

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

HELD ON TUESDAY 14 AUGUST 2007

- Present: Councillor M. Routledge (Chair)
Councillors B. Bates, Mrs. M. Baird,
Mrs. G. Bleasdale, R. Davison, Mrs.
A.E. Laing, R. Liddle, Mrs. J. Maitland,
D. Milsom and D.J. Taylor-Gooby.
- Objectors: Mrs. Johnson, Mrs. Burns
- Applicants/Agent: Mr. Hepplewhite, Dr. Martin, Mr.
Jones, Mr. Graham, Mr. Giles
- Supporter: Mrs. Penfold

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

**2007/0176 CASTLE EDEN (HUTTON HENRY) - ERECTION OF TIMBER
CLAD BUILDING FOR THE PURPOSES OF AGRICULTURAL
AND HOUSEHOLD STORAGE AND FOR THE GARAGING OF
PRIVATE VEHICLES AND VEHICLES USED IN CONNECTION
WITH TREE SURGEONS BUSINESS AND LAYING OF
ASSOCIATED HARDSTANDING AT EDEN VALE COTTAGE,
STOCKTON ROAD, CASTLE EDEN FOR MR. J. GRUNDY**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval with conditions relating to materials and revised plans.

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.

Mrs. Johnson, an objector, explained that she was speaking against the application which involved an already built and unauthorised commercial building. It was in a prime Conservation Area of High Landscape Value on a property that had never been used for agricultural or any other use other than a dwelling.

The development contravened four Local Plan Policies:-

Policy 3 - Protection of the Countryside. The development was outside the village boundary and fell into the category of commercial development in the open countryside.

Policy 7 - Any development that was likely to adversely affect that character, quality or appearance of a High Landscape

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Value Area would only be permitted in very special circumstances. The statement in the application and the supporting letter that the paddock had been improved, was a matter of opinion. Naturalists would deplore the changing of an old meadow with interesting flora and fauna into little more than a suburban garden with a cropped lawn. The area was also a major wildlife corridor along the Eden Vale stream with regular sightings of deer, foxes, badgers and hares.

Policy 22 - The Council would only allow development proposals where they preserved and enhanced the character, appearance or setting of the Conservation Area. The building was larger than the village hall and was out of all proportion to the domestic needs of the cottage. It was not a farming enterprise, it was too small to support a viable smallholding and it was not even agricultural enterprise as claimed. Essentially, it was an urban enterprise, cutting domestic lawns, hedges and trees and could easily be operated from an industrial unit in a commercial area. The business could not even be considered as diversification as it had been running as a one man operation for several years in the Wingate area.

Policy 41 - Non-agricultural buildings in the countryside. Any development for hobby or part time agricultural use that was not on agricultural land, would only be allowed where it directly adjoined existing buildings, was well designed and located where it did not affect the character or appearance of the countryside.

The development did not comply with any of the four points and clearly intruded and affected the appearance of a unique pastoral setting of the highest quality. After the last Local Plan enquiry, Planning Inspector Cullingford specifically considered this site and stipulated that no development should take place on what was one of the best parts of the Castle Eden Conservation Area. Surely that policy still applied and could not be ignored. This view was strongly supported by Durham County Council's Conservation Team and the Directorate of Housing and Public Services.

Contrary to the information given in the application, the access track to the development was also the access to her home, one of three dwellings in The Bleachery. The change of status from residential to commercial scale use was a major threat and could, with the additional commercial traffic, result in a serious loss of amenity for what had always been a small scale domestic single track lane. The granting of permission would result in the business naturally aspiring to expansion as indicated by the grossly excessive size of the building to the detriment of the lane, to their homes in The Bleachery and to the rear of Eden Vale and the two cottages at the entrance of the track.

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The Conservation Area rules had protected Castle Eden successfully over many years and she thought it should be a basic presumption to reject illegal buildings of any size.

She asked the Council Members to uphold their own policies and show clearly that significant, unnecessary and inappropriate buildings in the Conservation Area would not be authorised.

Mrs. Burns explained that she had been a resident of Castle Eden for 37 years, had been Clerk to the Parish Council for 14 years and a Parish Councillor for 8 years. She explained that the building had been erected without planning permission, even when the applicant had been advised by a Councillor that planning permission was required. She felt that retrospective permission would give out a signal to other applicants to build now and apply later. The application site had never been an agricultural smallholding or business on the land. She explained that the present owner of Eden Vale had applied 11 years ago to build 5 houses and the initial inquiry had been refused.

Mr. Hepplewhite, the Agent for the applicant, explained that he apologised for the commencement of work and his client had ceased works immediately once he realised he required planning permission. He welcomed the case officer's recommendation and had worked very hard with him to address the concerns that had been raised. Revised proposals had been submitted and all concerns resolved.

