

**THE MINUTES OF THE MEETING**  
**OF THE DEVELOPMENT CONTROL AND REGULATORY PANEL**  
**HELD ON TUESDAY 10 JANUARY 2006**

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

Agent for the applicant – Mr Scorer

Supporters – Mr Carter, Miss Tate,  
Mrs Girvan, Mr Scollen, Mr Brown

**1 APOLOGY FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor M Routledge.

**2 THE MINUTES OF THE LAST MEETING** held on 13 December 2005, a copy of which had been circulated to each Member, were confirmed.

**3 MATTERS ARISING**

**Planning Investigation Report  
(Minute No 5 refers)**

The Principal Planning Services Officer explained that the sign had now been removed and no further action was required.

**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**

**05/829 WINGATE (HUTTON HENRY) – Proposed 2 No Houses  
(Outline) at Land Rear of Station Lane, Station Town, Wingate  
for Mr G Spence**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, conditions to include outline permission, design/landscaping, contaminated land, gas investigation, surface water drainage, access to adoptable standards. The site was the subject of an existing planning permission and the current proposals did not represent a significant change to the approved scheme, accordingly they were considered to be in accord with the Development Plan, particularly Policies 1, 35 and 67 of the District of Easington Local Plan.

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The Principal Planning Services Officer explained that the Environment Agency had withdrawn their comments but requested that conditions be imposed regarding sewage and flood risk.

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

**PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM, COUNCILLORS MRS E M CONNOR AND P J CAMPBELL DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING**

**05/882**

### **MURTON EAST – Proposed Residential Development at Hillcrest Garage, Cold Hesledon for Mr T Stuart**

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

- (i) the site lay outside the defined boundaries of any established settlement and thus represented residential development in the countryside without an appropriate agricultural, forestry or other rural justification, contrary to Policies 1, 67, 68 and 69 of the District of Easington Local Plan;
- (ii) the proposal would result in isolated and sporadic development by creating a group of dwellings in the countryside unrelated to existing settlements, detrimental to the character and appearance of the area and contrary to Policies 1, 3 and 35 of the District of Easington Local Plan;
- (iii) approval of the proposal could establish a precedent for similar developments on other similar sites in the District, thereby exacerbating the problems of unjustified, isolated developments in the countryside contrary to Policies 1, 3, 35, 67, 68 and 69 of the District of Easington Local Plan.

The Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting. Murton Parish Council had confirmed that the site was within their parish and they supported the application.

The Planning Services Officer explained that additional comments from the Regeneration Officer had been omitted from the report. The Regeneration and Partnerships section comments were as follows:-

The former Hillcrest garage had stood empty since Mr Stuart relocated his business activities. The buildings on site were currently boarded up and were considered to blight the local landscape and had been in this condition since relocation. It was felt that the buildings were likely to remain in this condition and would probably deteriorate further with time. It was not envisaged that Mr Stuart would sell the site to another

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commercial operator as he continued to trade in the district and the prospect of him selling to a competitor was highly unlikely. It was believed that this was supported by the fact that he had now applied for residential development on the site. It was felt that there was a strong regeneration argument in favour of the proposal, especially in light of the close proximity of the development site to both the A19 and the regeneration corridor which was being promoted by the Council.

Whilst the proposed development site lay outside the defined settlement boundaries of both Hawthorn and Murton there were a number of residential properties situated relatively close by and it was felt that a residential end use could be justified. A number of residential new builds or conversions had also been approved by the Council in recent years for buildings in Cold Hesledon.

The site was brownfield having previously been developed. Other brownfield sites where the previous use was a commercial car showroom had been approved by the authority in recent years. In each case, the garage site was located outside of the settlement boundary. The two sites were located on Thorpe Road in Littlethorpe on the A1086 and on Sunderland Road in Easington Village on the B1432. A precedent had therefore been established for this form of development.

It was felt that on balance, the application should be supported. In regeneration terms, it would support the Council's endeavour to promote both the A19 and the strategic corridor and would improve a secondary route way which traffic often had to follow if the main arterial route through the district (A19) was closed for any reason. There was a precedent for this form of development and it would remove an area of blight in a prominent position.

The Planning Services Officer explained that the two previous developments had been brought to the attention of Members on the site visit that day. The site in Easington Village on the B1432 had been unattractive and unused and had been derelict for a number of years. The first application had been refused and the applicants appealed against the decision. The appeal inspector ruled that the application should not be granted. A further application was then submitted which was successful.

With regard to the development on the A1086 at Littlethorpe, the site had been unattractive and unused and although contrary to policy was recommended for approval as there had been no alternative use identified for the land other than residential.

