

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 15th February 2006, at 5.30 p.m.

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

Also Present: Councillors Freeman, Kellett, Lightley, Marsden, Pitts, Rae, Simmons and Thomson.

479. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Griffin and Hawgood.

480. MINUTES

The Minutes of the Meeting held on 16th January 2006, were unavailable for signature and were deferred to the next Meeting for consideration.

Note: *Councillors Lightley, Rae, Simmons and Thomson left the Meeting at 5.35 p.m.*

Report of Head of Planning Services

481. 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 Mr G Maw – Site at Coalford Lane Farm, Littletown, Pitlington, Durham
 - (ii) Appeal by D Liddle – Site at 38 Broom Hall Drive, Ushaw Moor, Durham

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Mr K Wilson – Site to rear of Moor Edge House, Sherburn Hill, Durham
 - (ii) Appeal by Mr M Miah – Site at 30 Front Street, Framwellgate Moor, Durham, DH1 5EE
 - (iii) Appeal by Mr JP & Mrs M Cole – Site at land to rear of 17 Front Street East, Coxhoe, Durham
 - (iv) Appeal by McCarthy Stone (Developments) Limited – Site of Ashcroft and Cleasby Crankshaft Services Limited, Front Street, Framwellgate Moor, Durham

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

(e) Management Information – Quarterly Reports

Resolved: That the reports be noted.

482. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/05/1050**
Durham County Council **St Godric's RC Primary School, Carr House Drive, Newton Hall, Durham**
Erection of cycle storage and parent waiting shelter

The above application was considered under delegated powers on 28th November 2005 when it was resolved to offer no objection to the application.

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

- (b) **CM4/05/1064**
Durham County Council **Clayport Library, 8 Millennium Place, Durham, DH1 1HW**
Erection and display of 2 no. non illuminated signs incorporating aluminium lettering

The above application was considered under delegated powers on 14th November 2005 when it was resolved to offer no objection to the application.

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

483. RECOMMENDATIONS ON OTHER APPLICATIONS

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

Note: Councillor Syer declared a personal interest in the undermentioned application and remained in the Meeting during consideration thereof.

- (a) **05/00976/FPA**
Kepier Homes LLP **Ustinov College/Kepier House off Mayorswell Close, Durham**
Residential development of 70 apartments, to include conversion of existing Kepier House and erection of 4 apartment buildings

Following a site inspection by the Committee in relation to this application on 14th February 2006, it was:-

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

1. The proposal, by virtue of its scale and massing, would fail to preserve or enhance the character and appearance of the Durham [City Centre] Conservation Area, and would thus be in conflict

with the objectives of Policy E6 of the City of Durham Local Plan 2004.

2. The proposal, by virtue of its scale and massing, would impact adversely on the level of amenity those living close by can reasonably expect to enjoy, contrary to the objectives of Policy H13 of the City of Durham Local Plan 2004.

Note: Councillors Kellett, Marsden and Rochford left the Meeting at 6.35 p.m.

Note: Councillors Lightley and Thomson returned to the Meeting at 6.35 p.m.

Note: Councillor Pitts declared a personal interest in the undermentioned application and remained in the Meeting during consideration thereof.

(b) **05/01115/FPA**
University of Durham

University Science Park, South Road, Durham, DH1 3LE
Erection of science lecture theatre

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

- (1) **T1 - Time Limit [Full Approval] 2004**
- (2) **DT4 - External Materials**
- (3) **DT10 - Hardstanding/Surface Materials**
- (4) **LA2 - Landscaping Scheme (Full/Reserved Matter)**
- (5) **- Prior to occupation of the building, an external light-spill mitigation strategy shall be agreed in writing with the Local Planning Authority. Thereafter, all internal lighting levels within the building shall comply with that agreement.**

(c) **05/01160/FPA**
Mr P Scott

Southcroft, Avenue Street, High Shincliffe, Durham
Demolition of existing dwelling house and creation of 4 no. dwelling houses and detached garage

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

1. The proposed houses, by reason of their design, height and scale would be out of keeping with the character of the area and harmful to visual amenity, contrary to Policies H3 and Q8 of the City of Durham Local Plan 2004.
2. Due to the siting and scale of the proposed houses, future occupiers would not enjoy adequate levels of residential amenity, and this is contrary to Policy Q9 of the City of Durham Local Plan 2004.

Note: Councillors Hopgood, Lightley and Syer left the Meeting at 7.15 p.m.

- (d) **06/00009/FPA**
Mitchell & Butlers Retail Ltd
- New Inn, 29 Church Street Head, Durham, DH1 3DN**
Erection of 3.2m boundary wall, single storey timber extension to rear, canopy over side entrance and 2 no. fixed umbrellas to beer garden

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

- (1) T1 - Time Limit [Full Approval] 2004
- (2) DT4 - External Materials
- (3) - Unless otherwise first agreed in writing by the Local Planning Authority, the umbrellas hereby approved shall be coloured dark red.
- (4) - Notwithstanding the information shown on the submitted application, the timber used for the construction of the storage area hereby approved shall be stained a dark colour, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (5) - Notwithstanding the information shown on the submitted application, full details of the boundary wall hereby approved at a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the agreed details.

