

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**
held at Council Offices, Seaside Lane, Easington on **Tuesday 23 June 2009**

PRESENT

COUNCILLOR C. WALKER in the Chair

Members

Councillors A Bell, J. Blakey, G. Bleasdale, P Charlton, D Freeman, R Liddle, J Moran, K Thompson, M Williams and B Wilson

Other Members

Councillors D Myers and J Wilkinson

Apologies for absence were received from Councillors J Cordon, J Brown and M Plews

A1 Minutes

The Minutes of the meeting held on 2 June 2009 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

Councillor Thompson declared a personal interest in application PL/5/2009/0091 and was advised that this application had been withdrawn from the Agenda. Councillor Myers declared a personal interest in application PL/5/2009/0137.

A3 Applications to be determined by the Area Planning Committee (Central & East Durham)

PLAN/2008/0454 – Driving Range and Associated Car Parking at Sharpley Springs Golf Course, Seaton

PLAN/2008/0456 – Car Parking to Golf Course at Sharpley Springs Golf Course, Seaton

The Principal Planning Services Officer (Easington Office) explained that the two planning applications were for the same site and should therefore be considered together.

Consideration was given to the report of the Principal Planning Services Officer which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

The first application proposed a driving range and associated car park to supplement the approved golf course facility. A driving range was approved under the previous reserved

matters application, however the design and layout of the current proposals required a new planning application to be submitted.

The second application proposed a car parking area to serve the golf course and associated facilities. A car park was approved under the previous reserved matters application, however the location and size of the current proposals required a new planning application to be submitted.

The Principal Planning Services Officer explained that since the report had been prepared there had been a letter of objection from a nearby resident. The objection related to the opening hours of the driving range and the resurfacing of the access road to give a 5 metre width. The applicant had agreed to the appropriate access road surfacing and this would form part of the legal agreement. In addition the applicant had indicated that it would not be appropriate to rescind the permission for the club house as that permission may still be required, the condition related to the access resurfacing would remain. It was felt that this was a reasonable request.

Mr Mortimer, an objector, advised that the driving range would be located in the green belt, it was not in the original proposals and if this was a new application then approval would not be granted for that reason. He was concerned that the driving range facility would operate every night to 10pm and was worried that the light intrusion into his property at that time of night would be intrusive and a closing time of 8pm would be more appropriate. He was satisfied that the applicant had agreed to address the road surfacing issues. With regard to environmental health issues he stated that the area was previously flat fields and since 1992 the applicant had brought into the site tonnes of soil, from a safety point of view he felt the ground should be tested to ensure it was safe and not contaminated.

With regard to the car park Mr Mortimer explained that his property backed onto this and suggested that further screening was needed to maintain the privacy of his property. The applicant already had permission for a club house and now wanted to amend that to a log cabin. He pointed out that everything the applicant did was retrospective and that work on the car park had already started before he had approval. Environmental Health had been contacted regarding the noise resulting from the heavy machinery on the site. Workmen were often working late into the evening at the site and the noise was affecting Mr Mortimer's family. He would like to see some time limits imposed on the use of the heavy equipment.

Mr Vila, the agent explained that this was a long standing issue. Planning permission was granted in 2002 and the reserved matters approved in 2006. Following several years work the facility was 90 percent complete and almost ready to be opened to the public. However, during the course of the building works a number of minor changes to the previous approval were needed to give the best design of course. It was believed that the course would be an asset not only to County Durham but also to the north east.

Councillor Williams expressed concern regarding the screening, operating hours of the driving range and the lighting. He considered a 10pm closure to be too late and felt that the mounding to screen the site could be higher. He was also concerned that these were once again retrospective applications.

Councillor Charlton queried if the opening times would differ from summer to winter. The applicant advised that opening times would be 8am to 10pm summer and winter.

Councillor Blakey asked if it was appropriate to consider a retrospective application. D Taylor, Property, Planning and Projects Manager advised that whilst it was appreciated that Members were unhappy considering retrospective applications they had to be judged on their individual merits.

