

MINUTES

for the Month of

December, 2005

City of Durham

At a Meeting of the **CABINET** held in the Town Hall, Durham, on Monday, 5th December, 2005, at 11.00 a.m.

Present: Councillor Reynolds (in the Chair)
and Councillors Bell, Holland, Jackson, Lodge, Rae, Southwell, and Wynn.

Also Present: Councillors Carr, Cowper, Dickie, Gibbon, Graham, Hepplewhite, Howarth, Kellett, Marsden, Stoddart, Syer, Thomson, Turnbull, Wolstenholme and Young.

361. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors van Zwanenberg and Woods.

362. MINUTES

The Minutes of the Meetings held on 24th October, 2005, and 14th November, 2005, were confirmed as a correct record and signed by the Chairman.

Report of Chief Executive.

363. REPORTS FOR INFORMATION

The Chief Executive submitted the following Reports for Information, copies of which had been placed in the Members' Room:

- (a) Local Government Ombudsman Case No. 05/C/09768
- (b) Proposed New Swimming Pool – Executive Summary

Resolved: That the reports be noted.

Report of the Director of Legal and Administration Services

364. EXECUTIVE COMMITTEE OF THE FEDERATION OF BRITISH CREMATION AUTHORITIES

At the Annual General Meeting of the Federation of British Cremation Authorities, Councillor Dennis Southwell, who was nominated by the Clerk to the Central Durham Crematorium Joint Committee, was elected to the Executive Committee of the Federation of British Cremation Authorities.

Resolved: That the appointment be noted.

365. VILLAGE SITES APPRAISAL – FRONT STREET, WITTON GILBERT MINUTE 89 – CABINET 20 JUNE 2005

By Minute 89 of Cabinet on 20th June 2005 the Leader of the Council had authorised in consultation with the Director of Legal & Administration Services and as advised by the Council Valuer to accept best price for sites for residential development along Front Street, Witton Gilbert pursuant to marketing by the Council Valuer.

The Leader of the Council had met with relevant Officers and the Council Valuer to consider offers for 5 sites at Front Street, Witton Gilbert and the Leader of the Council had indicated a preference that 2 of the sites should be withdrawn from sale. These sites were located

adjoining 8 Front Street and 1 Hedleys Buildings, Witton Gilbert as shown on the circulated location plans.

Resolved: (i) That the 2 sites adjoining 8 Front Street and 1 Hedleys Buildings, Witton Gilbert be withdrawn from sale and retained by the Council as open space.

(ii) That the sale of garden sites between Falkous Terrace and Newton Street, Witton Gilbert for which terms have been provisionally agreed between interested parties be offered on temporary garden licences at a charge of £10.00 per month pending the outcome of the village green application made to Durham County Council.

(iii) That marketing of the surplus garden plot to the rear of Falkous Terrace, Witton Gilbert, be deferred pending the outcome of the village green application made to Durham County Council.

366. REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL

a) PLAYING PITCH STRATEGY

The Community Services Scrutiny Panel were tasked with scrutinising the Playing Pitch Strategy.

Their subsequent report was considered by the Scrutiny Committee on 7th November, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

Resolved: That the report and recommendations be approved and adopted.

b) REVIEW OF COUNCIL HOUSE REPAIRS – SEPTEMBER, 2005

The Community Services Scrutiny Panel were tasked with scrutinising the Review of Council House Repairs

Their subsequent report was considered by the Scrutiny Committee on 7th November, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

Resolved: That the report and recommendations be approved and adopted.

367. THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2001

Cabinet at its meeting on the 12th September 2005 agreed to consult on a proposal from the Anti Social Behaviour Group that consideration be given to designating Sherburn Village and Ludworth for the purposes of the above regulations. It was also agreed that a further report should be submitted to Cabinet once the consultation period had ended so that any representations received could be considered before the matter was reported to Full Council for consideration.

On the 5th October the Director of Legal and Administration Services wrote to Parish Councils in the vicinity, Easington District Council, the County Council, the police and licensees of licensed premises in Sherburn Village, Sherburn Hill, Ludworth and Shadforth advising them of the proposal to designate Sherburn Village and Ludworth for the purposes of the regulations and asking for comments. Public notice was also given in the Northern Echo on the 6th October 2005.

The closing date for representations was Friday 4 November 2005.

No representations had been received as a result of the notice in the press. The Director of Legal and Administration Services attended a meeting of Pub Watch in Sherburn Community Centre on the 3rd November and spoke to a number of licensees including several whose premises were outside the areas proposed for the alcohol ban. They expressed an interest in the proposal and it was fair to say they were supportive. The Director of Legal and Administration Services circulated copies of her letter to interested parties and indicated that late representations from licensees outside the immediate area of the ban would be accepted and referred to Cabinet for consideration.

At the time of writing the report no additional representations had been received from those licensees. Formal comments had however been made by Sherburn Parish Council who had indicated their support to the proposals; Shadforth Parish Council had also supported the proposals but had expressed concern that if an alcohol ban was imposed in the two villages in question, there could be a knock on effect and the villages of Sherburn Hill and Shadforth might find that the problem of misuse of alcohol and underage drinking in those areas was increased.

Wheatley Hill Parish Council replied and formally offered no objections to the proposal.

The Chief Superintendent of Durham Constabulary had indicated that local beat officers and other police officers working in these localities were restricted as to the actions they could legally enforce to tackle the consumption of alcohol in public places. The police felt that young people and young adults engaged in this anti social behaviour were fully aware of the limitations upon current police powers. They said that additional measures for local officers would go some way to reduce the level of nuisance and disorder which was currently being experienced by the communities in Sherburn and Ludworth. In particular mention was made of those vulnerable members of those communities whose lives were adversely affected by the consumption of alcohol and disorder or nuisance.

A response had been received from the County Council on behalf of County Councillor Pye. He had queried the implementation of the legislation and had asked for further information to be provided on the issue of enforcement; the length of the alcohol ban proposed; evidence as to the necessity in these two particular villages as compared with other areas in the district, a ban was necessary; and whether this ban was being viewed as a pilot with plans to roll it out to other areas which had similar problems.

