

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL**

HELD ON TUESDAY 31 JULY 2007

- Present: Councillor M. Routledge (Chair)
Councillors Mrs. M. Baird, Mrs. G. Bleasdale, R. Davison, Mrs. A.E. Laing, Mrs. J. Maitland, D.J. Taylor-Gooby and C. Walker
- Applicant/Agents: Mr. Tompkins, Mr. Johnson, Mr. Scott, Mr. Marshall
- Objectors: Mr. Preston, Mr. Foots, Mr. Nixon, Mr. Worthington, Mr. Dixon, Ms. Cook, Ms. Mawson
- Apologies: Councillors Mrs. E.M. Connor, A.J. Holmes.

1. **THE MINUTES OF THE LAST MEETING** held on 10 July 2007, 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**

**2007/0417 HASWELL (HASWELL & SHOTTON) - CHANGE OF USE FROM
RESIDENTIAL DWELLING (C3) TO CHILDREN'S CARE HOME
(C2) AT SYCAMORE HOUSE, SYCAMORE TERRACE,
HASWELL FOR MR. D. JOHNSON, CONTINUUM GROUP**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to parking scheme, use restriction, tree protection and occupancy limit. The proposal was considered to be in accordance with the Statutory Development Plan policies 1, 35 and 71.

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

Mr. Nixon, an objector, explained that he was speaking on behalf of the residents of the surrounding area of Sycamore House. He explained that the Secretary of State expected minimum standards of care and felt that the Care of Standards Act 2000 and the associated statutory instruments should be used in tandem with the local planning authority. Sycamore House contained three or four bedrooms and there were to be no alterations. He felt that this was unfulfillable and queried if a feasibility study had been carried out. He felt that the change

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in use would provide insufficient services for the needs of four unrelated people and carers.

If the change of use was granted, this would give out signals that further development was allowed. The external appearance and removal of trees should not be allowed. Residents from Allendale Terrace had to negotiate a tight turn into the street and the boundary wall of Sycamore House had been damaged due to minor collisions over the years. The residents and the Parish Council believed that the change of use would create an increase in traffic and compromise highway safety.

There would be additional danger to drivers because of the vision and congestion and the risk to children must be minimised. He queried if a feasibility study had been carried out so that emergency services could have speedy access to the houses nearby and if they had been consulted on the proposal?.

Mr. Nixon explained that there was no employment opportunities in the village and there was a lack of educational attainment. The area had high levels of poor health, poverty and lower educational attainment and he queried if the planning authority felt that this development was in the correct location, considering the social problems of binge drinking, teenage pregnancies and drug misuse that existed.

There were burglaries around the area regularly and youths gathered daily to drink, smoke and leave litter. Police and Street Wardens were aware of the problems and if planning permission was granted for the change of use, this would increase. He felt that youths with undisclosed emotional problems should not be housed in the area. Children in care needed constant specialist attention and this should be overseen by Social Services and ran by specially highly trained staff.

Mr. Nixon explained that Sycamore House was situated in an East Durham village which encountered its own social and environmental problems and felt that the application should be refused.

Mike Preston explained that he was the Clerk to Haswell Parish Council and had been authorised by them to speak against the application. There were concerns about car parking and vehicle movements from the property, it being noted by the applicant that it would be a 24 hour round the clock operation. The property was situated in a bad location for car parking. There were narrow roads surrounding the property and local residents appeared to have already worked out for themselves to park on only one side of the road in the interests of safety to other road users.

The Parish Council had concerns about other vehicles that may need to visit the premises, also perhaps on a 24 hour basis, some of which would be outside normal working hours. This could include Social Care and Police vehicles. They could not

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see how six off street parking spaces could be accommodated within the grounds, recognising the applicant was intending to use the existing access point with no additional access being created. They would like to see a sketch showing in detail, how the six cars together with the proposed people carrier could be accommodated within the site.

The application clearly stated that there were no trees currently on the site and that no tree felling or lopping of any trees would take place. There were clearly a number of trees on the site as Members would have noted on the site visit that day.

The Parish Council had no idea whether the applicant intended to mislead or misinterpret the situation or whether this was a simple mistake in completing the form, however, with this in mind, they must question whether any of the other information on the application form, was correct. Assurance was required that all the trees on the site were being retained and would not be cut back in any major tree pruning to accommodate additional off street parking.

