

**THE MINUTES OF THE MEETING OF THE  
DEVELOPMENT CONTROL AND REGULATORY PANEL  
HELD ON TUESDAY, 5TH JULY, 2005**

Present: Councillor R. Davison (Chair)  
Councillors Mrs. G. Bleasdale, Mrs. E.M. Connor,  
R. Liddle, Mrs. A. Naylor, B. Quinn, R. Taylor and  
D.J. Taylor-Gooby

Also present: Councillor B. Joyce

Objectors: Mrs. B. Day, Ms. Richardson,  
Mr. Bowden, Mr. Hepplewhite

Applicants/  
Supporters: Mr. Keating, Mr. Andrews, Mr. Kinkade,  
Mr. Lavender

1. **THE MINUTES OF THE LAST MEETING** held on 14th June, 2005. a copy of which had been circulated to each Member, were confirmed.

2. **MATTERS ARISING**

**05/243 HORDEN SOUTH - Proposed 11 Houses at The Vicarage Site, Rear of Dene Terrace, Horden for Pinto's Property Development Ltd.**

The Principal Planning Services Officer explained that the Section 106 Agreement was received and exchanged two days later than agreed at the last meeting. It was explained that the application was still determined within the thirteen week target and it was recommended that the planning application still be approved.

**RESOLVED** that the application be conditionally approved.

3. **APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACTS  
TOWN AND COUNTY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

The Chair explained that item 05/89 was linked to item 05/393 and should be determined after that application.

**05/173 BLACKHALLS - Proposed Conference Facilities and Managed Apartments Buildings (Outline) at Hardwick Hall Manor Hotel, Hesleden Road, Blackhall for Mr. A. Bradley**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the previous resolution be endorsed and the application be approved with conditions relating to the submission of the reserved matters and archaeological investigation.

**RESOLVED** that the previous resolution be endorsed and the application be approved with conditions relating to the submission of reserved matters and archaeological investigation.

**05/289**

**EASINGTON VILLAGE AND SOUTH HETTON - Proposed Residential Development at Site of Former Essyn House, Hall Walks, Easington Village for Roker Development Partnership**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the Council be minded to make two decisions and delegate the decision to the Head of Planning and Building Control Services:

- (i) that planning permission be granted on receipt of a satisfactory Section 106 Agreement (conditions relating to materials, landscaping, contaminated land investigation, Conservation Officer's suggested conditions) and that the decision be delegated to the Head of Planning and Building Control Services to issue.
- (ii) should a satisfactory Section 106 Agreement not be received, signed and exchanged by 6th July, 2005, the Council be minded to refuse the application on the basis of the lack of public open space provision as required by Policy 66 of the District Local Plan and that the decision be delegated to the Head of Planning and Building Control to issue.

The reason for the recommendations were as follows:-

- (i) the proposal was considered to be in accordance with Local Plan policies, particularly policies 1, 35, 66 and 67 of the District of Easington Local Plan;
- (ii) the proposal was considered contrary to the provisions of the District of Easington Local Plan particularly Policies 1, 22, 24, 35, 66 and 67.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting.

Mr. B. Day explained that he was objecting on behalf of Easington Village Parish Council. The Parish Council welcomed the amendments to the house designs which would vastly improve the appearance and create designs which were more in keeping with the Listed Buildings and Conservation Area.

The pathway between the front plots 4 and 5 was unnecessary and could create an area which might attract anti-social behaviour.

The Parish Council remained unconvinced that a protected right turn was unnecessary and that the bus stop would not be a

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hazard. The number of vehicles using the access would be far in excess of that when it was used as a care home. The double yellow lines across the front of the Masons Arms should be extended west to ensure clear views to the east from the access.

The Principal Planning Services Officer explained that the Council consulted Durham County Council on all highway issues and they had advised that the current scheme was acceptable.

Mr. Lavender representing the applicant explained that they were governed by experts at Durham County Council and had been advised that no protected right hand turn was necessary.

Members explained that the site in its current state was not contributing to the regeneration of the village and should be developed.

**RESOLVED** that:-

- (i) planning permission be granted on receipt of a satisfactory Section 106 Agreement and the decision be delegated to the Head of Planning and Building Control Services to issue.
- (ii) should a satisfactory Section 106 Agreement not be received, signed and exchanged by 6th July, 2005, the Council be minded to refuse the application on the basis of the lack of public open space provision as required by Policy 66 of the District Local Plan and the decision be delegated to the Head of Planning and Building Control Services to issue.

