

# **MINUTES**

for the Month of

**October, 2006**

## City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Town Hall, Durham, on Monday, 2<sup>nd</sup> October, 2006, at 5.25 p.m.

**Present:** Councillor Pape (in the Chair)

and Councillors: Crathorne, Hopgood, Howarth, Moderate, Robinson, Simpson, Walton and Wolstenholme.

**Also Present:** Councillors Hepplewhite, Jackson, Lodge, Marsden, Southwell and Wynn

### **283. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Freeman and Simmons

### **284. MINUTES**

Minutes of the Meeting of 29<sup>th</sup> August, 2006, were deferred for confirmation at the next meeting as the Minute Book for August and September had not yet been published.

### **285. REFERRAL OF POLICY SCRUTINY REPORT -TELEPHONE COMMUNICATIONS SYSTEM**

Councillor Jackson, Portfolio Holder for Procurement and Corporate Affairs had been requested to attend the Meeting and advise Members as to why the Policy Scrutiny Panel's Report and Recommendations on the Telephone Communications System had been referred back by Cabinet.

Councillor Jackson informed Members that an Access to Service Strategy had been adopted which included the introduction of the CityInfo sites and the Telephone System/Call Centres. The third part of the Strategy, the implementation of an electronic Customer Relations Management system (C.R.M.), would go live in November. This would provide that a single phone call could be routed directly through to the back office systems, therefore improving the service that the customer receives. Eventually it was the intention, through the "Durham Connects" initiative, to have a single contact number for all service enquiries, which could be accessed from anywhere within the County.

Councillor Jackson also informed the Committee that a similar system would be set up to allow Members to channel all their queries and service requests through the Democratic Support Team, who would be provided with a similar CRM based electronic system to log and track Member's queries and service requests. This would mean that it would no longer be necessary for Members to contact individual Officers throughout the Service Areas and therefore avoid the difficulties previously experienced by Members in contacting those Officers.

Members expressed concern that this information had not been made available to the Policy Scrutiny Panel, during its Scrutiny of the topic and further concern regarding the possible effects of this system on the workload of Democratic Support Officers.

Recommended : That in light of the concerns expressed by Committee Members, the report of the Telephone Communications System be referred back to the Policy Scrutiny Panel for further consideration.

### **286. CHAIRMAN'S REMARKS**

The Chairman remarked that Councillor Simmons had submitted her apologies due to illness and asked that the good wishes of the Committee be passed on.

In the absence of Councillor Simmons (Chair) and Councillor Freeman (Vice Chair), for the meeting of the Policy Scrutiny Panel the following evening, the Chairman sought the consent of the Scrutiny Committee to Chair the meeting in their absence.

The Committee agreed that, rather than rearrange or cancel the Meeting, in this instance the Chairman of the Scrutiny Committee chair the Policy Scrutiny Panel Meeting on 3<sup>rd</sup>. October, 2006.

The Chairman advised Members of his attendance at a NEREO Regional Scrutiny Network Meeting on 22<sup>nd</sup> September, 2006, and of his attendance at a forthcoming County Durham (Joint Members and Officers) Scrutiny Network to be held on 17th November 2006.

#### **287. FORWARD PLAN**

The Committee considered the Forward Plan, which was effective from 1<sup>st</sup> October, 2006.

Councillor Lodge raised a query regarding the Strategic Risk Register, in relation to the Swimming Pool, asked why previous meetings relating to this had been held in secret and requested that information from the meetings to be given to all members.

Councillor Southwell informed members that the purpose of the meetings was merely to act as a progress check in relation to the project.

The Chairman advised members that a Special Cabinet was to be held on 11<sup>th</sup> October, 2006 and that a full presentation on the Swimming Pool would be given by the Executive Director.

#### **288. DECISIONS TAKEN BY PORTFOLIO HOLDERS SINCE LAST MEETING**

A copy of the schedule indicating the decisions taken by Portfolio Holders since the last Meeting is attached at Appendix A.

Members queried one of the decisions and were advised that clarification would be sought and Members would be advised accordingly.

#### **289. CABINET DECISIONS 20<sup>th</sup> September, 2006**

The Cabinet report had been noted and there were no items on which the Committee wished to comment.

#### **290. VERBAL UPDATE ON PROGRESS FROM SCRUTINY PANELS**

The Committee was given verbal reports from the Panels, on the progress of their respective Scrutiny studies.

#### **291. ANY OTHER BUSINESS**

Members had no further business to discuss.

Meeting terminated at 5.55 p.m.

Chairman

**SCRUTINY COMMITTEE**  
**2 October 2006**  
**DECISIONS TAKEN BY PORTFOLIO MEMBERS**

| No | Portfolio Member    | Nature of Decision  | Date    |
|----|---------------------|---|---------|
| 1  | Councillor Rae      | SRB6 Improving the Heart of the Villages application for funding by Kelloe Community Partnership – Entrance Feature in the sum of £3150.00. Recommended grant of funds.   | 15.8.06 |
| 2  | Councillor Woods    | By virtue of a lease dated 9 November 1998 the Durham City ambulance Division of the St John Ambulance Brigade occupies an area of land at a yearly rent of £100. The brigade erected the current building standing on the Council's land. The lease expired on the 1 December 2005 but no instructions were sought as to renewal on the basis that the Brigade indicated that they wished to purchase the land in question. This transaction has subsequently become abortive and on the assumption that the Brigade wished to remain in occupation we now wish to issue a further lease. Recommended to approve the granting of a further lease to the brigade. | 16.8.06 |
| 3  | Councillor Reynolds | Application received from Mr Fisher of 4 Finchale View, West Rainton enquiring whether the Council would consider selling to him the land adjacent to his property for use as garden.<br>Recommend refusal of the application   | 21.8.06 |
| 4  | Councillor Reynolds | Application received from Mrs S Cummings of 12 Farnham Road, Newton Hall enquiring whether the Council would consider selling to her land adjacent to the property for use as garden.<br>Recommend refusal of the application   | 21.8.06 |
| 5  | Councillor Reynolds | Application received from Mr & Mrs Clethro of 25 The Leas, Sedgfield enquiring whether the Council would consider selling them an area of approximately 93 square metres or thereabouts of land to the rear of their property at 103/104 High Street, Langley Moor for use as car parking and garden use.<br>Recommend that subject to conditions outlined an area of 93 square metres or thereabouts of land be offered to the applicant on lease on terms agreed by the Council Valuer  | 21.8.06 |
| 6  | Councillor Reynolds | Application received from Mr McKenna of 12 Birch Place, Esh Winning enquiring whether the Council would consider selling to him approximately 259 square metres of land for use as access to a proposed garage and garden land. The plan shows the area split into 4 sections – Area A is approx. 15 sq. metres, Area B is approx. 233 sq. metres, Area C is approx. 11 sq. metres and Area D is approx. 17 sq. metres = 276 sq. metres in total<br>Recommend that an area of land approximately 251 square metres or thereabouts be offered to the   | 21.8.06 |