It was explained that in Officers opinion, evidence should be provided in order to over rule existing policies. No evidence had been submitted on the Hillcrest garage site. The Council

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had powers under Section 215 of the Town and Country Planning Act 1990 if the area became unattractive.

Mr Scorer, the agent for the applicant explained that the applicant had actively marketed the site through East Durham Business Service for sixteen months, following a suggestion by the District of Easington, although no offers for the site had been received for car sales or any other use. The site was prominently located on the B1432 within a Council identified regeneration corridor. Unless a suitable use could be found, the site and buildings would continue to stand as an empty eyesore on a main highway, a fact that was recognised by the Council's regeneration team who supported approval of the application.

It was explained that six letters of support for the proposed development had been submitted to the Council and there were no valid planning objections other than the Environment Agency who had asked for the Council to impose conditions.

The applicant considered that there was a justification for the Council to support the proposed development for the reasons detailed in italics in the report to Members.

The Planning Officer had confirmed that the site was brownfield as defined in PPG3 and also met the criteria as a 'windfall' site, albeit the report recognised the site lay in open countryside. The officer accepted in his report that the site was visually unattractive at present and prominent in the street scene.

Mr Scorer referred to the Officers observations that the site was located beyond the boundary of an established town or village and explained that the applicant was aware that other sites similarly located in open countryside had been approved for residential development contrary to planning guidance. Previous approvals were for the former Mick Emery car sales site near Littlethorpe and the car sales site opposite the greyhound stadium beyond Easington Village.

It was explained that the Planning Officer's report acknowledged that planning consent was granted for residential development on the two sites based on their individual merits. It was considered that as the Officers stated in the report that the previous approvals did not provide justification for allowing the application, then the differences should have been detailed in the report for Members' consideration and evaluation. This had not been done.

With regard to the Officer's comments that no arguments had been put forward to justify departure from local plan policies, the applicant disputed the statement and drew Members' attention to the detailed justification set out in the early part of the Officer's report. In fact, it was the Officer's report that failed to put forward an argument to demonstrate the differences between the sites at Littlethorpe and Easington

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Village and the Hillcrest application site to support the argument of refusal.

In the absence of any detail to support the Officer's opinion, the applicant considered the circumstances relating to the sites for which the Council had previously granted planning consent for residential development were in no way different to those of the Hillcrest site.

It was interesting to note that refusal 3 suggested refusal on the basis of setting a precedent but previous precedents were not to be considered precedents and were to be ignored. Mr Scorer questioned how the local authority could carry forward further regeneration policies such as Dalton Park, Phase 2 on greenfield sites whilst dealing with brownfield/windfall sites in the manner suggested by the Planning Officer. He asked that Members approve the application.

The Principal Planning Services Officer explained that most of the issues raised by Mr Scorer were detailed in the report. The two previous planning approvals were approved in 1998 and 2000 before the current Local Plan was adopted. The two sites had been longstanding problem sites over a number of years. All issues had tried to be resolved to keep the area tidy without any success. The applications had been supported as residential use was the only solution to longstanding problems.

The Principal Planning Services Officer explained that he was not aware that the premises had been marketed by the East Durham Business Service, but whilst the premises were closed they were not visually unattractive and were not seriously detracting from the countryside at the moment. He did accept that it was a balanced case and Members may have a different view. He added that if the site was approved it may open the precedent issue on other sites in the area. For example, the dog track in Easington Village had been subject to a number of enquiries regarding the potential for residential development.

The Head of Planning and Building Control Services explained that because land was brownfield or windfall did not necessarily mean that applications would be approved although they were important factors to take into account.

Members commented that there was a fine line between the two previous applications and the current one. Precedents were referred to and it was explained that if a judgement was made on this particular application it did not mean that any further applications would be automatically approved.

The Principal Planning Services Officer explained that if Members approved the application it would place more pressure on the Council to approve subsequent permissions.

Members commented that the site was not likely ever to become another business and could very quickly become unattractive and a problem site. It was felt that the proposal

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would help to regenerate the district and improve the character and appearance of the area.

**RESOLVED** that the application be approved.

### **COUNCILLORS MRS E M CONNOR AND P J CAMPBELL REJOINED THE MEETING**

### **PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM, COUNCILLOR P J CAMPBELL DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING**

**05/907**

#### **HUTTON HENRY (CASTLE EDEN) – Change of Use from Approved Play Area to Landscaped Open Space at Front of Nos 1 – 9 Rowland Crescent, The Brewery Site, Castle Eden for Charles Church NE**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval, subject to a Section 106 legal agreement to secure payment of the financial contribution. The proposal was considered to be acceptable taking into account the views of residents and the financial contribution offered by the developers towards recreational/community/leisure facilities in the vicinity, thus according with Policies 1, 35 and 66 of the District of Easington Local Plan.