It could be argued that insufficient local consultation had taken place within the local community, when the type of use as a childrens home could have been brought to the attention of local residents in an open and transparent manner. Residents could have been aware that this was not simply a standard and straightforward childrens home. He believed that the home would be used for children with various difficulties including possibly those of an anti-social behaviour nature.

Everyone would accept that there was a need for such a home to be provided within communities but would question whether this was in the right location. There had been a suggestion made that a detached property of this size in a predominantly residential area would be similar to a large family living in the property. The number of car parking spaces together with a 24 hour operation was hardly similar to what would be the normal use of a family home.

The local community was genuinely concerned about the application being imposed upon them, in what was currently a quiet residential area and they believed that another location would be more suitable for this type of use, which was not surrounded by residential properties.

AT THIS POINT, COUNCILLOR C. WALKER DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

Joanne Cook explained that Haswell was a special coalfield area and had high levels of deprivation, unemployment, anti-social behaviour, crime and major transport issues. The Coalfield Regeneration Trust had tried to identify some of the issues and she felt that a change of use would hinder the village and not support it.

Mr. Worthington queried whether vehicles would reverse onto the main highway.

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Mr. Nixon explained that the Environmental Health Unit had submitted no objections and felt that some assessments should have been carried out and felt this was unacceptable.

Jill Mawson explained that there was only one shop in Haswell and there were no amenities and no reliable transport links. She explained that she had submitted a planning application to build on land up to the boundary of Sycamore House and queried if any future planning application would be affected by the garden that was to be turned into a car park. She explained that the current level of social deprivation was becoming worse everyday with teenagers and youths.

The Principal Planning Services Officer explained that an objector had referred to standards from the Secretary of State and that it was important for residents to be aware that Members were considering a planning application and not standards laid down by the Secretary of State. The Council must consider all applications on their own merits.

The Case Officer had spoken to the applicant and a planning condition would be attached to make sure the car parking could be achieved and the trees retained. All issues surrounding the car parking would be clarified when the parking scheme was submitted and consultation would take place with Durham County Council as the Highway Authority.

The access of emergency service vehicles was covered under Building Regulations. The Police had not been consulted on the application as this was not usual practice on a development of this scale. Environmental Health had offered no objections and he assumed that they had assessed the application fully.

Mr. Johnson explained that the The Continuum Group was founded a year ago and had four well established child care centres. They looked after two hundred children through a variety of services. The children came from a wide variety of backgrounds and may have significant levels of abuse, which was often common to all of the children. The Group worked closely with local authorities. They sometimes looked after local children because they could not be cared for in their own environment. It was difficult to describe what the typical child would be. A home had to be provided in the right environment within communities. Education was also critical and the Group had recently opened a school in Hartlepool. There were a number of young people requiring the services of the Group in the north east and that was the reason why they wanted to open a childrens care home in the area.

There was a large wall at the front of the property with car parking spaces and a double garage which had space for two cars. There would only be three carers on duty at any one time. He had no intention of removing any of the trees or changing the garden into a car park. He hoped that they could be a good neighbour and the children could be integrated into the community. All childrens homes had to be registered with OFSTED and they were subject to two inspections per year to

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ensure they complied with all the standards and regulations. He felt that Haswell was a small community and would be a good location in the north east to establish the childrens home.

A Member queried what qualifications the staff would have. Mr. Johnson explained that all carers would be required to have a qualification of an NVQ level 3. This was a vocational course which would be assessed over a period of time from an external assessor. The manager of the childrens home would have a higher qualification. The shift ran for 24 hours and the carer putting the children to bed would get them up in the morning. There needed to be a change in adults so the children did not have any significant attachments to one or two.

A Member queried what the ages of the children would be. Mr. Johnson explained that the children would be from 9 - 16 years old and depending on the care plan, they could be returned to their family, stay in the care home or move to new families. There could be both male and female living in the house but this would depend on the mix of children who came forward.

A Member queried if there was enough bedroom provision for the carers during the night. Mr. Johnson explained that Sycamore House had two bedrooms downstairs and was a six bedroomed house.

The Principal Planning Services Officer referred to the plans and explained that the ground floor showed one room as a conservatory/lounge, a small study, a kitchen and one bedroom. Upstairs had a master bedroom and three additional bedrooms.

A Member queried if the reason why the site was chosen was because of cost. Mr. Johnson explained that cost had not been a consideration but it had been chosen for its geographical location.

