

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 22nd November, 2007, at 5.30 p.m.

Present: Councillor Simmons (in the Chair)
and Councillors Cowper, Holland, Howarth, Lodge, Marsden, Plews, Simpson, Southwell, Stoddart, Taylor and Young.

Also Present: Councillors Kellett, Kelly, McDonnell, Thomson and Turnbull.

358. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Carr, Crooks, Guy, Kinghorn, Laverick, Norman, Walker and Wolstenholme

359. MINUTES

The Minutes of the Meeting held on 1st November, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

360. 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 Harrison Properties Ltd – Site at Units 46, 47 and 48-51 Dragonville Industrial Park, Dragon Lane, Durham DH1 2XU.
 - (ii) Appeal by Primelight Advertising – Site at Dragonville Filling Station, Alma Place, Durham, DH1 2HN.

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Hallam Land Management – Site at Former Cape Asbestos Works, Durham Road, Bowburn, Durham.
 - (ii) Appeal by J Charlton – Site at 224 Finchale Road, Newton Hall, Durham, DH1 5QP.

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

Resolved: That the reports be noted.

361. DECISION MADE BY THE COUNTY COUNCIL

CM4/07/876	Land between B6300 (Browney Lane) and Browney
Northumbrian Water Ltd	Sewage Treatment Works, Durham
	Construction of temporary access road to facilitate
	upgrading of sewage treatment works

The above application was considered by the City Council under delegated powers on 14th September, 2007, when it was resolved to offer no objection subject to a condition being imposed that following the completion of the upgrade works to the sewage treatment works the land should be immediately reinstated to a condition as it was prior to the construction of the temporary access road as a grassed farm track with all materials removed including hardstandings to avoid harm to the appearance of the historic park and greenbelt.

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

Resolved: That the report be noted.

362. WADDINGTON STREET APPEAL DECISIONS

At the Meeting of the Development Control Committee on 1st November, 2007, Members sought in relation to the content of the recent Inspector's report in relation to the refusal of planning permissions and Conservation Area Consents at Nos. 7, 8 and 9 Waddington Street. More specifically, clarification was sought in relation to the Inspector's comments about windows inserted to the front of Nos. 8 and 9 Waddington Street.

The Inspector's report commented that '*I consider that the windows inserted at the front of Nos. 8 and 9 are detrimental to the character of the host buildings as they disrupt the rhythm and proportion of the front elevations of these houses and detract from the positive contribution they make to the character and appearance of the Conservation Area*'.

However, following the refusal of planning permission on 2nd February, 2007, the applicants' agent had enquired by letter on 19th February, 2007, as to whether or not the insertion of the windows would require planning permission. The insertion of windows to the front of Nos. 8 and 9 Waddington Street constituted permitted development by virtue of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, and as such planning permission was not required. The Inspector did not make comment as to whether such works did or did not require planning permission and such comments are certainly of no legal effect and do not amount to the withdrawal of permitted development rights. Officers had delegated authority to determine whether or not development is permitted within the parameters set out in the General Permitted Development Order.

Therefore, whilst acknowledging the Inspector's comments, the windows were outside of the control of the Local Planning Authority. In order to prevent such works continuing without consent and causing harm to the Durham (City Centre) Conservation Area, the Article 4(2) previously reported to Committee, was continuing to be rolled out incrementally across the Conservation Area. When the Order had been confirmed for a constituent area this would have the effect of bringing such works into the Council's control.

Enforcement would be considered in cases where the relevant permissions had not been sought. As there was no breach of planning control in the case of Waddington Street, there was no requirement to consider enforcement action.

Resolved: That the report be noted.

363. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **07/00907/FPA**
Hope Estates Ltd

1 Holly Street, Durham, DH1 4ER
Demolition of existing two storey extension to rear of existing dwelling and erection of two storey pitched roof extension and 2 no. single storey pitched roof extension to rear

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 3 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 in writing by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
- (4) - Notwithstanding the information on the submitted application, all new windows and doors on the development hereby approved shall be constructed from timber, the details of which 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.
- (5) - Notwithstanding the information on the submitted application, the roof of the development hereby approved shall use natural slates, the details of which shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (6) - 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 this planning permission.

(b) 07/00910/FPA
F Da Silva

**Greyhound Inn, Tate Avenue, Kelloe, Durham, DH6
4LU**

**Demolition of existing public house and erection of
11 no. apartments with associated parking and
landscaping (revised and resubmitted)**

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

The Local Planning Authority considers that the proposed apartment block would be of a scale, massing, density, appearance and layout, and therefore overall design which would not be well integrated with or complimentary to surrounding neighbouring development and would therefore be detrimental to the character of the area, contrary to Policies H3 and Q8 of the City of Durham Local Plan 2004, PPS1: Delivering Sustainable Development and PPS3: Housing.

The Meeting terminated at 6.05 p.m.

Chairman