|    |                      |  |         |
|----|----------------------|--|---------|
|    |                      | applicant  |         |
| 7  | Councillor Holland   | Application received for a Durham City Enterprise Grant of £1,000 as follows:-<br>Patricia Veronica D'Ambrosia t/a Mature Match - £500<br>Stephen Daghish t/a SRD Plastering Services - £500<br>Recommend approval of grant of £500 to Stephen Daghish<br>Recommend refusal of grant of £500 to Patricia Venonica D'Ambrosia | 16.8.06 |
| 8  | Councillor Reynolds  | Application from Darlington & Durham County Racial Equality Council to terminate their lease of ground floor offices at 32 Claypath, Durham.<br>Recommend acceptance of surrender of lease and that the future use of 32 Claypath be reviewed.   | 21.8.06 |
| 9  | Councillor Holland   | Application received for a Durham City Enterprise Grant of £1,000 as follows:-<br>Jason Cook/Steven Prested t/a Advance Plumbing & Heating Ltd - £500<br>Peter Searle t/a Peter Searle Decorating Services - £500<br>Recommend approval of both grants to applicants   | 18.8.06 |
| 10 | Councillor Holland   | Application received from Mr & Mrs Swinbank of 28 South Lea, Witton Gilbert enquiring whether the Council would consider selling to them land adjacent to their property for garden use.<br>Recommend approval of the sale of 53 square metres or thereabouts of land on terms to be agreed by the Council's Valuer          | 23.8.06 |
| 11 | Councillor Reynolds  | Application received from Mr B Comerford of 18 Black Road, Langley Moor enquiring if the Council would consider selling to him land to the rear of his property for garden use.<br>Recommend refusal of the application  | 29.8.06 |
| 12 | Councillor Southwell | Application has been received in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from her home (Ref. 302)<br>Recommend approval of payment of £1,000 be made to the applicant  | 27.6.06 |
| 13 | Councillor Thomson   | Approval for adaptations to the home of a Disabled Person at 91 Bek Road, Newton Hall, Durham at a cost of £4,375<br>Approve combining bathroom and separate toilet to provide a larger bathroom with level access shower  | 18.8.06 |
| 14 | Councillor Reynolds  | Application received from Haslam Homes Limited to occupy Council land at Prince Charles Avenue, Bowburn for a site compound for a three month period.<br>Recommend granting of a three month temporary licence subject to certain terms and conditions   | 30.8.06 |
| 15 | Councillor Reynolds  | Application for Right of vehicular access over council land t the front of 56 Prospect View West Rainton received from Mr Short of 56 Prospect   | 4.9.06  |

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|    |                     | View. Recommended that the application be refused.  |         |
| 16 | Councillor Reynolds | Application to purchase land to the rear of West View Meadowfield received from Mr Clarke of 4 West View Meadowfield and his neighbours enquiring if the council would consider selling to them land to the rear of their properties to enlarge their gardens. Recommended that the application be refused. Comments received – suggest site visit.   | 4.9.06  |
| 17 | Councillor Reynolds | Application to lease land to the rear of 36 Park Avenue Coxhoe from Miss J Ward of 36 Park Avenue for use as garden land. Miss Ward already leases an area of land to the rear of her property. Recommended that a lease be granted to Miss Ward.   | 4.9.06  |
| 18 | Councillor Reynolds | Application for vehicular access over council land at 10 Red Ridges Brandon received from Mrs Harper of 10 Red Ridges Brandon for vehicular access over land adjacent to her property for use to enable off street parking. Recommended that the application be approved subject to conditions stated.  | 4.9.06  |
| 19 | Councillor Reynolds | Application received from Knightsbridge Developments Limited enquiring as to whether the Council would be willing to allow occupation of Council owned land at Bainbridge Street, Carrville to store site materials until approximately October 2006<br>Recommend approval subject to conditions specified  | 8.9.06  |
| 20 | Councillor Reynolds | Application for renewal of tenancy leases for:-<br>Tracy Franklin – Unit 3<br>Bill Harris – Unit 4<br>Steven Landles – Unit 5<br>Michael Griffin – Unit 7<br>at Fowlers Yard development.<br>Recommend that new Leases be granted to Tracy Franklin, Bill Harris & Steven Landles at revised rents and that a Lease be granted under a revised rent to Michael Griffin subject to his paying all arrears in rent                          | 25.8.06 |
| 21 | Councillor Rae      | Application for a Durham City Enterprise Grant for £500 received from Peter Dawson t/a PD Electrics<br>Recommend approval of grant  | 1.9.06  |
| 22 | Councillor Reynolds | Permission granted to site Post Office Collection Box on Council owned land adjacent to the entrance to Wayside Court, Bearpark   | 18.9.06 |
| 23 | Councillor Reynolds | Application has been received from Mr McGowan of 63 Cherry Park, Brandon, Durham enquiring whether the Council would consider selling to him land adjacent to the property. This matter first came to light as the Applicant had encroached onto Council land. Also there have been complaints regarding the height of the fence by neighbours. Both of these issues should not have any direct bearing on the land application, with the | 19.9.06 |