Carol Kell referred to the car parking arrangements and queried where the staff changing shifts would park their cars. She raised concerns that there would be Doctors, Social Workers and food deliveries entering a very narrow single gateway.

Mr. Johnson explained that it was felt that the car parking provision in the area was sufficient.

The Chair commented that Durham County Council as Highway Authority had no objections to the proposal although the parking scheme had to be submitted for assessment.

Joanne Cook queried if the Group had researched local schools. The local school had been demolished and the children from the village went to schools in adjoining villages which were full. Mr. Johnson explained that the Group had their own school in Hartlepool and if necessary, the children would go to that school.

RESOLVED that the application be conditionally approved.

COUNCILLOR C. WALKER REJOINED THE MEETING.

2007/0047 SEATON WITH SLINGLEY (SEAHAM NORTH) - TWO STOREY REAR EXTENSION COMPRISING 18 NO. BEDROOMS AND EXTENDED BAR AT SEATON LANE INN, SEATON FOR MR. A. MARSHALL

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to timing of development, materials, landscaping, timing of landscaping, parking provision and construction hours. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

The Senior 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 outlined in the report.

Mr. Foots explained that he was representing Seaton with Slingley Parish Council and since the present owner had purchased the Seaton Lane Inn, it had improved immensely. It was well run and controlled by him but they were concerned about the proposals. The Parish Council's main concern was of car parking. At weekends the car park was full and the overflow caused congestion and indiscriminate parking on Seaton Lane. He explained that he felt the Officers report was misleading when it stated that there was provision for thirty six car parking spaces.

Mr. Marshall, the applicant, explained that the previous application was given permission on 2 February 2006. The current application's intention was to make it look more aesthetically pleasing and in keeping with the rest of the village. He felt that the speed of traffic was not relevant to the application. Accommodation was urgently required in Seaham and Easington District. He received enquiries every day and thought it would be a great success if approval was granted.

The Senior Planning Services Officer explained that there were eighteen car parking spaces for the public house and eighteen spaces for visitor accommodation and Durham County Council had confirmed that this was acceptable.

RESOLVED that the application be conditionally approved.

**2007/0077 EASINGTON COLLIERY (EASINGTON COLLIERY) - PROPOSED
2007/0078(LB) CHANGE OF USE FROM SCHOOL TO ENTERPRISE FACILITIES AND OFFICE ACCOMMODATION AT FORMER EASINGTON COLLIERY PRIMARY SCHOOL, SEASIDE LANE, EASINGTON COLLIERY FOR ACUMEN COMMUNITY ENTERPRISES DEVELOPMENT TRUST LIMITED**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to type of business permitted, landscaping proposals, design of new walls, railings, canopies,

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various internal features, repaired/replacement windows, external brick cleaning and external materials. The proposed development conformed fully with National Government Guidance for such sites, together with the relevant Local Plan Policies referred to in the report.

The Head of Planning and Building Control Services explained that the original application had been deferred on 10 April 2006 until the decision of the public inquiry into the site was known. The Council was informed on 10 July 2007 that the Secretary of State had refused Listed Building Consent for the demolition of the whole building and for its re-development for housing purposes.

The Senior Planning Services Officer gave a detailed presentation on the main issues outlined in the report.

Mr. Tompkins explained that the Chief Executive of Acumen Development Trust, Kate Welsh, had been unable to attend that evening. He explained that he was the Project Manager responsible for the scheme. The scheme included the restoration and refurbishment of the buildings to include 21st Century office accommodation for the Enterprise Centre.

He gave details of the types of uses that would be located in the building. There were to be 73 car parking spaces which Durham County Council felt were adequate. He felt that this was a massive opportunity for inward investment on the site. If permission was granted, then positive steps would be taken for the first tranche of funding. Local people would see immediate changes.

Mr. Tompkins explained that the funding had been agreed in principle but planning permission and ownership of the building was required before applications for the funding could be made.

RESOLVED that:-

- (i) the application be conditionally approved;
- (ii) Listed Building Consent be granted.

2007/0349 MURTON (MURTON EAST) - RESIDENTIAL AND COMMERCIAL USE (RESERVED MATTERS) AT LAND AT WOODS TERRACE, MURTON FOR DUNELM CASTLE HOMES LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that Delegated Authority be given to the Head of Planning and Building Control Services to approve the application on completion of the Section 106 Agreement relating to open space and approval of the contaminated land survey subject to the conditions relating to materials, protected species, amended plans and landscaping.

