

## City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 12<sup>th</sup> November, 2008, at 5.30 p.m.

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

**Also Present:** Councillors Kellett, Martin, Robinson, M.J.A. Smith, van Zwanenberg, Wilkes and Wolstenholme.

### 258. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell and Carr.

### 259. MINUTES

The Minutes of the Meeting held on 8<sup>th</sup> October, 2008, were confirmed as a correct record and signed by the Chair.

### Report of Head of Planning Services

### 260. 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:
  - (i) Appeal by SP Chivers – Site at 51 Norburn Park, Witton Gilbert, Durham, DH7 6SG
  - (ii) Appeal by Mr & Mrs James – Site at Triermayne, Nevilles Cross Bank, Durham, DH1 4JP
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
  - Appeal by S Brain – Site at 48 Garden Terrace, Coxhoe, Durham, DH6 4EH
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

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

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

### 261. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/04/654**  
**P & BJ Brown**  
**White House Farm, Pit House Lane, Leamside, Durham, DH4 6QJ**  
**Importation of waste in order to create an equestrian bund.**

The above application was considered by the City Council under delegated powers on 28<sup>th</sup> June, 2004, 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) **CM4/08/418**  
**Johnson Brothers**

**Land at Quarrington Farm, Old Quarrington, Durham, DH6 5NN**  
**Proposed anaerobic digestion of agricultural manure, agricultural crops and potato waste facility to produce electricity and manure.**

The above application was considered by the City Council under delegated powers on 18<sup>th</sup> June, 2008, when it was resolved to raise objection as the proposed anaerobic digestion facility would have an unreasonable impact on the character and appearance of this part of the countryside by virtue of the scale of the proposed buildings and situation of the facility. Furthermore, the facility would be relatively isolated from the main farm complex and as such would not relate with existing structures, emphasising its prominence. Accordingly the facility is considered to be contrary to Policies E7, EMP16, EMP17 and U15 of the City of Durham Local Plan 2004.

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

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

## 262. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **06/00657/FPA**  
**Circle Red Properties**  
**(Durham) Ltd**

**Land at Millburngate, Durham**  
**Mixed land use development incorporating 71 student flats on 3no. upper floors, 3no. ground floor retail units and lower ground floor restaurant**

Following a site inspection by the Committee in relation to this application, on 11<sup>th</sup> November, 2008, it was:-

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

- (1) In the opinion of the Local Planning Authority the proposed development, by reason of its scale, massing and architecture, would have an adverse impact upon the character and appearance of the Durham Castle and Cathedral World Heritage Site and the Durham (City Centre) Conservation Area. This would be contrary to the objectives of

Planning Policy Guidance (PPG) 15, and Policies E3 and E6 of the City of Durham Local Plan 2004.

- (2) In the opinion of the Local Planning Authority the proposed development, by reason of its location close to existing residential properties, internal arrangements, and inadequate amenity space for prospective occupants would be unsuitable for student occupation, contrary to Policy H16 of City of Durham Local Plan 2004.
- (3) In the opinion of the Local Planning Authority the proposed development, by reason of an inadequate geotechnical site analysis, has the potential to cause damage to neighbouring Listed Buildings, contrary to the objectives of PPG14 and Policy U13 of the City of Durham Local Plan 2004

**Note:** *Councillors Holland and Wilkes left the Meeting at 6.30 p.m.*

- (b) **07/00375/FPA**                      **Philips Components, Belmont Industrial Estate,**  
**Mandale Commercial Ltd**           **Durham, DH1 1TG**  
**Erection of new office units and conversion of**  
**existing buildings to offices plus 720 car parking**  
**spaces (Phase 2 of overall development)**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a

result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.

- (6) - 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.
- (7) - 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.
- (8) - 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.
- (9) - 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.
- (10) - The development hereby permitted shall not begin until full details of the matters listed below have been submitted to and approved

- by the Local Planning Authority. The development shall then be carried out in accordance with the approved details:
- i. facilities for the storage and collection of refuse, to be provided before the use commences;
  - ii. equipment for the treatment and extraction of fumes and odours, to be provided before the use commences.
- (11) - The equipment referred to in Condition (ii) shall be operated and maintained in accordance with the manufacturer's instructions.
- (12) - 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.
- (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 development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA ref no W11141/L18/001-C) and the following mitigation measures detailed within the FRA: Limitation of the surface water run - off generated by the development as described by the table in paragraph 4.2.2 on page 6.
- (16) - Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1(M) shown in principle on RPS Drawing No.TR03 have not already been implemented or are not already in the process of being implemented, then these same improvements to Junction 62 of the A1(M), as illustrated on RPS Drawing No.TR03 shall be completed in accordance with the approved drawings. The works shall also include the

