

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 31st May, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Freeman, Guy, Holland, Howarth, Kinghorn, Laverick, Lodge, Marsden, Rae, Simmons, Simpson, Southwell, Stoddart, Walker, Wolstenholme and Young.

Also Present: Councillors Kellett, Lightley, Robinson, M.J.A. Smith, Thomson, Turnbull, Wilkes and Wilkinson.

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cowper, Crooks, Plews and Taylor.

22. MINUTES

The Minutes of the Meeting held on 19th April, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

23. 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 S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
 - (ii) Appeal by P Tognarelli – Site at The Old Cottage, Whitesmocks, Durham, DH1 4LL
 - (iii) Appeal by J McManus – Site at land to rear of 17 Malvern Villas, Gilesgate, Durham, DH1 2JW
 - (iv) Appeal by Kingswood Properties Limited – Site at land adjacent to 224 Finchale Road, Newton Hall, Durham, DH1 5QP
 - (v) Appeal by M Moore – Site at Broom Hall Farm, Broompark, Durham
 - (vi) Appeal by Mr & Mrs Turnbull – Site at The Gardens, Sunderland Bridge, Durham, DH6 5HD
 - (vii) Appeal by N Swift – Site at 34 Young Street, Durham, DH1 2JU
 - (viii) Appeal by N Swift – Site at 7, 8 & 9 Waddington Street, Durham, DH1 4BG

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by P Nieuwenhuis – Site at Melkridge House, 95 Gilesgate, Durham, DH1 1JA
 - (ii) Appeal by Kepier Homes LLP – Site at Ustinov College/Kepier House, Off Mayorswell Close, Durham
 - (iii) Appeal by P McGowan – Site at land to rear of 40 Fieldhouse Lane, Durham, DH1 4LT
 - (iv) Appeal by J Coates – Site at Langley Wood, Sleetburn Lane, Langley Moor, Durham, DH7 8LQ

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

Resolved: That the reports be noted.

24. DECISIONS MADE BY THE COUNTY COUNCIL

Note: Councillors Marsden, Simmons and Southwell declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

- (a) **CM4/07/252** **Cassop Primary School, Cassop, Durham**
Durham County Council **Installation of new entrance to include ramp, steps and porch**

The above application was considered by the City Council under delegated powers on 5th April, 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.

Note: Councillors Laverick, Simmons and Southwell declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

- (b) **CM4/07/40** **Belmont C of E Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP**
Durham County Council **Installation of kitchen ventilation ductwork equipment on flat roof**

The above application was considered by the City Council under delegated powers on 12th February, 2007, when it was resolved to raise objection to the proposed kitchen ventilation ductwork on the grounds that it is considered detrimental to visual amenity on this location, due to its size, position and detailed design, contrary to Policy Q7 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.

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

- (c) **CM4/07/127** **Durham Newton Hall Infants School, Langley Road, Newton Hall, Durham, DH1 5LP**
Durham County Council **Provision of ventilation ductwork over kitchen roof**

The above application was considered by the City Council under delegated powers on 25th April, 2007, when it was resolved to raise objection for the following reasons:-

- The proposals are considered to be detrimental to the visual amenity of the area

and the adjacent residential properties in particular, contrary to Policies Q7 and H13 of the City of Durham Local Plan 2004.

- No indication has been given as to any potential noise impact the proposed ventilation equipment may have.

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

Resolved: That the reports be noted.

25. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **07/00239/FPA**
S Williams

63 North Road, Durham, DH1 4SQ
Alteration and extension of existing commercial and residential property to form retail shop and three bedroomed flats

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 both at the front and rear of the property and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Before 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.
- (4) - Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed shopfront, to include all pilasters, fascias, corbels, leadwork and weathering, drawn to a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority before development commences, being thereafter implemented to the satisfaction of the said Authority.
- (5) - Notwithstanding the information shown on the submitted plans no balconies shall be

erected on any part of the proposed building and details of the position, design and materials of any external fire escape to be provided shall be submitted to and agreed in writing with the Local Planning Authority before the development commences and implemented in full accordance with the approved details thenceforward.

- (6) - As shown on the submitted plans, the pedestrian access and egress from the application site shall be via North Road, alone.
- (7) - The ridge height of the front elevation of the application site shall be below the ridge height of the adjacent property at no. 62 North Road as shown on the submitted plan referenced NR1A4.
- (8) - Unless otherwise agreed in writing with the Local Planning Authority the internal bin area shown on plan NR1A4 shall be implemented in accordance with the details shown on the plan and retained as such thereafter.
- (9) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details at the front and rear of the property shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
- (10) - Unless otherwise agreed in writing with the Local Planning Authority, the internal layout of the flats with three bedrooms shall be implemented and retained as such thereafter.

**(b) 07/00329/FPA
Design Build and
Develop**

**Land rear of High Street North, Langley Moor,
Durham
Erection of 9 no. two storey houses, with dormer
windows in three blocks of three, with associated
parking, landscaping and fencing**

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

- (1) By virtue of their size, layout, massing and detailing the proposed dwellings are considered to be out of scale and character with the character of the surrounding area, contrary to Policy Q8 of the City of Durham Local Plan 2004.
- (2) By virtue of their size, massing, fenestration arrangement, and layout the proposed buildings are considered likely to neither

provide adequate amenity and privacy for each dwelling, nor retain a level of privacy and amenity that residents of existing property could reasonably expect to enjoy, contrary to Policy Q8 of the City of Durham Local Plan 2004.

