

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY, 20 SEPTEMBER 2005**

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

Applicants/Agents - Mr Jackson, Mr and Mrs Harper
and Mr McGawley

1 **THE MINUTES OF THE LAST MEETING** held on 30 August, 2005, a copy of which had been circulated to each Member were confirmed.

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

05/82 SEAHAM HARBOUR – Residential development (outline) at land south of Foundry Road and north of Ropery Walk, Seaham for Modus (Seaham) Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional outline approval (contaminated land investigation). The proposal was considered to be an acceptable departure from the Local Plan Policy S.10 and in accordance with local plan policies, particularly Policies 1 and 35 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.

RESOLVED that the application be conditionally approved.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS COUNCILLOR B BURN DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

05/223 SEAHAM NORTH – Proposed 3 No houses (outline) at Hall Farm, Lord Byrons Walk, Seaham for SPD Construction

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal on the grounds that the proposed development, by virtue of its nature, location and design was contrary to Policies 1, 7, 35, 67 and S22 of the Easington District Local Plan.

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

Mr Jackson, the agent for the applicant, explained that this application was submitted over six months ago and at no stage in the process had there been any suggestion that there were policy objections to the application. If there had been his client would not have gone to the expense of carrying out detailed surveys.

Mr Jackson explained that the site was in no way connected to Seaham Hall and objections based on the relationship between the two were not supported, as there was no relationship between them. In relation to access it was explained that detailed discussions had been held with the Highways Authority and all initial concerns had been resolved.

Concerns in relation to the boundary wall were also unfounded. The wall itself was not listed and could be rebuilt using similar materials, which would retain its character and result in a properly constructed wall. Therefore there was no basis to refuse the application on conservation grounds.

In relation to landscaping the site was almost free of trees. The access would affect two mature trees, one Ash and one Oak, however, the applicant had agreed to re-plant or replace the trees and the remainder of the landscape was overgrown shrubs.

The Principal Planning Services Officer confirmed that issues relating to access had been resolved with the Highways Authority following negotiation. It was also accepted that there was no relationship between the development site and Seaham Hall. However, whilst the wall was not listed it was important to the character of the area and there were a number of mature trees on the site.

RESOLVED that the application be refused.

COUNCILLOR B BURN REJOINED THE MEETING.

05/244 SEAHAM HARBOUR – Residential development comprising 55 houses at Foundry Road, Seaham for Modus Homes.

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (conditions relating to sample of materials, means of enclosure, contaminated land, noise survey and noise mitigation measures, landscaping) on receipt of an acceptable legal undertaking for the provision of £27,500 for environmental improvements and/or enhancement of adjacent public open space and that the decision be delegated to the Head of Planning and Building Control to issue.

The reason for the recommendation was that the general principle of residential development upon the site was

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considered acceptable and was an acceptable departure from the Local Plan Policy.

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

RESOLVED that consideration of the application be deferred to allow further consultation and planning permission be granted on receipt of a satisfactory Section 106 Agreement. The decision be delegated to the Head of Planning and Building Control Services to issue.

05/541 SEAHAM HARBOUR - Proposed scout hall and angling club at land adjacent to public house, South Crescent, Seaham for Modus (Seaham) Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (conditions relating to materials, enclosure details to be agreed, details of the relocation of the street furniture). The proposal was in accordance with Policies 1, 22, 35, 36 and 89 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.

RESOLVED that the application be conditionally approved.

05/581 MURTON EAST – 3 houses at Old Church Hall, Knaresborough Road, Murton for Holy Trinity Church

Consideration was given to the report of the Head of Planning and Building Control Services, which recommended refusal on the grounds that the proposal would result in the loss of a tree protected by Tree Preservation Order 12 and the construction of the driveways to serve the dwellings would be likely to result in the loss of additional protected trees. The proposal was contrary to Policy 11 of the District of Easington Local Plan which only permitted the removal of protected trees where it was necessary for woodland management or where the trees were considered to be dangerous.

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

RESOLVED that the application be refused.

05/614 SEATON NORTH – Water storage tank and shed (retrospective) at Sharpley Springs Golf Course, Seaton for Mr S A Weightman

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (landscaping) on the grounds that the development was

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in accord with the relevant policies within the Easington Local Plan and did not harm the amenities of local residents.