The Principal Planning Services Officer responded by stating that opening hours were 8am to 10pm on the approved driving range development. With regard to contamination of the land Environmental Health had no issues and the Environment Agency ensured that the necessary waste transfer notices were obtained by the applicant. Advice from Government was that in certain circumstances leisure facilities would be allowed in the green belt. The height of the flood lighting was 4.4 metres and would point north away from the neighbouring property.

Councillor Moran pointed out that the lights would face away from the neighbouring property and no properties were visible from the car park.

Councillor Williams had no objections to the golf course but felt that the closing time should be amended to 8pm on the driving range.

D Taylor pointed out that if the application was approved with the condition that the driving range had to close at 8pm then the applicant could appeal or he could go ahead and build the concrete structure he already had approval for and remain open till 10pm.

RESOLVED that;

- (i) both applications be approved subject to the applicant entering into a Section 106 legal agreement to rescind the permissions for the car parking arrangements previously agreed in the approved reserved matters application and to require road surfacing improvements prior to the new development being brought into use and subject to the conditions outlined in the report,
- (ii) with regard to the driving range facility condition 2 be amended to allow the facility to operate between the hours of 8am and 8pm.

PL/5/2009/0091 – Residential Development Comprising Twenty Houses at Abattoir and Former Co-Op Site, High Lane, Haswell

The Chair advised that this application had been withdrawn from the Agenda.

PL/5/2009/0137 – Demolition of Clinic and Magistrates Court and Erection of New Primary Care Centre, Pharmacy and Associated External Works at St Johns Square, Seaham.

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

Councillor Charlton expressed concern at the height of the proposed buildings and the impact it would have on the properties in Viceroy Street.

The Principal Planning Services Officer advised that whilst the proposed buildings would be higher than those already on site there had been extensive public consultation. This included press and site notices as well as individual letters to residents of Viceroy Street, following which there had been no objections.

Councillor Williams queried what the difference was in height between the proposed and existing job centre building. The Principal Planning Services Officer advised that the difference was 2 metres.

RESOLVED that the application be approved subject to the conditions outlined in the report.

PL/5/2009/0183 – Timber Frame and Timber Clad Entrance Way, 2 No Lockup Storage Equipment Containers, CCTV, Steel Container, Timber Frame Lean-to Office Building (Retrospective Resubmission) at Land South of Sharpley Hall Farm, Seaton

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principle Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

The application was a resubmission of a similar previous application that was refused by Members of the former District of Easington Development Control and Regulatory Panel, contrary to the officer's recommendation. Members of that panel refused the application citing adverse impacts on the countryside and impacts on a nearby resident as reasons. This resubmitted application proposed the same structures previously refused, however the applicant now proposed to paint the structures green and cover them in camouflage netting in an attempt to overcome Members previous concerns.

It was noted that the applicant had submitted an appeal to the planning inspectorate against the previous refusal of planning permission, which was yet to be determined.

The Principal Planning Services Officer explained that since the report had been prepared Seaton Parish Council had objected on the grounds that the application was retrospective and that the effects of noise had not been taken into account in the previous refusal. Environmental Health had no objections to the proposals. There had been eight letters of support from employees and users of the paintball stating that it was a well operated leisure facility, the proposals were necessary to serve customers and enhance security and the development was well screened and unobtrusive. There had also been a petition in the form of 73 signed letters of support from customers. Further concerns from the objector had been received stating that the amenity impact for residents had not been taken sufficiently into account.

Councillor Myers explained that he was appalled at the way in which this site had been developed and described it as an incremental planning approach. The site had started off on a small scale and had increased in size, often without the necessary permissions. This was a retrospective application that had previously been refused. The continual submission of retrospective applications was confusing and made a mockery of the democratic and planning process. Paintballing was a popular activity but it should not be to the detriment of neighbours. He referred to Local Plan Policies which related to neighbours, access, noise impact and unacceptable disturbance.

