

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 11th June, 2008, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Crooks, Dickie, Freeman, Holland, Howarth, Kinghorn, Laverick, Marsden, Pitts, Plews, Simmons, Simpson, D Smith, Southwell, Stoddart, Taylor and Young.

Also Present: Councillors Kellett, Kelly, Lightley, Mavin, Reynolds, Thomson and van Zwanenberg.

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Guy, Rae and Walker.

49. MINUTES

The Minutes of the Meeting held on 14th May, 2008, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

50. PROPOSED STOPPING UP OF FOOTPATH 7a AT FINCHALE ROAD, FRAMWELLGATE MOOR (MINUTE 481, 5th FEBRUARY, 2008, REFERS)

At the Development Control Committee held on 5th February, 2008, it was resolved that the City Council make an Order under Section 257 of the Town and Country Planning Act 1990 to give effect to the stopping up of part of footpath no. 7a at Finchale Road, Framwellgate Moor, to enable development to be carried out in accordance with planning permission granted to Miller Homes Limited in respect of the former County Council depot.

The Order was made on 14th April, 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. 7a, Framwellgate Moor Parish, Framwellgate Moor, Durham) Stopping Up and Diversion Order 2008, be confirmed.

Note: Councillor Plews entered the Meeting at 5.35 p.m.

Report of Head of Planning Services

51. REPORTS FOR INFORMATION

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

- (a) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:

Appeal by Banks Developments Ltd – Site at Mount Oswald Golf Course, South Road, Durham, DH1 3TQ

- (b) Applications – Determined under Plenary Powers
(c) Building Control Applications

received 14th May, 2008, with floor levels should be set no lower than 123.25 metres above Ordnance Datum, and no raising of existing ground levels within flood zone. Furthermore, No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

- (7) - 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.

Informative

Prospective purchasers of dwellings approved by this consent must make themselves aware of the presence of the occupants of the nearby industrial estate, which includes haulage contractors, and take into account the implications and impacts of the operations carried out there on the levels of amenity offered by the development.

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

(b) **08/00042/FPA
08/00137/CAC
Durham Villages
Regeneration**

**Byland Lodge, Hawthorn Terrace, Durham, DH1 4TD
Partial demolition of former Council offices in association with conversion to 5no. flats, with erection of 22no. houses and 1no. flat, with associated roadworks, landscaping and double garage for existing lodge building**

Resolved: That Members be **MINDED TO APPROVE** the applications subject to the Secretary of State's authorisation.

(c) **08/00070/FPA
D Carr**

**Whitfield Cottage, 48 North End, Durham, DH1 4LW
Demolition of existing nursing home and erection of 14no. 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) - 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 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.
 - (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 order revoking or re-enacting that order, no windows in any elevation or roofs-slope (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
 - (8) - 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, of £1000 per residential unit, towards local facilities in lieu of the provision of open and play space within the application site.
- (9) - Prior to development commencing, a written schedule and specification of renewable energy and sustainable building methods to be used within the development scheme shall be agreed in writing with the Local Planning Authority, the approved scheme being constructed fully in accordance with such.
 - (10) - 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.
 - (11) - 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.
 - (12) - 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, and that no part of the development compromises existing drainage/sewage facilities, 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.
 - (13) - 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.
 - (14) - 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.

- (15) - 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.

Note: Councillors Holland, Kelly, Lightley and van Zwanenberg left the Meeting at 6.30 p.m.

(d) **08/00074/FPA
Gladedale (Sunderland)
Ltd**

**Former Omnibus Depot and Welfare Club, Front Street, Quarrington Hill, Durham
Erection of 14no. two storey 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) - 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) - 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, of £1000 per residential unit, towards local facilities in lieu of the provision of open and play space within the application site.
- (6) - The recommendations of Armstrong Site Investigation's Report dated Sept 2006 (pages 8 and 9 of 19) shall be fully implemented as part of the development/construction works.
- (7) - 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.
- (8) - Prior to development commencing, a written schedule and specification of renewable energy and sustainable building methods to be used within the development scheme shall be agreed in writing with the Local Planning Authority, the approved scheme being constructed fully in accordance with such.