|    |                     |   |         |
|----|---------------------|---|---------|
|    |                     | <p>fence being either removed upon refusal of the application, or the height altered if indeed any planning regulations are being breached upon any subsequent sale. Any disagreement with the recommendation would cause the Application to be taken back through the "whole" land application procedure with the Applicant being asked to provide a written undertaking regarding legal fees and valuation costs as well as a non-refundable £200 administration fee. Mr McGowan intends to use the land for garden only.</p> <p>Recommend that the application should be refused.</p>  |         |
| 24 | Councillor Reynolds | <p>Application received from Miss Paula Jones of 32 The Larches, Esh Winning enquiring if the Council would consider leasing to her land adjacent to the property for use as additional garden.</p> <p>Recommend that this application be allowed to continue through the full land application procedure</p>   | 19.9.06 |
| 25 | Councillor Reynolds | <p>Application received from Mr &amp; Mrs Armstrong of 52 Priors Grange, Pitlington enquiring whether the Council would consider selling to them the land adjacent to their property for garden use.</p> <p>Recommend that the application be refused.</p>  | 19.9.06 |
| 26 | Councillor Reynolds | <p>Application has been received from Mr Lightfoot of Cumbrae House, Lowland Road, Brandon enquiring if the Council would consider selling to him a landlocked area of land to the rear of his property. Mr Lightfoot currently leases the land for garden use and would continue to use the land for garden if allowed to purchase the land. The application was originally dealt with as a garden application but as the land is landlocked therefore the application can continue through the usual application procedure.</p> <p>Recommend that the application be refused.</p>   | 19.9.06 |
| 27 | Councillor Jackson  | <p>Permission to enter into contracts to secure a Christmas Lighting Scheme for the City Centre, and the waiver of Contract Procedure Rules to allow this to happen.</p> <p>Recommend the Waive Contract Procedure Rules in accordance with section 5.1(e) to allow the contract with Centredesign to be extended, and in support of this allow contracts to be entered into with HCL to supply the eyebolts for mounting the new scheme, and with Durham Council Council to secure the power supply to the extended scheme as all three parties have specific knowledge and skill in relation to the lighting scheme in Durham</p> | 20.9.06 |

## City of Durham

At a Meeting of the **AUDIT OVERVIEW COMMITTEE** held in the Town Hall, Durham, on Thursday 5<sup>th</sup> October, 2006, at 5.30 p.m.

**Present:** Councillor Shaw (in the Chair)  
and Councillors Leake and Walker.

### 292. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Syer and the Director of Strategic Resources.

### 293. MINUTES

The Minutes of the Meeting held on 13<sup>th</sup> July, 2006, were confirmed as a correct record and signed by the Chairman.

#### Report of Director of Strategic Resources.

### 294. PROGRESS REPORT FOR THE PERIOD 1<sup>st</sup> APRIL 2006 TO 31<sup>st</sup> AUGUST 2006

The Director of Strategic Resources submitted a comprehensive report that compared the actual work undertaken by Internal Audit with that planned for the period 1<sup>st</sup> April 2006 to 31<sup>st</sup> August 2006.

**Resolved:** That the contents of the Progress Report for the 1<sup>st</sup> April, 2006 to 31<sup>st</sup> August, 2006 be noted.

### 295. IN PRIVATE

**Resolved:** That pursuant to Section 100.A(4) of the Local Government Act 1972 the public be excluded from the remainder of the Meeting during consideration of the item listed in Column 1 below, being a report of the Officer mentioned in Column 2 below on the grounds that if members of the public were present during discussion of this item there would be disclosure to them of exempt information (as defined in Section 100.I) of the description indicated in Column 3 below.

#### Column 1

2005/2006 Audits  
Completed (excluding  
items already reported)

2006/2007 Audits  
Completed (excluding  
items already reported)

Special Investigations

#### Column 2

Director of Strategic  
Resources

#### Column 3

Information relating to any individual  
(Para. 1).

Information which is likely to reveal  
the identity of an individual  
(Para. 2).

Information relating to the financial or  
business affairs of any particular  
person (including the authority holding  
that information) (Para. 3).

Information in respect of which a claim  
to legal professional privilege could be  
maintained in legal proceedings.  
(Para. 5)

**Column 1**

**Column 2**

**Column 3**

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para. 7).

**Report of Director of Strategic Resources.**

**296. 2005/2006 AUDITS COMPLETED (EXCLUDING ITEMS ALREADY REPORTED)**

The Director of Strategic Resources set out details of items Internal Audit had reviewed.

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

**297. 2006/2007 AUDITS COMPLETED (EXCLUDING ITEMS ALREADY REPORTED)**

The Director of Strategic Resources set out details of items Internal Audit had reviewed.

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

**298. SPECIAL INVESTIGATIONS**

The Director of Strategic Resources and Head of Internal Audit reported that there had been no special assignments.

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

The Meeting terminated at 6.05 p.m.

Chairman

## City of Durham

At a Special Meeting of the **CABINET** held in the Town Hall, Durham, on Wednesday, 11<sup>th</sup> October, 2006, at 2.00 p.m.

**Present:** Councillor Reynolds (in the Chair)  
and Councillors Dickie, Holland, Jackson, Rae, Southwell, Thomson,  
van Zwanenberg and Woods.

**Also Present:** Councillors Colledge, Gibbon, Graham, Howarth, Kellett, Kinghorn, Lightley, Marsden, Robinson, Smith, Turnbull, Wynn and Young.