**05/359**

### **EASINGTON - Proposed Residential Development (Outline) at Littlethorpe, Easington for G. Forbes and Son**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional outline approval, (conditions relating to a maximum number of dwellings to be erected on the site in line with the guidance included in the Urban Capacity Study). The proposal was considered to accord with the relevant local plan policies referred to above and would not materially harm the character of the locality or the amenities of local residents. The evidence submitted with the application relating to the status of the application site was considered to justify the contention that it was previously developed land as defined within Annex C to PPG3.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting. He added that five further letters had been received from residents which outlined that they were concerned regarding future development and higher density, industrial uses should have planning permission, the removal of the structure would be best for the village, the stack yard

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area usage was queried and it was felt a design brief should be formulated for the village.

The Principal Planning Services Officer explained that with regards to density, the applicant could apply for higher density and that application would be assessed on its merits. The land could be claimed for lawful use if the applicant could demonstrate sufficient evidence. No proposals had been received for the stack yard area and with regard to the design brief, there was no staff resources for this to be completed. He explained that six dwellings would be appropriate on the current application site and felt that a condition should be attached to the planning permission for a maximum number.

Mr. Day explained that he was objecting on behalf of Easington Village Parish Council and felt that whilst the Parish Council reluctantly accepted the legal opinion that the site was brownfield, they totally agreed that the development must be restricted to the six or less dwellings being recommended by the Planning Officer. However, the public rights of way which passed through the site, must be protected along with the trees. He felt that this development could lead to a coalescence between Littlethorpe and Easington Village and the infrastructure could not take this.

The Principal Planning Services Officer explained that with regard to a commercial operation, the applicant could claim 'lawful use' if in operation for ten years or more although evidence needed to be provided. He added that the evidence that had been submitted with the application was very comprehensive.

The right of way would be protected through highways legislation. With regard to a coalescence of settlements, Littlethorpe had a boundary drawn around it in the local plan and any development outside that boundary would be contrary to policy.

The Senior Planning Services Officer explained that the landscape officer had been asked to pursue Tree Preservation Orders on the site.

Ms. Richardson, an objector, explained that she had the same concerns as the Parish Council. She lived in a nice village and did not want this spoilt by a housing development. She felt that once permission was granted for the houses, this would lead to more applications being submitted. The Planning Officer had advised her that each planning application was considered on its own merits and although six was recommended for this application, she felt that over time more applications would be submitted and approved.

Ms. Richardson explained that she did not want to live in a housing estate and this was now what was threatened. She added that the applicant lived by his own rules and regulations.

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The Principal Planning Services Officer explained that there was only one application for this particular site although anyone could come forward with other applications he felt this application would not open the door for other applicants.

Mr. Bowden, an objector, explained that he had lived in the village for 33 years and knew the applicant and his family very well. He added that he felt the applicant would not be satisfied with six dwellings on the site.

Mr. Frane queried how the site had been classed as brownfield. He explained that it was common practice that agricultural produce should be stored in other buildings and asked what evidence had been produced regarding the brownfield site.

The Senior Planning Services Officer explained that the evidence submitted was very comprehensive and advice had been sought from the Council's solicitor who had confirmed that it was very robust. He explained it was one of the best portfolio of evidence he had seen since working as a planning officer and he felt it would be very difficult to challenge. He added that he had spoken to some of the local villagers and the feeling perceived was that they would be happy to see the buildings which were there at present demolished if there were not too many houses proposed. In his opinion, the Council had come forward with recommendations that would not harm the character of the village.

The Chair explained that Members of the Panel had viewed the supporting documentation relating to the application.

Mr. Kincade queried if the houses would meet the local need of affordable housing. The Principal Planning Services Officer explained that the housing would be of executive type.

A Member queried if the front entrance would be preserved. The Senior Planning Services Officer explained that it was the intention to keep the infrastructure down and to keep both accesses as present.

Members explained that they had visited the site and felt that the Officers had made a conscious effort to produce a sympathetic proposal for the people of the village and the land had been identified as a potential site for development subject to restrictions on the number of houses.

**RESOLVED** that the application be conditionally approved, maximum number of dwellings to be six.

**05/360**

### **HUTTON HENRY - Proposed Three Houses at Hesleden Hall, Monk Hesleden for Mr. D. Keating**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, (conditions relating to material samples, reuse of reclaimed materials, means of enclosure, contaminated land

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and landscaping). Due to the exceptional circumstances relating to the application site, the proposal was considered to be an acceptable departure from the development plan.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting.