Councillor Walton had advised the Director of Legal and Administration Services of additional streets in Sherburn to be included in the designation.

Resolved: That Council be recommended to designate specified street in Sherburn and Ludworth for the purposes of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001.

368. HACKNEY CARRIAGE LICENCES – WHITE COLOUR CONDITION

The long outstanding judgment in the appeal brought by Adrian Fets against the City Council's decision to impose a condition upon his hackney carriage vehicle licence, plate no. 11, introducing a white colour policy, had now been received details of which had been set out. (See Report File).

Resolved: (i) That the decision of the Crown Court in relation to the Fets appeal be not further appealed.

(ii) That the 26 appeals currently before the Magistrates' Court be settled on the basis that the imposition of a colour condition on those licences will be withdrawn.

(iii) That Economic Scrutiny Panel consider further the issue in relation to their ongoing consideration of deregulation.

369. PROPOSAL FOR A PEDICAB HACKNEY CARRIAGE SERVICE

The Director of Legal and Administration Services submitted a comprehensive report on a proposal to use pedicabs as hackney carriages in Durham City.

Resolved: (i) That the use of pedicabs as hackney carriages be permitted, such licences being explicitly restricted to pedicabs and being non-transferable.

(ii) That the issue of hackney carriage driver licences to the cyclists of these pedicabs be permitted, exempting them from the need to pass a locality test, subject to them not driving other licensed hackney carriages

370. LICENSING OF HACKNEY CARRIAGES – DEREGULATION

In 2003 the City Council commissioned a survey of unmet demand for hackney carriage services from Transportation Planning (International) Ltd (TPI). The Scrutiny Committee requested that the survey report be scrutinised before a decision was taken by Cabinet on the recommendations and the matter was referred to the Economic Scrutiny Panel for consideration. There were a number of public meetings and consultations and the outcome of the scrutiny exercise was a recommendation, which Cabinet subsequently endorsed, for a structured deregulation of the previous restriction on the number of hackney carriage vehicle licences, to be replaced by certain quality restrictions.

As a first step in the phased deregulation, nine additional hackney carriage vehicle licenses were issued in September 2004 and the Economic Scrutiny Panel indicated that the issue of further deregulation would be reviewed by them in September 2005.

The timetable had slipped somewhat because of the appeal against the imposition of a colour code (which was part of the quality restrictions agreed by Cabinet) but it was now proposed that the Scrutiny Committee be requested to consider further the issue of the next phase of deregulation and report back to Cabinet with its recommendations.

Resolved: That the Scrutiny Committee be requested to consider further the issue of the next phase of deregulation and report back to Cabinet with recommendations.

371. OPERATION OF THE COUNCIL'S CHARITIES AND THE MAYOR'S APPEAL

The Director of Legal and Administrations Services submitted a comprehensive report on the operation of the Council's Charities and the Mayor's Appeal. (See Report File).

Resolved: (i) That the City Council set up a company limited by guarantee, to be known as "The City of Durham Mayor's Appeal" and registers the Appeal as a Charitable Trust.

(ii) That the City Council acts as sole Trustee of the charity.

(ii) That the under mentioned persons are appointed as members of the Trust:-

The current Mayor
The immediately past Mayor

The Deputy Mayor
Chief Executive
Director of Strategic Resources
Director of Legal and Administration Services
2 members nominated by the City Council

(iv) That a further report be submitted on the proposed objects of the Trust.

372. REPORTS FOR INFORMATION

The Director of Legal and Administration Services submitted the following Report for Information, a copy of which had been placed in the Members' Room:

(a) Cabinet Reshuffle

Resolved: That the report be noted.

Report of the Director of Strategic Resources

373. SUBSCRIPTIONS - RENEWALS 2005/2006

	<u>2004/2005</u>	<u>2005/2006</u>
	£	£
*Friends of Durham Cathedral	10.00	10.00
* Specific Provision		

Resolved: That the subscriptions be renewed.

374. REPORTS FOR INFORMATION

The Director of Strategic Resources submitted the following Report for Information, a copy of which had been placed in the Members' Room:

(a) Subscriptions and Donations - General 2005/2006

Resolved: That the report be noted.

Report of the Head of Human Resources

375. MINUTES OF THE PERFORMANCE CLINIC

The Terms of Reference for Performance Clinics were originally agreed at Cabinet on 11th November 2002. To reflect progress made in areas of performance management, revisions were made to the Terms of Reference and were agreed at Cabinet on 6th December 2004.

The purpose of Performance Clinics were to monitor the progress of service improvements, and ensure they were aligned with the Council's vision and priorities, to monitor and critically examine current performance of best value and local performance indicators and to provide necessary focus, support and advice to ensure performance improves in all areas of service delivery.

Best Value and Local Performance Indicators were reported and discussed and were linked to the Authority's three corporate key aims – Flourishing Communities, Quality Public

Services and Capital City. In addition, a set of indicators which had a corporate impact were also reported.

A Performance Clinic was held in November 2005, covering all portfolio areas. A copy of the minutes had been circulated.

Resolved: That the Minutes of the Performance Clinic held in November 2005 be noted.

**376. NO SMOKING POLICY
MIN 179, 1st AUGUST, 2005**

Following a report submitted to Cabinet by the Head of Environment and Leisure on 1st August 2005, it was agreed that the Council amend its No Smoking Policy in order to achieve "Gold Award" status under the National Clean Air Award, an initiative developed by the Roy Lung Cancer Foundation.

The revised policy a copy of which had been circulated had been extended to prohibit smoking in entrances/exits and associated grounds of Council operational buildings which included Communal Halls.

Appropriate signage would be displayed at all Council buildings to support the policy.

Continued support would be given to staff who wished to stop smoking.

Resolved: That the revised No Smoking Policy be adopted with effect from 1st January 2006.

Report of the Head of Community Services

377. FLOURISHING COMMUNITIES FUND – PROCESS

The Head of Community Services submitted a comprehensive report to set out the operational processes to be followed in relation to generating income to the Flourishing Communities Fund and through to approval of bids, funding and monitoring them to a conclusion. (See Report File).