- (3) The level of parking provision proposed, amount of available vehicular turning space, and width of the proposed footway to the front of the development, are all considered inadequate and would lead to conditions prejudicial to highway safety contrary to Policies T1 and T10 of the City of Durham Local Plan 2004.
- (4) The proposed development involves the development of a greenfield site without justification that there are clear quantifiable regeneration benefits and is therefore contrary to Policy H3 of the City of Durham Local Plan 2004.
- (5) The full effects of the proposed development on the environment and local community cannot be properly assessed due to the lack of adequately detailed and accurate information submitted in the planning application.

(c) **07/00335/FPA**
Anvil Homes

**Land adjacent Cheveley Park Shopping Centre,
Belmont, Durham**

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, wall 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 the first dwelling hereby approved is occupied a commuted sum for the benefit of local community facilities shall be paid to the Local Planning Authority in lieu of the provision of open and play space within the development. Such a sum shall be calculated in accordance with the requirements of the City of Durham Local Plan 2004.

The Chairman had agreed to accept as a matter of urgency due to the time factor involved, the Supplementary Report of the Head of Planning Services in relation to four Tree Preservation Orders.

26. TREE PRESERVATION ORDERS

(a) PN1/394 – St. Aidan’s Church, Framwellgate, Durham

This Tree Preservation Order was served on 24th November, 2006. The Order was made to protect trees considered to be under threat due to proposed works to the church. The Order had had effect for 6 months and it was now necessary to confirm the Order.

Objections had been received to the Order.

The large, mature sycamore tree had a particularly interesting form (lapsed pollard), was of intrinsic worth, and was visible from Pity Me Front Street, the adjacent community centre and the grounds of St. Aidan’s Church. The tree was considered to be an irreplaceable landscape feature, which added maturity and contributed to the character and appearance of the local areas. The tree was also important to the setting of the church, which appeared to be of a similar age. The tree was scored using a standard score sheet, which confirmed that the tree definitely merited protection by virtue of its contribution to local visual amenity.

Confirmation of the TPO would safeguard the tree’s contribution to local visual amenity in lieu of receiving additional information.

Resolved: That Tree Preservation Order PN1/394, St Aidan’s Church, Framwellgate, be confirmed without modification.

(b) PN1/395 – Land between Bolton Close and Alnwick Road, Newton Hall

This Tree Preservation Order was served on 1st December, 2006. The Order was made to protect 2 no. rows of various tree species e.g. sycamore, lime, cherry, birch and ash. The trees contributed to local visual amenity and character by adding to

local tree cover, forming a visual link between open spaces and creating a buffer between housing. They lined an existing path, and were fully visible from public open spaces and from over 15 no. nearby dwellings.

A planning application was received for a change of use from public open space to private garden, and there was local concern that some of the trees were under threat in association with this.

No objections had been received to the TPO.

Confirmation of the TPO would safeguard the trees' contribution to the local visual amenity.

Resolved: That Tree Preservation Order PN1/395, Land between Bolton Close and Alnwick Road, Newton Hall be confirmed without modification.

(c) PN1/398 – 57 Gilesgate, Durham

This Tree Preservation Order was served on 11th January, 2007. The Order was made to protect a mature sycamore tree considered to be under threat due to the receipt of a removal notice.

The tree was of visual importance for its contribution to the character and appearance of the local area which was within the Durham Conservation Area. Local tree massing contributed significantly to local character. The tree also screened existing buildings.

No objections had been received to the TPO.

Confirmation of the TPO would safeguard the tree's contribution to local visual amenity.

Resolved: That Tree Preservation Order PN1/398, 57 Gilesgate be confirmed without modification.

(d) PN1/399 – 1 South Avenue, Shadforth

This Tree Preservation Order was served on 13th December, 2006. The Order was made to protect significant trees considered to be under threat due to the owner's wish to remove them. The trees contributed to the character of the local area and helped screen and soften existing housing.

A number of objections had been received to the TPO, and an appeal was currently in progress following the refusal of a TPO application to fell the protected trees. The appeal had not yet been decided.

The owner was responsible for maintaining the trees in a safe condition. No arboricultural evidence had been received to confirm that the trees were in a dangerous condition with removal being the only option. It was therefore considered to be premature to authorise their removal.

No evidence of structural damage to nearby houses had been received in relation to the trees. 1 South Avenue had been extended towards the trees in that past, and it is reasonable to assume that the presence of the trees would have been taken into account when specifying foundations.

Confirmation of the TPO would safeguard the tree's contribution to local visual amenity in lieu of receipt of the inspector's decision on the TPO appeal.

Resolved: That Tree Preservation Order PN1/399, 1 South Avenue, Shadforth be confirmed without modification.

The Meeting terminated at 6.35 p.m.

Chairman