

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Tuesday, 5th February, 2008, at 5.30 p.m.

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

Also Present: Councillors Kellett, Kelly, Robinson, D. Smith, Thompson, Turnbull and Wilkes.

479. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crooks, Freeman, Lodge and Norman

480. MINUTES

The Minutes of the Meeting held on 10th January, 2008, were confirmed as a correct record and signed by the Chair.

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

Report of Director of Strategic Resources

481. PROPOSED STOPPING UP OF FOOTPATH 7a AT FINCHALE ROAD, NEWTON HALL

At the Development Control Committee on 21st June, 2007, planning consent to the erection of 199 dwellings was granted to Miller Homes in respect of the former Durham County Council Service Direct depot at Finchale Road, Newton Hall.

It had transpired that part of a public right of way (known as Right of Way 7a, Framwellgate Moor) traversed the development site and required stopping up to enable development to be carried out. As this was unknown to the Authority at the time of its considering the planning application, no provision for stopping up was made at Committee in June, 2007.

The City of Durham Council was the relevant Order Making Authority for the purpose of stopping up rights of way 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. Accordingly, the Developer had now made application to the City Council to stop up part of Right of Way 7a, as shown on the plan, which had been circulated.

Resolved: That an appropriate Order be made under section 257 of the Town & Country Planning Act 1990 to stop up that part of Right of Way 7a Framwellgate Moor for the purposes of enabling development to be carried out in accordance with planning permission 4/07/00399/FPA previously approved by the City of Durham Council on 21st June, 2007.

Report of Head of Planning Services

482. REPORTS FOR INFORMATION

Note: Councillors Bell and Southwell declared a personal interest in Item (c), Application No. 07/01217/FPA 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 Mr & Mrs Hansen – Site at West View, The Bungalows, Pity Me, Durham, DH1 5EB
 - (ii) Appeal by Mr & Mrs J Curry – Site at 5 Dryburn Park, Framwellgate Moor, Durham, DH1 5AD
 - (iii) Appeal by O2 UK – Site at Highway Verge A690, North West View, Meadowfield, Durham, DH7 8NH
 - (iv) Appeal by I Foster – Site at land east of Paradise Cottages, Shadforth, Durham

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by P Eden – Site at Nelson House, Nelson Terrace, Sherburn, Durham, DH6 1ED
 - (ii) Appeal by P McGowan – Site at 9 Mountjoy Crescent, Durham, DH1 3BA
 - (iii) Appeal by A Hodgson – Site at 19A Wearside Drive, Durham, DH1 1LE
 - (iv) Appeal by Primelight Ltd – Site at Dragonville Filling Station, Alma Place, Dragonville, Durham, DH1 2HN

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

Resolved: That the reports be noted.

Note: *Councillor Wilkes entered the Meeting at 5.35 p.m.*

483. TREE PRESERVATION ORDERS

(a) PN1/405 – 11 Cotherstone Road, Newton Hall, Durham, DH1 5YN

This Tree Preservation Order was served on 12th July, 2007. The Order was made to protect a significant individual mature oak tree which contributed to local visual amenity as it was visible from a minor road, adjacent open space and was of intrinsic wildlife value. The tree was considered to be under threat as the property was to be sold and the new owners had indicated that they intended to fell the tree.

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

One objection had been received, however it was not considered that this objection merited the Tree Preservation Order being amended or revoked at this time.

Resolved: That Tree Preservation Order PN1/405, 11 Cotherstone Road, Newton Hall, Durham, be confirmed.

(b) PN1/401 – 19 North View, Meadowfield

This Tree Preservation Order was served on 17th June, 2007. The Order was made to protect 2no. Birch trees which were considered to be under threat following receipt

of a request to fell the trees. The trees were located in the rear garden, but were partially visible from the A690 and fully visible from nearby properties and gardens. The trees were of local visual importance and contributed to the character of the local area, which did not contain many mature trees.

No objections had been received.

Confirmation of the Tree Preservation Order would safeguard the contribution the trees had on the visual amenity of the area.

Resolved: That Tree Preservation Order PN1/401, 19 North View, Meadowfield, Durham, be confirmed without modification.

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

484. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/07/1089**
Durham County Council **Framwellgate Moor Comprehensive School, Newton Drive, Framwellgate Moor, Durham, DH1 5BQ**
Erection of single storey flat roof extension to form entrance to existing building

The above application was considered by the City Council under delegated powers on 28th November, 2007, when it was resolved to raise no objection to the application subject to the colour of the extension not being mushroom and instead the colour being altered to give reference to the part of the school building to which the extension would be attached.

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

- (b) **CM4/07/1094**
Durham Sixth Form Centre **Site of Former Royal Mail Sorting Office, Providence Row, Durham, DH1 1SQ**
Proposed temporary car park including lighting and electronic barrier

The above application was considered by the City Council under delegated powers on 22nd November, 2007, when it was resolved to offer no objection to the application subject to clarification that the temporary consent was for a maximum of two years, and that due consideration was given to the impact of the lighting on the neighbouring properties to the east.

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

Resolved: That the report be noted.