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

The Principal Planning Services Officer advised that since the report had been prepared there had been one further objection which had expressed concern in relation to noise on an evening and had suggested that the water tank be re-located behind the mound located on site. These were not considered to be issues which should alter the recommendation.

RESOLVED that the application be conditionally approved.

05/629 WINGATE – Amended details to previously approved barn conversion/rebuilding at Unit 1, Deaf Hill Farm, Trimdon for Mr and Mrs I Harper

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

- (i) the dormer windows, by virtue of their design, were considered to be an alien feature and out of context with the prevailing character of the original architectural building and those recently converted nearby, whose roof lines were simple in form, uninterrupted by extensions or other additions. The proposal was contrary to Policy 70 of the District of Easington Local Plan.
- (ii) the dormer windows, by virtue of their situation close to and overlooking the adjacent residential property, were considered to result in an unacceptable loss of privacy to occupiers of that property, which was detrimental to their amenity and contrary to Policy 35 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.

Mr Harper, the applicant, explained that the side extension had been necessary to comply with the Disability Discrimination Act insofar as Mr and Mrs Harper had an 84 year old relative living with them at the property. The side extension had been specifically designed with this in mind and Social Services had agreed to install a stair lift at the property.

It was explained that from a safety point of view dormer windows were safer than Velux windows and could easily be opened in an emergency. Whilst neighbours had initially objected to the dormer windows these concerns had been resolved by the erection of a six-foot fence by neighbours.

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Mr Harper presented Members with photographic evidence of similar conversions within the area with dormer windows and explained that all buildings in the immediate vicinity varied in design and each should be considered on its own merits.

The Principal Planning Services Officer explained that the Authority had no embargo on dormer windows however, the Local Plan did stipulate that conversions should seek to retain the character and appearance of the original building and dormer windows did not do this.

The issues outlined by Mr Harper in relation to the improved safety of dormer windows as opposed to Velux was not a planning issue which could be taken in to consideration.

Councillor Nicholls advised that there were many similar developments in the vicinity all of which had dormer windows. Prior to conversion the building had been left to deteriorate and the development had greatly improved the area.

Councillor Mrs Naylor sought clarification on the position if the application was approved.

The Principal Planning Services Officer advised that Policy 70 of the Local Plan aimed to encourage the conversion of sound rural buildings to residential dwellings providing their original character was retained as far as possible. It was accepted that certain changes needed to be made however, the roofline and walls should be retained and kept as similar as possible to the original building.

The Head of Planning and Building Control Services stated that Planning Officers had clear guidelines that had to be followed in relation to barn conversions.

Councillor Davison queried what percentage of the original barn had been converted. Mr Harper advised that the original barn had deteriorated to such an extent that the old brickwork had been demolished and rebuilt and in essence the conversion was a new dwelling.

Councillor Mrs Naylor asked if the application should be considered on the basis that the original barn had been demolished and this was essentially a new build.

The Principal Planning Services Officer advised that he was unaware of any request for Mr and Mrs Harper to demolish the original building. In planning terms the Authority would discourage the demolition of the original building, however, if this was necessary it should have been re-built in a similar design. It may, however, have been a requirement for building regulations.

A Member queried if the original plans that were approved had stipulated Velux windows. Mr Harper confirmed that this was correct.

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Councillor Mrs Connor stated that the dwelling was essentially a new building and the dormer windows looked out of place, therefore she was against the application.

RESOLVED that the application be approved on the basis that the appearance of the area was not affected and the installation of dormer windows did not significantly affect the character of the building.

3 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that in accordance with Section 100A (4) of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 the press and public be excluded from the meeting for the following item of business on the grounds that it involved the disclosure of exempt information, as defined in Paragraphs 13(a) and 14 Part 1 of Schedule 12A of the Act.

4 PLANNING INVESTIGATION REPORT

Consideration was given to the report of the Head of Planning and Building Control which recommended prosecution under Section 171(D) of the Town and Country Planning Act 1990 for failure to complete and return a Planning Contravention Notice, a copy of which had been circulated to each Member.

RESOLVED that:-

- (i) approval be granted for the prosecution under Section 171 (D) of the Town and Country Planning Act 1990 for failure to complete and return a Planning Contravention Notice.
- (ii) the Head of Planning and Building Control Services be authorised to take any further action deemed appropriate.