

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY, 4 APRIL, 2006**

Present: Councillor M Routledge (Chair)

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

Also present: Objectors - Mr Brown, Mrs Carter, Mr and Mrs Smithson, Mr Nutter, Mrs Stokoe, Mr and Mrs Gilson, Mr Burlinson, Mr Shane and Mr Richardson

Applicants/Agents - Mr Jones, Mr Graham and Mr Jones

1 **THE MINUTES OF THE LAST MEETING** held on 14 March, 2006, 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 CONSERVATIONS AREAS) ACT 1990**

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

The Principal Planning Services Officer requested that the application be deferred as there was still some concerns outstanding between the applicant and the neighbour, Mr Mortimer. A further meeting was to be held with the Applicant and Mr Mortimer and a report would be submitted to the next meeting.

RESOLVED that Application Number 05/665 be deferred.

05/889 MURTON WEST - Proposed Erection of Dwellinghouse (Outline) (Resubmission) on Land East of Postgate Chase, Church Lane, Murton for Mr A Jones

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (standard outline conditions, details of access, internal reversing facility, contaminated land assessment, no windows to replace conservatory at Postgate Chase. The development accorded with current planning policy guidance

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including Local Plan Policies 1, 24, 35, 67 and M3 and was not considered to be unacceptable in terms of the amenities of people living in the vicinity of the site.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting and gave a detailed presentation on the main issues that were outlined in the report.

Mr Brown, an objector explained that he was representing the 41 residents that had objected to the application. He explained that he felt that the Officer's report was misleading and significant points relating to planning and highway law had been stretched. It was explained that residents had met with Mr Glenwright, the Highways Officer from Durham County Council on 21 February and expressed their concerns regarding traffic and the access to him. Mr Glenwright had been unable to demonstrate how the vision span met the Highway Guidance. The visibility from the entrance to the site would be made worse by parked vehicles to the west. Mr Glenwright had stated that he'd had little time to assess the application and it needed to be re-visited. Mr Brown explained that he had sent an e-mail to Mr Glenwright on the 22 February regarding what had been discussed on the site visit and was still awaiting a reply. The traffic on the road had increased dramatically since Dalton Park had been built and he felt that a 70 metre visibility display was hazardous and ludicrous. The size of the site did not permit an incurtilage turning point and these concerns were also shared by Murton Parish Council.

Mr Brown referred to the size of the site and explained that the residents disputed that it was 400 sq metres and thought it was more likely to be 350 sq metres. He queried where the gardens would be and asked if privacy guidelines had been achieved when compared to surrounding dwellings.

Mr Brown explained that the original refusal had made it clear that the proposal was not in keeping with the area. The War Memorial had recently become a Listed Building and this proposal should be even more unacceptable than when the previous application was refused. When the application had been deferred from the February meeting, he queried if residents were consulted that the War Memorial was now a Listed Building.

The Principal Planning Services Officer explained that the District Council took advice from Durham County Council as Highway Authority. The latest letter he had from Durham County Council was dated 5 January 2006 which requested various conditions that were detailed in the report. With regard to the size of the plot, he measured the plans and explained that 400 sq metres was accurate. A press notice had been placed in the local press explaining that the War Memorial had become a Listed Building as this was a formal requirement. The impact of the proposal on the War

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Memorial had been taken into account and the District Council had consulted with Durham County Council's Design and Conservation Officer and they had advised that the proposal was satisfactory.

Mr Shane, an objector, explained that he had lived at his home since 1989 and had witnessed fourteen accidents all through speed. He had spoken to Mr Glenwright and there had only been four recorded incidents. Any car coming out of the proposed entrance could cause a disaster.

Mr Jones, the applicant, explained that the objectors views were all the opposite opinion of the professional Officers. The previous application had been refused because the plot size was only 250 sq metres although the Highway Authority still considered that the access was satisfactory. He explained that he had resubmitted the application with the advice from the Planning Officer. He added that he had taken professional advice and had been advised that the lines of site from the access could be achieved.

Mr Jones explained that he had spoken to Northumbrian Water Authority regarding the diversion of the twelve inch sewer and explained that this would be carried out by NWA Contractors. The reason for the application was that he wanted to downsize and live in the property and could not see any reason why the Panel should refuse the application.

A Member referred to the bungalow that would be situated behind the proposal and asked if this would not be an intrusion on their privacy. The Principal Planning Services Officer explained that it was sufficient distance away and there was more than 21 metres between the elevations. The proposal would also be slightly offset and no objections had been received from the resident in the bungalow.

