

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Thursday, 10th April, 2008, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Cowper, Freeman, Howarth, Marsden, Plews, Rae, Simmons, Southwell, Stoddart, Taylor, Walker and Young.

Also Present: Councillors Kellett, Kelly, Robinson, M.J.A. Smith, Thompson and Turnbull.

584. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crooks, Guy, Kinghorn, Simpson and Wolstenholme.

585. MINUTES

The Minutes of the Meeting held on 13th March, 2008, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

586. PROPOSED STOPPING UP OF FOOTPATH AT FINCHALE VIEW, WEST RAINTON (MINUTE 409, 13TH DECEMBER, 2007, REFERS)

At the Meeting of the Development Control Committee held on 13th December, 2007, it was resolved that the Council make an Order under Section 257 of the Town & Country Planning Act 1990 to give effect to the stopping up of part of footpath no. 18 at Finchale View, West Rainton to enable development to be carried out in accordance with planning permission granted by this Authority in respect of the Durham Villages Regeneration disposal site.

The Order was made on 21st February, 2008, and in accordance with standard procedure, the making thereof was advertised in the local press and correspondence dispatched to the relevant Statutory Consultees. There were no outstanding objections and the Council was now able to confirm the Order of its own volition as an unopposed Order.

Resolved: That the City of Durham (Footpath No. 18 West Rainton Parish, West Rainton, Durham) Stopping Up and Diversion Order 2008, be confirmed.

Report of Head of Planning Services

587. REPORTS FOR INFORMATION

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

Note: Councillor Southwell declared a personal interest in item (a)(i) referred to in the undermentioned item 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 D Pepper – Site at 113 Musgrave Gardens, Gilesgate Moor, Durham, DH1 1PJ
 - (ii) Appeal by S Williams – Site at land adjacent 5 Mayorswell Field, Durham
 - (iii) Appeal by F Parker – Site at 15 St Oswalds Drive, Durham, DH1 3TE

- (iv) Appeal by Mr & Mrs Allen – Site at 41 The Avenue, Coxhoe, Durham, DH6 4AG
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Mr & Mrs Turnbull – Site at land to the rear of The Gardens, Sunderland Bridge, Durham, DH6 5HD
 - (ii) Appeal by SG Petch – Site at vacant land at New Ferens Park, Broomside Park, Belmont, Durham
 - (iii) Appeal by Mr & Mrs Hansen – Site at West View, The Bungalows, Pity Me, Durham, DH1 5EB
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

588. DECISIONS MADE BY THE COUNTY COUNCIL

Note: Councillors Simmons and Southwell declared a personal interest in Application Nos. CM4/07/1194, CM4/07/1230 and CM4/09/87 referred to in the undermentioned item and remained in the Meeting during consideration thereof.

- (a) **CM4/07/1194** **Nevilles Cross Primary School, Relly Garth, Nevilles Cross, Durham, DH1 4JF**
Durham County Council **Erection of ventilation/extraction equipment to roof of existing kitchen**

The above application was considered by the City Council under delegated powers on 30th January, 2008, when it was resolved to raise objection as follows:

It is the opinion of City of Durham Council, that in the absence of appropriate emissions mitigation guidance, and in view of the visual prominence of the proposed plant, the proposals are contrary to Policy H13 of the City of Durham Local Plan 2004, and should be refused.

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

- (b) **CM4/07/1230** **Bowburn County Infant School, Wylam Street, Bowburn, Durham, DH6 5BE**
Durham County Council **Erection of access ramp to entrance**

The above application was considered by the City Council under delegated powers on 17th January, 2008, when it was resolved to offer no objection to the application.

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

(c) **CM4/08/87**
Durham County Council

**Durham Clayport Library, Gala Square, Durham, DH1
1HW**
**Erection and display of 2 no. vinyl window graphics
to advertise Library**

The above application was considered by the City Council under delegated powers on 14th February, 2008, when it was resolved to raise an objection as follows:-

In the opinion of the City Council the proposed vinyl stickers detract from the host building and Square in which they are viewed in Durham (City Centre) Conservation Area. The style, size and colours of the vinyl transfers are considered to be intrusive and detrimental to the street scene.

Durham County Council had now written to the City Council informing that the application had been formally withdrawn. The applicant was reconsidering the scheme in the light of comments received and may resubmit an amended design at a later date.

Resolved: That the report be noted.

589. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **08/00014/FPA**
Apex Cables

**Apex Cables, St Johns Road, Meadowfield Industrial
Estate, Durham, DH7 8RJ**
**Erection of extension to rear of existing industrial
building**

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) - 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.