The deeds of the cottage did describe it as a smallholding. The applicant was a landscape gardener and came from a farming background. The building was in a low lying position and was screened by trees and was not prominent in the area. It was only visible from the driveway entrance and the small track. The building was screened by trees and would in time, be screened by hedges that had been planted on the track. Once the timber had been stained, it would not be prominent in any way. The building was not visible from the house itself and would be entirely screened within 1-2 years.

The occupier of Eden Vale supported the application as well as the occupier of Loretta which were the two properties closest to the application site. The building was not particularly large and had a 5.4m ridge which sat beneath the canopy and the footprint was comparable to Eden Vale Cottage. The site referred to in the planning inquiry was a different site to that of the application.

Mrs. Johnson explained that it had never been a smallholding. When Eden Vale was first sold there was a covenant attached that there would be no business whatsoever in the building. She added that she had not seen the site notice and did not know anyone in the village who had. She believed that an advert was placed in the

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Hartlepool Mail but the Hartlepool Mail was not delivered to anyone in Castle Eden or Wingate.

The Senior Planning Services Officer explained that the site notice was erected opposite the houses on Stockton Road where he felt the application site would be most visible. He added that there was no shortage of awareness of the application in Castle Eden.

The Principal Planning Services Officer explained that the Sunderland Echo and Hartlepool Mail advertised developments and covered the whole District.

The Senior Planning Services Officer explained that the title in the description on page 3 of the report was for agricultural storage and was not an agricultural building. The main issue was the visual impact. He referred to the meadow and explained that planning permission was not required to cut the grass and plant trees although permission would be required for a change of use to a domestic garden. He referred to the Local Plan and explained that the application site was not the site as referred to in the Planning Inspectors report.

RESOLVED that the application be conditionally approved.

2007/0252

SEATON WITH SLINGLEY (SEAHAM NORTH) - CONSTRUCTION OF A NEW DWELLING, REFURBISHMENT OF TWO EXISTING COTTAGES AND CONVERSION OF EXISTING BARN TO RESIDENTIAL AT SEATON TOWN FARM, THE VILLAGE, SEATON FOR MR. AND MRS. BURGON

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, conditions relating to external materials, window details, surface treatment, boundary enclosures, revised access arrangements, agreement of conversion schedule, landscaping, phasing of development, protected species mitigation. On receipt of a satisfactory bat assessment, authority be granted to the Head of Planning and Building Control Services to issue the decision. The proposal was considered to be contrary to National Guidance contained within PPS3: Housing and Policy 67 of the Easington District Council Local Plan. However, the positive effect the conversion and restoration of the existing Seaton Town Farm Cottages and barn on the road frontage facing the village green, was considered sufficient to allow a departure from the Local Plan in relation to the erection of a new build dwelling on a Greenfield site. The proposal was considered to accord with all other relevant policies 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.

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Doctor Martin explained that he was the Architect for the project and was hoping that Members would amend the recommendation the Officer had made. He explained that a bat report had been carried out and there were no bats roosting in the building. The latest ecologist statement explained that as four dusk surveys with 7 to 9 observer points had been undertaken with no roosts proven, a Natural England Development Licence could not be obtained. Instead, it was recommended that a planning condition be used to ensure delivery of the precautionary mitigation be proposed.

Dr. Martin explained that Natural England was not a statutory consultee and it was within the power as a Planning Authority to proceed without Natural England's authorisation. There were no bats roosting and he had included extreme mitigation measures.

The Principal Planning Services Officer explained that the latest letter from Natural England maintained their concerns. In his view, the bat situation still needed to be resolved, although he was confident that it would be.

A Member referred to the Countryside Officers' comments and explained that he had been concerned regarding the bat risk assessment. The Senior Planning Services Officer explained that the Countryside Officer had requested that a bat risk assessment should be carried out which echoed Natural England's response. The District Council was not happy to approve an application without seeing further information relating to mitigation measures. This information had been received recently and a response was awaited from Natural England and the Countryside Officer.

Members queried how long the bat situation would take to be resolved. The Senior Planning Services Officer explained that he had been informed that he would have a response from Natural England within 14 days.

Dr. Martin explained that the first application had been submitted 18 months ago when issues had been raised regarding the bats. Ecologists had advised that there were no bats roosting and there was no evidence of bats on the site.

A Member queried if a condition could be attached that the buildings on the main road be completed before any buildings at the rear. The Senior Planning Services Officer explained that he had recommended a phasing of development.

RESOLVED that the application be conditionally approved and authority be delegated to the Head of Planning and Building Control Services to issue the decision on satisfactory receipt of the bat mitigation procedures.