### **299. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bell, Hepplewhite, Lodge, Pitts, Simpson, Syer and Walton.

### **300. PRESENTATION ON CLIMATE CHANGE / ENERGY EFFICIENCY**

Mr. J. Elmer, Sustainable Development Manager and Anne-Marie Gibson from NEA gave Members a Presentation on Climate Change / Energy Efficiency.

After a question and answer session, the Chairman thanked Mr. J. Elmer and Anne-Marie Gibson, for a very informative Presentation.

**Note:** Councillor van Zwanenberg entered the Meeting at 2.50 p.m.

**Note:** Councillor Young left the Meeting at 2.55 p.m.

### **301. PRESENTATION ON LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

Mr. N. Laws, Environmental Health Manager, gave Members a Presentation on Licensing of Houses in Multiple Occupation.

After a question and answer session, the Chairman thanked Mr. N. Laws, for a very informative Presentation.

**Note:** Councillors Smith, Turnbull and Wynn left the Meeting at 3.10 p.m.

**Note:** Councillor Robinson left the Meeting at 3.15 p.m.

**Note:** Councillors Graham, Howarth, Kinghorn and Southwell left the Meeting at 3.20 p.m.

**Note:** The Meeting adjourned at 3.20 p.m. and reconvened at 3.30 p.m.

### **Report of the Executive Director**

**Note:** Councillor Reynolds and the Chief Executive declared a personal interest in the undermentioned item, and remained in the Meeting during consideration thereof.

### **302. PRESENTATION ON THE SWIMMING POOL AND LEISURE CENTRE, FREEMANS PLACE UPDATE REPORT – PRE COMMENCEMENT**

Mr. D. Marrs, Executive Director, and Chris Houldsworth, Managing Architect, William Saunders Partnership, gave Members a Presentation on the Swimming Pool and Leisure Centre, Freemans Place Update Report – Pre Commencement.

The Executive Director had provided an Executive Summary of the content of the presentation, and an Addendum to the report was circulated.

After a question and answer session, the Chairman thanked Mr. Marrs and Mr. Houldsworth for a very informative Presentation.

**Resolved:** (i) That Cabinet endorses the progress of the work undertaken to date and agrees to the commencement of the construction works provided that:-

- (a) The agreements with the County Council and Competition Line UK are signed simultaneously.
- (b) Appropriate legal and financial contingencies measures are put in place to minimise the risk and to deal with any shortfall in funding by a combination of unsupported borrowing, additional land sales and use of reserves and balances. These contingencies to be agreed as necessary by appropriate members and officers and ratified by Full Council.
- (c) DVRC submitting planning applications in respect of the 5 remaining sites by no later than the end of February 2007.

(ii) A further report be submitted to a future meeting of Cabinet detailing precise arrangements for the relocation of staff currently situated at Byland Lodge.

**Note:** Councillors Marsden and Kellett left the Meeting at 4.47 p.m.

**Note:** All Members of the Council had been invited to attend the Presentation.

The Meeting terminated at 4.50 p.m.

Chairman

## City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 11<sup>th</sup> October, 2006, at 5.30 p.m.

**Present:** Councillor Norman (in the Chair)  
and Councillors Carr, Crathorne, Gibbon, Hawgood, Hopgood, Howarth, Jackson, Kinghorn, Lightley, Southwell, Stoddart, Taylor and Young.

**Also Present:** Councillors Cowper, Kellett, Robinson, Thomson and Turnbull.

### 303. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Griffin, Lodge, Simpson and Syer.

### 304. MINUTES

The Minutes of the Meeting held on 26<sup>th</sup> September, 2006, were confirmed as a correct record and signed by the Chairman.

#### Report of Head of Planning Services

### 305. 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 Mr & Mrs Rutherford – Site at Low Raisby Farmhouse, Kelloe, Durham
  - (ii) Appeal by Mr P Nieuwenhuis – Site at Melkridge House, 95 Gilesgate, Durham
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications

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

### 306. DECISIONS MADE BY THE COUNTY COUNCIL

- |  |  |
|--|--|
| <b>(a) CM4/06/560<br/>Premier Waste<br/>Management</b> | <b>Tursdale Business Park, Tursdale, Durham<br/>Proposed six tower solid waste aerobic digester<br/>plant and associated purpose designed building</b> |
|--|--|

The above application was considered by the City Council under delegated powers on 3<sup>rd</sup> July, 2006, when it was resolved to offer an objection.

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

- (b) **CM4/06/655**  
**Durham County Council**                      **Elemore Hall, Littletown, Durham**  
**Demolition of existing sewage plant and installation of primary settlement tank and reed bed system and associated works**

The above application was considered by the City Council under delegated powers on 24<sup>th</sup> July, 2006, when it was resolved to offer no objection.

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

- (c) **CM4/06/747**  
**Durham County Council**                      **St. Oswald's Church of England Infants' School, Church Street, Durham**  
**Erection of parent waiting/buggy shelter**

The above application was considered by the City Council under delegated powers on 17<sup>th</sup> August, 2006, when it was resolved to offer no objection.

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

- (d) **CM4/06/748**  
**Durham Community Business College**                      **Durham Community Business College (previously Deerness Valley Comprehensive School), Bracken Court, Ushaw Moor, Durham**  
**Various external alterations to gym building including insertion of windows and addition of external store and ramps to create vocational skills centre**

The above application was considered by the City Council under delegated powers on 23<sup>rd</sup> August, 2006, when it was resolved to offer no objection.

Durham County Planning Committee had now approved the application subject to conditions.