It was suggested at the meeting that the Flourishing Communities Application / Payment Process be amended to include a 3rd option allowing Cabinet to decline applications.

Resolved: (i) That subject to the Flourishing Communities Application / Payment Process being amended the content of the report be noted and approved.

(ii) That specific approval be given to the approach outlined in paragraph 2.7 of the report in relation to the imposition of planning conditions on Durham Villages Regeneration Limited.

**378. DURHAM COALFIELD COMMUNITIES HOUSING MARKET RENEWAL STUDY
PROGRESS REPORT**

The Head of Community Services submitted a comprehensive report to provide information in relation to the progress made by the Durham Coalfields Housing Market Renewal Partnership and to support the findings and recommendations of the latest phase of the study. (See Report File).

Resolved: That the City Council supports the findings of the Jacobs Babbie Phase 2 and 3 studies in relation to the identification of the priority settlements across the former coalfield communities, and in relation to the specific identified interventions for the Bowburn area.

Note: *Councillor Rae left the Meeting at 11.55 a.m.*

Report of the Head of Environment and Leisure Services

379. DURHAM SPORT – MEMORANDUM OF UNDERSTANDING

The Head of Environment and Leisure Services submitted a comprehensive report to seek Members' approval of the Durham Sport Memorandum of Understanding and Co-operation. The report also gave a brief overview of the proposed agreement and aims to confirm the City of Durham Council's continuing role as the host authority for the County Sports Partnership. (See Report File)

Resolved: (i) That the draft Durham Sport Partnership Memorandum of Understanding and Co-operation be approved.

(ii) That the City of Durham Council continues to host the Durham Sport Partnership.

Report of the Head of Cultural Services

380. DURHAM CITY VISIONING 2020 PUBLIC CONSULTATION

The Head of Cultural Services submitted a comprehensive report to seek Members approval to publicise the results of the "Visioning 2020" Public Consultation carried out in the summer of 2005. It also set out proposals to tie the emerging Visioning "Master Plan" with the Council's statutory planning Local Development Framework. It also reported the current work on the Project and set out, in brief, the proposed next steps to report the steps to a future Cabinet. (See Report File).

Resolved (i) That the results of the 2020 Visioning Consultation be formally published.

(ii) That further reports and presentations detailing key themes and projects are presented to Members via Cabinet early in the New Year.

(ii) That delegated powers be given to the Leader of the Council, the Portfolio Holder for Economic Development and Culture and the Chief Executive, to authorise the bid to One North East for further funding.

(ii) That details of the final bid be reported retrospectively to Cabinet in due course.

381. REVIEW OF DURHAM CITY ARTS

The Head of Cultural Services submitted a comprehensive report that summarised the recent Review of Durham City Arts carried out and suggested the next steps to manage a revised Arts Service as part of the Restructure Review for Cultural Services.

A review of Durham City Arts was commissioned by the Leader and Portfolio Holder for Economic Development and Culture in agreement with the Board of Durham City Arts. The Board had offered their views on the review and suggested their preferred outcomes. A copy of this document and the appendices to it were placed in the Members Room. (See Report File).

Resolved: (i) That the Council continue to support Durham City Arts as the Arms Length Organisation to act as the delivery vehicle for the Council's Arts Service for the next two years provided the following conditions are met:-

(ii) That the Head of Cultural Services and Director of Legal and Administrative Services work with the Company to draft a new Partnership Agreement to manage the work of the Durham City Arts in which:

- Performance Targets are set
- A Board Review and Implementation of the Review are carried out before next financial year and
- That the Constitution and Articles of Memorandum are updated to reflect the Company's new role and relationship with the City Council.
- That the revised documents above are agreed by the Portfolio Holder for Economic Development and Culture.

(ii) That the Company be relocated to Cottage 2, Fowlers Yard at a market rent which would be waived for 12 months.

(iv) That the £13,144 management fee allocated to Fowlers Yard be retained by the Head of Cultural Services who will then manage the facility.

Note: *Councillor Cowper left the Meeting at 12.25 p.m.*

Report of the Head of Planning Services

382. CITY OF DURHAM LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT AND REVISION OF THE LOCAL DEVELOPMENT SCHEME

The Head of Environment and Leisure Services submitted a comprehensive report to outline to members the proposed changes to the timetable for replacing the City of Durham Local Plan with a Local Development Framework (LDF) and for members to agree the new timetable, contents and structure of the new LDF. The changes result from a review of the Local Development Scheme taking into account performance in meeting LDF production targets to date, other workloads of the Development Plans team, the Durham 2020 Visioning exercise and work on Sustainability Appraisal of the LDF. The report also informed members of the contents of the Local Plan/LDF Annual Monitoring Report. (See Report File).

Resolved: (i) That the Council approve the revised LDS for submission to the SoS for his comments.

(ii) That the revised draft LDS be approved in order to enter into discussions with the Planning Inspectorate regarding a Service Level Agreement for the Examination in Public of the LDF.

(ii) That the contents of the Annual Monitoring Report be noted.

Note: *Councillor Young left the meeting at 12.30 p.m.*

Joint Report of the Head of Environment and Leisure Services and Head of Community Services

383. LOCAL GOVERNMENT REPUTATION

Local Government Reputation, a joint research project by MORI, IDeA and the Local Government Association had been published with recommendations for all local authorities

to address the finding of key drivers for the public to increase and improve the Council's reputation.

The LGA had written to all Chief Executives to sign up to a nationwide campaign to improve the reputation of local government by committing to the core actions on liveability and communications. Agreement by Cabinet in September this year to adopt the new corporate identity was one of the core actions that had already been implemented. The Head of Environment & Leisure Services and Head of Community Services submitted a comprehensive report on that identified those other issues, what current practice was in place and where further action was required. (See Report File).

Resolved: (i) That the City of Durham's adoption of the core actions as requested by the LGA, with confirmation of this being sent to the LGA be approved.