Councillor Foots, Seaton Parish Council explained that the Parish Council had not originally objected to the paintball facility as they were not aware of the problems being experienced by Mr Mortimer. A similar application was previously refused however the applicant had still gone ahead and then submitted a retrospective planning application. This business was causing an unacceptable noise nuisance to the neighbouring property. Mr Mortimer, an objector, gave a brief powerpoint presentation. He explained that he did not originally object to the paintball as the development had started very small with only one small building and a toilet. However, over the last 6 to 7 years the site had gradually increased in size. The retrospective application was for 204 square metres of additional structures. This was exactly the same as the previous application which had been refused. Nothing had changed other than the applicant proposed to paint the structures green and cover them in camouflage netting. This changed nothing and did not alter the disturbance suffered by Mr Mortimer and his family. He pointed out that the applicant continued to submit retrospective planning applications. There was no planning permission for much of the site and many of the structures were not in keeping with local buildings. He explained that a painted trailer had been located at the entrance of the site for months and was only removed when Members visited the site. He was not against the paintball and appreciated that it was a very popular activity but could not accept the continued disturbance to his family. Reference was also made to the relevant Local Plan Policies.

Mr Litherland, the agent, pointed out that there was clearly many issues between the two parties. However, planning permission existed for the paintball and the current operation would continue. The operation was controlled by conditions which limited the number of participants to 50 at any one time and limited the hours of operation from 10am to 7pm. The application was for ancillary facilities that would enhance security and facilities for customers. Members were not being asked to make any decision on whether or not the paintball would affect the surrounding countryside or the neighbouring property. The structures were used for storing, cleaning and drying equipment and for essential safety briefings and were arranged in such a way that secured the facilities from potential vandalism, theft or antisocial behaviour. All of the relevant Planning Policies had been taken into account and indicated that the key consideration was the impact that the ancillary facilities would have on the countryside and on the surrounding neighbours. The site was well screened and the structures could only be seen from very limited viewpoints. The containers would be painted green and covered in camouflage netting and would be in keeping with the paintball site, the impact on the countryside was therefore not significant. With regard to the neighbouring property, this was located over 100 metres away and was separated by the B1404. The ancillary facilities alone would not impact on the neighbours in terms of noise, privacy, overlooking or overshadowing.

Mr Weightman, the applicant, explained that the site occupied the same area that had originally been granted full planning approval. The operation in no way harmed the local environment or woodland and did in fact enhance it. He explained that he was seeking approval for structures that were already on the site when he purchased the business. He acknowledged that neighbours had made complaints regarding the noise from the paintball but this had been fully investigated. He pointed out that the need for planning permission for the structures on the site had only been brought to his attention after he had bought the business. Reference was made to the broad range of customers that used the facilities which included schools, colleges, youth and community groups and the number of staff employed by the business.

Councillor Bleasdale pointed out that this application was previously refused by Members contrary to officer's recommendation. This was essentially the same application with the additional proposal that the structures be painted green and camouflaged.

The Principal Planning Services Officer advised that Members had previously refused the application citing adverse impact on the countryside and impact on nearby residents. The applicant subsequently appealed against this decision and a determination was still awaited. However, the applicant had submitted a further application which Members were required to determine. Refusing the application on the grounds that it was retrospective was not sufficient grounds for refusal.

Councillor Thompson expressed concern at the retrospective application to paint the buildings when they had already been painted. These concerns were voiced by various Members who were against retrospective planning applications.

Councillor Charlton sympathised with the objectors but pointed out that there were no planning reasons why the application should not be approved. Councillor Bell concurred with this view.

Councillor Blakey asked if any works had been carried out to the access road since the application was refused. The Principal Planning Services Officer advised that no work had been undertaken to the site access road.

Councillor Williams asked if there was any evidence with regard to noise levels from the paintball and was advised that this was on going.

Councillor Freeman considered the site to be a mess, the same application had previously been refused and there had been no significant change to the application.

Councillor Wilson was opposed to retrospective applications and felt that the paintball site was awful and ruined the environment.

RESOLVED that the application be refused on the same grounds as the previous application which was that the application was retrospective, would be intrusive on visual grounds adversely affecting the area and residential amenity of nearby residents.

