

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY, 1ST NOVEMBER, 2005**

Present: Councillor M. Routledge (Chair)

Councillors Mrs. G. Bleasdale, B. Burn,
P.J. Campbell, Mrs. E.M. Connor, R. Davison,
R. Liddle, M. Nicholls, Mrs. A. Naylor, B. Quinn,
R. Taylor, D.J. Taylor-Gooby and P.G. Ward

Applicants/Agents:
Miss J. Newby, Mr. Jackson, Mr. Clarke and
Mr. Frain

Objectors:
Mr. and Mrs. Watt
Mr. and Mrs. Staples

1. **THE MINUTES OF THE LAST MEETING** held on 11th October, 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**

PRIOR TO CONSIDERATION OF THE FOLLOWING APPLICATION, COUNCILLOR P.J. CAMPBELL DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING

01/500 HUTTON HENRY (CASTLE EDEN) - Residential Development at The Brewery, Castle Eden for Charles Church NE - Amended Plans to Omit Play Area

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that omission of the play area from the development be accepted as an amendment to the planning permission 01/500, subject to the financial contribution being made within one month and that condition No. 14 did not require discharging. The proposal represented an acceptable amendment to the planning permission which would be in accord with the wishes of the majority of the residents on the estate and would not compromise the overall development. As such, it would comply with relevant policies within the District of Easington Local Plan, in particular, Policies 1, 35 and 66.

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

A Member queried if the £30,000 contribution to the Parish Council would be monitored and asked if the District Council had any control on how it was spent. The Principal Planning Services Officer explained that there were no built in monitoring procedures and it was on trust

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that the Parish Council would spend it appropriately. A legal agreement could be drawn up to enable the District Council to have some involvement. It was now normal practice that donations in lieu of play areas were negotiated when an application was received.

The Principal Planning Services Officer explained that the donation from the developer would usually go towards improving existing play facilities but Castle Eden did not have any play areas. The Parish Council had advised that they were looking to buy some land to situate a play area. The developers had misinformed the residents regarding the siting of the play area.

Members raised concerns that there would be no facility for young children to play and it would be very sensible to have a play area on the estate. It was explained that there was a policy to ensure that adequate play facilities were provided and felt the developers should continue with the original plans.

RESOLVED that omission of the play area from the development be refused as an amendment to planning permission 01/500.

Following Members' decision, Mr. Carter explained that he lived on the estate and the general feeling of residents was that the play area was not wanted. He had been shown plans by the developer detailing the play area at the rear of the estate. There was huge objection in terms of where the play area was to be located and he did not think it was rightly situated in the middle.

The Chair advised Mr. Carter that Members had determined the application and their decision could not be changed.

COUNCILLOR P.J. CAMPBELL REJOINED THE MEETING

PRIOR TO CONSIDERATION OF THE FOLLOWING APPLICATION, COUNCILLOR R. DAVISON DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING

05/492 EASINGTON VILLAGE AND SOUTH HETTON - Proposed Conversion of Building to Dwelling at West of Laburnum House, Hawthorn for Mr. and Mrs. C.T. Newby

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (conditions relating to materials, landscaping, details of the displaced parking, removal of permitted development rights). The proposal was considered to comply with relevant Development Plan Policies, in particular Policies 1, 22, 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.

Miss Newby explained that she was speaking on behalf of her parents and the conversion was for a smaller two bedroomed property for them. She explained that she had lived in the village for nearly 40 years and was concerned at the amount of representations received

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against the application. A lot of people she had spoken to had been very positive apart from the direct neighbour.

Miss Newby explained that there was no dispute over the access and there should not be any confusion. The access would run from the main road up the lane and through to the garage. Durham County Council and Northumbrian Water had access and the new road would make it easier for them.

RESOLVED that the application be conditionally approved.

COUNCILLOR DAVISON REJOINED THE MEETING

05/543 HORDEN - Proposed Conservatory at 3 Springfield Terrace, Horden for Mr. T.E. Mann

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval. The proposal was considered to represent an acceptable form of development which was in accordance with the intentions of Policies 1, 35, 73 and Appendix 7 of the District of Easington Adopted Local Plan.

RESOLVED that the application be unconditionally approved.

PRIOR TO CONSIDERATION OF THE FOLLOWING APPLICATION, COUNCILLOR MRS. E.M. CONNOR DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING

05/616 HORDEN SOUTH – Proposed Residential Development (Outline) at Cotsford Grange Farm, Horden for Mr and Mrs Kieken

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional outline approval, (conditions relating to reserved matters, protection of visibility splay, contaminated land risk assessment). The proposal was considered to be in accordance with the Statutory Development Plan and related policies, in particular the District of Easington Local Plan Policies 1, 35 and 67 and there were no other material considerations which outweighed the support for the proposals.

The Principal Planning Services Officer explained that this application had been deferred from the last meeting for further information to be obtained from the Highways Authority in respect of considering alternative access arrangements.