Mr Jones explained that Mr and Mrs Wynn who lived in the bungalow had given him their full support and had wished him luck that evening.

Mr Brown reiterated that he had met with the Highway Officer and he had been unable to demonstrate what the letter to the District Council had said and felt the decision should be deferred in order to clarify Durham County Council's Highways position.

The Chair explained that Members of the Panel had been guided by Officers and Durham County Council had submitted a letter giving their recommendations to the Panel.

A Member explained that she agreed with the objectors and the road through Murton was dangerous. She expressed concern that if there was no curtilage to turn around then it would be very dangerous for traffic coming out of the access onto the main road.

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A Member queried the distance between the house and the highway. The Principal Planning Services Officer explained that from the house to the back of the footpath was six metres at one side and five metres at the other.

Members queried where the access would be. Mr Jones explained that the access would depend on advice from Durham County Council for the best line of sight.

A Member commented that if objectors were concerned regarding the speed of traffic on the road then they should contact Durham County Council to request traffic calming measures.

RESOLVED that the application be conditionally approved.

2005/0928 HUTTON HENRY (CASTLE EDEN) – House at Land adjacent Ivy Cottage, Castle Eden for Mr K Birks

Consideration was given to the report of the Head of Planning and Building Control Services which recommended Conditional Approval (conditions relating to realignment of the bus shelter in accordance with approved plans prior to commencement of development, external materials to be agreed, means of enclosure to be agreed, landscaping scheme to be submitted and approved, existing trees on site to be protected during construction of the development, the use of secure glazing in windows in the eastern elevation of the property). The proposal was considered to accord with relevant Development Plan Policies.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting and gave a detailed presentation on the main issues that were outlined in the report.

Mr Nutter, an objector, advised that he was speaking on behalf of Castle Eden Parish Council and explained that the application site had a chequered history from the early 1990's. The site had been subject to objections to the Local Plan enquiry when the inspector had suggested a modest building could be placed on it.

In 1993, an application for a Post Office and Shop had been refused relative to congestion in the area. The congestion had now increased since the application was refused. In 2002, an application had been submitted for a house and also at that time there was an application for 80 houses on the Brewery site and for conversion of the Old Coach House to Offices and a Restaurant. There was the Golf Club car park opposite and the road was 40 mph. For the past two years Castle Eden Parish Council had been trying to reduce the speed limit but the volume did not meet the formula that Durham County Council used.

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Mr Nutter explained that where the bus stop was located a young girl had been knocked down the previous year when alighting the bus. In 2002, when planning permission had been granted for the house, Members were not aware that there would be an application for 80 houses within a quarter of a mile of the site or that there would be 20/30 offices in the Old Brewery or a proposed restaurant. The Local Plan Inspector had explained that the entrance into Castle Eden should be improved to enhance the Conservation Area. There were 70 modern houses that were not in keeping with the village. He added that time had moved on since the previous application and urged Members to refuse the proposal.

Mrs Smithson explained that she was speaking on behalf of her sister, Ms Carter and her partner Mr Beatty who lived in Ivy Cottage and felt that it was important that the privacy of her sister be protected. She explained that when her sister purchased Ivy Cottage, she never thought her privacy would be invaded in such a manner. Her sister enjoyed tranquil views from her kitchen, dining room and conservatory and queried if the Panel at any time when viewing the site, had viewed the proposed development from Ivy Cottage to gain the full impact of the invasion of privacy.

The Principal Planning Services Officer explained that Planning Permission had been granted in 2002 and could still be implemented. The current proposal was not significantly different in floor space and access arrangements and privacy had been covered by the use of obscure glazing. The design, character and appearance had been fully assessed at the previous application and advice had been sought from Durham County Council's Conservation Officer.

Mr Smithson queried if the Panel went into Ivy Cottage to view what his sister-in-law would be looking onto. A Member explained that Members would only go into the cottage if they had been invited.

Ms Carter explained that the size of the property was different to that approved in 2002 and felt that it would have an overbearing impact especially when looking from the conservatory, kitchen and dining room.

Mrs Smithson requested that the application be deferred in order for Members to view the potential impact of the development from Ivy Cottage.

Mr Nutter explained that he visited the site that morning and observed Members but did not know the procedure and did not approach Members or Officers. He added that he felt a way forward could be that objectors be invited to the site visit. He added that someone could have took the initiative to knock on the door at Ivy Cottage.