485. RECOMMENDATIONS ON OTHER APPLICATIONS

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

- (a) **07/01086/FPA**
07/01107/LB
07/01160/CAC
Durham Modern Homes Ltd

103 – 105 Gilesgate, Durham
Change of use and conversion of existing building to form 10no. one bedroom apartments including demolition of outbuilding to rear, erection of two storey pitched roof extension to rear of existing building and retention of existing retail unit with reduced floorspace

Resolved: (i) That application no. 07/01086/FPA be **REFUSED** for the following reason:-

The Local Planning Authority considers that the proposed change of use and conversion of the existing building into 10no. one bedroomed apartments including erection of a two storey pitched roof extension to the rear of the existing building and retention of a retail unit are unacceptable by virtue of the unacceptable demand for car parking that is likely to result in increased congestion within the available parking areas, contrary to Policies T1 and T10 of the City of Durham Local Plan 2004.

(ii) That application no. 07/01107/LB 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.
- (3) - 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.
- (4) - 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.
- (5) - Notwithstanding the information shown on the submitted plans details of the design of the sash windows shall be submitted at scale

- 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) - Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed windows, 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.
- (7) - Notwithstanding the information shown in 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.
- (8) - Before the development hereby approved is commenced a sample panel of all the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
- (9) - Notwithstanding the information shown on the submitted plans, full details of the proposed rainwater goods, to include a section, details of materials, hoppers and junctions, and existing sections to be retained, 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.
- (10) - Notwithstanding the information shown on the submitted plans precise details of the proposed pipe work runs, method of attachment of pipe work, associated materials and equipment proposed shall be submitted at a scale of 1:100 and approved in writing by the Local Planning Authority prior to development commencing, and thereafter implemented in accordance with the approved plans.
- (11) - Demolition/alterations shall be carried out in a manner to be agreed in writing with the Local Planning Authority and the said Authority shall be informed immediately of any concealed feature which is revealed by such

works. Such features shall be retained if the said Authority so requires.

- (12) - No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

(iii) That application no. 07/01160/CAC be **REFUSED** for the following reason:-

The Local Planning Authority considers that the proposed demolition of 2no. prefabricated outbuildings in association with change of use, conversion and extension of main existing building to form 10no. apartments and detached retail unit are unacceptable by virtue of the lack of satisfactory provision for a suitable replacement scheme following demolition of the proposed outbuildings, contrary to Policies E6 and E22 of the City of Durham Local Plan 2004.

Note: Councillor D. Smith left the Meeting at 6.05 p.m.

(b) **07/01087/FPA
Dunelm Geotechnical &
Environmental Ltd**

**Land off Edwardson Road, Meadowfield Industrial Estate, Meadowfield, Durham
Erection of 1no. light industrial unit with associated site access and parking provision**

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 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) - 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 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 time 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 5 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.
 - (6) - There shall be no storage in the open of goods, materials, equipment or waste materials, except in those areas to be approved in writing by the Local Planning Authority.
 - (7) - 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.
 - (8) - Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
 - (9) - No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.
 - (10) - No development shall commence until a

scheme to deal with any contamination on the site has been agreed in writing with the Local Planning Authority. That scheme shall include an assessment of the level of site contamination and a strategy for its removal to eliminate risk to the public. Upon that agreement being reached all decontamination work shall be completed and validated in writing prior to the implementation of this planning permission.

(c) 07/01184/FPA
F Simmonds

**78 Moor Crescent, Gilesgate Moor, Durham, DH1 1DJ
Erection of pitched roofs to existing flat roofs at
front and side of existing dwelling**

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) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the agreed through the conditions of this planning permission.

The Chair had agreed to accept as a matter of urgency and due to the time factor involved, the Supplementary Report of the Head of Planning Services in relation to the Validation of Planning Applications.

486. VALIDATION OF PLANNING APPLICATIONS

As part of the drive to provide a quicker, more predictable and efficient planning system, the Government was introducing a new standard electronic application form for applications for planning permission and related consents. Alongside this, new information requirements for the validation of planning applications by Local Authorities were also being introduced.

Previously, Local Planning Authorities designed their own forms and there was a wide variation of information required of applicants for their submissions to different Local Authorities.

The standard national planning application form known as 1APP was designed to be used electronically, but could also be submitted on paper and would enable applications to be made and submitted relating to different consent regimes.

The Government also proposed to introduce new validation arrangements to ensure there was a greater certainty as to the information required and to ensure consistency of approach between Local Authorities.

Under the new arrangements, which would come into force in April, 2008, a national list of planning application requirements would set out the statutory requirements for applications. Without these documents an application would be treated as invalid.

In addition Local Planning Authorities were encouraged to adopt their own local list which should include a list of specific requirements drawn from a defined national list.

It was proposed to adopt a draft local list and to make this available on the Council's website and at CityInfo Centres. The items specified were drawn from a nationally defined list of requirements. A draft local list had been prepared by officers of the seven Durham Districts and Durham County Council to assist in achieving a consistent approach in County Durham.

A copy of the full draft local list had been placed in the Members' Room and an extract from the main list had been circulated.

Resolved: (i) That the draft local list of requirements for the planning applications be accepted.

(ii) That agreement be given for a six week period of consultation with external agencies, the results of which are to be reported back to the Committee for a formal resolution to adopt a local list.

The Meeting terminated at 6.15 p.m.

Chair