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RESOLVED that Delegated Authority be granted to the Head of Planning and Building Control Services to approve the application on completion of the Section 106 Agreement.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM, COUNCILLOR D.J. TAYLOR-GOOPY DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

2007/0356 PETERLEE (HOWETCH) - CONSTRUCTION OF BEER GARDEN AT PETERLEE CATHOLIC CLUB LIMITED, GRAMPIAN DRIVE, PETERLEE FOR PETERLEE CATHOLIC CLUB LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to amended plans and screening. The proposed development was considered to comply with relevant Local Plan Policies referred to in the report.

RESOLVED that the application be conditionally approved.

COUNCILLOR D.J. TAYLOR-GOOPY RE-JOINED THE MEETING.

2007/0383 SHOTTON (HASWELL AND SHOTTON) - SITING OF 3 NO. RESIDENTIAL CARAVANS (RETROSPECTIVE) AT LAKELANE STABLES, MOOR TERRACE, SHOTTON COLLIERY FOR MR. T. J. COLLINS

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposal represented new residential development 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 Structure Plan and Policies 1, 67, 68 and 69 of the District of Easington Local Plan.

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

Mr. Scott explained that he was speaking on behalf of Mr. Collins who had been a resident on the site for approximately one year. In that time, no-one from the Council had visited or enquired about the usage of the site. It was only when enquiries were made to the Planning Department regarding the possibility of planning permission for a bungalow development as opposed to the siting of the caravans. Two members of the Planning Enforcement Team had visited the site and explained that retrospective planning permission was required.

Mr. Scott explained that there had been caravan usage on the site for twenty years or more. When Mr. Collins had moved onto the site, it housed approximately six caravans occupied by a party of gypsies. The gypsies moved off and Mr. Collins had made efforts to landscape and clean the area and had made a good job of it. Mr. Collins had made enquiries regarding the

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possibility of purchasing the land immediately adjacent to the compound area which was used for fly tipping but the Council had refused to sell the land and explained that it would prejudice any development in the Moor Terrace area.

Mr. Collins had become a respected member of the community and there had been no objections to the application from any nearby residents. The Police were happy for him to remain. There was access for the emergency services, refuse disposal, postal service and Council Tax was paid as a regular resident.

Mr. Scott felt that there should be a degree of flexibility in the application even though it was just outside the settlement boundary. Mr. Collins' children attended Wheatley Hill Primary school and were registered with local Doctors. The family behaved themselves and were no threat to the community.

Mr. Scott explained that Mr. Collins' wife was registered disabled and had difficulty getting out and about. He felt that Members should visit the site, walk around and see that the caravans were immaculate.

A Member queried if it was a licensed gypsy site. The Senior Planning Services Officer explained that it was not a licensed site. Permission had been granted in 2000 for stables and he was not aware of when the caravans were first sited there.

A Member queried how long the caravans could be housed before the applicant could apply for a bungalow on the site. The Principal Planning Services Officer explained that there was no automatic right for a bungalow or a dwellinghouse but the Council would find it very difficult to resist residential development on the site once it had been established.

The Head of Planning and Building Control Services explained that there were a number of planning issues that needed to be taken into consideration. The Council did have plans for the Moor Terrace area and was trying to bring it up to a better standard. The proposal represented residential development in the countryside and no agricultural justification had been submitted.

RESOLVED that the application, be refused.

3. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that in accordance with Section 100A (4) of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 the press and public be excluded from the meeting for the following item of business on the grounds that they involved the disclosure of exempt information, as defined in Paragraph 6, Part 1 of Schedule 12A of the Act.

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4. PLANNING INVESTIGATIONS REPORT

Consideration was given to the report of the Head of Planning and Building Control Services in connection with the following planning investigation report:-

5 Station Lane, Station Town

RESOLVED that:

- (i) enforcement action be taken and notice be served under Section 215 of the Town and Country Planning Act 1990;
- (ii) the notice specify measures to be drafted by the Head of Planning and Building Control Services;
- (iii) the notice specify a four week compliance period;
- (iv) authority be delegated to the Head of Planning and Building Control Services to take any other subsequent action deemed appropriate.

JC/CB/DCRP/070702
2.8.07