The Chair explained that Members did not engage in debate on site visits.

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Discussion ensued regarding privacy distances and the Principal Planning Services Officer explained that the privacy distance standard of 21 metres was from elevation to elevation and there was no specific distance when side by side.

A Member explained that he was concerned regarding the traffic. That morning there were two cars parked to the left and thirteen cars parked to the right. The Golf Club recently had an application refused by Durham County Council for a new car park.

A Member explained that the Brewery had employed 400 people and the traffic flow would have been greater at that time.

Members explained that they would like to view the development from Ivy Cottage before making a decision.

RESOLVED that application number 2005/0928 be deferred pending a further site visit.

2005/0953

THORNLEY AND WHEATLEY HILL (WHEATLEY HILL) – Conversion to Two Flats at West House, Gable Terrace, Wheatley Hill for New Life Corporation Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended Conditional Approval (conditions to include materials, means of enclosures, landscaping scheme, parking provisions). The proposal was considered to accord with the relevant Development Plan Policies, in particular, Policy 1 of the Durham County Structure and Policies 1, 35 and 36 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 and gave a detailed presentation on the main issues that were outlined in the report.

Councillor Nicholls explained that he was Chair of Wheatley Hill Parish Council who had objected to the application but he had declared a personal and prejudicial interest at the Parish Council meeting and took no part in consideration of the application.

Mrs Stokoe, an objector, explained that there had been a lot of letters of objection from residents and queried why she was the only one who had received a letter regarding the meeting that evening. All objectors had received a letter from the New Life Corporation. The junction in front of the proposal was very busy and adjacent to a pelican crossing and crossroads. She explained that there was no need for flats and Wheatley Hill had twenty new houses that no one

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wanted to buy. She felt that more people should have been informed regarding the proposed application.

The Principal Planning Services Officer explained that the reason why Mrs Stokoe would have only received a letter was that when the public objected to an application, they received an acknowledgement advising that if they wished to speak they were required to inform the Council. Other objectors had not informed the Council and that was the reason why they had not received a letter regarding the meeting that evening. He added that ten properties in total had been consulted which were the immediate adjacent properties along Gable Terrace.

Mr Gilson explained that he lived opposite the proposed site and had never been consulted at all.

The Principal Planning Services Officer explained that parking facilities and land use was adequate for the site. Although a lot of people had not been notified about the application, a number of the public had been aware of it.

Mrs Stokoe explained that if the flats were not sold then the corporation would not leave them empty and was concerned about the company that had made the application. The Council seemed more concerned about the bats that could be in the property.

The Principal Planning Services Officer explained that the company making the application could not be taken into account when determining a planning application. He added that bats were protected species under European Law and it would be a criminal offence to affect their habitat.

Mrs Stokoe explained that she had heard that the New Life Corporation rehabilitated drug users and were worried about the type of people that would be living in the flats as they had enough drug users in the village already.

A Member explained that he felt it would be worthwhile if the New Life Corporation could come to talk to the people of the village. There had been a problem with flats in the past and they had been demolished. He felt it would be better if the company looked at other ideas other than flats. There was also a planning application that had been submitted for ten to twelve flats behind the application site. He explained that he had spoken to the Highway Authority and explained that there was a problem at the junction at present. Planning for the Pizza Shop had been approved and there was a lot of problems with cars parking on the junction. If flats were approved, this would exacerbate the problem and suggested that the application be deferred.

A Member explained that he worked in Wheatley Hill and was familiar with the situation and it was a credit to the Enforcement Officer in the efforts he had made to have the

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area tidied. Anti-social behaviour was a problem around the area and felt that Members did not have all the relevant facts to make a decision. He added that he would like more information and know more about who the developers were.

The Principal Planning Services Officer explained that there was another planning application that had been submitted at the same time but was a much larger development and Planning Officers were still negotiating with the applicant. The applications could be dealt with separately and the other application would come before Members in due course. He added that the Council could not force a developer to come to a meeting and could only invite them along.

RESOLVED that the application be conditionally approved.

2005/0962 PETERLEE (PASSFIELD) – Proposed Two Storey Side Extension at 4 Naworth Court, Peterlee for Mr P Irwin

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval as the proposal complied with Policies 1, 35 and 73 of the Local Plan.

RESOLVED that the application be unconditionally approved.

