

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 13th December, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Cowper, Crooks, Freeman, Guy, Holland, Howarth, Kinghorn, Laverick, Lodge, Marsden, Simmons, Southwell, Stoddart, Taylor, Wolstenholme and Young.

Also Present: Councillors Jackson, Kellett and Turnbull.

407. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Plews, Rae and Walker.

408. MINUTES

The Minutes of the Meeting held on 22nd November, 2007, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

The Chair had agreed to accept as a matter of urgency, and due to the time factor involved, the Supplementary Report of the Director of Strategic Services in relation to the proposed Stopping Up of a footpath at Finchale View, West Rainton.

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

409. PROPOSED STOPPING UP OF FOOTPATH AT FINCHALE VIEW, WEST RAINTON

The Development Control had previously granted consent for the erection of 56 dwellings on the Durham Villages Regeneration disposal site at Finchale View, West Rainton.

It was necessary for the Developer, Haslam Homes, to take steps to formally extinguish all highway rights affecting the development site and during the course of that procedure, it had transpired that part of Footpath 18 traversed the development site and required Stopping Up to enable the development to be carried out.

The City Council was the relevant Order Making Authority for the purpose of Stopping Up public footpaths under Section 257 of the Town & Country Planning Act 1990 for the purpose of enabling development to be carried out in accordance with planning permissions granted by the Council. The Developer had therefore made application to the City Council to Stop Up the relevant part of Footpath 18.

The Highway Authority had indicated that in addition to the Stopping Up of Footpath 18, it would be necessary for the Developer to provide an alternative footpath to link to new footpaths to be constructed within the development site, and accordingly, provision would be made for this within any Order made by City of Durham Council.

Resolved: That an appropriate Order be made under Section 257 of the Town & Country Planning Act 1990 to Stop Up that part of Footpath 18, West Rainton, for the purposes of enabling development to be carried out in accordance with planning permission ref: 07/00360/FPA, as previously approved by the City Council.

410. REPORT FOR INFORMATION

The Director of Strategic Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1st April, 2007, to 30th September, 2007, a copy of which had been placed in the Members' Room.

Resolved: That the report be noted.

Report of Head of Planning Services

411. REPORTS FOR INFORMATION

Note: Councillors Bell, Cowper and Stoddart declared a personal interest in Item (d), Application 07/02742/OTHC and remained in the Meeting during consideration thereof.

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 A Hill – Site at Periwinkle Barn, Low Raisby Farm, Kelloe, Durham, DH6 4PW
 - (ii) Appeal by I Foster – Site at land east of Paradise Cottage, Shadforth, Durham, DH6 1NJ
 - (iii) Appeal by SG Petch – Site at vacant land, New Ferens Park, Broomside Park, Belmont, Durham
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by P Tognarelli – Site at The Old Cottage, Whitesmocks, Durham, DH1 4LL
 - (ii) Appeal by P Stott – Site at land at Old Cassop Farm, Old Cassop, Durham
 - (iii) Appeal by S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
 - (iv) Appeal by S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

412. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following application and the following decision were made:-

**07/00875/FPA
Cussins Ltd**

**Brandon and District Social Club and Institute,
Commercial Street, Brandon, Durham
Erection of 21 dwellings, public and private open
space, vehicular highways and parking**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details 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.
- (6) - 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.
- (7) - 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.
- (8) - 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.
- (9) - No development shall take place until a scheme of proposed levels for all proposed structures and hardstanding areas has been submitted to, and approved in writing by the Local Planning Authority, said development being thereafter constructed wholly in accordance with that approval.
 - (10) - 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 and Country Planning Act 1990, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of Buildings, Open Spaces, or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.
 - (11) - No development shall take place until details of the energy efficiency measures to be included within the scheme have been submitted to and approved in writing by the Local Planning Authority. These measures shall be incorporated into the construction of the development and retained thereafter, the measures being in compliance with the BRE Ecohomes, BREEAM, Building for life and Secured by Design guidance and standards, unless otherwise agreed in writing by the Local Planning Authority.
 - (12) - Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
 - (13) - The development shall not be initiated by the undertaking of a material operation as defined in section 56(4) (a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act or appropriate agreement 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 or percentage of such offset against partial provision of such on the site.

The Meeting terminated at 5.50 p.m.

Chair