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

### **307. RECOMMENDATIONS ON OTHER APPLICATIONS**

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

- (a) **06/00611/OUT**  
**Mr M Moore**                      **Broom Hall Farm, Broom Park, Ushaw Moor, Durham**  
**Outline planning application for residential development for the erection of 56 residential units, of two, three and four bedrooms, to include details of siting, design, appearance and access**

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

- (1) The construction of these new buildings in the Green Belt, without the benefit of the special justifications set out in Policy E1, or PPG2, affecting the character and openness for the countryside, in relation to both the immediate village, and its relation to the adjacent settlement in longer views, is contrary to that policy in the City of Durham Local Plan 2004.
- (2) The development of new housing in the countryside, outside the settlement boundary of Ushaw Moor, without agricultural justification, is contrary to Policies T12, T10, Q1, Q2 and Q8 of the City of Durham Local Plan 2004.
- (3) The proposed highways layout of the estate does not meet the required standards of layout, parking, or provision for non-vehicular traffic, contrary to Policies T12, T10, Q1, Q2 and Q8 of the City of Durham Local Plan 2004.

(b) **06/00631/OUT**  
**Hallam Land**  
**Management**

**Land at Former Cape Asbestos Works, Durham Road, Bowburn, Durham**  
**Outline application including details of means of access for employment use and residential development with associated play areas, landscaping, parking and access**

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

The proposed development would result in the loss of employment land within a Prestige Industrial Estate. This would be in conflict with the objectives of City of Durham Local Plan 2004 Policy EMP5b.

(c) **06/00726/FPA**  
**Durham County Council**

**Site of former Royal Mail Sorting Office, The Sands, Durham**  
**Renewal of temporary planning permission until 31<sup>st</sup> March, 2007, for provision of temporary car park including lighting and ticket machines during construction of new Walkergate multi-storey car park**

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

The permission is granted for a limited period until 31<sup>st</sup> March, 2007. at the end of the period the use hereby permitted shall be discontinued, all works carried out under this permission removed, and the land reinstated, in accordance with a scheme submitted to and agreed in writing by the Local Planning Authority.

(d) **06/00742/FPA**  
**Mr A Peel**

**Blackgate Garage, 19-23 Blackgate, Coxhoe, Durham**  
**Demolition of existing garage buildings and erection of 10 no. apartments, in a pitched roof building between two and three storeys in height**

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

- (1) T1 - Time Limit [Full Approval] 2004
- (2) DT4 - External Materials
- (3) - Where any fences, walls or other means of enclosure are required to be erected on any part of the site boundaries or within the site, no development shall be commenced until these details have been submitted to and approved by the Local Planning Authority in writing, and thereafter implemented in accordance with the approved scheme.
- (4) DT10 - Hardstanding/Surface Materials
- (5) DT11 - Fenestration Details
- (6) DT23 - Drainage Scheme
- (7) - Prior to the first occupation of the building hereby approved, the garage forecourt shall be removed, a new kerbline and footway constructed and an improved vehicular junction with Blackgate shall be provided in accordance with a scheme to be agreed in writing with the County Highway Authority and thereafter implemented to the satisfaction of the County Highway Authority and the Local Planning Authority.
- (8) LA2 - Landscaping Scheme (Full/Reserved Matter)
- (9) CL01 - Contaminated Land Risk Assessment
- (10) CL02 - Approved Method Statement
- (11) CL03 - Addendum Method Statement
- (12) CL04 - Remediation Report
- (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 & Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.
- (14) - No building or site works shall be carried out on any Sunday or Bank Holiday, on Monday to Friday outside the hours of 8.00 a.m. and 6.00 p.m. and on any Saturdays outside the hours of 9.00 a.m. and 1.00 p.m.

(e) 06/00746/OUT  
Durham Green Business  
Park

Land west of A1(M) Motorway Junction 61 & south of Bowburn South Industrial Estate, Bowburn, Durham Business Park (Use Class B1) with associated site access arrangements to include works to A1(M) motorway junction 61, A688 road, and motorway service area (Outline)

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

- (1) T2 - Time Limit [Outline Approval] 2004
- (2) - No development pursuant to planning application no. 4/06/00746 shall commence until the developer has submitted the following full design and construction details of the improvements required at Junction 61 of the A1(M) trunk road, such details to be agreed by the Local Planning Authority in consultation with the Highways Agency as shown in outline on the drawings specified in Table 1, below, including:-
  - How the scheme interfaces with the existing highway alignment, carriageway marking, surface treatment and lane designations;
  - Full details of carriageway widening of the A1(M) at Junction 61. This to include any modifications to existing or proposed structures, with supporting analysis;
  - Full signage and lighting details;
  - Confirmation of full compliance with current Departmental Standards [DMRB] and Policies [or approved relaxations/departures from standards];
  - An independent Stage 2 Road Safety Audit [taking account of any Stage 1 Road Safety Audit recommendations] carried out in accordance with current Departmental Standards [DMRB] and advice notes;
  - New Approach to Appraisal [NATA]/Project Appraisal Report [PAR] assessment.
- (3) - No development to which application no. 4/06/00746 relates shall be brought into its intended use unless and until the highway improvements as shown in outline on drawings 104D129-45 P3 and 44955/P/001 and agreed in detail in accordance with condition (2) have been implemented to the satisfaction of the Local Planning Authority in consultation with the Secretary of State for Transport.

- (4) - No development to which application no. 4/06/00746 relates shall be begun which would result in the maximum gross floor area for buildings within the specified use class of the Town & Country Planning [Use Classes] Order 1987 exceeding the limit as shown in Table 2 below.
- (5) - No vehicular access to the site shall be made until the roundabout at the proposed site access, the altered access to the motorway service area and the dual carriageway between the access roundabout and the motorway roundabout have been completed, all to the satisfaction and approval of the Local Planning Authority in consultation with the Highways Authority.
- (6) - All reserved matters applications subsequent to this outline planning permission shall conform to the terms of the attached development brief.
- (7) - No development shall take place until the mitigation detailed within Sections E1-E4 of the submitted bat report and badger report within the supplementary documentation [Supplementary Document No. 2 to update the Durham Green, Bowburn Environmental Impact Statement – Final Version, RPS August 2006] including, but not restricted to adherence to timing and special restrictions; provision of mitigation in advance; undertaking confirming surveys; and adherence to precautionary working methods.
- (8) - No development approved by this permission shall take place until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in full accordance with the approved programme and details.
- (9) - Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
- (10) - The development hereby approved shall be carried out in complete accordance with the objectives of the attached Development Brief, unless varied by agreement in writing with the Local planning Authority.