2007/0310 WINGATE (WINGATE) - HOUSE, GARAGE BLOCK AND STABLES AT SITE OF FORMER WELLFIELD FARM, MOORE LANE, WINGATE FOR MR. J. 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 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. Jones explained that he was the agent for the applicant. The description of the site referred to it as being brought back to nature. This was an idyllic description but felt that it was misleading. He had visited the site that day and felt that the site was akin to a brownfield site in a greenfield area that had been used previously and left a scar on the landscape.

Mr. Jones explained that the site had little or no other purpose and had not been used for any other reason. The foundations of the former building were clearly visible and his client wanted to bring the land back to its original use. Moore Lane served Wellfield Farm and Beech House and the general description of being in the countryside and isolated was misleading.

The site had not been used for 35 years and was located beyond the settlement boundary but was not too dissimilar from an application that was approved in March 2007. He felt that this application was no different. Both Beech House and Wellfield Farm were occupied and they had no objections to the application. He accepted that it was outside of the settlement boundary as was the recent granting of the application on the adjacent site.

In 2006, Mr. Graham had submitted an application on the adjacent site and although each application should be considered on its own merits, the Council had identified almost the same objections to this particular site and he felt that a precedent had been set.

The Principal Planning Services Officer explained that the policy issues were set out in the report and did not dispute that the foundations still remained from the previous building. If the condition of the site became a problem, then this could be dealt with through Section 215 powers. The development was further from the settlement boundary than the previous application. If the site was approved, it would make it even more difficult for the Council to resist future applications for

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development in the countryside. The Council had consistently argued against the previous development and felt this should not be seen as a precedent.

The Head of Planning and Building Control Services explained that a decision had to be made on planning grounds. The Council had a policy on development within the settlement boundary and this application was located outside of the boundary. At the last meeting, Members made a decision on a site that was outside of the settlement boundary and felt that there would be a detrimental effect on the Council if decisions were not consistent.

A Member queried if the application was rejected, who would be responsible for tidying up the land. The Principal Planning Services Officer explained that in legal terms, it would be the responsibility of the site owner. If it remained neglected, then planning powers could be invoked.

RESOLVED that the application be refused.

2007/0388

EASINGTON COLLIERY (EASINGTON COLLIERY) - 12 NO. HOUSES AT FORMER STATION HOTEL (ROCK BAR), STATION ROAD, EASINGTON COLLIERY FOR BLUE SKY CONSTRUCTION LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, conditions relating to amended plans, materials, means of enclosure, landscaping scheme, contaminated land report, removal of PD rights and restriction of construction hours on receipt of a satisfactory Section 106 Agreement. Authority be delegated to the Head of Planning and Building Control Services to issue the decision.

Should a satisfactory Section 106 Agreement not be received by 3 September 2007, the application be refused on the basis that it would not accord with Policy 66 of the District of Easington Local Plan (Provision of Outdoor Play Space in New Development). Authority be delegated to the Head of Planning and Building Control Services to issue the decision.

The proposal was considered to be in accordance with the Statutory Development Plan and Policies 1, 35, 36, 66 and 67 of the District of Easington Local Plan.

RESOLVED that:-

- (i) the application be conditionally approved and authority be delegated to the Head of Planning and Building Control Services to issue the decision;
- (ii) should a satisfactory Section 106 Agreement not be received by 3 September 2007, the application be refused and authority be delegated to the Head of

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Planning and Building Control Services to issue the decision.

2007/0389 SEAHAM (SEAHAM HARBOUR) - CHANGE OF USE FROM RESIDENTIAL TO HOTEL AT 3-5 TEMPEST ROAD, SEAHAM FOR MR. B. GILES

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to external materials, provision of parking, restricting use of facilities to guests only, reinstatement of front boundary wall at No. 3 Tempest Road and soundproofing of premises. The proposal was considered to provide an appropriate use in this location and would not adversely affect amenity or highway safety such as to warrant refusal of planning permission. The development was considered to be in accord with Policies 1, 22 and 35 of the District of Easington Local Plan.

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

Mrs. Penfold, a supporter, explained that she lived at 5 Tempest Road and she would like to thank the Members for their support the previous year when her group was trying to keep Sebastipal Terrace as residential homes. They were sad that this had not been possible. She explained that because of her change in her circumstances she was now making a U-turn. Her house had been for sale the previous year and she had refused offers from all property developers who were interested. However, these kind of houses were expensive to buy and expensive to maintain. There were only a limited number of people who were interested in such properties and a large percent of potential buyers visiting her home had been property developers.

All the houses had been used commercially in the past so she considered this renewed possibility of her own home and came to the conclusion to sell for the following reasons.