2005/0967 HASWELL AND SHOTTON (SHOTTON COLLIERY) – Proposed Erection of 17.5 Metres High Telecommunications Monopole Mast and Ancillary Works, Peterlee Parachute Centre, Shotton Airfield, Shotton Colliery for Hutchinson 3G UK Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval as the proposal accorded with the Statutory Development Plan in particular Policies 1, 35 and 82 of the District of Easington Local Plan.

RESOLVED that the application be unconditionally approved.

2005/0968 HUTTON HENRY (MONK HESLEDEN) – Proposed Residential Development of 17 Dwellings at High Farm, High Hesleden for J O Brewis and Sons

The Principal Planning Services Officer explained that the application had now been withdrawn.

RESOLVED that the information given, be noted.

2006/0025 HASWELL AND SHOTTON (SHOTTON COLLIERY) – Two Storey Rear Extension at 12 Salters Lane, Shotton Colliery (Re-Submitted Application) for Mr D Harris

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval subject to details of guttering on the south facing

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elevation and treatment of the area on the boundary. Although it could be argued that the proposal was marginally contrary to design guidance advice/policy, it was considered that the proposal did not warrant refusal.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting and gave a detailed presentation on the main issues that were outlined in the report.

Mr Burlison, an objector, explained that he lived in number 12 Salters Lane and had objected the first time the plans were submitted, although his letter of objection did not feature in the files and the Council had no record of it. He explained that his objection related to the overhanging of the guttering and should he wish to extend his property he would have to become involved with legal costs. He felt the extension should be kept within Mr Harris' boundary. When he purchased number 11 he had received a layout plan showing what he did and did not own and did not know why the guttering needed to be on his side.

Mr Burlison was also concerned regarding the restriction of light to the windows at the rear and explained that the window was 700 millimetres away from the border. Six days before the closing date for consultations, he had received a letter from the Case Officer informing him of the reduction in length of the first floor explaining that it was smaller than the original passed plans. He explained that he had asked for an accurate measurement as to when the light would be detrimental to his property and had received different measurements which ranged from 1.3 metres to 2.9 metres. He added that he had asked for the guttering to be maintained within number 12 so it would not affect his property.

The Principal Planning Services Officer explained that he could not give information on the letter that had not been received by the Council or the different measurements given. The Council did not have specific guidelines for first floor extensions but did have development limits for ground floor extensions which were two metres plus the additional distance from the extension to the nearest neighbouring window. The distance to the window from the boundary was 700 millimetres, which would make 2.7 metres allowable. The proposal was 2.75 metres and was a very marginal difference. The impact at first floor would be similar to that of a ground floor extension. The guttering was a private matter and he was unsure if Mr Burlison would have legal recourse and it was not an issue that the Council could refuse planning permission on.

The Chair queried if a condition could be imposed for the guttering to be on the opposite side. The Principal Planning Services Officer explained that this would be possible.

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Mr Harris, the applicant, explained that the box guttering would be maintained and built in number 12 and queried if he was allowed to waterproof Mr Burlison's building with lead flashing to alleviate any problems. The Principal Planning Services Officer explained that waterproofing of Mr Burlison's house would be a private matter between the neighbours.

RESOLVED that the application be conditionally approved.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS, COUNCILLOR MRS A NAYLOR DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING

2006/0050 MURTON WEST – Change of Use of Land to Community Gardens and Associated Buildings on Land to the Rear of Davison Crescent, Murton for Mr J Naylor

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval. The proposed change of use of the land to community gardens and the associated building was in accordance with the Policies in the District of Easington Local Plan, in particular, Policies 1 and 35.

RESOLVED that the application be unconditionally approved.

COUNCILLOR MRS A NAYLOR REJOINED THE MEETING

2006/0069 BLACKHALLS (MONK HESLEDEN) – Proposed Bathroom Extension at Rear of 2 Shaftesbury Crescent, Blackhall Colliery for Miss C Lines

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval as the proposal substantially complied with Policies 1, 35 and 73 of the District of Easington Local Plan.

RESOLVED that the application be unconditionally approved.

2006/0087 HUTTON HENRY (CASTLE EDEN) – Proposed Erection of 15 Metres High Telecommunications Monopole with Equipment Cabinets and 2.1 Metres High Palisade Fence at Greenacres Lane, Turf Farm, New Winning, Castle Eden for T Mobile (UK) Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that no prior approval of siting or appearance be required under permitted development. The proposal accorded with Policies 1, 35 and 82 of the District of Easington Local Plan.