- (11) - No development shall commence until a scheme for the expansion of the Bowburn Sewage Works, to accommodate the sewage arising from the proposed development, has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. No business park buildings shall be occupied until the increased capacity at the sewage treatment works has been constructed and commissioned in accordance with the agreed scheme.
- (12) - No development shall take place until a scheme to safeguard the amenity of users of the proposed business park from odour arising from the Bowburn Sewage Works has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The odour control scheme shall be in accordance with the DEFRA Code of Practice on Odour Nuisance from Sewage Treatment Works 2006 unless otherwise agreed in writing. No business park buildings shall be occupied until additional odour controls at the sewage treatment works have been constructed and commissioned in accordance with the agreed scheme. The design of the odour control system shall include odour modelling to establish typical dispersion characteristics and predicted receptor concentrations, along with recommendations for additional odour controls at the sewage treatment works including but not limited to maintenance measures, the proximity of business park buildings, and where appropriate the provision of a buffer zone, should it be necessary, around the sewage treatment works. Within any agreed buffer zone no development or use that will give rise to odour receptors in that area shall be permitted.
- (13) - No building allowed by this planning permission shall be occupied until a written agreement has been reached between the developer and Northumbrian Water in respect of payment for the ongoing operation and maintenance of previously agreed odour mitigation measures for the existing intake of sewage at Bowburn Sewage Treatment Works, plus that arising from the business park. Such occupation will only take place following the discharge in writing of this planning condition by the

Local Planning Authority in consultation  
with Northumbrian Water.

TABLE 1

- A1[M] Junction 61 Faber Maunsell Drawing No. 104D129-45 Rev P3 "A1[M] Junction 61 Proposed Slip Road Mitigation Measures". 15<sup>th</sup> May 2006
- A1[M] Junction 61 Faber Maunsell Drawing No. 44955/P/001 "Proposed Mitigation Measures". March 2006

TABLE 2

- B1 Use Class Business Park. Maximum Gross Floor Area 46,452 square metres

(f) 06/00777/FPA  
Melorform Holdings Ltd

**Former Builders Yard, land to rear Providence Place, Gilesgate Moor, Durham  
Erection of 2no. semi-detached dwellinghouses**

Following a site inspection by the Committee in relation to this application on 10<sup>th</sup> October, 2006, it was:-

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

- (1) The proposed dwellings, by virtue of their location and massing in relation to existing residential properties and their curtilages, are considered to unreasonably affect the amenity of the residents of those properties, contrary to Policies Q8 and H10 of the City of Durham Local Plan, 2004.
- (2) The proposed access to the dwellings, through the adjacent private residents car park, would give rise to conditions prejudicial to highway safety contrary to Policies T1 and H10 of the City of Durham Local Plan, 2004, which requires provision of a 'safe and satisfactory' access.

**Note:** Councillor Crathorne left the Meeting at 6.40 p.m.

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

(g) 06/00924/RM  
Shepherd Homes Ltd

**Rainton Lodge Motel, Rainton Gate, Houghton-le-Spring, Tyne & Wear  
Application for approval of reserved matters in respect of siting, design and external appearance, means of access and landscaping for erection of 12 no. townhouses and 12 no. apartments**

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

- (1) DT4 - External Materials

- (2) DT8 - Enclosure (Details to be Agreed)
- (3) DT10 - Hardstanding/Surface Materials
- (4) DT12 - Windows in Reveal
- (5) DT16 - Dry Pointed Verges
- (6) DT19 - Obscure Glazing
- (7) DT27 - Levels
- (8) DT28 - Flues, Vents and Extracts
- (9) PD1 - Removal of PD (Garages)
- (10) PD2 - Removal of PD (Outbuildings)
- (11) PD4 - Removal of PD (Extensions)
- (12) - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no additional windows or rooflights (other than those expressly authorised by this permission) shall be inserted at any time without the grant of further specific permission from the Local Planning Authority.
- (13) LA3 - Landscape Implementation (Submitted Scheme)

**308. TREE PRESERVATION ORDER –  
PN1/378 – ALDIN GRANGE LODGE, BEARPARK**

This Tree Preservation Order was served in 12<sup>th</sup> April, 2006. The Order was made to protect a prominent and significant sycamore tree, over 100 years of age, which contributed to local visual amenity. The tree was considered to be under threat and was being damaged as a result of adjacent construction works.

The Order had now had effect for 6 months and it was now necessary to confirm the Order.

One objection had been received. An adjacent resident supported the placement of the Tree Preservation Order

**Resolved:** That Tree Preservation Order PN1/378, Aldin Grange Lodge be confirmed.

**309. TREE PRESERVATION ORDER –  
PN1/379 – 1 LARCHES ROAD, NORTH END**

This Tree Preservation Order was served on the 26<sup>th</sup> April, 2006. The Order was made to protect a significant Birch tree considered to be under threat due to an adjacent development and felling of numerous smaller trees on the site.

The Birch tree was an attractive specimen that contributed to local tree cover and character. The tree had been scored using a standard survey checklist, which confirmed it was worthy of protection.

The Order had now had effect for 6 months and it was now necessary to confirm the Order.

No objections had been received. One letter of support and two telephone calls were received from local residents in support of the Tree Preservation Order.

**Resolved:** That Tree Preservation Order PN1/379, 1 Larches Road, be confirmed with no modifications.

The Meeting terminated at 6.50 p.m.

