

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 30th August, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Guy, Holland, Howarth, Kinghorn, Marsden, Plews, Rae, Simmons, Simpson, Southwell, Stoddart, Walker, Wolstenholme and Young.

Also Present: Councillors Jackson, Kellett, Moderate, Pitts, Reynolds, Thompson, Turnbull, van Zwanenberg and Wilkes.

189. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cowper, Laverick and Taylor.

190. MINUTES

The Minutes of the Meetings held on 19th July, 2007, and 2nd August, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

191. REPORTS FOR INFORMATION

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

Note: Councillor Bell declared a personal interest in Item (c), Application No. 07/948/OTHC and remained in the Meeting during consideration thereof.

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Harrison Properties Limited – Site at Costspex Opticians, Unit 41 Dragonville Industrial Park, Durham.
 - (ii) Appeal by W Fitzsimmons – Site at Smallholding, Pithouse Lane, Leamside, Durham.
 - (iii) Appeal by P McGowan – Site at 9 Mount Joy Crescent, Durham, DH1 3BA
 - (iv) Appeal by G Marshall – Site at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA
 - (v) Appeal by Kingswood Properties Limited – Site at 224 Finchale Road, Newton Hall, Durham, DH1 5QP
 - (vi) Appeal by J Watson – Site at land east of Avenue House, High Shincliffe, Durham, DH1 2PY
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications

Resolved: That the reports be noted.

192. DECISION MADE BY THE COUNTY COUNCIL

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

CM4/07/508
Bearpark Primary School **Bearpark Primary School, Colliery Road, Bearpark, Durham, DH7 7AU**
Erection of 2.4 metre high palisade fence to front elevation of existing building

The above application was considered by the City Council under delegated powers on 14th June, 2007, when it was resolved to raise objection on the grounds that the proposed palisade fence was considered detrimental to the visual amenities of the area, due to its size, position and detailed design contrary to Policy Q1 of the City of Durham Local Plan 2004. In addition the proposals were considered to detract from the outlook of the main school building by reason of their height and location.

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

Resolved: That the report be noted.

193. RECOMMENDATIONS ON OTHER APPLICATIONS

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

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

(a) 07/00419/FPA
Durham Villages
Regeneration **Land between 48 & 70 Carr House Drive, Newton Hall, Durham**
Demolition of existing Community Centre & erection of 35no. 3 & 4 bedroomed dwellings with associated roadways, footpaths, open space and landscaping (Revised and Resubmitted)

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 scheme.

- (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 scheme.
- (5) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing, 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.
- (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) - 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 thereafter implemented to the satisfaction of the said Authority.
- (8) - No development shall take place until a scheme showing the means by which foul water 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) - 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 occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.

- (10) - 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 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 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.
- (11) - 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.
- (12) - All works and working methods on site during the course of construction must be in accordance with a mitigation strategy to be separately and formally agreed in writing with the Local Planning Authority before development commences, in addition to the developers responsibilities under the Wildlife and Countryside Act 1981.
- (13) - Prior to the commencement of development a fully costed scheme to upgrade the tennis courts at King George Field, Framwellgate Moor to a Type 1 MUGA in accordance with Sport England's design guidance shall be submitted to and approved in writing by the Council (in consultation with Sport England and the Parish Council).
- (14) - No development shall take place on the tennis court area of the application site until the approved scheme to upgrade the tennis courts at King George Field, Framwellgate Moor has been completed to the satisfaction of the Local Planning Authority and the Parish Council.
- (15) - The proposed garages shown on the approved drawings 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.

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

(b) **07/00421/FPA
Durham Villages
Regeneration**

**Land at Commercial Street & St Agathas Close,
Brandon, Durham
Residential development comprising forty-two 2, 3 &
4 bedroomed houses, associated garages, roads and
engineering works**

Resolved: That Members be **MINDED TO GRANT APPROVAL** subject to referral to the Government Office for the North East as a departure from the Development Plan for the area and 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) - 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 is commenced, and thereafter implemented in accordance with the approved scheme.
- (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 scheme.
- (5) - 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 approved in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
- (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 information shown on the submitted plan full joinery details set out within the attached schedule, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before development commences, and thereafter implemented in accordance with the approved scheme.
- (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 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 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) - Notwithstanding the information shown on the submitted drawings, full details of all proposed retaining walls shall be agreed in writing with the Local Planning Authority prior to construction, and subsequently built in full accordance with that agreement.
- (10) - Prior to their construction, full details of all garage elevations facing St Agatha's Court shall be agreed in writing with the Local Planning Authority. These garages shall be subsequently built in full accordance with that agreement.
- (11) - Development shall not begin until a scheme to deal with the contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings, and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented and a verification statement produced.

- (12) - The proposed garages shown on the approved drawings 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.
- (13) - The proposed garages shown on the approved drawings 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.

