

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 19th April, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Crathorne, Hopgood, Howarth, Jackson, Kinghorn, Shaw, Simpson, Southwell, Stoddart, Syer, Wolstenholme and Young.

Also Present: Councillors Dickie, Holland, Kellett, Pape and Robinson.

630. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gibbon, Griffin, Grimes, Lightley, Lodge, Taylor and Walker.

631. MINUTES

The Minutes of the Meeting held on 29th March, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

632. REPORTS FOR INFORMATION

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

- (a) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by G Brown – Site at land adjacent to 10 St. Lawrence Road, High Pitington, Durham, DH6 1BA
 - (ii) Appeal by D Raper – Site at 18 East Street, Hett Village, Durham, DH6 5LP
 - (iii) Appeal by S Hackworth – Site at 20 Litchfield Road, Newton Hall, Durham, DH1 5QN
 - (iv) Appeal by Mr & Mrs J Merrington – Site at land at Thornberry Garth, Brancepeth, Durham
 - (v) Appeal by Bimbi Restaurants – Site at 1 Larches Road, Durham, DH1 4NL
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications

Resolved: That the reports be noted.

633. DECISION MADE BY THE COUNTY COUNCIL

CM4/07/36
Durham County Council

Kelloe Sewage Treatment Works, Kelloe, Durham
Provision of 1 no. nitrifying submerged aerated filter
at sewage treatment works

The above application was considered by the City Council under delegated powers on 12th February, 2007, 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.

634. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **07/00069/FPA**
CLS Dual Fuel Limited

St. John's Road, Meadowfield Industrial Estate, Durham
Erection of 5 no. industrial units, use classes B1, B2 and B8, with associated parking and service areas

Resolved: That, subject to the receipt of no objections before the expiry of the consultation period, 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) - 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) - 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 implemented in accordance with the approved scheme.
- (5) - 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.
- (6) - 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 position of all the trees, together with details of post planting maintenance. Such a scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owner 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.

- (7) - No development shall be begun until a Section 97 Revocation Order has been served and confirmed in respect of planning approval 4/05/00768/FPA on land at St. John's Road, Meadowfield Industrial Estate, Meadowfield, Durham.
- (8) - A Section 97 Revocation Order be served and confirmed in respect of planning application 4/05/768.

(b) 07/00078/FPA
Hope Estates

11 New Street, Durham, DH1 4DH
Full width, two storey pitched roof extension to rear of existing dwelling, with internal alterations to provide 6 no. bedrooms, including use of the attic

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

- (1) T1 - Time Limit
- (2) DT4 - Materials to Submit
- (3) DT11 - Fenestration
- (4) - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order, no new windows or openings shall be formed in the walls/roof and extension hereby approved without an application for planning permission having first been submitted to and approved in writing by the Local Planning Authority.
- (5) - Notwithstanding the information submitted with the application the rear west facing window to bedroom 5 as indicated on plan DN/1A received 20th March, 2007, shall be obscurely glazed and remain as such in perpetuity.

(c) **07/00236/FPA**
Act Construction
Services Ltd

10 Yorkshire Drive, Belmont, Durham, DH1 2DA
Proposed demolition of existing bungalow, and
erection of 2 no. two storey dwellings with detached
garages

Following a site inspection by the Committee in relation to this application, on 17th April, 2007, it was:-

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

- (1) The replacement of the existing bungalow with two detached two storey dwellings proposed would reduce the privacy and amenity that the residents of 4 Cornwall Walk, facing the gable elevation, could reasonably expect to enjoy beyond that considered acceptable, contrary to Policies Q8 and H13 of the City of Durham Local Plan 2004.
- (2) The proposed demolition of the existing bungalow, and its replacement with two, two storey detached dwelling houses is considered contrary to Policies Q8 and H13 of the City of Durham Local Plan 2004, in being of different character and appearance from other properties in Cornwall Walk, and the surrounding estate, furthermore comprising the existing balanced communities and range of available properties, contrary to the tenets of PPS1 and PPS3.

(d) **07/00087/FPA**
Mr Tognarelli

The Old Cottage, Whitesmocks, Durham, DH1 4LL
Alterations and extensions to include single storey
with balcony above, and family room with bedroom
above, attached to rear of existing dwelling, with
detached summer house

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

The development, in the context of the proposed balcony's relationship to the adjacent dwelling's front door, driveway and bedroom windows, is considered to unreasonably affect the privacy and amenity that property could reasonably expect to enjoy, contrary to Policy Q9 of the City of Durham Local Plan 2004.

Note: Councillor Syer declared a prejudicial interest in the undermentioned application and withdrew from the Meeting during consideration thereof.

(e) **07/00198/CM**
Durham County Council

Durham Johnston School, Redhills Lane, Durham,
DH1 4SU
Proposed erection of school, demolition of existing
buildings and landscape re-modelling

Resolved: That the application be **SUPPORTED** subject to the following safeguards:-

- (1) Careful control of lighting both within and outside the school buildings to minimise impact upon adjoining residents, and on both short and long distance views, particularly from the World Heritage Site.
- (2) Careful selection of planting species on boundary with Flass Vale to reflect the character of that area which forms part of the City Centre Conservation Area.
- (3) Further consideration being given to the choice of fencing along the Redhills Lane boundary.
- (4) Proposed post-construction ecological mitigation measures being fully implemented.
- (5) An Arboricultural Impact Assessment being carried out to meet the standards of BS5837.
- (6) The County Archaeologist being involved in the development, and where appropriate Battlefield interpretation material being included within the site.
- (7) That Members of the City Council express their concern at the new access off the A167, and request representatives of the County Council to meet the local City Council Ward Members on site to discuss this issues.