Chairman

**MINUTES OF PANELS**

**October, 2006**

**310. MINUTES OF A MEETING OF THE LICENSING PANEL  
HELD ON 18<sup>th</sup> OCTOBER, 2006 AT 9.30 a.m.**

**Present:** Councillor Smith (in the Chair)  
and Councillors Carr, Gibbon, Graham, Kellett, Kinghorn, Lightley, Lodge, Marsden, Stoddart, Turnbull, Walker Wolstenholme, Wynn and Young.

**(1) Apologies for Absence**

Apologies for absence had been received from Councillor Lodge.

**(2) Minutes**

The Minutes of the Meeting held on 20<sup>th</sup> September, 2006, were confirmed as a correct record and signed by the Chairman.

**Report of the Director of Legal and Administration Services**

**(3) The Licensing Panel/Committee**

At the meeting on 7<sup>th</sup> December 2004, the Panel noted a report that LACORS (Local Authorities' Co-ordinators of Regulatory Services) had requested the Department for Culture, Media and Sport to clarify the remit of a licensing committee under the Licensing Act 2003.

LACORS had been informed it was intended that licensing committees under the 2003 Act were only to deal with functions under that law and that a separate licensing committee was required to deal with other matters such as taxi licensing. LACORS advised that colleagues may wish to consider practical ways of accommodating this requirement, such as reconvening the already existing committee under a different name.

It was agreed that reports relating to taxi licensing and other matters would continue to be referred to the Licensing Panel and that Sub-Committees from the Licensing Committee would hear matters under the 2003 Act.

As noted in the report on the 20 September 2006 Licensing Panel agenda, Licensing Sub-Committee meetings were required less frequently now than during the transition period before the Licensing Act 2003 came into force. Although meetings would still be required for grant or variation applications where representations were made, for applications for licences to be reviewed, or in response to an objection notice to a temporary event notice, a review of the ways the Licensing Panel and Licensing Sub-Committees operated was required.

The current procedure for the determination of matters arising under the Licensing Act 2003 was via a series of Licensing Sub-Committees drawn from the Licensing Committee, with Licensing Committee Members sitting in strict rotation upon the sub-committees. Because of the volume of applications requiring hearings, this sub-committee structure was considered the most appropriate course of action, post implementation of the Licensing Act 2003.

As Members were aware, on occasion concerns had been raised with regard to the constitution of these Licensing Sub-Committees. However, the current system had proved effective, enabling the Council to realise the successful transition of the liquor licensing regime, whilst discharging the additional remit of the Licensing Act 2003.

The number of matters requiring referral to Members under the Licensing Act 2003 had now reduced significantly and it seemed appropriate to reappraise the current procedures for the determination of such matters. If the current system were to be maintained then meetings would be convened on an infrequent, ad-hoc basis and, having regard to the current

## 2.

Licensing Sub-Committee(s) system, individual Members would now be called upon to consider these matters only occasionally, if indeed at all. Member awareness and continuity of determination may be compromised should the current procedures be maintained.

With regard to licensing matters other than those arising under the Licensing Act 2003, for instance in relation to hackney carriage and private hire licensing, these matters were currently considered and determined by the Licensing Panel.

It was proposed that the current system of Licensing Panel, Licensing Committee and Licensing Sub-Committee(s), as outlined above, was replaced by a structure comprised of a Licensing Panel and a Licensing Committee. The constitution of these two decision making bodies would be identical and would variously sit as the *Licensing Panel* to consider non Licensing Act 2003 matters and as the *Licensing Committee* to consider matters arising under the Licensing Act 2003 and, in due course, the Gambling Act 2005. This arrangement would be wholly appropriate and constitutionally correct, provided there was a clear demarcation of authority. In simple terms the *Licensing Panel* would adjourn and the *Licensing Committee* would convene in order to enable consideration of the relevant report(s).

This arrangement would afford individual Members the opportunity to consider all matters arising under the Licensing Act 2003, fostering a degree of continuity and Member awareness which may be lacking under the current Licensing Sub-Committee system. A Licensing Committee would be considerably more resilient than a Licensing Sub-Committee and would be less susceptible to issues of political balance and quorum.

The Licensing Panel would remain and no structural changes were proposed to this Licensing Panel. The proposed changes related only to the Licensing Committee and its Licensing Sub-Committees.

If Members agreed to these structural amendments, it was proposed that quarterly meetings of the Licensing Panel/Licensing Committee would be scheduled. However, from time to time it may be necessary to convene additional ad-hoc meetings, to enable the consideration of matters under the Licensing Act 2003 and the Gambling Act 2005, which may be subject to statutory determination periods.

**Resolved:** (i) That the Licensing Committee no longer delegate matters to be dealt with under the Licensing Act 2005 to Sub-Committees.

(ii) That the Panel Membership remain at 15 Members.

#### **(4) The Police, Factories etc., (Miscellaneous Provisions) Act 1916 And the Local Government Act 1972 – Street Collections**

The following organisations had been granted street collection permits:

| <u>Organisation</u> | <u>Date</u> | <u>Place of Collection</u>  |
|---------------------|-------------|---|
| N.S.P.C.C.          | 21.1.06     | Saddler Street, Market Place<br>and Silver Street                                       |
| The Hoja Project UK | 28.01.06    | Market Place  |
| Breast Cancer Care  | 04.02.06    | Market Place, Silver Street,<br>Saddler Street, Framwellgate<br>Bridge and Elvet Bridge |