Mr. Keating, the applicant, explained that he had lived in Monk Hesleden for 30 years and the use for some of the buildings had diminished over the years. He had submitted an application in 2004 to convert the barn to three dwellings. The severe storms on January 8th had caused major damage and had to resubmit the application. The application replicated the design in 2004.

**RESOLVED** that the application be conditionally approved.

**05/366**

### **HORDEN NORTH - Proposed 5 No. Dwellings at Former Garage, Sunderland Road, Horden for Mr. G. Robson**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal for the following reasons:-

- (i) The proposed terrace of four dwellings, due to its scale, design and location would result in an unacceptable loss of privacy to occupiers of the existing dwellings and gardens to the east in York Avenue and to the proposed bungalow to the west, resulting in an unacceptable loss of amenity to the existing residents. The proposal would therefore be contrary to Policies 1, 35 and 67 of the District of Easington Local Plan.
- (ii) It was considered that the scale and design of the terraced development, in particular the rear elevations with double garage doors, would be visually intrusive, creating a dominant feature in the street scene out of context with the existing properties on York Avenue and detrimental to the character of the locality. The proposal would therefore be contrary to Policies 1, 35 and 67 of the District of Easington Local Plan.
- (iii) It was considered that the design of the new bungalow when seen in the context of the proposed terraced dwellings and the adjacent existing public house would appear as a visually discordant feature out of keeping with its surroundings. The proposal would therefore be contrary to Policies 1, 35 and 67 of the District of Easington Local Plan

The Principal Planning services Officer explained that Members had visited the site that day and were familiar with the location and setting.

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Members raised concerns regarding the site and explained they would like to see some suitable form of development.

The Principal Planning Services Officer explained that he could invite the applicant to discuss proposals further to agree a mutually acceptable scheme and make it clear to the developer that the Council was not adverse to developing on that land.

**RESOLVED** that the application be refused.

**05/382      PETERLEE PASSFIELD - Proposed Development of Six Residential Flats with Associated Support Facilities at Helford Road, Peterlee for Endeavour Housing Association**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (conditions relating to material samples, means of enclosure and landscaping). The proposal was not considered contrary to the provisions of the District of Easington Local Plan particularly Policies 1, 35 and 71.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting.

Members explained that the development had been discussed at Executive two years ago and in principle had been agreed. It had been explained at that time that the facility would be manned 24 hours per day and queried whether this was correct.

Councillor Joyce explained that he was the local Councillor and had been involved with public consultation. One of the assurances that had been given was that the facility would be fully manned.

Members felt that confirmation should be received that the facilities would be manned 24 hours per day.

**RESOLVED** that the application be conditionally approved.

**05/386      EASINGTON VILLAGE AND SOUTH HETTON – Proposed Erection of Retaining Wall and Change of Use of Agricultural Land to residential use at rear of 14-21 The Spinney, Easington Village for Persimmon Homes (NE) Limited**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval. The proposal was considered to accord with the relevant Local Plan policies referred to above and not materially harm the character of the locality or the amenities of local residents.

The Principal Planning Services Officer explained that there was a long history with the site that had been developed some years ago. The gabion at the end of the site had never been

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agreed by the Council and had not been successful in retaining the adjacent gardens in an appropriate manner. This had been subject of a longstanding enforcement action and an Ombudsman complaint.

Mr Kincade explained that the gabion had not been made to the level of the site and if planning officers had observed the documents then there would not have been a problem. The structure had failed because it had been built incorrectly by the developers. He explained that enforcement action had never been taken against the developers. The first papers had been issued but never pursued by the Council. He had been advised by Planning Officers that when the plans for the gabion structures were submitted then there would be no need for the application to the determined by the Panel.

Mr Wilson explained that he supported everything that Mr Kincade had stated and it was not due to the District Council that they were currently at this stage, it was due to residents. He added that the developer was 'passing the buck' as the residents would be responsible for maintenance of the gabion. He felt that it was not his responsibility and the development should be overseen by the Planning Officer ensure the structure does not fail a second time.

The Head of Planning and Building Control Services explained that he had spoken on many occasions to Mr Kincade and Mr Wilson regarding the matter and expressed sympathy for the long and lengthy process they had had to endure. The application was now in front of Members for determination and hoped this would bring the matter to a conclusion.

A Member queried if Mr Wilson and Mr Kincade agreed with the application. Mr Kincade explained that they agreed with the application but the landscaping needed to be resolved.

