

## City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 8<sup>th</sup> October, 2008, at 5.30 p.m.

**Present:** Councillor Norman (in the Chair)  
and Councillors Carr, Freeman, Holland, Howarth, Kinghorn, Marsden, Plews, Rae, Simmons, D Smith, Southwell, Stoddart, Taylor, Walker and Young.

**Also Present:** Councillors Kellett, Kelly and Robinson.

### 215. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Crooks, Dickie, Pitts, and Simpson

### 216. MINUTES

The Minutes of the Meeting held on 18<sup>th</sup> September, 2008, were confirmed as a correct record and signed by the Chair.

### Report of Head of Planning Services

### 217. REPORTS FOR INFORMATION

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

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

Appeal by Mr G Maw – Site at Coalford Lane, Littleton, Durham

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

**Resolved:** That the reports be noted.

### 218. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/08/636**                      **White House Farm, Pit House Lane, Leamside, Northumbrian Water Ltd**                      **Houghton-le-Spring, Tyne and Wear, DH4 6JQ**  
**Proposed provision of 3no. access tracks to provide maintenance access**

The above application was considered by the City Council under delegated powers on 29<sup>th</sup> July, 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) **CM4/08/0057**                      **Unit N1, Turisdale Business Park, Turisdale, Durham, Van Dalen UK**                      **DH6 5PG**  
**Provision of metal recycling and end of life vehicle facility**

The above application was considered by the City Council under delegated powers on 20<sup>th</sup> February, 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.

**Resolved:** That the report be noted.

**Note:** *Councillor Freeman entered the Meeting at 5.40 p.m.*

## 219. RECOMMENDATIONS ON OTHER APPLICATIONS

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

- (a) **08/00256/FPA**  
**08/00257/CAC**  
**M Toye**
- RWD Motor Body Repairs, Back Western Hill, Durham, DH1 4RG**  
**Erection of 5no. dwellings with associated parking and landscaping through demolition of existing buildings at northern and southern ends of site and change of use and conversion of main building block together with extensions and alterations (re-submission)**

**Resolved:** (i) That the application no. 08/00256/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 at 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 all 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.
- (4) - 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.

- (5) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
- (6) - Notwithstanding the information shown on the submitted plans the precise design of the roof details including (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, 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.
- (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.
- (8) - Notwithstanding the information shown on the submitted plans, full details of the proposed rainwater goods, to include a section, details of materials, hoppers and junctions, and existing sections to be retained, shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented to the satisfaction of the said Authority.
- (9) - 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 goods as and when necessary, unless the Local Planning Authority gives written consent to any variation.

- (10) - 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. Before development of the site, or any clearance of land or buildings a scheme of working methods, site inspection and best practice, covering all aspects of tree works, above and below ground must be submitted to, and agreed in writing by the Local Planning Authority, with all subsequent works adhering to said document.
- (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) - No development shall take place except in accordance with the mitigation detailed within the 'Bat survey of land at Back Western Hill Durham and extended phase 1 and protected species survey at Back Western Hill, E3 Ecology, 13.06.07 -& 25.07.07, including but not restricted to adherence to timing and spatial restrictions, provision of mitigation in advance, adherence to precautionary working methods, enhancement of remaining woodland areas, and planting of woodland areas.
- (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 in relation to the development, until the applicants and their agents have presented a full and comprehensive survey to ascertain land stability conditions and the presence of springs, or other elements which make effect the integrity of the site and its surroundings. This survey must be accompanied by a statement that provides a clear and concise strategy for protecting the site stability and that of adjacent land, structures and buildings to include levels and cross-sections - both during construction works, and for the future site integrity, and include a methodology for site works and plant movements, to be agreed in writing by the local planning authority before development commences. Full details of all proposed retaining structures and areas of infill must be identified in plan, section and specification must be agreed in writing by the Local Planning Authority before development commences, with particular attention paid to the base of the southernmost structure proposed for the site. The development including all works, working methods, plant deployment on site, and construction shall be carried out in accordance with the agreed details.

(14) - 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 the applicants and their agents have presented a full and comprehensive scheme indicating the full extent of demolition, alteration, retention and replacement of all elevations, roofs and structures on site, and this scheme has been approved in writing by the Local Planning Authority. The scheme thereafter must be implemented fully in agreement with that approval. No deviation from said scheme shall be implemented without further specific approval in writing by said Authority.

(15) - 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 the applicants and their agents have presented a detailed scheme showing proposals for the retention of the kiln existant on site, and said details have been approved in writing by the Local Planning Authority, the development being subsequently carried out in accordance with said agreement.

(16) - 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 detailed scheme showing the finished levels, ground restoration, retained and additional landscaping, materials finishes of all external surfaces, window and screen treatments to the new-build element at the southern end of the site have been submitted to, and approved in writing by the Local Planning Authority, all works being wholly in accordance with said approval.

(17) - That notwithstanding the information shown on the submitted plans precise details of all patio, balconies, fencing, railings and external lighting to private residential areas within the approved scheme, have been submitted to, and approved in writing by the Local Planning Authority, all works being wholly in accordance with said approval.

(ii) That application no. 08/00257/CAC be **APPROVED** subject to the following condition:

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.