RESOLVED that no prior approval of siting or appearance be required.

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2006/0090 MURTON EAST – Proposed Change of Use of Three Units from Food and Drink Use to Factory Retail Outlet at Dalton Park, Murton

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval (subject to a condition restricting the use to Factory Outlet Retailing in line with the original Planning Permission granted by the Secretary of State). The proposal complied with the relevant Development Plan Policies and was acceptable having regard to all material planning considerations.

RESOLVED that the application be conditionally approved.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS COUNCILLOR MRS A NAYLOR DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING

2006/0094 MURTON WEST – Proposed Toilet Block at Sandhills Rear of Davison Crescent, Murton for Mr J Naylor

Consideration was given to the report of the Head of Planning and Building Control Services which recommended unconditional approval as the proposal was appropriate in terms of scale and use in connection with the community gardens and accorded with the District of Easington Local Plan, in particular, Policies 1, 3 and 34.

RESOLVED that the application be unconditionally approved.

COUNCILLOR MRS A NAYLOR REJOINED THE MEETING

2006/0098 WINGATE – Proposed Replacement Dwelling (Outline – Resubmission) at Former Wellfield House, Moor Lane, Wingate for Mr D Graham

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposal represented a new dwelling within the open countryside outside the existing settlement boundaries. In the absence of any agricultural or similar justification of need, the proposal was considered to be contrary to Policies 9 and 14 of the Durham County Structure Plan and Policies 1, 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 and gave a detailed presentation on the main issues that were outlined in the report.

Mr Jones explained that he was the agent for the applicant and referred to the report which stated that planning permission was refused in 1973 on the site. He explained that this was an error and planning permission had never been applied for until 2005. The previous planning

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permission from 1973 related to a development on Wellfield Farm. He circulated a site plan that showed two dwellings, Wellfield House and Wellfield Farm.

The vacant grass site in the open countryside sounded like an idyllic description of the site although the site was akin to a brownfield site in a countryside area. The site had little or no alternative use to the public and since 1969 the sole use had been to site a dwelling. Mr Graham wanted to reconstruct a dwelling and put the site back in use. The site was not a Greenfield site and was an existing development site.

Mr Jones explained that he was aware of the legal argument regarding demolition and rebuilding of the property however, the foundations, drains and septic tank were still in place and there was also water and electricity available to the site. Mr Jones explained that no objections had been raised to the proposal and felt that this would fall within the settlement.

Mr Jones referred to an application in 2004 for a replacement house at Wingate Grange and explained that it was a very similar redevelopment of the site in the estate of Colonel Burns and had been recommended for refusal on similar grounds. The Planning Officer stated in his report that this would allow a precedent on comparable sites and he felt that a precedent had already been set by allowing a dwelling on Wingate Grange.

The Head of Planning and Building Control Services explained that there was no doubt that this application would be new build in the countryside. When looking at the Local Plan you needed to be clear about exceptional circumstances and the application did not meet any criteria. There were two main Policies on the site and there needed to be a sequential approach taken, although the site was brownfield it did not mean that it should be developed. Settlement limits needed to be looked at to get the right development in the right place. With regard to precedents, Officers recommendations that were overturned would still go against government policy. He added that the site had been reverted back to nature and other uses were feasible.

Members queried how close the proposal was to the new housing development. The Planning Officer showed Members a plan showing the proposed development and the new site.

Members felt that this would be suitable for development and nothing much could be done with the site.

RESOLVED that the application be approved.

3 ADDITIONAL URGENT ITEMS OF BUSINESS

In accordance with the Local Government Act, 1972, as amended by the Local Government (Access to Information) Act 1985, Section 100B(4)(b) the Chair,

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following consultation with the Proper Officer, agreed that following item of business, not shown on the Agenda, be considered as a matter of urgency.

4 FOOTPATH AT DAWLISH CLOSE, SEAHAM (AOB)

The Principal Planning Services Officer explained that a number of years ago when the Leech Homes estate was built in Seaham there was a footpath link agreed from Dawlish Close to The Avenue. Members went through the process and considered the benefits and disadvantages and agreed to have the footpath installed. Some of the residents had requested Members reconsider the footpath.

The Principal Planning Services Officer felt that the only way forward was for the residents to submit a planning application and Members could revisit the situation.

RESOLVED that Members of the public be advised that a planning application was required.