(ii) That a report on the further requirements identified in the report be brought to Cabinet in six months time.

384. IN PRIVATE

Resolved: That pursuant to Section 100.A(4) of the Local Government Act 1972 the public be excluded from the remainder of the Meeting during consideration of the items listed in Column 1 below, being reports of the Officers mentioned in Column 2 below on the grounds that if members of the public were present during discussion of these items there would be disclosure to them of exempt information (as defined in Section 100.I) of the description indicated in Column 3 below.

Column 1	Column 2	Column 3
Land Disposals – Proposed New Swimming Pool and Associated Projects	Director of Legal and Administration Services	Terms in negotiation for disposal of Council land (Para.9)
Reports for Information • Land Transactions – Valuation Reports	Director of Legal and Administration Services	Terms in negotiation for disposal of Council land (Para.9)
Financial Report for the City Council for the Period 1 st April to 31 st October, 2005 – Incorporating a Probable Outturn Position at 31 st March, 2006	Joint Report of the Director of Strategic Resources and Head of Financial Services	Proposed expenditure on a contract for acquisition of land, goods or services (Para.8) Terms in negotiations for contracts for acquisition or disposal of property, or supply of goods or services (Para.9)
Regrading Applications a) Janitor - EL13 b) Support Assistant – EX9	Head of Human Resources	Information relating to particular employees of the Authority (Para.1)

Report of the Director of Legal and Administration Services

Note: Councillors Bell, Reynolds and Southwell and the Chief Executive declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

385. LAND DISPOSALS – PROPOSED NEW SWIMMING POOL AND ASSOCIATED PROJECTS
MINUTE 346, 14 NOVEMBER 2005

The Director of Legal and Administration Services submitted a comprehensive report to consider land values as provisionally agreed and ancillary matters for disposal of sites by the City Council to Durham Villages Regeneration Ltd for the purposes of funding the provision of the proposed new swimming pool and associated projects; and to authorise commencement of negotiations to secure the site for the new swimming pool. (See Report File).

Resolved: (i) That the terms as provisionally agreed for the disposal of sites at Bowburn, Brandon, Cassop, Newton Hall, Sherburn Hill and West Rainton to Durham Villages Regeneration Ltd for the purpose of funding the proposed new swimming pool and associated projects be approved.

(ii) That Directors and Heads of Service (as appropriate) be authorised to open detailed discussions with DVRL to formulate a structure and document framework for the several various contracts and land disposals integral to the provision of the new swimming pool and associated projects.

(iii) That a further report on the structure and document framework be presented to Cabinet when provisional agreement has been reached between the parties.

(iv) That negotiations be pursued with Durham County Council to secure the site for the new swimming pool.

(v) That public notice be given in the local press for intended disposal of open space as necessary.

(vi) That interested parties be engaged with regarding alternative provision of garage sites at Cassop.

(vii) That Notice to Quit an allotment at West Rainton be served at the relevant time.

(viii) That Newton Hall Community Association be approached to seek agreement of terms for the surrender of their lease for the present community centre.

(ix) To allow Haslam Homes early entry under licence onto the sites (excluding Bowburn) for the purpose of carrying out topographical surveys.

386. REPORTS FOR INFORMATION

The Director of Legal and Administration Services submitted the following In Private Report for Information in relation to Land Transactions – Valuation Reports a copy of which had been placed in the Members' Room.

Resolved: That the report be noted.

Note: *Councillor Howarth left the Meeting at 12.40 p.m.*

Joint Report of the Director of Strategic Resources and Head of Financial Services

387. FINANCIAL REPORT FOR THE CITY COUNCIL FOR THE PERIOD 1st APRIL, 2005 TO 31st OCTOBER, 2005 – INCORPORATING A PROBABLE OUTTURN POSITION AT 31st MARCH, 2006

The Director of Strategic Resources and Head of Financial Services submitted a report outlining details of the financial position of the City Council for the period 1st April, 2005 to 31st October, 2005 and included a probable outturn position for the General Fund Revenue Account, Housing Revenue Account, General Fund Capital Programme and Housing Business Plan.

Resolved: (i) That the report be noted.

(ii) That future reports be In Public.

(ii) That consideration be given to raising the amount payable for a Disturbance Allowance.

Report of the Head of Human Resources

388. REGRADING APPLICATIONS

a) JANITOR – EL13

The Head of Human Resources submitted a comprehensive report on an application for a regrading by the post holder of EL13. (See Report File).

Resolved: That the regrading application for the Janitor EL13 be not approved.

b) SUPPORT ASSISTANT – EX9

The Head of Human Resources submitted a comprehensive report on an application for a regrading by the post holder of EX9. (See Report File).

Resolved: That the regrading application for the Support Assistant EX9 be not approved.

The Meeting terminated at 12.45 p.m.

Chairman

City of Durham

At a Special Meeting of the **COUNCIL** held in the Town Hall, Durham, on Thursday, 8th December, 2005, at 12.00 Noon.

Present: The Right Worshipful the Mayor of Durham, Councillor Lightley (in the Chair) and Councillors Bell, Cowper, Crathorne, Cummings, Gibbon, Gill, Griffin, Hepplewhite, Howarth, Lodge, McDonnell, Moderate, Rae, Reynolds, Robinson, Rochford, Simmons, Southwell, Syer, Turnbull and Wynn.

389. HONORARY FREEDOM OF THE CITY – GERRY STEINBERG MINUTE 596A, 13th JANUARY, 2003, 724B 7th MARCH, 2003

Further to Minute 596A, 13th January, 2003, Councillor Crathorne moved and Councillor Gill seconded:-

“That the Council, being mindful of his service to the community and to the citizens of Durham, hereby admits Gerry Steinberg to be an Honorary Freeman of the City of Durham.”

The Deputy Mayor spoke in support of the Motion.

On the Motion being put before the Council, Gerry Steinberg was declared duly installed as an Honorary Freeman of the City of Durham.

The Mayor invited Gerry Steinberg to make a declaration and sign the roll, unveil the commemorative plaque and address the Council.

The Meeting terminated at 1.05 p.m.