**RESOLVED** that the application be unconditionally approved.

**05/393**

**WINGATE – Proposed Residential Development comprising 53 houses (amended to 54) at Land North of Front Street (Tonks Yard) Wingate for G Wimpey (NE) Limited**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the Council be minded to make two decisions and delegate the decision to the Head of Planning and Building Control Services.

- (i) That planning permission be granted on receipt of a satisfactory Section 106 Agreement (conditions reproducing those on Planning Application 04/1122) and that the decision be delegated to the Head of Planning and Building Control Services to issue.
- (ii) Should a satisfactory Section 106 Agreement not be received signed and exchanged by 12 August 2005, the Council be minded to refuse the application on the



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basis of the lack of public open space provision as required by Policy 66 of the District Local Plan and that the decision be delegated to the Head of Planning and Building Control Services to issue.

The reasons for recommendations were as follows:-

- (i) The proposal was considered to be in accordance with the Local Plan policies, particularly Policies 1, 35, 66 and 67 of the District of Easington Local Plan.
- (ii) The proposal was not considered to be in accordance with the Local Plan policies, particularly Policy 66 of the District of Easington Local Plan due to a lack of public open space or any financial contribution in lieu of public open space.

The Principal Planning Services Officer explained that the Environment Agency had no further comments. Two letters had been received, one from Mr Hepplewhite representing an objector and one from Bullen Consultants.

The Principal Planning Services Officer gave details of the contents of the letter. The principle concern was the provision of a proposed footpath link between the application site and the development site to the immediate north. It was felt that the footpath link would allow for a safer pedestrian route through the site for the children to the junior school. It was the understanding that the applicants had no intention in completing the footpath link which would leave the development incomplete. It was felt that either a Section 106 Agreement or a Grampian Style Planning Condition be attached to ensure the provision of the footpath and felt the consequences of not providing the footpath link should be brought to Member's attention.

The Principal Planning Services Officer explained that Bullen Consultants had been instructed by the objector to undertake an independent assessment of pedestrian linkages between the residential development land on the site of the previous Tonks Development and the land to the north, paying particular regard to safety issues.

The assessment had outlined that the majority of community facilities were located to the north of Tonks' Development site. 'Residential Roads and Footpaths Design Bulletin 32, Second Edition' stated that pedestrian routes should provide safe, secure and convenient routes and ensure that pedestrians, cyclists and drivers and their passengers were not faced with unexpected conditions that constituted safety hazards, unnecessary discomfort and avoidable inconvenience.

In Bullen's opinion, it was felt that the link from Tonks' site would be advantageous to local residents and constitute a safer and significantly shorter route to the northern facilities, especially the school. They therefore encouraged the developer

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to seriously consider the possibility of a pedestrian link between the housing developments in order to facilitate a safer overall design.

The Principal Planning Services Officer explained that the two letters had been passed to Durham County Council who had advised that the provision of a footpath was desirable but not essential. The link had been shown and felt that it could be of significant benefit although this was not essential. Pedestrians would have a choice of routes to reach the school and they accepted that an alternative link could be provided.

The Principal Planning Services Officer explained that he had spoken to Wimpey that day who had advised that if the footpath link could not be provided then they would contribute £10,000 towards highway safety.

Mr Hepplewhite explained that he was representing Mr Corney, an objector, with regard to the application. He explained that his client was granted outline planning permission for residential development of the application site in February. The permission included approval of the access arrangements for the site which had been designed to enable access to the three residential development sites situated north and east of Front Street and south of Moor Lane via the new roundabout junction on Front Street. Notwithstanding, Wimpey were granted planning permission in March to develop the Tonks' site independently, served by an access direct from Front Street. This followed the submission of revised plans to address concerns raised by the Local Highway Authority. Amongst other things, the revised plans showed a footpath link between the site and the residential development site as required by the County Council Highway Engineers.

His client acknowledged that decision and whilst he considered accessing all three sites from the roundabout would create a safer arrangement, he accepted that the Council considered an access to the application site direct from Front Street to be acceptable in highway terms and did not wish to press his concerns further.

Mr Hepplewhite explained that his client was very concerned to note that it was now considered that the footpath link was not essential, just beneficial. Having discussed the matter with highway engineers from Bullen Consultants, he felt the statement hard to comprehend. The footpath link created a safer pedestrian route through the site providing in particular a safer route for children travelling between the development and the primary school on Moor Lane as opposed to requiring them to leave the site and walk up the main road.

