall be constructed of timber with a painted finish, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
 - b) Joinery details at a scale of 1:20 showing the precise detailing to the shopfront shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, which shall be carried out in accordance with the agreed details.
5. The premises identified on the approved plan as Shop 1 and Shop 2 shall be used for A1 retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).
6. All windows and doors shall be constructed in timber, joinery details of which, at a scale of 1:20 shall first be submitted to and agreed in writing with the Local Planning Authority.
7. No demolition work shall take place between November and late March.
8. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G of Part 1 and Classes A and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.
9. No works on site will be carried out before 8 am on weekdays and Saturdays nor after 6 pm on weekdays and Saturdays, nor at any time on Sundays or Bank Holidays.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor, south facing bedroom window of 'house 3' shall be frosted/opaque and shall

remain so unless the further written permission of the Local Planning Authority has been received.

11. Prior to the occupation of the dwellings hereby approved, 'Keep Clear' markings shall be provided, extending one metre either side of the access. Details of the markings shall first be submitted to and agreed in writing with the Local Planning Authority.

(ii) Barnard Castle 6/08/250/DM/CA

Conservation Area Consent for the demolition of outbuildings to facilitate development at 54 Galgate

RESOLVED:

That Conservation Area Consent be granted, subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
3. No demolition work shall take place between November and late March.
4. No works on site shall be carried out before 8am on weekdays and Saturdays, nor after 6pm on weekdays and Saturdays, nor at any time on Sundays or Bank Holidays.

(iii) Barnard Castle 6/08/265/DM/LB

Listed Building consent for alterations to existing stone built buildings and extensions & demolition to facilitate development at 54 Galgate

RESOLVED:

That Listed Building Consent be granted, subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.
4. Notwithstanding the details shown on the approved plans the following details shall be incorporated into the scheme of development:

- a) The shopfront shall be constructed of timber with a painted finish, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
 - b) Joinery details at a scale of 1:20 showing the precise detailing to the shopfront shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, which shall be carried out in accordance with the agreed details.
5. All windows and doors shall be constructed in timber, joinery details of which, at a scale of 1:20 shall first be submitted to and agreed in writing with the Local Planning Authority.

(iv) Evenwood & Barony 6/08/187/DM

Erection of 52 Dwellings (50 net) & associated landscaping & infrastructure works including demolition of 71-72 Shirley Close & appropriate works to the gable of 70 Shirley Close at 71-72 Shirley Close, Evenwood

Note: As part of the decision making process at the meeting and in accordance with the Council's scheme of public speaking at planning committees, the Committee was addressed by Mrs Howe, Councillor A Smith and Mr Crowther, objectors and Mr C Harrison, agent for the applicant..

Councillor A Smith left the Council Chamber whilst the debate on the application took place.

RESOLVED:

That Full Planning Permission be granted subject to the entering into of a Section 106 Agreement, in respect of a £10,000 open space/recreation contribution and the provision of two replacement Teesdale Housing Association properties within the development.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.
4. Notwithstanding the information shown on the submitted application, no development shall commence until full details of the height, siting, appearance and construction of all means of enclosure to be erected on site have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details.

5. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'A Bat Survey of 70-72 Shirley Close, Evenwood,' including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.
 - Works must avoid the hibernation period.
 - If works are to commence during the maternity period confirming surveys must be carried out.
 - Under Section (I) of the Wildlife & Countryside Act 1981, it is an offence to kill, injure or take any wild bird or disturb, damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird. As Martin nests have been found at these buildings the developer must be advised by their ecologist for timing issues before any work is carried out.
6. Full engineering works of the estate roads shall be submitted to and agreed in writing prior to the commencement of the development.
7. No development shall take place until an archaeological mitigation strategy to include evaluation trenching, and where appropriate, mitigation and publication 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 with the Local Planning Authority.
8. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, detailed plans showing landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. These shall include, where required, a tree protection plan showing trees scheduled for retention and removal and the exact location of temporary protective fencing, all in accordance with B.S.5837:2005, the planting of trees, hedges and shrubs, depths of topsoil for planting and grassed areas, the provision of screen walls or fences, the mounding of earth, excavations and changes in levels, areas to be seeded with grass, and other proposals for improving the appearance of the development and for protecting and enhancing biodiversity interests. The scheme shall be carried out in accordance with the approved drawings before the end of the year in which the development starts, or within such other time as may be agreed with the Local Planning Authority in writing beforehand. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding, protection against rabbits as required, and the replacement of any plants which fail within a period of 5 years from the date of completion of the landscaping scheme, with others of a similar size and species unless the Local Planning Authority approves any variation thereto in writing.
9. Construction work shall not begin until a construction method statement has been submitted to and approved in writing by the Local

Planning Authority. Thereafter all construction works shall be undertaken in accordance with the approved statement.

10. No construction works including demolition or any delivery of equipment or materials shall be carried out outside the hours of 08.00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. No works shall be carried out on Sundays or public holidays.

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

12. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

15. Prior to the occupation of any of the dwellings hereby approved a suitable noise assessment shall be carried out to determine any noise affecting the site both from nearby roads and industrial premises. The assessment shall examine these noise sources and their potential for causes of noise nuisance. Amelioration measures should be identified where found necessary for all those affected dwellings to ensure good/acceptable internal noise environments. No dwelling shall be occupied until such measures, if identified by the assessment, are put into place.

16. No development shall commence until full details of the means of energy generation within the site have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority, a minimum of 10% of the predicted energy use of the site when completed shall be from renewable sources, and the details shall include any external fittings and equipment at a scale of not less than 1:50. The development shall be carried out in accordance with the agreed details.

17. The development shall not commence until a detailed scheme for the treatment of the foul flows and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Environment Agency. The development shall not be occupied on site until the scheme for the treatment of the foul flows and surface water has been completed and commissioned in accordance with the approved details.

Informatives

Planning permission does not absolve you from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular 06/2005.

Please be aware that you may need to obtain a Natural England licence prior to the commencement of works. Your ecologist should advise you in respect of this issue.

Please be aware of the following requirements in respect of public footpath 10 Evenwood:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as to not interfere with the public's use of the way.
- The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers are to be placed across the right of way.
- There must be no reduction in the width of the right of way available for use by members of the public.
- No damage or alteration must be caused to the surface of the right of way.

It was noted that members requested that the outcome of the consultation with Northumbrian Water and the Environment Agency in respect of condition 17 be reported to the Committee as soon as practicable.

5 MEMBERS PLANNING CODE OF GOOD PRACTICE

The Chief Governance Officer presented a report which set out an updated Members' Planning Code of Good Practice for adoption by the Council. The Chief Governance Officer addressed a number of areas which had given some cause for concern over recent years.

RESOLVED:

That the revised Members' Planning Code of Good Practice be recommended to the Executive Committee for approval, subject to the clarification now made to the scheme of Public Speaking at Planning Committee.

The meeting closed at 7.35pm

CHAIRMAN