

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Thursday, 18th September, 2008, at 6.30 p.m.

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

Also Present: Councillors Cowper, Kellett, Lodge, Martin, Moderate, van Zwanenberg, and Wilkes.

199. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carr and Guy.

200. MINUTES

The Minutes of the Meeting held on 6th August, 2008, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

201. REPORT FOR INFORMATION

The Director of Strategic Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1st April, 2008, to 30th June, 2008, a copy of which had been circulated.

Resolved: That the report be noted.

Report of Head of Planning Services

202. REPORTS FOR INFORMATION

Note: Councillor Bell declared a personal interest in the undermentioned Item (b), Application No. 08/00544/FPA and remained in the Meeting during consideration thereof.

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by D Brown, D Hird and R Young – Site at 2, 3 and 4 Auton Close, Bearpark, Durham, DH7 7BJ
 - (ii) Appeal by C Moulden – Site at land at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
 - (iii) Appeal by G Maw – Site at Coalford Lane Farm, Littleton, Durham, DH6 1RD
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications – Determined under Plenary Powers

Resolved: That the reports be noted.

203. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/08/361
Greencycle Plc** **Unit S1A, Tursdale Business Park, Tursdale, Durham, DH6 5PH**
Retrospective application for change of use to recycling recovery facility

The above application was considered by the City Council under delegated powers on 9th June, 2008, when it was resolved to raise no objection.

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

- (b) **CM4/08/4673
Northumbrian Water Ltd** **Kelloe Sewage Treatment Works, Kelloe, Durham**
Erection of kiosk to house control equipment

The above planning application was considered by the City Council under delegated powers on 1st August, 2008, when it was resolved to raise no objection.

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

- (c) **CM4/08/290
Premier Waste Management Ltd** **Coxhoe Quarry, Quarrington Hill Road, Coxhoe, Durham, DH6 4RT**

The above application was considered by the City Council under delegated powers on 7th April, 2008, when it was resolved to raise no objection.

Durham County Planning had informed the City Council that the application had been formally withdrawn at the request of the applicant.

Resolved: That the report be noted.

204. RECOMMENDATIONS ON OTHER APPLICATIONS

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

Note: *Councillor van Zwanenberg joined the Meeting at 7.00 p.m.*

- (a) **07/00860/OUT
Hellens Developments** **Land at Coxhoe Industrial Estate, Coxhoe, Durham**
Outline application for a mixed use development of 80 residential units and 2400m² of employment uses, with all detailed matters reserved for future approval

Resolved: That in accordance with the Town & 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) - 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 reserved matters to be approved.
- (2) - Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development other than the decontamination of the site is commenced.
- (3) - No development shall commence until a scheme for the decontamination of the application site has been agreed in writing with the Local Planning Authority and completed in accordance with that agreement. The scheme will take the form of a site investigation, and a decontamination method statement, and upon completion will be documented by a validation statement.
- (4) - No development other than decontamination shall be carried out until a scheme for the provision of affordable housing, as defined within PPS3 and in accordance with City of Durham Local Plan 2004 Policy H12, has been agreed in writing with the Local Planning Authority. Any variation from the 30% affordable housing provision identified by the Draft Supplementary Planning Guidance associated with H12 will require full justification. Subsequently, affordable housing shall be provided in full accordance with the agreed scheme.
- (5) - No development other than decontamination shall commence until a scheme for the delivery of a "percentage for art", in accordance with the objectives and provisions of the City of Durham Local Plan 2004 Policy Q15 and Supplementary Planning Document – "Provision of public art as part of major new development schemes" (August, 2006), has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be carried out in accordance with a timescale that will form part of the aforementioned agreement.
- (6) - No development shall commence, other than decontamination, until a scheme for

- the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- (7) - No development shall commence, other than decontamination, until a scheme for the expansion of the Bowburn Sewage Works has been undertaken by Northumbrian Water. A scheme for the provision of foul water drainage works must be submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied on site until the increased capacity at the sewage treatment works and, if required, the sewerage network have been increased and commissioned in accordance with the agreed scheme.
- (8) - The recommendations of the submitted ecological report will be implemented in full.
- (9) - The housing element of any development approved in detail shall include a level of informal play space and amenity space in accordance with City of Durham Local Plan Policy R2.
- (10) - An ambitious but viable percentage of the site's energy requirements shall be delivered from renewable sources, to be agreed in writing with the Local Planning Authority.
- (11) - A scheme for the visual enhancement of the proposed access road entrance, to the east of its junction with Commercial Road West, shall be agreed in writing with the Local Planning Authority, and thereafter implemented in full accordance with that agreement.
- (12) - A scheme for the surfacing of the access road to Basic Cottages, and an implementation timetable, shall be agreed in writing with the Local Planning Authority, subject to the full agreement of relevant landowners. That scheme shall subsequently be implemented in full accordance with that agreement.
- (13) - 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 becoming severely 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.
- (14) - A scheme for the provision of a landscape buffer between the proposed housing and Coxhoe Paving shall be agreed in writing with the Local Planning Authority. Subsequently, the agreed scheme shall be implemented in full accordance with that agreement prior to the occupation of the first house.

