

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY, 22 NOVEMBER, 2005**

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

Applicants/Agents

Mr Self, Mr Jackson, Mr Frain and
Mr Weightman

Objectors

Mr Burgon, Mr Mortimer, Mr McAroy,
Miss Dobson and Mr Simpson

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor P J Campbell.

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

3 MATTERS ARISING

05/673 HUTTON HENRY (CASTLE EDEN) – New Access Route at The Castle, Castle Eden for Mr E H Gillman

The Principal Planning Services Officer explained that a letter had been received from Castle Eden Parish Council explaining that they were devastated at the decision of the District of Easington Council's Planning Committee to grant permission for the planning proposal. The access would pass over a medieval underground dwelling and artefacts had been found there. In particular, a vase which was Anglo Saxon was now in a local museum. The Parish Council had requested that while work was being undertaken to construct the road, an Archaeologist from the University of Durham Archaeologist Society be on duty during every minute of the works. Many residents of Castle Eden were present at the meeting on Thursday, November 17 to voice their concern which was that other artefacts could be discovered on work to be carried out. The Parish Council queried if the District of Easington Planning Committee realised the importance of the site.

The Principal Planning Services Officer explained that the Parish Council's comments were reported at the Panel meeting and they did not take the opportunity to speak. The Council had received very little response from residents and the report took account of English Heritage and the Durham County Council's

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Archaeologist. He added that the application had been dealt with in the appropriate manner and would write back to the Parish Council advising them of that.

A Member commented that any party had a chance to put their views to Members in an open forum. A Member explained that the access route was a top covering and artefacts would not be lost forever.

The Principal Planning Services Officer explained that ancient monument consent was still required with English Heritage.

RESOLVED that the information given, be noted.

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

04/737 HORDEN SOUTH - Proposed Residential Development comprising of 12 Houses (Outline) at Adams Motors, Blackhills Road, Horden

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposal did not include any adequate provision for children's play space and outdoor recreation, nor had a satisfactory Section 106 Agreement for the provision of a sum of money in lieu of on-site public open space for the enhancement of adjacent open space been provided. As such, the proposal was contrary to the provisions of Policy 66 of the District of Easington Local Plan which required developments of ten or more houses to include adequate play and recreational space.

RESOLVED that the application be refused.

05/665 SEAHAM NORTH (SEATON WITH SLINGLEY) – Paintball Business and Associated Earth Mounds and Structures and Car Park at Land South of Sharpley Hall Farm for Mr I Weightman

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (further landscaping work, hours of operation, on-site car parking provision, operation of the site). The proposal constituted an acceptable form of development in a rural location that would provide a leisure facility and employment opportunities without significant adverse impacts on the amenities of the area or its residents.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting. The Environmental Health Officer had confirmed that she had visited the objectors property to record the noise levels the previous Saturday when 40 to 50 people were present at the paint balling activity. The sound from the guns was barely audible and the most intrusive noise was from the

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passing traffic. She concluded that the noise from the paint balling activity was not a statutory nuisance.

A letter had been received from Groundwork East Durham whose youth team used the facilities and supported the application. Support had also been received from Seaham Youth Initiative who had used the facilities on numerous occasions. The applicants had also written to Members of the Panel with information in support of the application.

The Principal Planning Services Officer explained that the recommendation was for approval with the following additional conditions:-

- Car park be constructed as approved and limited to that particular area
- The shelter would require removal if it ceased to operate for more than six months
- The hours of operation be controlled from 10.00 am to 7.00 pm
- Numbers of participants limited to a maximum of 50
- Increase the height of the mounds
- No amplified music from the site
- Viewing areas to be formally agreed with the Council
- Temporary structures and props should be located within the identified play areas.

Mr Burgon, an objector, explained that he had no objections visually as the paint balling operation was not seen from his property, his main concern was regarding the noise. He explained that he lived 500 yards to the south of the site and could hear the sound from the guns in the house and the garden. Amplified music had been used on the site in the past. With regard to opening hours, he requested that a condition be imposed regarding no flood lighting in the winter months.

The Principal Planning Services Officer explained that the condition regarding flood lighting was a reasonable request and Members could consider this as a further condition.

Mr Mortimer, an objector, explained that his home life had been destroyed. Members had visited his home that day and had been unable to view the site because of the fog but they viewed a video showing the noise and visual impact. He explained that the Environmental Health Officer had visited his property but had telephoned Mr Weightman, the applicant, to inform him that she was visiting to check noise levels. It was explained that his family could not spend time outdoors because of the impact it had on his children. Coaches often parked outside his home and there was a steady stream of people going into the paintball activity.

With regard to the car park, Mr Mortimer explained that there were approximately 30 to 40 cars parked there. He added that Mr Weightman owned a number of fields and queried why the paint balling activity could not be moved to one of those so it

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would not impact on life of residents. He explained that he had lived there for six years and Mr Seymour, his neighbour, had lived there for over 50 years. He added that neither himself nor his neighbour had ever seen any drug addicts on the site.