Bullen Consultants felt that the development for 54 houses should be provided with an emergency access as recommended in Government Guidance DB32 and that the footpath link could serve this purpose since no emergency access was presently proposed. In his opinion, it was

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essential that serious consideration be given to the provision of the footpath/emergency link in order to facilitate a safe overall design of the housing developments.

He explained that his client was led to believe that Wimpey had no intention in completing the footpath link and they would leave the development incomplete. In this event, the Council would be powerless to order Wimpey to provide the footpath link. If a Section 106 Agreement was not to be required then he considered it appropriate that a Grampian Style Planning condition be attached to ensure the provision of the footpath. There was every possibility that the footpath link shown on the drawings and which the public no doubt expected to be provided would in fact never be installed.

He concluded by asking Members to note the real concerns that had been raised and require the provision of footpath/emergency access link to be guaranteed through a Section 106 Agreement or a Grampian Style Planning condition.

The Principal Planning Services Officer explained that he acknowledged that the safety implication was a very important consideration. It would be helpful to create a safer route but the County Council felt that the alternative was acceptable. Members could choose to impose a planning condition or require a Section 106 Agreement. Either could be subject to a legal challenge and he felt the Council may not adequately justify the condition and the Council could face costs. He added that a representative from Wimpey was in attendance at the meeting and they could clarify on whether they felt the footpath would be installed.

Mr Swainston commented that the offer from Wimpey for £10,000 for highway improvements showed that they had no intention of providing the footpath link.

Mr Andrews, a representative of Wimpey, explained that he knew the footpath was a contentious issue and if Wimpey provided £10,000 to upgrade the highways around the site this would allay the fears of residents. The recommendation was that the footpath was desirable and not essential and felt that if this could not be provided then they wished to supply an alternative. He explained that he had worked with Durham County Council and the District of Easington to come up with a suitable scheme and felt to put conditions on now would be wrong.

The Principal Planning Services Officer explained that the footpath was part of the submitted plans. If Wimpey wished to differ from the submitted plans their amended plans would need to be submitted. He queried why Wimpey were reluctant to put the footpath in. Mr Andrews explained that Wimpey could only put the footpath in as far as the development in the application site.

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It was explained that there was a strip of land between the developments that was not in Wimpey's ownership and therefore the footpath could not be linked to the others on the adjacent sites.

A Member explained that he felt it would be better to install a footpath than spend £10,000 on highway improvements.

Discussion ensued regarding deferral of the application. The Principal Planning Services Officer explained that the planning issues were about safety of alternative routes. Durham County Council had advised that the footpath was not essential.

Mr Swainston explained that if the footpath link was not part of the development, then he felt the people of Wingate would be cheated out of a better scheme.

A Member explained that in planning terms it would be best to have a footpath and the Council should insist that the footpath be built as part of the overall scheme.

The Principal Planning Services Officer explained that if the Council imposed a Grampian style condition and the applicants chose to appeal against the condition then the District Council would have to defend their position.

Mr Hepplewhite explained that he felt that Durham County Council's highway authorities was one of the most lenient to deal with. He referred to a previous site at Moor Lane where the Highway Authority had offered no objections and the application had subsequently been refused. The applicant had appealed against the decision and the appeal inspector had come down firmly against the Highway Authority in that instance.

Mr Andrews explained that the only reason the application had been resubmitted was due to a typographical error in the office. If any conditions were imposed this would go against what was granted in March.

**RESOLVED** that the Council be minded to make two decision:-

- (i) That planning permission be granted on receipt of a satisfactory Section 106 Agreement (conditions reproducing those on Planning Application 04/1122) and that the decision be delegated to the Head of Planning and Building Control Services to issue.
- (ii) Should a satisfactory Section 106 Agreement not be received signed and exchanged by the 12 August 2005 the Council be minded to refuse the application on the basis of the lack of public open space provision as required by Policy 66 of the District Local Plan, both decisions be delegated to the Head of Planning and Building Control Services.

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**05/89 WINGATE – One house and change of use of land to private gardens at land north of Front Street (Tonk's Yard) for G Wimpey (NE) Limited**

Consideration was given to the report of the Principal Planning Services Officer which recommended conditional approval, (conditions relating to materials, landscaping, contaminated land investigation and subject to approval implementation of application 05/393). The proposal was considered to be in accordance with the provisions of the District of Easington Local Plan particularly 1, 35 and Wi8.

**RESOLVED** that the application be conditionally approved.

JC/PH/COM/DEV/050701  
7 July 2005