- southbound exit slip road marking improvements as shown on WSP Drawing No.0882/GA/07 Rev A. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency.
- (17) - Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1 shown in principle on RPS Drawing No.TR03 have already been implemented or are in the process of being implemented, then the additional road marking improvements to the southbound exit slip road shown on WSP Drawing No.0882/GA/07 Rev A shall be completed in accordance with the approved drawings. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency.
- (18) - Prior to first use or occupation of any part of the development, the Travel Plan document shall be finalised and agreed in writing by the local planning authority and Highways Agency. The Travel Plan shall include person trip generation, mode share targets and outcomes (within the specified timescales), which have been agreed by the local planning authority and Highways Agency.
- (19) - Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the local planning authority. This post shall remain for as long as the site is occupied, and the local planning authority shall be informed immediately of any personnel changes in this role.
- (20) - A detailed travel survey shall be undertaken on an annual basis (at the same time of year) for as long as the development remains occupied. The results of these surveys shall be provided to the local planning authority, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the trip generation, mode share targets and outcomes (within the specified

- timescales) that have been agreed in the Travel Plan (refer to Condition 18).
- (21) - Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have not been implemented or are not in the process of being implemented, then these same improvements to the highway junctions at Belmont Business Park Access Road junction with Broomside Lane, A690 Southwest Bound Off Slip Road junction with Broomside Lane and Broomside Lane and Alma Place Mini roundabout, shall be completed in accordance with the approved drawings. In addition the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF.
  - (22) - Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have been implemented or are in the process of being implemented, then the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF.
  - (23) - Prior to first use or occupation of any part of the development, the footway/cycleway alongside Broomside Lane shall be extended as shown on WSP Drawing No. 11170882/0882/GA/06/RevF.
  - (24) - Prior to first use or occupation of any part of the development, the improvements to bus infrastructure shown on Figure 52 of WSP Transport Assessment 11170882 shall be implemented.
  - (25) - Prior to the occupation of the approved buildings, the bus service referred to in the submitted Travel Plan shall be fully operational, and continue as such for at least 5 years from the date of first building occupation.

**Note:** *Councillor Simpson left the Meeting at 6.45 p.m.*

(c) **08/00158/FPA  
08/00159/CAC  
3R Land and Property**

**Land to Back Silver Street (Rear 21 Market Place, Durham)  
Demolition of existing garage block and site structures and erection of 2 blocks of three and five storeys in height comprising 1no. commercial unit (Class A1), 2no. office unit (Class A2), and 3no. apartments**

**Resolved:** (i) That the application no. 08/00158/FPA be **REFUSED** for the following reasons:-

- (1) The Local Planning Authority considers that the proposed development, by reason both its overall height, and the height of the front gable to be inappropriate in terms of scale in relation to both

the site's Conservation Area setting, and the setting of the Durham Cathedral and Castle World Heritage Site, contrary to Policies E6, E22 and E3 of the City of Durham Local Plan, 2004

- (2) The Local Planning Authority considers that the proposed development, by reason both its overall height, and the height of the front gable to be of inappropriate scale and form in terms of its relationship to facing residential property, detrimentally affecting the privacy and amenity residents of which, could reasonably expect to enjoy, contrary to Policy Q8 of the City of Durham Local Plan, 2004

(ii) That application no. 08/00159/CAC be **REFUSED** for the following reason:-

The Local Planning Authority considers that the proposed development, involving development of a site prominent in the City Centre Conservation Area without benefits of an approved replacement development scheme is contrary to Policy E22 of the City of Durham Local Plan, 2004.

**Note:** *Councillors Kellett and Martin left the Meeting at 6.55 p.m.*

**Note:** Councillors Crooks, Freeman, Guy, Howarth, Kinghorn, Norman, Simmons, M.J.A. Smith, van Zwanenberg and Young declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

**Note:** Councillor Southwell declared a prejudicial interest in the undermentioned item and remained in the Meeting during consideration thereof.

(d) **08/00631/FPA**  
**P Smith**

**85 Gilesgate, Durham, DH1 1HY**  
**Conversion of existing roofspace and 2no. study rooms to create 4no. additional bedrooms, totalling a 12no. bedroomed house in multiple occupation, including erection of 2no. rooflights, and 1no. additional window to the north elevation**

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

- (1) In the opinion of the Local Planning Authority the proposed development would provide insufficient privacy and amenity for both the residents of the scheme, and those in neighbouring properties, contrary to policies H9, H13 and Q9 of the City of Durham Local Plan, 2004.



(2) In the opinion of the Local Planning Authority the proposed development would not provide a sufficiently tangible, enforceable, specific solution to the likely increase in demand for parking for tenants and visitors of the scheme leading to conditions prejudicial to highway safety contrary to policy T1 of the City of Durham Local Plan, 2004.

(ii) That authorisation be given for the issue of an Enforcement Notice to require the removal of the unauthorised works and to ensure compliance with the layout and level of use for which planning permission was previously granted.

**Note:** *Councillor Guy left the Meeting at 7.25 p.m.*

**Note:** *Councillor Young left the Meeting at 7.40 p.m.*

(e) **08/00802/FPA**  
**E Clark**

**20 Whinney Hill, Durham, DH1 3BE**  
**Erection of two storey pitched room extension to side and rear of existing dwelling and single storey pitched roof extension to rear**

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

- (1) The Local Planning Authority considers that by virtue of the scale of the extension and design 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

The Meeting terminated at 7.45 p.m.

Chair