

## City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 8<sup>th</sup> March, 2007, at 5.30 p.m.

**Present:** Councillor Young (in the Chair)  
and Councillors Bell, Carr, Crathorne, Gibbon, Grimes, Howarth, Jackson, Kinghorn, Lightley, Shaw, Simpson, Southwell, Stoddart, Syer and Wolstenholme.

**Also Present:** Councillors Colledge, Hepplewhite, Kellett, Marsden, Moderate, Reynolds, Robinson, Turnbull, Walton and Woods.

### **540. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Griffin, Hopgood, Lodge, Norman and Walker.

### **541. MINUTES**

The Minutes of the Meeting held on 15<sup>th</sup> February, 2007, were confirmed as a correct record and signed by the Chairman.

#### **Report of Director of Legal and Administration Services**

### **542. REPORT FOR INFORMATION**

The Director of Legal and Administration Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1<sup>st</sup> April, 2006, to 31<sup>st</sup> December, 2007, a copy of which had been placed in the Members' Room.

#### **Report of Head of Planning Services**

### **543. REPORTS FOR INFORMATION**

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
  - (i) Appeal by S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
  - (ii) Appeal by Highway Media UK Limited – Site at Adolphus Place (Facing Tesco), Dragonville, Durham, DH1 2RG
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
  - (i) Appeal by P Nieuwenhuis – Site at Melkridge House, 95 Gilesgate, Durham
  - (ii) Appeal by A Bayat – Site at 10A Church Street, Coxhoe, Durham
  - (iii) Appeal by J Tilly – Site at 23 Lawson Terrace, Durham
- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

**Resolved:** That the reports be noted.

#### 544. DECISION MADE BY THE COUNTY COUNCIL

**CM4/06/1224**  
**Service Direct, Durham**  
**County Council**

**Service Direct, St. John's Road, Meadowfield**  
**Industrial Estate, Meadowfield, Durham, DH7 8YQ**  
**Erection and display of directional traffic sign**

The above application was considered by the City Council under delegated powers on 2<sup>nd</sup> February, 2007, when it was resolved to offer no objection.

Durham County Planning Committee had now considered the proposal and resolved to approve the application subject to conditions.

#### 545. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **06/01210/FPA**  
**CH Newton**

**Beechcroft, Broomside Lane, Carrville, Durham, DH1**  
**2QW**  
**Demolition of existing building and erection of 12no.**  
**dwellinghouses with associated access, parking,**  
**landscaping and bin storage (revised and**  
**resubmitted proposal)**

Following a site inspection by the Committee in relation to this application on 6<sup>th</sup> March, 2007, it was:-

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

- (1) - The development to which this permission relates shall be begun not 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 standards 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 to 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) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
  - (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved details.
  - (6) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
  - (7) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any other order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwellinghouse(s) without the grant of further specific permission from the Local Planning Authority.
  - (8) - 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.
  - (9) - The existing trees and hedges on the site shall be retained and shall not be felled, lopped or

topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.

- (10) - 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.
- (11) - Notwithstanding the information shown on the submitted plans a fence/wall/hedge shall be erected of a height and design and in a position to be agreed in writing with the Local Planning Authority at the site boundary with the Old School House, and thereafter retained at all times.
- (12) - Prior to any development commencing, a scheme for off-street parking for all vehicles associated in any way with construction work on the Beechcroft site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be carried out in full.
- (13) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will make provision in accordance with the requirements of the Supplementary Planning Document 'Provision of Public Art as Part of Major New Development Schemes' (2006) for the format, detail, and implementation of an installation of public art on a site to be identified and agreed in writing with the Local Planning Authority.
- (14) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation

pursuant to Section 106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards facilities in lieu of the provision of open and play space within the application site.