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

(e) **08/00228/FPA
Durham Villages
Regeneration**

**Land at Doric Road, New Brancepeth, Durham
Demolition of 2no. existing dwellings and erection of
26no. semi-detached dwellings with associated
access 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) - 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) - No development shall commence until a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will secure the transfer of 23 of the 73 dwellings hereby approved to the ownership of a Registered Social Landlord.
 - (4) - No development shall commence until an application for the stopping-up of the existing adopted highway with the site has been made and confirmed in accordance with section 247 of the Town and Country Planning Act 1990.
 - (5) - 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.
 - (6) - 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.
 - (7) - 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.

Note: *Councillors Carr, Cowper, Kellett, Marsden, Taylor, Stoddart and Wilkinson left the Meeting at 6.50 p.m.*

(f) **08/00254/OUT
E Healer**

**Former allotments south of Soccarena, Belmont Industrial Estate, Durham
Outline application for office development with all matters to be reserved**

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) - 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.
- (3) - No development shall be carried out until a scheme for the protection and reinforcement of the boundary hedge line, and for a three metre wide planting strip inside that hedge line, has been agreed in writing with the Local Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the occupation of any of the approved buildings.
- (4) - 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.
- (5) - 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.
- (6) - The Framework Travel Plan (April 2008) as submitted in support of this application shall be monitored in accordance with the details set out in the plan and the results of the monitoring shall be submitted to the Local Planning Authority (City of Durham Council) within one

month of the end of each monitoring period. Where targets are not achieved, the Travel Plan Co-ordinator will be notified in writing by the Local Planning Authority and the Travel Plan shall then be reviewed and updated and submitted to the Local Planning Authority within one month of receipt of that notification. The updated Travel Plan shall be implemented within one month of the date of the Local Planning Authority's approval.

(g) **08/00359CAC**
City of Durham

Rotary Club Shelter, Durham City Riverbanks, Inner Bank, East Side, Durham, DH1 3RB
Demolition of single storey brick 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) - A scheme to tidy and secure the land shall be submitted to and approved in writing by the Local Planning Authority, and implemented within 12 months of the demolition and clearance of the site.

(h) **08/00405/FPA**
Local Shopping Reit Plc

Land at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
Erection of 2 storey extension to existing building to provide retail unit (Class A1) at ground floor and 4no. apartments at first floor

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

- (1) The scale and form of retail development would fail to protect and promote the vitality and viability of the existing Local Centre in accordance with Policy S1A and Policy S5 of the adopted Local Plan.
- (2) The form of development would have an adverse impact upon the traffic circulation, accessibility, layout and amenity of the Local Centre and occupiers of neighbouring properties contrary to Policies Q5 and Q8 if the adopted Local Plan.

The Chair had agreed to accept as a matter of urgency and due to the time factor involved, the Supplementary Report of the Head of Planning Services in relation to Application No. 08/00399/FPA.

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

(i) 08/00399/FPA
City of Durham

**Freemans Quay Leisure Centre, Freemans Place,
Durham
Erection of fencing/artwork feature adjacent new
leisure centre**

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) - Notwithstanding the information shown on the submitted plans details of the surface treatment and 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.
- (4) - Before development commences details large scale plans to show the relationship of fence to both the kerb of the adjacent road – where a minimum 500mm separation must be achieved, and to the nearest part of the leisure building – where a minimum 1800mm separation must be achieved, shall be submitted to and approved in writing by the Local Planning Authority, the scheme thereafter being constructed wholly in accord with such.
- (5) - Before development commences, areas of existing landscaping affected by the proposals must be identified and a scheme for their redesign or reinstatement submitted in plan form to, and agreed in writing by the Local Planning Authority.

The Meeting terminated at 7.40 p.m.

Chair