Note: *Councillor Thompson entered the Meeting at 6.15 p.m.*

Note: *Councillor Reynolds left the Meeting at 6.20 p.m.*

(c) **07/00451/FPA**
Hanro Limited

Former Sports Ground, SE of Durham City Football Ground, Belmont Industrial Estate, Belmont, Durham Office development to include electricity substation, associated retail unit, car parking and landscaping

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 scheme.
- (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 scheme.
- (5) - 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 then be carried out in accordance with the approved details before any part of the development is occupied.
- (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 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 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) - There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
 - (8) - 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 Local Planning Authority. Roof water shall not pass through the interceptor.
 - (9) - Refuse storage details, including elevations and materials, shall be agreed in writing with the Local Planning Authority then implemented in full accordance with that agreement prior to the occupation of any building.
 - (10) - Prior to their construction, full details of fire escapes, including design, materials and colours shall be agreed in writing with the Local Planning Authority. Subsequently they shall be built in full accordance with that agreement.
 - (11) - Prior to commencement of development works on the site, details of improvements to the A1(M)/A690 junction, as illustrated in principle on RPS drawing TR03 (Proposed interim layout of grade separated junction 07/07), shall be submitted to and approved in writing by the Local Planning Authority. The improvements

- shall include the provision of MOVA control on all traffic signals (both existing and proposed). The proposed works shall be subject to a Stage 1 (preliminary design) and a Stage 2 (detailed design) Road Safety Audit. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
- (12) - Prior to first use or occupation of any part of the development, the required improvements to the A1(M)/A690 junction (as set out in condition 1) shall be completed to the satisfaction of the Local Planning Authority. This would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
- (13) - Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvement works (as set out in Conditions 1 and 2) become operational. The audits shall be carried out in accordance with DMRB HD10/03 and shall be submitted to and approved in writing by the Local Planning Authority.
- (14) - Prior to first use or occupation of any part of the development, the required infrastructure improvements (as set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS) shall be completed to the satisfaction of the Local Planning Authority.
- (15) - Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority and Highways Agency.
- (16) - As set out in the Travel Plan document Addendum 2, Issue 2, 13/07.07 prepared by RPS, a detailed travel survey shall be undertaken no later than six months after first date of occupation of the development. The results of this survey shall be provided to the Local Planning Authority and Highways Agency, and used to agree appropriate mode share targets, outcomes and corresponding timescales.
- (17) - As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken on an annual basis (at the same time as the baseline survey identified in Condition 5) for as long as the development

remains occupied. The results of these surveys shall be provided to the Local Planning Authority and Highways Agency, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the agreed mode share targets and outcomes within the specified timescales.

- (18) - Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available on request.

(d) 07/00465/FPA
A Jackson

**Melrose, Bells Folly, Durham, DH1 3RR
Erection of full width two storey extension to front, with raised main roof facilitating additional storey of accommodation within roof space, with 2no. dormer windows**

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

The scale and massing of the proposed development through the forward extension and raising of the roof height will appear incongruous in the street scene by introducing an overly dominant feature out of scale with the surrounding properties harmful to the visual amenity of the area contrary to Policy Q9 of the City of Durham Local Plan 2004.

(e) 07/00505/FPA
07/00503/CAC
3R Property
Development

**Former Elliots of Durham, Ainsley Street, Durham, DH1 4BJ
Demolition of existing garage buildings and erection of six bedroomed dwellinghouse for people with learning disabilities (Class C3)
Retrospective Conservation Area Consent application for demolition of garage/storage buildings**

Resolved: (i) That the application no. 4/07/00505/FPA 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. Development shall thereafter be completed in accordance with the approved scheme.

- (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) - That notwithstanding the information shown on the submitted plan 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) - 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 thereafter implemented to the satisfaction of the said Authority.
- (6) - Development shall not begin until a scheme to deal with the contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
- (7) - Before the development hereby approved is occupied, the footway arrangements to the front of the site must be improved to incorporate a kerb and footway, to a scheme to be agreed in writing with the Local Planning Authority.

(ii) That application no. 4/07/00503/CAC 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) - Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

Note: Councillor Lodge declared a personal interest in the undermentioned application and remained in the Meeting during consideration thereof.

(f) 07/00558/RM
George Wimpey North
East Limited

Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham
Reserved matters approval for the erection of 42no. dwellings (12 apartments, 30 houses), vehicular and pedestrian access, landscaping and temporary sales board

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

The Local Planning Authority considers that the proposed development would be detrimental to the character of the area, by virtue of the scale, design, massing and density of the proposed dwellings, contrary to the requirements of Policies H2, H13 and Q8 of the City of Durham Local Plan 2004.

Note: Councillors Kellett, Moderate, Pitts, Plews, Turnbull, van Zwanenberg and Wilkes left the Meeting at 7.40 p.m.

(g) 07/00590/FPA
K Whitfield

Land adjacent to Whitfield Court, St John's Road, Meadowfield, Durham
Erection of 6 office units with associated highways, parking and landscaping

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 scheme.
- (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 before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - Before any development is commenced the approval of the Local Planning Authority is

required in writing to a scheme of soft 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.

- (6) - There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
- (7) - Before the occupation of any building on the development site, a Green Transport Plan shall be submitted to the Local Planning Authority and agreed in writing. The approved Green Transport Plan shall then be implemented when each respective building is occupied and retained as such thereafter.
- (8) - Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented and a verification statement produced.
- (9) - No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

The Meeting terminated at 7.45 p.m.

Chairman