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

(b) 08/00017/FPA
City of Durham Council

Bowburn Recreation Ground, Bowburn, Durham, DH6 5BW

Redevelopment of existing park including new pedestrian/cycle paths, games and play areas, tennis/basketball court, all weather pitch with floodlighting, pavilion building for existing bowling green, extension to existing changing room/pavilion building and provision of 62no. new parking spaces (Revised and resubmitted)

Resolved: That in accordance with The Town and Country Planning (Playing Fields)(England) Direction 1998 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 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) - 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 scheme.
- (6) - No development shall commence until a scheme for the protection of trees to be retained on site has been agreed in writing with the LPA, in accordance with BS59837:2005 (Trees in Relation to Construction). This scheme shall accord with the most recent plans and particulars and shall include:
 - (a) Indication of the Root Protection Area and

- necessary special protection works within this area;
- (b) Protection works including details of means of enclosure/protection; and,
 - (c) Such scheme as agreed in writing with the LPA shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- (7) - 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.
- (8) - Surface water discharge must be attenuated to 10 l/s for the 100 year storm event.
- (9) - 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.
- (10) - Development shall not commence until a scheme for the expansion of the Bowburn Sewage Works 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 Limited. No buildings shall be occupied on site until the increased capacity at the sewage treatment works has been commissioned and constructed in accordance with the agreed scheme.

- (11) - No floodlights shall be illuminated between the hours of 9.00 p.m. and 8.00 a.m.

(c) 08/00080/FPA
A Davidson

**Red Oak, Lowland Road, Brandon, Durham, DH7 8NN
Proposed demolition of existing public house and
erection of 16no. dwellings (6 apartments, 10
houses) with associated access roads, footways and
parking provision (Revised and resubmitted)**

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

- (1) - 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.
- (2) - 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 local facilities in lieu of the provision of open and play space within the application site.
- (3) - 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.
- (4) - Development shall not commence until details are submitted in writing to the Local Planning Authority demonstrating the means by which the scheme will include 10% renewable energy generation in accordance with the methods and options outlined in the

Initial Energy Statement (North Energy, February 2008). Development shall thereafter take place in accordance with the agreed details.

- (5) - 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.
- (6) - 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.
- (7) - 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.
- (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) - 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 beyond the forwardmost part of any wall of a dwelling house which faces

onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

- (10) - 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.
- (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.

(d) **08/00138/OUT
Ogden Group of
Companies**

**Land adjacent to entrance of South Bowburn Industrial Estate, Durham Road, Bowburn, Durham
Outline application for retail development including details of means of access and 2450m² retail floorspace (all other matters reserved)**

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 layout, scale, appearance and landscaping of the site; (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.
- (3) - 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.

- (4) - When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post planting maintenance and such a scheme shall require the approval of the Local Planning Authority in writing before any development is commenced. 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.
- (5) - 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.
- (6) - 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.
- (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) - No sales shall take place from the premises until there have been submitted to and

- approved in writing by the Local Planning Authority details of refuse storage and litter containing facilities and all such approved facilities have been provided.
- (9) - No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include assessment, evaluation, and where appropriate mitigation, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Planning Authority.
 - (10) - No development shall commence until a scheme to deal with site contamination has been agreed in writing with the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, with measures taken to avoid risk to the public, buildings and the environment when the site is developed. These measures shall be fully implemented and validated in writing prior to built development commencing.
 - (11) - 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.
 - (12) - Of the retail floorspace hereby permitted, no single unit shall exceed 1500 sq m gross.
 - (13) - 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 upon request.
 - (14) - 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.
 - (15) - The retail floorspace hereby approved shall not open for trading until the new traffic signals at the site access from the A177 are fully operational.
 - (16) - A detailed Travel Plan shall be approved in

writing by the Local Planning Authority within 6 months of trading commencing from any of the hereby approved retail floorspace and implemented in full accordance with the approved terms. The approved Travel Plan shall be reviewed annually in conjunction with the Local Planning Authority and the County Highway Authority.

- (17) - No development shall commence until details of the means of delivery to, and servicing of, the hereby approved retail floorspace have been agreed in writing with the local Planning Authority. Once agreed, the terms of that agreement will be fully complied with.
- (18) - Prior to development commencing, details of car parking layout and cycling facilities within the site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with.
- (19) - An up to date Ecological Assessment of the site, together with any appropriate protected species mitigation measures, shall be submitted with any Reserved Matters or Full Planning Application submissions to the Local Planning Authority.

The Meeting terminated at 6.05 p.m.

Chair