Mr Carter, a supporter explained that he was a resident of Rowland Crescent and requested that Members favour the proposals to landscape the open space. The Planning Officers report provided a detailed picture and focussed on a number of issues from residents who supported the application. There was a lack of support from residents for a play area at the location identified. 26 letters of support and a petition of 37 houses had been submitted. Only 1 person was against the application.

When purchasing their houses, the residents had been advised by the developer that the green area in front of their homes would be landscaped. The green which the traffic flowed around had no parking facilities for anyone bringing their children to the proposed play area and would be an increased danger to children. The play area would attract anti-social behaviour, there would be an increase in noise and potential damage to properties and have an adverse effect on the privacy of dwellings. The financial contribution in lieu of play facilities offered by the developer could provide a substantial facility for all residents of Castle Eden. It was hoped that Members recognised the change in circumstances and voted in favour of the residents.

Miss Tate, a supporter explained that policy provisions particularly Policies 35 and 66 of the Easington District Local Plan considered the provisions of play areas in new housing developments. Policy 66 explained that the Council would require developers to provide adequate provision for children's play space and outdoor recreation space in relation to new housing developments of 10 or more dwellings but did not

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make recommendations what should be placed into the space. Existing provision within the locality and the characteristics of the proposed development in relevant economic circumstances should also be taken into consideration when applying the policy.

She explained that the play facility was designed for very young children and there was plenty of open space around Castle Eden. The estate comprised of large detached houses and each had substantial gardens. With regard to economic circumstances, she explained that the residents would be able to provide play equipment for their children in their own gardens.

Miss Tate advised that Policy 35 referred to the design and layout of the development and explained that the design and layout would be required to have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. She had lived on the estate for 2½ years and felt that the development of the play area would cause an adverse effect on all of the residents. Only one person supported the play area out of the 37 houses that had been petitioned. The residents had purchased their homes for long term investment and if the play equipment was provided, children would out grow of it and they would be left with equipment that was unused. She asked Members to support the proposal.

The Principal Planning Services Officer explained that the policies quoted by Miss Tate were relevant policies but were open to interpretation. Policy 66 traditionally looked to have a mixture of equipped and informal play and the original development had both. Policy 35 had been taken into consideration when the original application was approved, but he felt that the change of circumstances should be acknowledged. The residents on the estate did not want the play area. Castle Eden as a whole would benefit more greatly especially if matched funding was accessed.

Mrs Girvan, a supporter explained that her house was central to the proposed site. When she had purchased her home no play area had been located on the plans otherwise she would not have purchased it. She explained that the play area would be 11 metres from her home from whichever room she was in.

Mr Brown, a supporter explained that not locating the play area to an alternative location was because of lack of supervision. If all of the residents objected to the play area and it was installed he queried why the residents should supervise other peoples children. He referred to Policy 89 and explained that this had not been mentioned. If the play area was installed it would cause an adverse effect.

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The Principal Planning Services Officer explained that Policy 89 referred to the development of new and the extension or improvement of existing leisure sport and community buildings and facilities and explained that this had very limited relevance.

Members commented that the developers had misled the residents on the estate. Mr Scollen explained that this was correct but they had now purchased their homes and hoped Members approved the application as none of the residents wanted a play area.

Members queried if the District Council had any control over how the Parish Council spent the £45,000. The Principal Planning Services Officer explained that the Parish Council had to identify a suitable scheme and Officers would normally control release of the payment. He added that Members may feel it more appropriate for any requests to be determined by the panel.

**RESOLVED** that:-

- (i) the application be unconditionally approved subject to a Section 106 legal agreement;
- (ii) any scheme submitted by Castle Eden Parish Council be submitted to the Development Control and Regulatory Panel for consideration.

### **COUNCILLOR P J CAMPBELL REJOINED THE MEETING**

**05/908**

**HASWELL AND SHOTTON (SHOTTON COLLIERY) – Retrospective Temporary Change of Use from Industrial Use to Indoor Market/Tabletop Fair (November 2005 – March 2006) at Cook Way, Peterlee for John Noble**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (conditions relating to duration of operation and type of retail operation permitted from the site). The development accorded with current planning policy guidance including Local Plan Policies 1, 35, 36 and 105 and did not harm the vitality of the town centre or businesses or nearby industrial estate.

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