Note: Councillors Cowper and Kellett left the Meeting at 7.15 p.m.

(b) 08/00337/FPA
Standard Life
Investments

**Unit A Dragon Lane Retail Park, Dragon Lane/
Damson Way, Durham
Health and fitness centre with associated retail use**

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 retail floorspace hereby approved shall be used for the sale of sports equipment and related goods only, and shall not exceed 1393m². The approved development shall not be subsequently subdivided or altered to create further units of less than 750m² and no further internal floor space shall be created.
- (4) - The retail unit hereby permitted shall not be open for trading outside 0800 to 2000 hours Mondays to Saturdays, or 1000 to 1700 hours Sundays and Bank Holidays.
- (5) - No demolition or construction shall take place outside 0800 to 1800 hours Mondays to Fridays or 0800 to 1200 hours on Saturdays. No work shall be carried out on Sundays or Bank Holidays.
- (6) - Prior to the commencement of any development, details of construction or alteration of the following junctions shall be submitted to and approved in writing by the Local Planning Authority, and thereafter completed in accordance with the approved details:
- (a) Dragon Lane/Front Street

- (b) Dragon Lane/site access
- (c) Dragon Lane/Damson Way/Tesco access
- (d) Dragon Lane/Sunderland Road

Neither the health and fitness centre nor the associated retail unit shall open for trading until the works have been implemented in accordance with the agreed details.

- (7) - The retail park management company or the occupants of the first unit open for trading shall submit to the Local Planning Authority a Staff Travel Plan. The use hereby permitted shall cease unless the Staff Travel Plan is approved in writing by the Local Planning Authority within three months of the unit opening, or within such other period as may be approved by in writing by the Local Planning Authority. Trading by any subsequent occupiers shall cease unless within three months of the start of trading by that subsequent occupier, or within such other period as may be approved in writing by the Local Planning Authority, the subsequent occupier becomes a formal party to the Staff Travel Plan, or such alternative Staff Travel Plan as shall comply with the terms of this condition. The Staff Travel Plan shall deal with the following key issues:

- (a) Appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post.
- (b) Completion of an up-to-date employee travel survey.
- (c) Provision of public transport routes, timetables and fare information to be updated regularly.
- (d) Provision of a car-sharing scheme and encouragement of participation including arrangements to facilitate alternative transport, in an emergency, for car sharers.
- (e) The provision of targets for the reduction of single-occupied car journeys and for increased use of shared cars, cycles and public transport.

The Staff Travel Plan shall be monitored by the Staff Travel Co-ordinator who shall provide the Local Planning Authority with an annual report on all the above measures and progress towards meeting Staff Travel Plan targets.

Note: Councillor Lodge left the Meeting at 7.25 p.m.

(c) 08/00485/FPA
F Da Silva

**Greyhound Inn, Woodland Crescent, Kelloe, Durham,
DH6 4LU
Demolition of existing public house and erection of
7no. dwellings with associated access, 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 the 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 before development commences. Development shall thereafter be implemented in accordance with the approved scheme.
- (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 75mm 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.

- (d) **08/00502/FPA
Brett Bros Developments** **Middlewood House, Middlewood, Ushaw Moor, Durham, DH7 7RB
Erection of 19 sheltered accommodation apartments with warden accommodation and communal areas in three storey pitched roof building with associated parking and landscaping**

ITEM WITHDRAWN

- (e) **08/00523/FPA
P Bracewell** **Fernhill, Crossgate Moor, Durham, DH1 4JZ
Proposed demolition of existing lodge and erection of replacement together with an additional 12no. two storey detached dwellings with associated garaging, parking, access and landscaping**

ITEM WITHDRAWN

- (f) **08/00585/FPA
08/00587/CAC
D Franks** **Magdalene Heights, Gilesgate, Durham, DH1 1SY
Demolition of existing residential dwellings and erection of two and three storey pitched roof building providing 10no. apartments with associated access, parking and landscaping**