Mr Weightman had explained that the buildings on the site were used to keep equipment and this was incorrect. The guns were stored in a metal container or barns opposite his property. With regard to the reported drug abuse, the caravan that had been sited on the field had only been moved to the next field and he felt that if there was a drug problem it would have been removed altogether. The paint balling activity was forcing him and his family from his home. The facility had devalued his home and its safety and security was of great concern. He added that he had difficulty in selling his house and if Mr Weightman had such a problem with drug addicts using his property then why erect more buildings for people to hide in.

Mr Mortimer explained that when the original application was submitted in 2003 he had raised no objections because he felt that the development would not affect him or his family. After the planning permission had been granted, JCB's were then brought onto the site and mounds created. This was far more than what the neighbours had envisaged or what permission had been granted for.

In conclusion, Mr Mortimer explained that he wanted the Council to implement a strict control policy and to require the buildings and car park to be re-located to the rear as well as the increasing of the size of the mounds. He did not want to be able to hear or see the paint balling activity and wanted to return back to the quality of life he had before the paint balling activity commenced.

Mr McAroy explained that he used the paint balling activity the previous Saturday. The staff and marshals were laughing at Mr Mortimer and asking the people attending the paint balling to wave and make derogatory signals to Mr Mortimer who was filming the paint balling activities. He felt that Mr Mortimer should have privacy and thought what the staff were doing at the paint balling activity was totally inappropriate.

Ms Dobson explained that she had two daughters aged five and nine years old and had to bring the children inside on a number of occasions as they could hear foul language and shouting from the people using the paint balling activity. She added that children should be able to have an outdoor life.

Mr Simpson, an objector, referred to a report written in June 2004 by a Planning Officer relating to Mr Weightmans's site. The planning application that was submitted was not dissimilar to the current application. The application in 2004 was subsequently withdrawn and the recommendation for that application had been for refusal. The Planning Officer had advised "on balance, even on a temporary basis the potential noise, disturbance and commercial and visual intrusion were

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considered unacceptable. The location of the proposal in relation to the housing meant that the conflicts could not be resolved through conditions and an alternative site should be sought instead. The proposal was likely to have a serious adverse affect on residential amenities because of the potential noise disturbance and commercial and visual intrusion on the occupiers of the nearby houses contrary to Policies 1, 35, 57 and 86 of the District of Easington Local Plan". He added that he could not understand why the Planning Officer's conclusion in 2004 and the Planning Officer conclusion for a similar application was completely different.

The Principal Planning Services Officer explained that the report in June 2004 had been withdrawn and was not determined by Members. Since the application had been withdrawn, discussions and negotiations had taken place with the applicant and the development was now acceptable.

Mr Self, the agent for the applicant, explained that the applicant had previous consent that did not limit the number of visitors and this was consistent with case law. The Landscape Section, Environmental Health Section and the Highway Authority all supported the application although the Landscape Unit had imposed some conditions relating to the visual appearance of the mound and additional planting. A number of consultees had also supported the application.

Mr Self referred to the suggestion that the Environmental Health Officer had fore-warned the applicant of her visit and that the activities were staged managed on that day were untrue. There had been in excess of 50 people at the paint balling activity on that particular day. With regard to the objector, the house was 100 metres away and divided by a busy road. He added that the applicant accepted the conditions relating to the restrictions in operating hours. There had been concern regarding the limiting of numbers to 30 but this had now been updated to 50 and the applicant was willing to accept this. The original planning permission did not expire until 2008 and to limit the number to 30 would be unreasonable. 50 people would be appropriate in terms of the site and would be in accordance with the assessment by the Health and Safety Executive and a governing body of paintballing.

Mr Self explained that the farm diversification complied with the relevant Development Plan Policies and the Local Plan. The applicant was also content to have a condition regarding the floodlighting. The objector referred to the fact that he had been unable to sell his house and explained that this was not a material planning consideration and could not be taken into consideration when determining the application.

Mr Self referred to the report that was prepared in June 2004 and explained that this had been withdrawn. Detailed conversations had been held with the Planning Officers and the application that was in front of Members had been submitted

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with regard to the pre-planning advice. In conclusion, he added that the applicant was willing to agree to all conditions suggested by the Planning Officers.

Mr Weightman, the applicant, explained that with regard to the incident the previous weekend. The marshals were very well trained and the users of the paint balling activity were instigated by the fact that they knew they were being filmed. They had come to the paint balling activity to enjoy a day out and saw Mr Mortimer recording their activities and he could fully understand that people would be waving although there were no derogatory remarks or gestures from them.

Members were advised that all the people using the facility arrived together and also left together and the area was very well contained and screened. He added that the paint balling was physically intensive and throughout the day, once they had broken for lunch and breaks, it was only in operation for approximately three and a half hours.

A Member explained that he would like a condition adding regarding no floodlighting in the winter months and queried if it was possible to move the entrance and have the people changing in an alternative location. He felt this would alleviate some of the problems with noise and disturbance to neighbours.