Her neighbours had thanked her for help the previous year and told her to make a decision based on her own needs, so they would not object to the proposal. She liked the front dormer window and the suggested rear dormer would fit in with the two either side. Local people were pleased to see that no. 3 had been restored in keeping with its original character such as the big wooden front door. Her front wall was in need of attention so if the application was successful, it would be removed and a new matching wall would be built in front of both houses of no. 3 and her own. The work at the rear of the house would also be done together.

Mrs. Penfold explained that she had looked around no. 3 during an open afternoon recently and again a few days later

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to refresh her memory. The apartments had been thoughtfully planned, were roomy and had been furnished to a high standard. She had suggested that a communal laundry room should be provided as such facilities were very useful as much for short stay as for business people who could be staying for longer contracts. Residents were very worried that no. 3 would be used for DSS residents and that the house may not be well maintained. However, she would now be very surprised if the accommodation was used for such purposes.

The guests staying at no. 3 had been diverse. Businessmen, a family with children and four girls visiting Seaham for a hen party weekend. So far, she had been most relieved that she had not heard a single sound from these visitors. This was because of the soundproofing which had been installed and also because the staircase at no. 3 was between the apartments and her own rooms. Her neighbour at no. 7 would also benefit from the barrier, should her own house be used for guests. Also the connecting walls between the houses were unusually thick because when they were originally built, nos. 1 and 3 were constructed on their own with nos. 5 and 7 being late additions.

Mrs. Penfold explained that when her husband died, many people came from all over England to his funeral and she found it very difficult to find local accommodation. Seaham was expanding and would greatly benefit from more visitor accommodation. It seemed that in all seaside towns, big old houses had been converted to service this need and there was no denying that her home was in a wonderful location.

Should permission be granted for the proposal, the houses would have to be maintained both externally and internally to a high standard in order for the business to be successful so she was hopeful that the area would retain its charm and quality.

Mr. Giles, the applicant, explained that Easington Council was promoting Seaham for tourism and had been discussing the possibility of a small hotel with planning officers. He currently had three guest apartments which had been completed to a high standard and had tried to maintain the original look of the property. The front wall had been removed to gain access and would be reinstated. When he went into negotiations with the owner of no. 5, he decided to leave the wall until he had purchased it so it could all be built together.

Both sides of the street were mixed uses of commercial and residential. No. 5 at one time was a dentist and no. 1 had been a fishing shop, ice cream shop and a hairdressers. North Terrace had a mix of commercial and residential properties and the Navy Club had residential properties either side. He was looking to have a nice comfortable hotel which was economical and would attract tourists to the area.

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A Member raised concerns regarding the parking provision. There was no overnight parking on Terrace Green and a permit had to be applied for.

Mr. Giles explained that the rules for individual parking was one space for each apartment but were different for a hotel or bed and breakfast.

The Principal Planning Services Officer explained that consultation had taken place with Durham County Council and they applied standards for realistic expectation and had made a judgement based on that. Durham County Council did ask for a survey on the side streets on an evening. An Officer had visited on an evening and there was little or no parking witnessed. They were satisfied that there was sufficient on street parking.

Members commented that there was a desperate need for hotels in the Seaham area.

RESOLVED that the application be conditionally approved.

**2007/0405
2007/0406**

SEAHAM (SEAHAM NORTH) - BEDROOM EXTENSION AND ASSOCIATED LISTED BUILDING CONSENT AT SEAHAM HALL HOTEL, SEAHAM FOR TOM'S COMPANIES

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to materials, improvement to visibility splay, archaeological works, protection of listed structure, securing of re-development works and landscaping. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

RESOLVED that the application be conditionally approved.

2007/0463

SEATON WITH SLINGLEY (SEAHAM NORTH) - DORMER BUNGALOW (RE-SUBMISSION) AT PLOT 1, LAND REAR OF PEAR TREE HOUSE AND EAST OF HILLRISE CRESCENT, SEATON FOR W.M.W. SELF BUILD

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval. It was considered that the proposal complied with Policies 1, 35 and ST03 of the District of Easington Local Plan.

RESOLVED that the application be unconditionally approved.

2007/0468

MURTON (MURTON EAST) - VARY CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION 05/231 TO ALLOW USE OF FACTORY OUTLET SHOP AT NEWSAGENTS AT UNIT 85, DALTON PARK, MURTON FOR DALTON PARK LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that

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condition no. 2 of planning permission 05/0231 be amended as requested and that an additional condition be imposed restricting the use to a shop providing goods and services as described in the application particulars. The proposed amendment by virtue of its limited scale would not compromise the aims of the original planning permission to create a factory outlet shopping facility in this location.

RESOLVED that condition no. 2 of planning permission 05/0231 be amended.

JC/CB/COM/DCRP/070800
20.8.07