Mayor

City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Town Hall, Durham on Monday, 12th December, 2005 at 5.30 p.m.

Present: Councillor Pape (in the Chair), Crathorne, Cummings, Dickie, Freeman, Howarth, Robinson, Simpson and Wolstenholme

Also Present: Councillors Cowper, Hepplewhite, Kellett, Marsden, Syer, Turnbull, Wynn and Young.

390. APPOINTMENT OF CHAIR FROM THE FLOOR

The Chair of the Scrutiny had been in contact with Officers to apologise that he would be late for the meeting due to traffic. It was therefore put to the floor to appoint a Chair temporarily from Committee Members and Councillor Simpson nominated Councillor Howarth, with Councillor Wolstenholme seconding. There were no objections and Councillor Howarth took the Chair.

391. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hopgood and Walton.

392. MINUTES

The Minutes of the Meeting held on 7th November, 2005 were agreed as a correct record subject to the following amendment; that Councillor Cummings did not ask the question relating to the difference between the roles of Deputy Chief Executive and Executive Director.

393. CHAIRMAN'S REMARKS

As the Chairman was en route to the Meeting, this item was deferred to the next meeting.

394. FORWARD PLAN

The Committee considered Forward Plan 43 and Councillor Crathorne stated the Parish Councils should be made aware of the Local Development Framework prior to implementation and adoption. Councillor Turnbull noted that some Parishes had received a set of consultation documents, with only 10 days in which to reply.

Councillor Pape joined the meeting at 5.38 p.m and took over the Chair.

The Committee also considered Forward Plan 44, which had been published after the issue of the Scrutiny Committee Papers to Members. Councillor Cummings pointed out in reference to the Village Site Appraisal that had been carried in Esh Winning, it should have been the case that Local Members were informed as to the appraisal taking place, in order that Members would be well placed to answer queries from local people on the subject. The Chair agreed and the Committee would ask for the relevant Portfolio Holder to give some background information as regards the procedures involved and levels of consultation.

395. DECISIONS TAKEN BY PORTFOLIO HOLDERS

A copy of the schedule indicating the decisions taken by Portfolio Holders since last Meeting is attached at Appendix A.

Councillor Syer asked what the current parking charges were subsequent to the recent increase in prices.

The Portfolio Holder for Finance replied stating the cost was 30p per half hour.

Councillor Crathorne asked whether the City of Durham were going to raise charges in line with the County Council.

The Portfolio Holder for Finance replied in the affirmative, with the reason being to encourage the use of the new Park and Ride Scheme operated by the County Council.

Councillor Freeman joined the meeting at 5.45 p.m.

Cllr Wynn queried the decision regarding a land application at 1 Hillside View, Sherburn.

The Chair noted that this application has been subsequently amended and the decision is currently back at the Ward Councillor consultation stage.

Councillor Robinson asked whether the Digital Conference System recently purchased for use in Council meetings was compatible with the Loop system employed by the majority of heading aids.

The Chair replied that this matter would be looked into.

396. CABINET DECISIONS – 5th December, 2005

Councillor Crathorne asked that the issue of the new Swimming Pool be looked into by the Scrutiny Committee, more specifically the risks involved.

Members discussed various reasons regarding this and the Chair put it to Members that a presentation be organised to provide background to the development and allow Officers to address pertinent questions in relation to project risks. This would allow the next Scrutiny Committee to consider a potential future Scrutiny. Members agreed and the Chair asked Officers that a presentation be organised for Members' Information with the relevant Portfolio Holders and Officers to be in attendance also.

397. VERBAL UPDATE ON SCRUTINY PANELS

A verbal update was given by the Chairmen and Vice-Chairmen of the various panels.

The Meeting terminated at 6.12 p.m.

Chairman

SCRUTINY COMMITTEE
12th December 2005
DECISIONS TAKEN BY PORTFOLIO MEMBERS

Portfolio Member	Nature of Decision	Date
Councillor Holland	Authorisation of temporary closure of the following road on Sunday, 20 th November 2005 between 3.30 p.m. and 7.00 p.m. for the switching on of the Christmas Lights. Roads closed to all vehicles including pedal cycles with the exclusion of emergency vehicles – Market Place, Saddler Street, North and South Bailey, Palace Green, Owengate, Dun Cow Lane, Bow Lane and Silver Street Recommend that an order be made in accordance with the provisions of Section 21 of the Town Police Clauses Act 1847 authorising the temporary closure.	24.10.05
Councillor Rae	Approval of a Durham City Enterprise Grant of £882.50 divided as follows:- Emma Jackson T/A Arcadia - £382.50 David Scott T/A DH Services - £500.00	31.10.05
Councillor Holland	Application received to increase car parking charges so that they are in line with those for the County Council. Recommend that application be approved	01.11.05
Councillors Southwell & Woods	Application in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from his home (Ref 282). The applicant currently has outstanding rent arrears of £329.87. The amount due is in the sum of £3400, which is set by the Government as a compensation payment for personal upset caused by the compulsory displacement from his home. Recommend that payment is made but with a deduction of arrears first	31.10.05
Councillor Southwell	Application in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from her home (Ref 281). The amount due is in the sum of £3400, which is set by the Government as a compensation payment for personal upset caused by the compulsory displacement from her home. Recommend that a payment of £3400 be made to the applicant.	1.11.05
Councillor Southwell	Application in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from her home (Ref 281). The applicant has asked for the fixed payment of £1000 as she was displaced from a One Bedroom Bungalow. Recommend that a payment of £1000 is made to the applicant	1.11.05
Councillor Southwell	Application in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from her home (Ref 280). The amount due is in the sum of £3400, which is set by the Government as a compensation payment for personal upset caused by the compulsory displacement from his home. Recommend that a payment of £3400 be made to the applicant.	1.11.05
Councillor Southwell	Application in respect of a Disturbance payment as a	1.11.05

