

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 19th July, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Cowper, Crooks, Holland, Howarth, Kinghorn, Laverick, Marsden, Simmons, Simpson, Southwell, Stoddart, Walker, Wolstenholme and Young.

Also Present: Councillors Kellett, Robinson and Reynolds.

142. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carr, Freeman, Guy, Lodge, Rae, Taylor.

143. MINUTES

The Minutes of the Meeting held on 21st June, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

144. 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:
 - Appeal by P Stott – Site at Cassop Farm, Old Cassop, Durham, DH7 4QB
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications

Resolved: That the reports be noted.

145. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/07/468**
Framwellgate Moor School
Framwellgate Moor School
Erection of canopy within school campus

The above application was considered by the City Council under delegated powers on 24th May, 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.

(b) **CM4/07/263**
Premier Waste
Management

Joint Stocks Quarry Landfill Site, Coxhoe, Durham
Change of use of existing building to process
residues from aerobic digester, recycle card and
plastic, store and process waste tyres in existing
recycling complex

The above application was considered by the City Council under delegated powers on 27th April, 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.

Resolved: That the report be noted.

146. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **07/00553/FPA**
J McArdle

7 Warwickshire Drive, Belmont, Durham
Erection of 2 no. dwellinghouses (revised &
resubmitted)

Following a Site Inspection by the Committee in relation to this application on 17th July, 2007, it was:-

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

- (1) The proposed development of 2no. residential dwelling houses is considered inappropriate to the scale and character of the cul-de-sac, by virtue of the number of units proposed on the site, their height, proposed materials, and in providing two storeys of accommodation in a street of bungalows, contrary to Policies H2, H13 and Q8 of the City of Durham Local Plan, 2004.
- (2) The proposed development results in separation distances and overlooking that do not allow the privacy and amenity that existing and proposed residents could reasonably expect to enjoy, contrary to Policies H13 and Q8 of the City of Durham Local Plan, 2004.

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

(b) **07/00311/FPA**
Durham Villages
Regeneration

Land at Tail-Upon-End Lane, Bowburn, Durham
Erection of 83 dwellings with associated vehicular
and pedestrian access, landscaping and provision of
landscaped public open space

Resolved: That in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, the application be referred to the Government Office for the North East with a recommendation that it be **MINDED TO APPROVE**, 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) - The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (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 details.
- (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 is commenced and thereafter be complete 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 scheme.
- (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 planning maintenance. Such a 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 by 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 proposed garages shown on drawing Nos. SL5.1 rev H, H927 and H1176 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.
 - (8) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected on the forwardmost part of any wall of a dwelling which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.
 - (9) - 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.
 - (10) - No development shall commence until an application has been made and approved by the appropriate competent authority to seek a Stopping-Up Order in respect of the public footpath between Nos. 8 and 10 Robert Terrace under Section 247 of the Town and Country Planning Act 1990.
 - (11) - 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.
 - (12) - Development shall not commence until a scheme for the expansion of the Bowburn Sewage Works and a capacity study of the sewerage network to accommodate the sewage arising from the proposed development has been submitted to and approved in writing by the Local Planning

Authority in consultation with Northumbrian Water. No buildings shall be occupied on site until the increased capacity at the sewage treatment works and, if required, the sewerage network have been constructed and commissioned in accordance with the agreed scheme.

Note: *Councillor Holland left the Meeting at 6.45 p.m.*

Note: *Councillors Robinson and Wolstenholme left the Meeting at 6.50 p.m.*

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

(c) **07/00360/FPA**
Durham Villages
Regeneration

Land at Finchale View, West Rainton, Durham
Erection of 56 no. dwellings with associated
vehicular and pedestrian access, parking and
landscaped open space.

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 development commences, 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 and approved by the Local Planning Authority 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 details.
- (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 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 scheme.
 - (7) - Before development is commenced details of all flues, vents and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being implemented thereafter to the satisfaction of the said 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) - Surface water from the development must be discharged into the public sewerage system.
 - (10) - 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 Local Planning Authority, prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken relating to ground water 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 Local Planning Authority and a risk assessment undertaken.
 - (d) A Method statement detailing the remediation requirements, including measures to minimise the impact on the ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.
- (11) - The development of the site should be carried out in accordance with the approved Method Statement.
- (12) - 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 Local Planning Authority] shall be carried out until the developer has submitted, and obtained, written approved from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
- (13) - Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority 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.

(d) **07/00367/FPA**
Chesterford Properties

**Land at Littleburn Business Centre, Mill Road,
Langley Moor, Durham**
Erection of 10 no. business units (revised scheme)

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) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (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) - The buildings to which this permission relates shall be used for business use within the definition of Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

(e) **07/00367/FPA**
Rowland Brothers

**Land at Coal Depot, Unthank Terrace, New
Brancepeth, Durham**
Erection of 6 no. dwellings

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) - No demolition of the existing building shall take place during the bat hibernation period of November to March inclusive.
- (3) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (4) - 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.
- (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 scheme.

- (6) - 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.
- (7) - 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.
- (8) - 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.
- (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 Local Planning Authority, prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a risk assessment to be undertaken relating to ground

- water 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 Local Planning Authority and a risk assessment undertaken.
- (d) A Method statement detailing the remediation requirements, including measures to minimise the impact on the ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority 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 Local Planning Authority] shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority 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 Local Planning Authority 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 7.35 p.m.

Chairman