(f) **07/00134/FPA**
SG Petch

Vacant Site, New Ferens Park, Belmont Industrial Estate, Belmont, Durham
Erection of car showroom, parking, display, access and servicing areas and landscaping works

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 commenced, 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 this 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 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 the trees, together with post planting maintenance. Such a scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners if 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.
- (7) - 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.
- (8) - 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.

- (9) - There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas approved in writing by the Local Planning Authority.
- (10) - 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 Local Planning Authority. Roof water shall not pass through the interceptor.
- (11) - The loading, unloading and turning of vehicle transporters associated with the approved dealership shall only take place on-site, and within the designated area shown on the approved layout plan. That designated area shall then remain clear for transporter use at all times.
- (12) - The hedgeline to be layered along the southern boundary of the site facing Belmont Road shall be allowed to re-grow to a minimum height of 2 metres, and maintained to at least that height thereafter.
- (13) - Prior to any development commencing, full details of external lighting to the site shall be agreed in writing with the Local Planning Authority. Such details shall include the position, height, column design, lamp unit design, orientation, level of illumination and light spread. Details of internal showroom lighting, to include hours of operation, shall also be agreed in a similar manner. Thereafter, all lighting shall be operated in full accordance with that written agreement.

(g) 07/00157/FPA
C Holmes

Land south of A691 to west of Witton Gilbert, Durham
Change of use of land to maize maze visitor attraction, including portable site cabin for office use and parking provision

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

- (1) - This permission is given for a limited period of two years from the date hereof expiring on 19th April, 2009, when the use

shall be discontinued and the land re-instated to its former conditions on or before the expiration of the period specified in this permission, in accordance with a scheme of work submitted and approved in writing by the Local Planning Authority.

- (2) - 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.
- (3) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved by the Local Planning Authority in writing before work commences, and thereafter implemented in accordance with the approved scheme.
- (4) - No development shall commence until a detailed site layout plan at scale 1:200 has been provided to and agreed in writing by the Local Planning Authority identifying the siting of the container, toilet facilities, parking area and undeveloped area offering overflow car parking and those areas to be sown with maize to form the maze. The development shall be carried out thereafter in accordance with the agreed details.
- (5) - No development shall commence until detailed scale plans have been provided to and agreed in writing by the Local Planning Authority showing the proposed monitoring tower with its siting. The development shall be carried out thereafter in accordance with the agreed details.
- (6) - No development shall commence until a detailed plan identifying areas of new tree and hedgerow planting have been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall be implemented within the first planting season following the agreement of the details. The development shall be carried out thereafter in accordance with the agreed details.

(h) 07/00163/FPA
CBE Investors

Land at Mercia Centre, Pity Me, Durham, DH1 5GF
Erection of 2 no. Class A1 retail units

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 commences, and thereafter implemented in accordance with the approved scheme.
- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority before development commences. Development shall thereafter be completed in accordance with the approved scheme.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - 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 a scale of 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
- (6) - 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 detail 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.

- (7) - 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.
- (8) - No sales shall take place from the premises until there have been submitted to and approved in writing by the Local Planning Authority details of refuse storage and litter containing facilities and all such approved facilities have been provided.
- (9) - Prior to being discharged into any watercourse, surface water sewer or soak-away 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 Local Planning Authority. Roof water shall not pass through the interceptor.

635. TREE PRESERVATION ORDERS

(a) TPO/PN1/392 – 6a Fieldhouse Lane, North End, Durham

This Tree Preservation Order was served on 3rd November, 2006. The Order was made to protect a beech tree that was under immediate threat.

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

No objections had been received, and a number of local residents supported the Order.

The beech tree was removed under exemption from the Order as it was confirmed to be in a dangerous condition.

The landowner had a legal duty to replace a tree which was removed either in contravention of a TPO or because the tree was dead, dying or dangerous. The replacement tree, when planted, would automatically be protected under the original

TPO, even if it was a difference species. This protection would rely on confirmation of the provisional TPO. It was therefore recommended that the Tree Preservation Order be confirmed, although the replacement tree was yet to be planted.

Resolved: That Tree Preservation Order PN1/392, 6a Fieldhouse Lane, North End, Durham, be confirmed as originally made.

(b) TPO/PN1/389 – Dryburn House, Dryburn Road, Durham

This Tree Preservation Order was served on 31st October, 2006. The Order was made to protect numerous trees that were considered to be under threat.

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

No objections had been received to the Order, although representations were received in relation to a planning application for the site, requesting that certain trees be removed from the Order before it was confirmed. It was considered that the trees should remain covered by the Order, as a TPO application could be made at any time should additional works be necessary.

The Order was made to cover prominent trees of value to the area and confirmation was recommended.

Resolved: That Tree Preservation Order PN1/389, Dryburn House, Dryburn Road, Durham, be confirmed as originally made, without modification, as on 31st October, 2006.

The Meeting terminated at 7.50 p.m.

Chairman