Durham County Council had responded and explained that the centre line of the proposed access resulted in the best sight visibility splay as possible. The necessary sight visibility splays could not be achieved if the access was to be moved either to the west or to the east and as such there was no other location for the access that would be acceptable on highway grounds.

Mr. Watt, an objector, explained that he had outlined his concerns at the last meeting and he thought that the application had been deferred to look at the possible relocation of the access and to comment on the caravans that were pulling across the carriageway which he still felt

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were a hazard. He added that the junction arrangement would be a hazard and did not think this had been considered thoroughly by Durham County Council and his objection still stood.

The Principal Planning Services Officer explained that the application was deferred on highway grounds and not for the caravans accessing the site.

Mrs. Watt explained that she lived opposite where the proposed access would be and there were three schools in the area. She queried if Members had visited the site in busy periods. She explained that there was a corner shop on the road and children would have to cross another access to get to it. She queried why the access could not remain as present as everybody was aware of this junction. She added that her main concern was the safety of the children.

Mr. Staples explained that when caravans accessed the site they had to cross onto the other side of the road to get in and out and explained that this would hold the traffic up and cause a hazard.

The Chair explained that the District Council were guided by the Highways Authority and they would be expected to view the site and offer their expert opinion.

The Principal Planning Services Officer explained that the existing access would be closed off. Highway engineers were trained to assess junctions and they had advised that this would be the safest access. He added that he did not know whether the applicant intended to carry on with caravan storage.

Members explained that they were extremely concerned regarding the junction arrangement and safety for the children attending the nearby schools as well as the width of the road for caravan access.

RESOLVED that the application be refused.

COUNCILLOR MRS E M CONNOR REJOINED THE MEETING

05/651 HASWELL AND SHOTTON - Proposed Poultry Storage and Stable Building at North Pesspool Farm, Haswell for Mrs. Williamson

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, (conditions relating to materials and landscaping together with the specific condition restricting the use to non-commercial only). The proposal complied with the relevant policies within the District of Easington Local Plan and in particular Policies 1, 35 and 41.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting. Members had queried if it was possible to control the level of activity and it was explained that this would not be feasible to do so as it would be difficult to monitor and enforce. The building was small and would only accommodate a certain number of animals. He added that the condition in the report relating to non-commercial use only should be deleted.

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The Principal Planning Services Officer explained that since the preparation of the report, an objection had been received from a local resident on the following grounds:-

- the building was close to a private dwelling and would cause problems of smell and vermin
- existing business included many portable sheds on site without planning permission
- advertisements in trade paper and on site indicated commercial activity
- access to the site was dangerous being near the brow of a hill and a number of private drives
- new houses nearby had generated more traffic.

The Principal Planning Services Officer explained that the objector had provided a copy of a trade paper which showed commercial activity but it was felt this was a limited scale and an ancillary activity. The suggested conditions were therefore restricted to use of materials and landscaping.

A Member queried if the building could be converted at a future date. The Principal Planning Services Officer explained that the building was a timber building but if Members were concerned, a condition could be added for non-residential use in the future.

A Member explained that he would like a condition attached that the site should be tidied. The Principal Planning Services Officer explained that a condition could not be attached but the Planning Department would establish which buildings had planning permission and ascertain whether any further action could be taken.

Members advised that they would like to add additional conditions relating to the tidying of the site and restricting the development to non-residential.

RESOLVED the application be conditionally approved.

05/663

THORNLEY - Proposed Two Storey Rear Extension and Detached Garage at 92 Dunelm Road, Thornley for Mr. and Mrs. I. Clarke

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposed development, by virtue of its design, footprint, massing and projection, would significantly adversely affect the level of amenity currently afforded to both adjoining neighbouring residents in that it would have an overbearing, overshadowing and oppressive impact and could also establish an undesirable precedent contrary to the intentions of Policies 1, 35, 73 and Appendix 7 of the District of Easington 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. Clarke, the applicant, explained that his neighbours had not objected to the application. Two previous two storey extensions had been approved at the beginning of the year on the opposite side of the road. He explained that his house only had two bedrooms and one bedroom had been split into two for his two children aged nine and sixteen. The property needed extending for the additional space. He added that he had his house on the market for sale but had been unable to sell it because it was so small. He felt that people in similar houses had been given approval for similar two storey extensions and did not know why the application could not be approved.

The Principal Planning Services Officer explained that every extension was assessed on its own merits and there could have been different circumstances and arrangements of windows on other properties but it was felt that by virtue of its size, the extension was not acceptable.

A Member queried if he had received letters of support from neighbours. Mr. Clarke explained that the Council had visited his neighbours and spoken to them on the telephone. Officers had advised them that the extension could devalue their property. He felt he did not want to disturb them any more.

The Principal Planning Services Officer explained that the Planning Officer would not advise neighbours that the extension would devalue their property.

A Member explained that a lot of families wanted to stay in the same house and extend their properties. The Government were trying to fight for affordable housing and give younger people a chance.

The Principal Planning Services Officer explained that Planning Officers were still obliged to apply policy. It was acknowledged that there were no neighbour objections but the Council were duty bound to look at the overall picture but did try to facilitate extensions. It had been suggested to the applicant to reduce the size of the extension.