ITEM WITHDRAWN

- (g) **08/00619/FPA
08/00620/CAC
Adamson Developments
(Durham) Ltd** **Former Builders Yard, John Street, Durham
Demolition of existing building and erection of 22no. apartments with associated basement parking**

Resolved: (i) That application no. 08/00619/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, and thereafter implemented in accordance with the approved scheme.
- (3) - Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of the pointing of the

- finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
- (4) - Details of any new fences, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved in writing by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved scheme.
- (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all pedestrian and vehicle hardsurfaced 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. This must include particular construction and elevational details of the proposed dormer windows.
- (7) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 150mm 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) - Notwithstanding the information shown on the submitted plans the precise design of the roof including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, (vii) guttering, and (viii) cornice details shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
- (9) - Notwithstanding the information shown on the submitted plans a parapet wall detail shall be provided to the roof of the building in a form to be submitted to and agreed in

- writing with the Local Planning Authority before the development commences.
- (10) - Notwithstanding the information shown on the submitted application details of all external lighting, including type, provision, size, elevation and level of illumination 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.
- (11) - 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.
- (12) - No development shall take place until a scheme for the upgrading of the two unmade, unadopted footpaths outside, but immediately adjacent to the site, has been approved in writing by the Council. The scheme will cover the standard of finish and timescale within the works are to be carried out. Thereafter the approved scheme shall be fully implemented unless otherwise agreed in writing by the Council.
- (13) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail and implementation of either an installation of public art or incorporation of artistic elements into the design of buildings, open spaces, or functional elements of the scheme to a value equal to 1% of the construction cost of the capital project.
- (14) - The development shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a legal agreement relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.

- (15) - 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.
- (16) - Before development commences agreement in writing must be reached on a scheme of construction working hours for the site, specifying start and finish times on weekdays, weekends, and public holidays, with no works or building operations to be carried out outside the agreed times, unless with further written agreement from the Local Planning Authority.

(ii) That application no. 08/00620/CAC be **APPROVED** subject to the following condition:-

- The development to which this permission relates shall be begun not later than three years from the date of this permission.

Note: *Councillor Martin left the Meeting at 7.50 p.m.*

(h) **08/00630/FPA**
Hope Estates Ltd

33 Whinney Hill, Durham, DH1 3BD
Retention of as built two storey pitched roof extension to side and rear of existing dwelling

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

- (1) The Local Planning Authority considers that by virtue of the scale of the extension, lack of symmetry of window openings and an inappropriate brick material match, the proposals fail to preserve and enhance the character and appearance of the Durham City Centre Conservation Area, contrary to Policies E6 and E22 of the City of Durham Local Plan 2004.
- (2) The Local Planning Authority considers that as a result of the scale of the side extension and its proximity to adjoining properties, it would have an overbearing and adverse impact upon the amenity of neighbouring properties, contrary to Policies Q8 and Q9 of the City of Durham Local Plan 2004.
- (3) The Local Planning Authority considers that the proposed level of occupancy is excessive and detrimental to the maintenance of balanced and sustainable communities contrary to Policy H9 of the City of Durham Local Plan 2004.
- (4) The Local Planning Authority considers that as a result of only 1no. in curtilage parking space being provided and the proposed occupancy levels of the property, the development is likely to lead to an increased demand for on-street car

parking in Whinney Hill where on-street parking is at a premium, and conditions detrimental to highway safety contrary to Policy T1 of the City of Durham Local Plan 2004.

- (ii) That Officers be authorised to take enforcement action in relation to the breach of Planning Control that has occurred.

Note: *Councillor van Zwanenberg left the Meeting at 8.30 p.m.*

- (i) **08/00662/FPA**
Lidl UK

Lidl Foodstore, Arnison Centre, Durham, DH1 5GB
Extension to existing retail store and associated alterations (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 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) - 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.
- (4) - 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 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.

- (5) - 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.
- (6) - Construction operating hours shall be confined between 8.00 a.m. and 6.00 p.m. Monday to Friday, and 9.00 a.m. to 2.00 p.m. Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.
- (7) - Details of an acoustic screen to protect those living closeby from waste compactor unit noise shall be agreed in writing with the Local Planning Authority. The agreed screen shall be in place prior to the approved store extensions being operational.
- (8) - Details of security fencing and gating relating to the proposed path between the Land Registry and store car park shall be agreed in writing with the Local Planning Authority. Such fencing and gating shall be erected in full accordance with that agreement prior to the approved extension becoming operational.

The Meeting terminated at 8.40 p.m.

Chair