(b) 08/00640/OUT  
New College Durham

**New College Durham, Framwellgate Moor Campus, Durham, DH1 5ES**  
**Outline application including details of access, layout and scale for the erection of 1no. three storey building to provide additional teaching facilities, cafe and creche (amended description)**

**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) - Prior to development commencing, details of a lighting strategy that addresses both external lighting and lightspill from internal lighting shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that strategy shall be adhered to at all times unless varied in writing with the Local Planning Authority.
- (3) - 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 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.
- (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 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.
- (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.

(c) **08/00651/FPA**  
**Mr & Mrs Bainbridge**

**The Old Goods Yard, Commercial Road West,  
Coxhoe, Durham, DH6 4HJ**  
**Erection of two storey pitched roof block containing  
6no. residential apartments**

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

- (1) The Local Planning Authority considers that the proposed scheme would represent a partial encroachment into the countryside where new development of this nature is considered to be unacceptable and contrary to Policy E7 of the City of Durham Local Plan 2004.
- (2) The Local Planning Authority considers that the proposed scheme by virtue of its large scale, inappropriate design form and high density would be inappropriate to the character of both the area and the site, contrary to Policy Q8 of the City of Durham Local Plan 2004.
- (3) The Local Planning Authority considers that the scheme would not be served by a suitable access and that the number of vehicular movements associated with the development would lead to conditions prejudicial to highway safety for surrounding residents and that there would be insufficient parking within the scheme leading to vehicular conflicts around the site. This is contrary to Policies T1 and T10 of the City of Durham Local Plan 2004.
- (4) The Local Planning Authority considers that the scheme has failed to have regard to the retention of trees and hedgerows around the southern and western boundaries of the site and which are important visual features which should be retained. Without justification or an adequate tree survey in support of the scheme, it is considered to be contrary to Policies E14 and Q8 of the City of Durham Local Plan 2004.

(d) **08/00746/FPA**  
**T Macallan**

**7 Warwickshire Drive, Belmont, Durham, DH1 2LU**  
**Erection of one detached bungalow**

ITEM WITHDRAWN

(e) **08/00757/FPA**  
**Brett Brothers  
Developments**

**Land between 7 and 9 Middlewood, Ushaw Moor,  
Durham**  
**Erection of 6no. apartments in two storey block with  
accommodation in roofspace with associated  
parking and access (amended description)**

**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) - 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.
- (4) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (5) - 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.
- (6) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicular access 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.

(f) 08/00758/FPA  
08/00759/CAC  
D Crozier

**Former United Reformed Church, Claypath, Durham,  
DH1 1RH  
Change of use to restaurant (revised and  
resubmitted)**

**Resolved:** That the application no. 4/08/00758/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) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
- (3) - Before any development is commenced a full noise attenuation scheme to include precise details of the proposed type, form and method of insulation, to protect the surrounding properties against any internally generated noise shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.
- (4) - The use of the premises shall not commence until there has been submitted and approved in writing by the Local Planning Authority, a scheme for ventilation and extraction/filtration of any cooking odours in accordance with current DEFRA Guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems, and the approved equipment has been installed.
- (5) - The equipment referred to in Condition 4 shall be operated and maintained in accordance with the manufacturers instructions.
- (6) - The premises shall not be open to the public between the hours of 11pm-9am Sunday-Thursday and 12 Midnight-9am Friday and Saturday.
- (7) - The first floor of the northern Church structure (identified as the former Church Hall and Offices) shall be limited to office use and storage only, in association with the restaurant and shall not otherwise be used for the preparation or service of any food or drink.
- (8) - No development shall commence until full details of opaque secondary glazing has been submitted to and agreed in writing with the Local Planning Authority, and thereafter implemented and retained in accordance with approved scheme.
- (9) - The land situated to the east of the United

- Reformed Church building shall not be used by customers or staff from the restaurant unless otherwise agreed in writing by the Local Planning Authority.
- (10) - The use hereby approved shall not commence until full details of facilities for the storage and collection of refuse have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accord with the approved scheme.

(ii) That application no. 4/08/00759/LB 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.
- (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) - Notwithstanding the information shown on the submitted application details of all materials to be used internally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (5) - Notwithstanding the information shown on the submitted plan full joinery details drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
- (6) - Notwithstanding the information shown on the submitted plans precise details of the proposed treatment to the balcony, to include details of the balustrade, level treatments etc. drawn to a scale of 1:20 shall be submitted to 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 plans precise details of the proposed staircase, to include details of the design, scale, finish and method of insertion drawn to a scale of 1:20 shall be submitted to 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 precise details of the proposed treatment to the existing fire places, panelling and internal stud partitioning to include details of the proposed method of attachment and junction with the existing cornice and skirting boards where present 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.
- (9) - Notwithstanding the information shown on the submitted plans, full details of the proposed kitchen and bathroom equipment and fit out, to include details of cable and plumbing runs, methods of insulation, attachment, materials, and equipment proposed, shall be submitted at scale 1:50, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
- (10) - Demolition/alterations shall be carried out in a manner to be agreed in writing with the Local Planning Authority and the said Authority shall be informed immediately of any concealed feature which is revealed by such works. Such features shall be retained if the said Authority so requires.

The Meeting terminated at 7.00 p.m.

Chair