- (e) **06/00010/OUT**
City of Durham
- Land adjacent to 76 Woodland View, West Rainton, Durham, DH4 6RH**
Outline application for residential development

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

The proposal would result in the development of a Greenfield site and loss of open space of local amenity value in conflict with Policies H3 and E5A of the City of Durham Local Plan 2004.

Note: Councillor Crathorne left the Meeting at 7.35 p.m.

- (f) **06/00011/OUT**
City of Durham
- Former garage site to the north of Rainton Gate Methodist Church, Chapel View, West Rainton**
Outline application for residential development

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

- (1) T2 - Time Limit [Outline Approval] 2004

- (2) DT1 - Outline Planning Permission (All Details Reserved)
- (3) DT23 - Drainage Scheme

(g) 06/00013/OUT
City of Durham

Land to the rear of The Iron Room, South Street, West Rainton, Durham
Outline Application for residential development

Following a site inspection by the Committee in relation to this application on 14th February 2006, it was:-

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

- (1) T2 - Time Limit [Outline Approval] 2004
- (2) DT1 - Outline Planning Permission (All Details Reserved)
- (3) DT23 - Drainage Scheme

(h) 06/00014/OUT
City of Durham

Land adjacent to 1 Finchale View, West Rainton, Durham, DH6 4SD
Outline application for residential development

ITEM WITHDRAWN

484. RESIDENTIAL DEVELOPMENT AT FORMER COCK O' THE NORTH, DURHAM

In October 2005, Planning Approval was given for the erection of a mixed residential development at the former Cock O' the North site at South Road, comprising 25 apartments and 17 dwellings.

The approval was subject to a number of conditions, including condition No.6 which required the developer to enter into a planning obligation to provide a financial sum towards local facilities in lieu of the provision of open and play space.

During the discussion, Members of the Committee had expressed the view that the financial sum to be provided under the terms of the planning obligation should be used within the immediate locality of the application site. It was considered that there was a shortage of local facilities and those that were available locally were isolated and not readily accessible to residents of the Farewell Hall area and the proposed development site.

The developer had begun to discharge the conditions of the planning approval and with the assistance of Council Officers, had explored the opportunities for play and open space within the area where the financial sum might be best invested.

One area that had been explored had been the possibility of joint community use of facilities at the nearby Durham High School for Girls. Whilst the school were receptive to the idea in principle and entirely co-operative in trying to assist in the matter, they had regrettably been advised by their insurance brokers and health and safety consultants that such an arrangement would place a significant financial liability upon the school, which the sums involved would not cover.

The development company, Shepherd Homes, wished to discharge the condition of their planning permission in order to progress their development. The condition required the company to provide a financial sum which would be £17,010, but did not place an obligation on them to find a site or project where the contribution might be invested. Whilst the company had explored the possibility of investing the contribution locally in accordance with Members' wishes, there were no obvious alternatives that seemed to be available at the present time.

In order to enable the company to discharge its obligations with regard to the planning permission, it was suggested that the required financial sum of £17,010 be received by the Council and a decision on how best the monies should be spent be referred to Cabinet.

Resolved: That the discharge of the planning condition be deferred.

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

**485. ENFORCEMENT MATTER –
UNAUTHORISED ERECTION OF DETACHED GARAGE AT 19
GOATBECK TERRACE, LANGLEY MOOR, DURHAM**

A query had been raised concerning building activities being carried out within the rear yard of the above property. A site visit revealed a single detached garage under construction. The building was at an advanced stage, having concrete block walls and a mono-pitched roof with concrete tiles.

Despite several requests and invitations to submit a retrospective application for planning permission none had been received. The occupant of the property had also failed to comply with a Planning Contravention Notice that required the provision in writing of information in respect of the breach of planning control. The information was deemed necessary and also required to determine whether anyone else had an interest in the property. Such persons would have needed to be served with a copy of any enforcement notice that might have been issued.

While the siting and design of the garage were considered acceptable, the use of concrete block for the external finish was inappropriate and detrimental to the visual amenity and street scene. The County Highway Authority had been consulted and raised no objection to the siting of the garage subject to the construction of a vehicular crossing to the footway in accordance with County Council standards.

Authorisation was sought to issue an enforcement notice to ensure that the development was completed in a satisfactory form and to instigate prosecution proceedings in respect of the offence committed of failing to comply with the Planning Contravention Notice issued. The County Council were able to enforce the provision of a footway crossing.

Resolved: (i) That an enforcement notice be issued requiring that the following steps be taken within 6 months from the date the notice takes effect or before the garage is brought into use, whichever is sooner:-

- (a) All external elevations of the garage to be rendered and painted beige (RAL 1001) or some other colour to be agreed in writing with the Local Planning Authority.

(b) Fit an up and over or roller shutter door or a door of other design to be agreed in writing with the Local Planning Authority, which does not obscure or obstruct the highway when in use.

(ii) That prosecution proceedings be instigated in the Magistrates' Court in respect of the failure to comply with the terms of the Planning Contravention Notice issued by the Council.

The Meeting terminated at 8.10 p.m.

Chairman