**3.**

| <b><u>Organisation</u></b>      | <b><u>Date</u></b> | <b><u>Place of Collection</u></b>   |
|---------------------------------|--------------------|---|
| National Deaf Childrens Society | 11.02.06           | Saddler Street, Market Place and Silver Street  |
| Whizz Kids                      | 18.02.06           | City Centre, Silver Street, Saddler Street and Framwellgate Bridge  |
| Northumbria Student's Rag       | 26.02.06           | City Centre   |
| R.N.L.I                         | 04.03.06           | North Road, Framwellgate Bridge, Silver Street, Saddler Street, Market Place, Elvet Bridge, Old Elvet, New Elvet and Claypath   |
| Marie Curie Cancer Care         | 11.03.06           | Saddler Street, Market Place and Silver Street  |
| Kidscan                         | 18.03.06           | North Road, Crossgate, Framwellgate Bridge, Silver Street, Millburngate Shopping Centre, Market Place, Saddler Street, High Street, Prince Bishops Shopping Centre and Elvet Bridge |
| Macmillan Cancer Relief         | 23.03.06           | City Centre   |
| Help The Aged                   | 25.03.06           | Framwellgate Bridge, Silver Street, Market Place, Saddler Street and Elvet Bridge   |
| Children's Hope Foundation      | 01.04.06           | Elvet Bridge, Market Place and Silver Street  |
| Leukaemia Research              | 08.04.06           | Market Place, Silver Street and Framwellgate Bridge   |
| Save the Children UK            | 22.04.06           | Silver Street, Saddler Street, Framwellgate Bridge, Market Place and Elvet Bridge   |
| Caudwell Charity                | 29.04.06           | City Centre   |
| Children's Hope Foundation      | 06.05.06           | Elvet Bridge, Market Place and Silver Street  |
| British Red Cross               | 13.05.06           | Elvet Bridge, Market Place and Silver Street  |
| Save the Children UK            | 20.05.06           | Silver Street, Saddler Street, Framwellgate Bridge, Market Place and Elvet Bridge   |

## 4.

| <b><u>Organisation</u></b>                                | <b><u>Date</u></b> | <b><u>Place of Collection</u></b>  |
|---|--------------------|--|
| Co. Durham Society for the Blind<br>And Partially Sighted | 01.06.06           | Market Place   |
| Fire Service National Benevolent Fund                     | 03.06.06           | Framwellgate Bridge, Market<br>Place, Silver Street, Saddler<br>Street, Elvet Bridge, Green<br>Lane, Racecourse and<br>Riverbank |
| Breast Cancer Care  | 10.06.06           | Market Place, Silver Street,<br>Saddler Street, Framwellgate<br>Bridge and Elvet Bridge  |
| Arthritis Research Campaign                               | 15.06.06           | Sainsbury's Store at the<br>Arnison Centre   |
| Arthritis Research Campaign                               | 17.06.06           | Sainsbury's Store at the<br>Arnison Centre   |
| N.S.P.C.C.  | 24.06.06           | City Centre  |
| Guide Dogs for The Blind                                  | 01.07.06           | Silver Street, Market Place,<br>Framwellgate Bridge, Saddler<br>Street and High Street   |
| Multiple Sclerosis  | 08.07.06           | Silver Street and Market Place   |
| R.S.P.C.A.  | 22.07.06           | Silver Street, Claypath, Saddler<br>Street, Elvet Bridge and<br>Framwellgate Bridge  |
| National Animal Sanctuaries                               | 12.08.06           | Framwellgate Bridge and the<br>Market Place  |
| N.C.H.  | 09.09.06           | Silver Street, Prince Bishops<br>Centre and Milburngate Centre   |
| Royal Air Force Association                               | 13.09.06           | North Road, Framwellgate Bridge<br>Silver Street, Market Place,<br>Saddler Street and Elvet Bridge                               |
| Royal Air Force Association                               | 16.09.06           | North Road, Framwellgate Bridge<br>Silver Street, Market Place,<br>Saddler Street and Elvet Bridge                               |
| The Mental Health Foundation                              | 23.09.06           | Silver Street and Market Place   |
| Barnardo's  | 30.09.06           | City Centre  |
| The Children's Trust                                      | 14.10.06           | City Centre and Market Place   |

## 5.

| <u>Organisation</u>                          | <u>Date</u>                | <u>Place of Collection</u>   |
|--|----------------------------|--|
| R.N.L.I                                      | 07.10.06                   | North Road, Framwellgate Bridge, Silver Street, Saddler Street, Market Place, Elvet Bridge, Old Elvet, New Elvet and Claypath                  |
| St. Cuthbert;s Hospice                       | 19.10.06                   | Silver Street  |
| Leukaemia Research                           | 21.10.06                   | Market Place, Silver Street and Framwellgate Bridge  |
| Stray-aid Limited                            | 26.10.06                   | Market Place, Silver Street, Saddler Street, Elvet Bridge, Framwellgate Bridge in Durham City and Gilesgate Retail Park and the Arnison Centre |
| Whizz Kids                                   | 28.10.06                   | City Centre, Silver Street, Saddler Street and Framwellgate Bridge   |
| The Poppy Appeal                             | 04.11.06<br>to<br>11.11.06 | The whole of the Council's administrative area   |
| CLIC Sargent                                 | 18.11.06                   | Silver Street, Market Place, High Street and City Centre   |
| Meningitis Research Foundation               | 25.11.06                   | City Centre  |
| Kidscan                                      | 02.12.06                   | Silver Street, High Street, Elvet Bridge, Crossgate, Saddler Street, Market Place, Claypath, North Road and the City Centre                    |
| Teesdale and Weardale Search and Rescue Team | 09.12.06                   | Silver Street, Elvet Bridge Saddler Street, Market Place and Framwellgate Bridge   |
| Fire Services National Benevolent Fund       | 13.12.06                   | Market Place, Silver Street and Framwellgate Bridge.   |
| Rotary Club of Durham                        | 16.12.06                   | Market Place   |
| National Animal Sanctuaries                  | 23.12.06                   | Framwellgate Bridge and the Market Place   |

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

The Meeting terminated at 10.00 a.m.

Chairman