Mr. Clarke explained that if the extension was reduced, the height would be exactly the same and the light would still be affected, although with the property being south facing he felt this would be minimal and the window it was affecting was in the kitchen. He added that it would cost another £1,000 to submit further plans and he could not afford this.

Members explained that after full consultation, there had been no objections and felt that it was unreasonable not to allow the application as the family were in dire need.

RESOLVED that the application be conditionally approved.

05/673

HUTTON HENRY (CASTLE EDEN) - New Access Route at The Castle, Castle Eden for Mr. A.H. Gilman

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Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, (conditions relating to material samples, Conservation Officers suggested conditions, condition for crown lifting) and to delegate the decision to the Head of Planning and Building Control Services to issue the decision on the expiration of the consultation period. The proposal was considered to comply with relevant Development Plan Policies, in particular Policies 1, 15, 20, 22, 24, 35 and C1 of the District of Easington Local Plan.

A Member expressed concern regarding the nearby nature reserve and asked if there were any proposals for lighting. The Principal Planning Services Officer explained that the Conservation Officers conditions were that no lights be installed.

RESOLVED that the application be conditionally approved.

PRIOR TO CONSIDERATION OF THE FOLLOWING APPLICATION, COUNCILLOR M. ROUTLEDGE DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING

COUNCILLOR R. DAVISON TOOK THE CHAIR

05/609 EASINGTON VILLAGE AND SOUTH HETTON - Proposed One Farmhouse at Mount Pleasant Farm, South Hetton for Mr. W.L. Frain

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the applicant had failed to demonstrate to the satisfaction of the Local Planning Authority, a justification to demonstrate that the dwelling was necessary in the countryside for the purposes of agriculture, forestry or for people to live close to their place of employment to perform their duties. In the absence of a sufficient justification demonstrating the need for a residential dwelling in the countryside, the application was considered to be contrary to PPS7, Policy 14 of the Durham County Structure Plan and Policy 69 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. Jackson, the agent for the applicant, explained that the report relied heavily on land being contracted out to adjacent farmers and he believed this assumption was wrong. He explained that a farmer could manage several farms and it was an essential farming need to be on site. His client was no different to any other farmer who wanted the opportunity to manage his own land and maximise his income. He had over 20 years of accounts and a sample had been provided. A business plan was considered unnecessary because this was an arable farm which had existed for more than 20 years. Mr. Frain wished to diversify through livestock and introduce these gradually as the farm was developed. There was a lot of storage space on the site and machinery and equipment could not be left there for any period of time.

With regard to sustainability, he explained that a house had been approved by the Panel on an adjacent site. The site was located on 20

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acres on one-eighth of the site and Mr. Frain only wanted equality. Had Members gone onto the site that morning, his client wished to show the equipment that had been purchased. Mr. Frain was willing to accept temporary accommodation being provided on the site and was willing to prove a business case and apply at a later date for permission for the dwelling.

The Principal Planning Services Officer explained that in Officers' view, enough evidence had not been provided on Mr. Frain's activities for operating the land and there were no guarantees it would be sustainable nor had there been evidence of need provided. With regard to other houses being approved by the Panel, they had all been through the planning process and been considered on their own merits.

Mr. Jackson explained that not all of Mr. Frain's land was contracted out and he did farm part of the land. The proposal for a dwelling would allow him to farm all of the land.

Mr. Jackson advised that because the Council was in doubt regarding the viability of the business, his client was willing to have approval for a temporary dwelling in order for him to show that his business ran at a profit. The Principal Planning Services Officer explained that the application could not be amended that night for temporary accommodation.

Mr. Jackson requested that the application be deferred to allow him to make changes to the planning application for the same use. The Principal Planning Services Officer explained that he required time to consider the legal aspects of the changes and determine if the application was of the same nature.

Members queried the number of acres that Mr. Frain owned. Mr. Frain explained that where the shed was located was a 17 acre field. He owned 143 acres in total. 110 acres was arable land, the remainder was grassland and all the farming was not carried out by somebody else. When he looked at contracting out he needed to do this to sustain his business.

RESOLVED that the application be deferred to allow the Principal Planning Services Officer to determine if a separate application was required for temporary accommodation.

COUNCILLOR M ROUTLEDGE REJOINED THE MEETING AND TOOK THE CHAIR

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 items of business on the grounds that it involves the disclosure of exempt information, as defined in Paragraphs 13A and 14, Part 1 of Schedule 12A of the Act.

4. **PLANNING INVESTIGATIONS REPORT**

Allotments on Land at Rear of Wheatley Hill Workingmen's' Club, Quilstyle Road, Wheatley Hill

The Principal Planning Services Officer explained that Members resolved to prosecute the offender named in the report at the meeting held on 20th September, 2005 . The correct applications had now been received and it was felt that no further action was necessary.

RESOLVED that no further action be taken against the offender named in the report of 20 September 2005.

JC/PH com/dev/051101
2nd November, 2005