	<p>result of the Council compulsorily displacing the applicant from his home (Ref 280). The applicant has asked for the fixed payment of £1000 as he was displaced from a One Bedroom Bungalow. Recommend that a payment of £1000 is made to the applicant</p>	
Councillor Southwell	<p>Application received in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from his home (Ref 278). The amount due is in the sum of £3400, which is set by the Government as a compensation payment for personal upset caused by the compulsory displacement from his home. Recommend that the payment of £3400 is made to the applicant</p>	1.11.05
Councillor Holland	<p>Application for authorisation of temporary closure of the following roads on 3rd and 4th December between the hours of 10.00 a.m. and 17.30 p.m. for the purpose of the Christmas Festival.</p> <p>Roads closed to all vehicles including pedal cycles – Market Place, Saddler Street, North and South Bailey, Palace Green, Owengate, Dun Cow Lane, Bow Lane and Silver Street.</p> <p>Recommend that an order be made in accordance with the provisions of Section 21 of the Town Police Clauses Act 1847 authorising the temporary closure.</p>	3.11.05
Councillor Woods	<p>Application to allow free coach parking in the City Centre for the Christmas Festival Weekend (3rd and 4th December 2005) to promote the City as a shopping destination during the Christmas Festival Weekend. Recommend that application be granted.</p>	3.11.05
Councillor Reynolds	<p>Application received from Mr Barrass of 1 Hillside View, Sherburn Village enquiring if the Council would consider selling to him land adjacent to his property to use for private off-street parking and garden use. Recommend that subject to contract and conditions an area of 50 square metres be leased to the applicant on terms to be agreed by the Council's Valuer and that an area of 22 square metres or thereabouts be offered to the applicant by way of Vehicular Access Licence over Council land.</p>	3.11.05
Councillor Reynolds	<p>Application to approve the disposal of a 109 square metre site for domestic garden use at 2003 valuation. During 2002, the City of Durham Council agreed to the disposal of former landscaped areas to the rear of properties at Braunespath Estate, New Brancepeth as shown coloured red on the plans. The disposal of plots to the rear of nos. 67 to 69 were duly completed but a number of issues relating to the exact boundaries of the premises at No. 70 resulted in protracted correspondence between the Council and the Applicants' Solicitor and accordingly, no instructions to value the 109 square metre site to the rear of the property were issued to the Council's Valuer. 2003 valuation advice indicated that the approx. price per sq. metre for land for private domestic garden use only was £15. Based on a site area of 109 sq. metres, the 2003 disposal price would have been in the region of £1,635. The issues between the Council and the Applicants have only recently been resolved and the</p>	6.11.05

	<p>applicants now wish to proceed with the purchase but on the basis of 2003 valuation. They allege that delays on the part of the Council in resolving this matter have prejudiced their position and that they should not be expected to purchase the land at a 2005 price which is £40 per sq. metre.</p> <p>Recommend the disposal of the site at 2003 valuation level.</p>	
Councillor Southwell	<p>Application in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (Ref 278). The applicant has asked for the fixed payment of £1200 as he was displaced from a two bedroom house. Recommend that a payment of £1200 is made to the applicant</p>	1.11.05
Councillor Southwell & Councillor Woods	<p>Application in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from his home (Ref 279). The applicant currently has outstanding rent arrears of £14.60. The amount due is in the sum of £3400, which is set by the Government as a compensation payment for personal upset caused by the compulsory displacement from his home.</p> <p>Recommend that payment is made but with a deduction of arrears first</p>	1.11.05
Councillor Southwell	<p>Application in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (Ref.279). The applicant has asked for the fixed payment of £1000 as he was displaced from his one bedroom bungalow.</p> <p>Recommend that a payment of £1000 be made to the applicant.</p>	1.11.05
Councillor Reynolds	<p>To confirm approval of best offers for sale of VSA sites at Sherburn Village and Witton Gilbert and further to authorise additional public notice of open space disposal at Witton Gilbert.</p> <p>Recommend to accept the best offers for disposal of sites at Sherburn village and Witton Gilbert as advised by the Council Valuer and to re-advertise open space disposals at Witton Gilbert</p>	14.11.05
Councillor Reynolds	<p>Application to purchase land to the rear of 22 Station Road, West Rainton received from Mr Spence for garden use.</p> <p>Recommend that the application be refused.</p>	21.11.05
Councillor Wynn	<p>Approval of Durham City Enterprise Grant of £2,475 divided as follows:</p> <p>Graham Baldrige, Stone Bridge Inn - £500 Bradley Turnbull, BT Couriers - £475 Arun Heslop, The Little Thai Tuk Tuk - £500 Helen Rutland, Coffin Connections - £500 Kevin Moir, Arc Environment - £500</p>	22.11.05
Councillor Jackson	<p>Approval of quotation for the provision of a sound system in the Town Hall</p> <p>Recommend that the quotation from Blaydon Communications in the sum of £17,995 plus VAT be accepted.</p>	10.11.05
Councillor Rae	<p>Approval of SRB6 Improving the Heart of the Villages in respect of W Smith Durham Ltd, Ushaw Moor - £516 and The Top Chippy, Esh Winning - £521</p>	24.11.05

	Recommend approval	
Councillor Southwell	Application in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicants from their home (Ref 276) The applicants have asked for the fixed payment of £1,200 as they were displaced from a Two Bedroom House. Recommend that the payment be made to the applicants.	11.10.05
Councillor Reynolds	Application for wayleave submitted by Northern Electric Distribution Limited wishing to install a length of underground cable in Council owned land to afford upgraded supplies to Belmont House. Recommend approval of the Wayleave	24.11.05
Councillor Woods	Application received from North East Discovery Search & Rescue – Diane Dickinson, Treasurer/Fund Raising Co-ordinator for Financial Assistance Recommend a token donation of £50	29.11.05
Councillor Reynolds	Approval of statutory notice issued to bus operators outlining re-imburement arrangements covering the statutory minimum concessionary fares scheme for 1.4.06 Recommend approval of notice	29.11.05
Councillor Woods	Annual application for financial assistance received from the Wildfowl and Wetlands Centre – Chris Francis, Centre Manager for a donation of £150. Recommend donation of £150 from the general donations budget for the financial year 2005/06	29.11.05

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 14th December 2005, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Crathorne, Dickie, Griffin, Hopgood, Howarth, Jackson, Kinghorn, Shaw, Southwell, Syer, Wolstenholme, Wynn and Young.