(b) **06/01217/OUT**  
**Durham & Darlington**  
**Acute Hospitals NHS**  
**Trust**

**Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham**  
**Outline application for residential development including details of means of access**

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

- (1) - Application for approval of reserved matters must be made not later than 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.
- (2) - Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (3) - 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.
- (4) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before the development commences. Development shall thereafter be completed in accordance with the approved details.
- (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (6) - No development shall take place until a

- scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
- (7) - Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
- (8) - When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by an Arboricultural Implications Assessment report, which shall include the following:
- (a) A tree survey plan that shows the position of every tree on site with a stem diameter measured at 1.5 metres above ground level.
  - (b) A tree schedule as required at para. 4.2.6 of BS5837.
  - (c) A tree retention / removal plan showing location of all trees in the context of site proposals. No trees shall be removed without Local Planning Authority written approval.
  - (d) A schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed or pruned.
  - (e) The details of any proposed changes in existing ground levels or proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
  - (f) A Tree Protection Plan, in accordance with BS5837:2005, with details of all appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
  - (g) A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
- 9) - When application is made to the Local Planning Authority for approval of reserved

matters, that application shall be accompanied by a Protected Species Report which shall include details of the following:

- (a) Works at the site will proceed to a method statement to be provided by the project ecologist, in order to minimise the residual risk of bats being harmed by the works
- (b) High risk features, such as fascia boards, will be demolished by hand to reduce the risk of bats being harmed. Such methods will be provided within the method statement and the project ecologist will be present on site when such works commence.
- (c) Demolition works will only commence following a further activity survey at the site immediately prior to the start of works, to ensure that the status of the site has not changed.
- (d) Mitigation will be implemented which is designed to maintain/enhance the quality of habitat in the area for bats following on from the development. Such works will include the provision of alternative roost sites, such as bat boxes within the trees to be retained.
- (e) The design scheme will take into account the presence of foraging bats within the site and will include features which will maintain or enhance the local habitat e.g. the use of high intensity lighting will be avoided, particularly along the edge of the woodland to the south of the site.
- (f) Any trees within the site which will be felled or affected by the proposals will be assessed for their potential to support roosting bats prior to the submission of rested matters.
- (g) Consideration will also be given to the potential presence of breeding birds within the site, particularly within the mature trees. Works which will affect potential nesting habitat will not commence during the bird breeding season (March-September inclusive) unless an appropriately qualified ecologist has shown nests to be absent immediately prior to the start of works.

No development shall take place unless in accordance with the mitigation recommendations detailed within the submitted report having regard for (a)-(g) above.

- (10) - No building on any part of the development hereby permitted shall exceed three-storeys in height.
- (11) - No development shall be begun until the

details of the arrangements for the provision of 4 affordable housing units on the site as part of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include: the type and location on the site of the affordable housing provision to be made; the timing of the construction of the affordable housing; the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing; and, the means by which such occupancy criteria shall be enforced. The affordable housing shall be provided in accordance with the approved arrangements.

- (12) - Should the reserved matters application subsequent to this planning permission result in the development of ten or more units, the development shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.
- (13) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will make provision (in accordance with the requirements of the Supplementary Planning Document 'Provision of Public Art as Part of Major New Development Schemes' (2006)) for the format, detail, and implementation of an installation of public art on a site to be identified and agreed in writing with the Local Planning Authority.

**Note:** Councillors Bell and Southwell declared a personal interest in the undermentioned application and remained in the Meeting during consideration thereof.



(c) 06/01260/RM  
Durham Villages  
Regeneration

**Land to south of Front Street, Sherburn Hill, Durham  
Reserved matters application in respect of the  
erection of 33 dwellings with associated garages,  
roads, engineering works, and footpath diversion**

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

- (1) - The development to which this permission relates shall be begun not 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 details.
- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to the Local Planning Authority and approved in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences and thereafter implemented in accordance with the approved scheme.
- (5) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved details.
- (6) - 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.

- (7) - The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as these removed having regard for current arboricultural practice.
- (8) - 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 development and shall remain 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.
- (9) - 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.
- (10) - The development of the site should be carried out in accordance with the approved Method Statement.
  - (11) - 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.
  - (12) - 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.
  - (13) - Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forwardmost part of the dwellinghouse facing a highway without the grant of further specific permission from the Local Planning Authority.
  - (14) - The proposed garage(s) shown on (Layout Plan 4 Dwg No: 467/4) shall be implemented in accordance with the agreed details and retained thereafter for the parking of private vehicles and shall not be used as or converted into habitable accommodation, unless otherwise agreed in writing with the Local

- Planning Authority.
- (15) - A visibility splay of 9 metres x 90 metres shall be maintained at all times for those entering the B1283 from Crime Rigg Bank to the south. This shall preclude, inter alia, the erection of any structure or growing of any vegetation to a height greater than 600 millimetres within that splay.

The Meeting terminated at 6.25 p.m.

Chairman