4/09/00174/FPA – Demolition of 17 No Existing Dwellings and Erection of 30 No 2 and 3 Bedroom Dwellings with Associated Access, Parking and Landscaping, together with Closure of Existing Access Road at Land at Ridding Road, Esh Winning, Durham

Consideration was given to the report of the Development Control Manager (Durham Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

Councillor Wilkinson the local Member spoke in support of the application. The application was stage 2 of a Masterplan to regenerate the area with sustainable housing. Residents had been fully consulted and were happy with the proposals.

Councillor Moran asked if the residents would be re-housed in the 2 bed bungalows. This was confirmed.

Councillor Bell referred to the rehousing of the tenants and asked if they had all been fully consulted and were happy with the proposals. The Development Control Manager advised that following the site visit he had spoken to a Housing Officer who had confirmed that the proposals had been the subject of extensive public consultation. All residents had received 2 home visits to discuss the proposals and there had been no objections

Councillor Charlton pointed out the Officers had reported that the bungalows were difficult to let however there was only 1 property vacant. The Development Control Manager reiterated that these were housing management issues, not planning issues.

Councillor Williams was concerned that 17 bungalows were to be replaced by 30 dwellings and the impact this would have on increased traffic. He queried why Brandon and Byshttles Parish Council had not objected to the proposals and asked what was considered affordable housing.

The Development Control Manager explained the Brandon and Byshttles Parish Council had submitted their support for the scheme after the report had been prepared.

Councillor Freeman considered this to be a positive application which was clearly supported by the local Member, the Parish Council and residents.

RESOLVED that the application be approved subject to completion of a Section 106 Agreement to ensure that 10 dwellings were passed to a Registered Social Landlord for onward rent or shared ownership and subject to the conditions outlined in the report.

A4 Appeal Update

(a) Appeals Received

The Development Control Manager (Durham Office) and the Principal Planning Services Officer (Easington Office) gave details of the following appeals which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant planning permission for the erection of a detached bungalow (revised and resubmitted) at 7 Warwickshire Drive, Belmont, Durham.
- (ii) Appeal against a condition attached to a planning permission for an area of raised decking at the front of 4 Barwick Street, Murton.

(b) Appeal Decisions

The Development Control Manager (Durham Office) gave details in relation to the following appeals which had been considered by the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant planning permission for the erection of agricultural workers dwelling comprising two storey detached property at Morton Acres Farm, Black Boy Road, Chilton Moor, Durham.

Appeal withdrawn.

- (ii) Appeal against the Council's refusal to grant planning permission for a two storey side extension at 33 Whinney Hill, Durham.

Appeal allowed and the Enforcement Notice quashed.

With regard to the appellant's claim for costs, the Inspector found that the Council had provided substantial evidence for its reasons for refusal and had not acted unreasonably. The claim for costs was refused.

- (iii) Appeal against the Council's refusal to grant planning permission for the erection of a 1m high close boarded timber fence to enclosure the front of 93 Deerness Heights, Brandon, Durham.

Appeal allowed. Subject to the condition that the front fence should only be sited along the side of the front garden adjacent to the turning area and garage block at the site. The inspector outlined that notwithstanding the submitted plans there should be no fence or other means of enclosure sited along the other two boundaries of the front garden.

- (iv) Appeal against the Council's refusal to grant planning permission for the erection of a general purpose agricultural barn at Town Kelloe Paddock, Town Kelloe, Durham.

Appeal dismissed.

- (v) Appeal against the Council's refusal of planning consent for the variation of a condition to alter the opening hours for an A3 restaurant/café from 8am – 8pm Monday to Saturday and 12pm – 3pm on a Sunday to the requested extended opening hours of 11pm Thursday to Saturday, at land south of Apex Cables, City West Business Park, St Johns Road, Meadowfield Industrial Estate, Durham.

Appeal dismissed

- (vi) Appeal against the Council's refusal to grant planning permission for the erection of a two storey dwelling house on land to the rear of 8 Frederick Street South, Meadowfield, Durham.

Appeal dismissed.