Also Present: Councillors Kellett, Marsden, Robinson and Thomson.

398. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carr, Gibbon, Hawgood, Rochford, Simpson, Stoddart, Taylor and Walker.

399. MINUTES

The Minutes of the Meeting held on 23rd November 2005, were confirmed as a correct record and signed by the Chairman.

Report of the Head of Planning Services

400. REPORTS FOR INFORMATION

Reports in relation to the following items had been circulated:-

- (a) Applications – Determined under Plenary Powers
- (b) Building Control Applications
- (c) Management Information – Quarterly Reports

Development Control Performance Indicators

It was important that Council Officers and Members received information relating to the performance of the Development Control service as measured by the Government Best Value Performance Indicators (BVPI's). The statistics circulated in the Report for Information indicated a sustained level of improved performance relative to Government targets, within the context of an increased number of applications and a high volume of development enquiries. Measures were being implemented to raise standards of performance and maintain a commitment to continuous improvement via the Council's restructure. There was a regular review of performance relating to Development Control at the Environment and Leisure Performance Clinic.

- (d) Enforcement Update Report

Resolved: (i) That the reports be noted.

(ii) That an enforcement update report be made to the Development Control Committee on a quarterly basis.

401. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following applications and the following decisions were made:-

(a) **05/00969/FPA**
Mr L Edgar

**Land adjacent to Red House Farm, Hartside, Durham
Extensions to existing barn to form 2 no. general
purpose barns with resultant building footprint 4.6m
x 6m with gravel hardstanding to front**

Resolved: (i) That the application be **REFUSED** for the following reasons:-

- (1) - The agricultural building proposed is without sufficient justification in terms of size, design and position. As such, it is considered inappropriate development in the green belt and in the countryside contrary to policies E1 and EMP17A of the City of Durham Local Plan.
- (2) - The enterprise to which the proposed building would relate is of doubtful viability, which may result in an unused building in the countryside, pressure for subsequent uses inappropriate in the green belt and harmful to the green belt policy E1 of the City of Durham Local Plan.
- (3) - Due to the scale, design, orientation and position of the proposed building, the development would cause material harm to the appearance, character and openness of the landscape contrary to policies E1, E7 and EMP17A of the City of Durham Local Plan.

(ii) That authority be given for the taking of appropriate Enforcement Action in respect of the unauthorised development listed in the report.

(b) **05/01003/FPA**
Mr & Mrs Dixon

**The Lodge, Browney Lane, Browney, Durham
Change of use and conversion of dwelling house to 7
no. apartments including erection of staircase and
balcony extensions**

Resolved: (i) That the application be **APPROVED** subject to the following conditions:-

- (1) T1 - Time Limit [Full Approval] 2004
- (2) DT4 - External Materials
- (3) DT10 - Hardstanding/Surface Materials
- (4) LA2 - Landscaping Scheme (Full/Reserved Matter)
- (5) DT8 - Enclosure (Details to be Agreed)
- (6) - The development hereby approved shall not be occupied until the 7 parking spaces shown on the submitted plans are provided, surfaced and marked out in accordance

with details which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be retained for the parking of private motor vehicles at all times in association with the development approved and shall not be obstructed.

- (7) - Notwithstanding the information shown on the approved plans, no development approved by this permission shall commence until full details of any railings or balustrade to be provided to the balcony areas at first floor level have been submitted to and approved in writing by the Local Planning Authority. The details shall include scale, height, materials, design and colour. Thereafter the development shall be carried out in accordance with the agreed details.
- (8) - Notwithstanding the provisions of Article 3 and Class A of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no fencing or boundary walls shall be constructed within the site without the prior written approval of the Local Planning Authority.

(ii) That authority be given for the taking of appropriate Enforcement Action in respect of the unauthorised development listed in the report.

The Chairman had agreed to accept as a matter of urgency due to the time factor involved, the Supplementary Reports of the Head of Planning Services in relation to Application No. 05/01052/FPA and an Enforcement Matter at Former Shell Petrol Filling Station, Neville's Cross, Durham:

**(c) 05/01052/FPA
Mill Garages Ltd**

**Mill Garages Elvet, Broomside Park, Belmont
Industrial Estate
Retention of lighting columns at motor dealership**

Resolved: That the application be **APPROVED** subject to the following conditions:-

- (1) - The floodlighting as indicated on drawing 003882-E07 shall only be used between the hours of 4.00pm – 8.30am Mondays to Sundays including Bank Holidays and shall otherwise be switched off at all other times + R17.
- (2) - The illumination of both showrooms shall be reduced to the lighting circuits as indicated on plan 003882-E04B and BMW showroom lighting diagram received 14th December 2005 and shall remain at this reduced level between the hours of 8.00pm – 7.30am Monday to Friday and 6.00pm – 8.30am on Saturdays and Sundays including Bank

- Holidays + R17.
- (3) - The floodlighting must be maintained in perpetuity to the adjustments made on 5th December 2005 shown on the photographs accompanying plan No. 003882-E07 so no bulb or direct light source is visible from the south side of Broomside Lane + R17.
 - (4) - Within one month of the installation of the approved lighting scheme, it shall be inspected by a qualified lighting engineer in liaison with Durham City Planning Authority and any defects identified shall be rectified within one month of the inspection to ensure that the development complies with the agreed adjustments and to ensure that any problems are rectified.

**402. ENFORCEMENT MATTER
FORMER SHELL PETROL FILLING STATION, NEVILLE'S CROSS, Durham**

Numerous letters of complaint had been received concerning the condition of the above derelict site and the inadequacy of the temporary fencing erected. Craters left where the petrol tanks were removed had filled with water and constituted a danger to the public, especially children.