The Principal Planning Services Officer explained that in doing works to the mounds this could be possible. Mr Self explained that if it was purely organisational then this could be looked at. The previous planning consent had no mounding at all and felt that this was a better facility.

A Member asked if any of the issues regarding drugs was reported to the Police. Mr Weightman explained that the drugs issue related to a previous use of a strawberry field where at that time a static caravan was located on the site. A lady pricked her finger with a hypodermic needle so it would be logged as she had to have all the necessary tests at hospital.

With regard to the Wild West Village, this was to capture peoples imagination and the paint balling was to be open throughout the year. Permission to open seven days a week allowed flexibility although the paint balling activity did not take place every day of the week and was most commonly a Saturday and Sunday. He added that he worked with a lot of youth groups and the only reason that this could be achieved was because of the amount of customers that used the paint balling at the weekend which subsidised the cost. The average was two to four days per week.

A Member referred to the temporary structures and asked if they could be moved and queried if they had been moved in the last two years. The Principal Planning Services Officer explained that the structures were classed as temporary as

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they were removable and it was the intention that they could be moved around on the site but it was not essential that they be moved.

A Member explained that he had been on the Panel when the original application had been approved and felt that the approval had caused more disturbance than originally thought. He explained that he would like to see a solution and wanted the applicants to consider their neighbours.

Members suggested that the application be deferred in order for the applicant to look at alternative arrangements that would reduce the nuisance on their neighbours.

Mr Self asked for some direction from Members on what they were prepared to accept. Members explained that coaches parked in front of Mr Mortimer's house and it would be more acceptable if there could be access from some other part of the site as well as some screening around the site. They would like the application to be brought back to the next Panel meeting. The Principal Planning Services Officer explained that if there were significant changes to the application then the Council would have to re-consult on the revised proposals and this may take up to six weeks.

RESOLVED that application number 05/665 be deferred.

05/690

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 a 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 the 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.

Mr Jackson, the agent for the applicant, apologised for the inaccuracies given at the last meeting. The farm had been in existence for over 20 years and the applicant had used contractors to carry out basic ploughing of the land. Expensive equipment was needed on the site but without supervision this could not be done and there had been reports of theft from the existing barn.

The Contractors travelled 12 miles and it cost in excess of £12,000 per year. The work on the farm could be carried out in-house by the applicant and his family if a dwelling was approved. It was intended to bring livestock onto the land

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which would need 24 hour supervision. He added that the applicant could not operate on 140+ acres without being on site. He had attempted to do this over 20 years and it was now essential that there was accommodation on site.

Mr Jackson explained that the applicant was happy to accept a Section 106 Agreement and agricultural occupancy limited to farming. The applicant just wanted to farm his own land the same as his neighbours. Permission had been granted for a house on a site of only 20 acres nearby, which was small in comparison to his clients.

A Member queried if the applicant had any livestock at present. Mr Frain explained that he owned horses which grazed on land at South Hetton. He owned 110 acres of arable land and 30 acres of grass land.

A Member referred to a previous application for a dwelling that had been approved at Shotton Colliery and asked how this application differed. The Principal Planning Services Officer explained that the applicant at Shotton Colliery was commencing a business of an animal type activity. He submitted a business plan and temporary accommodation was granted for three years. Further accounts were then provided to show that the business was profitable and there was a need to be on site 24 hours. The applicant had identified both the need to be on site and profitability and secured a dwelling. The main argument in Mr Frain's case was security which was not sufficient to justify approval.

Mr Jackson explained that he had submitted three sets of accounts and examples throughout the time the farm had existed. The applicant had 16 years of accounts and the profit had gradually decreased over the years due to rising costs and falling prices and would be more profitable if he could operate the farm himself.

The applicant's son explained that his father wanted to farm his land like everybody else around. He was 61 years old and needed to be on site and could not live in a caravan at his age. He needed to walk out of his front door and be able to farm his land. The barn had been broken into a number of times and he could not run the farm from two miles away. He added that there were accounts dating back 16 years.

RESOLVED the application be refused.

05/717

HORDEN SOUTH – Substitution of House Type, Plots 28-27 Dene View, Horden for Alexander Developments

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, (conditions relating to materials to be used and means of enclosure to be approved). The proposal was considered to be in accordance with Local Plan Policies particularly Policies 1 and 35 of the District of Easington Local

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Plan as there was not considered to be a significant adverse impact on adjacent properties.

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.

05/760

WINGATE (HUTTON HENRY) – Proposed Dwelling (Outline) (Re-Submission) at Land North of Heaton Terrace, Station Town for Mr P Collins

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposal would result in residential development in the countryside outside the settlement boundary of Station Town without an appropriate agricultural or similar justification, contrary to Policies 1, 3 and 69 of the District of Easington Local Plan. The proposal by reason of its location on the edge of the existing built up area, would be visually intrusive and would not consolidate the existing settlement framework contrary to 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 refused.