The owner of the site had been contacted on a fairly regular basis to ascertain plans for securing the site prior to development and to determine progress for the redevelopment of the site. The owner proposed to replace the existing open mesh fence with a more permanent 2.15m steel hoarding while the preparation of a planning application continued. There had been a reluctance to pursue enforcement action to tidy up the site whilst the owner appeared responsive. While the fence required planning permission it is not proposed to invite the submission of a formal application as this would further delay its erection.

There was concern however at the delay in having the fence erected. Complaints continued to be received on an almost daily basis concerning the untidy appearance of the site which is prominent from the A167. The complaints were considered to be justified. Its untidy appearance was considered to adversely affect the amenity of the area. The Council also agreed with the concerns raised as to the serious hazard its condition posed to young children who frequent the public footpath adjacent to the site on their way to the nearby school. The water filled ponds that had been created by the removal of petrol tanks were likely to freeze over, providing an added attraction and danger to children.

While the proposed solid fence would help to screen the area and may overcome many of the concerns raised, having regard to the time that had elapsed and in order to safeguard the Council's position, authorisation was sought to take appropriate enforcement action in the form of issuing a notice under Section 215 of the Town and Country Planning Act 1990 in order to improve its condition.

Resolved: (i) That a notice under section 215 of the Town and Country Planning Act be issued requiring the erection of a 2metre high solid fence along the front of the site.

(ii) That in the event that the owner fails to comply with the notice, the Council carry out the work and seek to recover the costs incurred.

The Meeting terminated at 6.20 p.m.

Chairman

City of Durham

At a Special Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 21st December 2005, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Carr, Crathorne, Dickie, Gibbon, Griffin, Hopgood, Howarth, Jackson, Kinghorn, Simpson, Southwell, Stoddart, Syer, Walker, Wolstenholme, Wynn and Young.

Also Present: Councillors Freeman, Graham, Hepplewhite, Holland, Kellett, Lightley, Marsden, Moderate, Pitts, Rae, Reynolds, Simmons, Smith, Thomson, Turnbull and Woods.

403. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Hawgood, Rochford and Shaw.

404. MINUTES

The Minutes of the Meeting held on 14th December 2005 had not been made available for Members inspection and were deferred to the next Meeting for consideration.

Report of the Head of Planning Services

405. KASCADA, WALKERGATE, DURHAM

The Head of Planning Services presented a report on the following application and the following decision was made:-

**4/05/00207/FPA
4/05/00210/CAC
Hay & Kilner Solicitors**

**Erection of Residential Apartment Development
Comprising 93 Units and 6 Live/Work Units, 150 Car
Parking Spaces, 'Lacewing' Public Building, and
Public Cultural Space**

**Demolition of Industrial Shed Containing Health &
Fitness Club & Associated Single Storey Buildings
including those of Former Mill**

Resolved: That application No. 4/05/00207 be
APPROVED subject to the following conditions:-

- (1) - The development to which this permission relates shall be begun no later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all

materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.

- (4) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
- (5) - No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works to include and where appropriate, mitigation and publication in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Local Planning Authority.
- (6) - Notwithstanding the information shown on the submitted plans details of all external plant, ventilation, filtration and fume extraction shall be submitted to and agreed in writing with the Local Planning Authority before the buildings hereby approved are brought into use. Thereafter the agreed equipment shall be operated and maintained in accordance with the manufacturer's instructions.
- (7) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all public footways, steps, ramps and pedestrian squares shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then be carried out in accordance with the approved details.
- (8) - All pedestrian squares, footways and ramps contained within the development hereby approved shall remain accessible and open for use by the general public for 24 hours every day, unless otherwise agreed by the Local Planning Authority.
- (9) - Notwithstanding the information shown on the submitted plans, a scheme for the lighting of all external and internal spaces, footpaths, roads and the external faces of all buildings and structures hereby

- approved shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. Such a scheme shall include the number, type, design and siting of all light fixtures and details of their levels of luminance, and the development shall be carried out in accordance with the approved details.
- (10) - Notwithstanding the information shown on the submitted plans details of the elevation treatment to the external faces of all the buildings hereby approved shall be submitted to the Local Planning Authority in a form and to a scale of not less than 1:50, that will show details of all windows, doors, joinery, balconies and architectural finishes, before the development is commenced. The development shall thereafter be carried out in accordance with the approved details.
- (11) - Before the development hereby approved is commenced a scheme for the floor space treatment to Freemans Place shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be carried out before any part of the development is open for public use.
- (12) - Before the development hereby approved is commenced a scheme shall be submitted to and agreed in writing by the Local Planning authority making provision for the control of construction noise and vibration emanating from the site. The development shall thereafter be carried out in accordance with the agreed scheme.
- (13) - A scheme for the provision of public art within the development site area shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into public use and thereafter implemented in accordance with the approved scheme.
- (14) - Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months

beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

- (15) - That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.

- (16) - No development approved by this planning permission shall be commenced until:

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information in a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing, by the LPA, prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and;
- Refinement of the Conceptual

- Model, and;
- The development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site
- (17) - Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
- (18) - If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained, written approval from the LPA for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
- (19) - Prior to being discharged into any watercourse, surface water sewer or soakaway 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.
- (20) - Finished floor levels should be set at least 33.35 metres AOD.

- (21) - A flood access/egress route must be maintained at a level of at least 32.72 metres AOD for the life of the development.
- (22) - The building must be flood proofed to a height of 33.36 metres AOD.
- (23) - Before the first dwelling hereby approved is occupied a commuted sum shall be paid to the Local Planning Authority in lieu of the provision of open space and play space within the development. Such a sum shall be calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan 2004.

(ii) That application No. 4/05/00210 be **APPROVED** subject to the following conditions:

- (1) - The development to which this permission relates shall be begun not later than five years from the date of this permission.
- (2) - No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information in a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing, by the LPA, prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and;
 - Refinement of the Conceptual Model, and;
 - The development of a Method Statement detailing the

- remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.
- (3) - The development of the site should be carried out in accordance with the approved Method Statement.
 - (4) - If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained, written approval from the LPA for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
 - (5) - Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

The Meeting terminated at 6.45 p.m.

Chairman