

THE MINUTES OF THE MEETING
OF THE DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY 4 SEPTEMBER 2007

Present: Councillor M Routledge (Chair)
Councillors B Bates, Mrs M Baird,
Mrs G Bleasdale, Mrs E M Connor,
R Davison, Mrs A E Laing, Mrs J Maitland,
D Milsom, D J Taylor-Gooby and C Walker

Applicants - Mrs and Mrs Maddison
Objectors - Mr Walton

1. **THE MINUTES OF THE LAST MEETING** held on 31 July 2007, together with those of the **SPECIAL MEETING** held on 14 August 2007, a copy of which had been circulated to each Member, were confirmed, subject to Councillor D Milsom being added to the Members present.
2. **APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

2007/0392 SEAHAM (SEAHAM HARBOUR) – 19 No. Houses at Former Factory, Denehouse Road, Seaham for David Barlow Homes

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

- (i) approval subject to the completion of a Section 106 agreement relating to offsite open space/play area provision, conditions relating to materials, contaminated land survey, protected species mitigation. 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 10 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 Principal Planning Services Officer explained that the Section 106 agreement had been provisionally accepted by the applicants.

RESOLVED that the application be approved, subject to the completion of a satisfactory Section 106 agreement. Authority be delegated to the Head of Planning and Building Control Services to issue the decision.

2007/0424

SEAHAM (DAWDON) – Extension to Existing Building to Form Art Studio and Store at Land opposite 1 Theresa Street, Seaham for Mr E Pleben

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, landscaping and use of building. The proposed development was considered to comply with the relevant planning policies referred to in the report.

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.

The Principal Planning Services Officer explained that Seaham Town Council had submitted an objection explaining that they felt that the development constituted over development of the site and although there was no problems with the existing structure, they felt that it was out of character with the locality and were concerned that the current proposal would be used as living accommodation.

Mr Pleben explained that the Art Studio would be used for himself and would not be lived in. He hoped that some day this would become a commercial business and some of his work could be sold.

A Member commented that an application for a residential caravan had been refused due to the visual impact and queried if this building was for the same use. The Principal Planning Services Officer explained that the caravan was much closer to the residential properties and there had been an issue of residential use of the caravan on garden areas. Therefore its use had been inappropriate.

Members commented that there were electric wires and water into the gardens. Mr Pleben explained that there was a hosepipe into the garden and electric to the existing building. He had planted the trees 15 years ago and there were now 300-400 trees in pots and the water supply was used for them. He added that his garden over the years had become part of the dene and there would be no changes and no tree lopping or cutting.

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A Member commented that he was concerned regarding the removal of the caravan and queried if a condition could be attached to the planning permission that it should be removed.

The Principal Planning Services Officer explained that in planning terms, they were two separate matters. Enforcement action had not been commenced until the outcome of this application was known.

A Member queried where the applicant would live if the caravan was removed. Mr Pleben explained that No. 1 Theresa Street was where his mother lived. He explained that the caravan would be removed and he would ensure that there was sufficient car parking space and access provided.

A Member commented that he was concerned that if the caravan was removed, the applicant may sleep in the Art Studio on some occasions. Mr Pleben explained that he did not live in the caravan, it was used for storage. He had sold his home three years ago and had not had anywhere to live since then. He was helping a friend restore their house and he was hoping to move in there.

A Member queried if the electric supply had been approved by the electric provider. Mr Pleben explained that he wasn't aware that he was infringing on any rules by the electric supplier and apologised if this was so, but would find a way of generating electric.

Members commented that they felt the application was intruding into the ancient woodland and would have a visual impact on the area.

RESOLVED that the application be refused.

2007/0442

EASINGTON VILLAGE (EASINGTON VILLAGE AND SOUTH HETTON) – Boundary Wall at East Grange Farm, Southside, Easington for Mr and Mrs Maddison

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 materials. The proposal was considered to be in accordance with the Statutory Development Plan and the policies referred to in the report.

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.

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The Principal Planning Services Officer explained that he had received two letters from Hall and Company, who were representing Southside Social Club. The first letter explained that Hall and Company were representing the Club who opposed the application. It was felt that the construction of the wall and the position proposed by Mr and Mrs Maddison would obstruct a right of way in use which had been used by the Club since the 19th Century. It was used for the purpose of taking bins to and from the Club, for accessing the rear of the Club and was also an exit leading from the emergency exit of the Club. Their client was concerned that any attempt to obstruct the route of the access would render the emergency exit from the Club useless and upon the grounds of safety for the Club Members. The application by Mr and Mrs Maddison as it presently stood should be rejected.

There was also a copy of a letter prepared by the Club Secretary dealing with the Club's opposition to the application. They wanted to correct several misleading and fictitious statements that were included within the design statement, submitted as part of the application, as follows:-

- **General History – ‘the site forms their garden’**

This statement was misleading, the site was in a tarmac hardstanding and was by no stretch of the imagination, a garden.

- **Planning History**

The covenant on the site allowed for Members of the Workingmen's Club and associated employees to pass and re-pass with horse and cart, laden and unladen etc etc. The exit referred to in the applicant's application was the rear fire exit from the Workingmen's Club premises and had been for over 20 years. The unacceptable proposals in the application was to build across the emergency exit.

- **Planning History**

The applicant referred to patrons of the Club using the rear emergency exit doors as a means of gaining entry to the premises. This was completely fictitious and was a blatant attempt to use falsehoods to justify their application. The Club never had nor had any wish to use the rear of the Club as an entrance and in fact the rear doors were so tight that entry via these doors was not possible.

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- **Planning History**

The applicant referred to 'cause to speak to patrons leaving the Club due to lewd and indecent behaviour'. This was completely fictitious and was a blatant attempt to use falsehoods to justify their application.

- **Access**

The applicant referred to the site as being used as a short cut by patrons of the adjoining Club. This was completely fictitious and was a blatant attempt to use falsehoods to justify their application. They noted the applicant's distasteful attempt in their application to involve their daughter suggesting that she was in danger from marauding Club Members.

- **Development Types**

The applicant referred to "low dividing fences" inferring that the estate had already some form of enclosure when in fact the estate was open plan with open frontages.

- **Objectives**

The applicant referred to "the applicants were now in the process of legally closing the opening". This was completely fictitious and they could confirm that no such notification had been received by the Club. Any such move to close the opening or bar it, as proposed by the application, would be fully resisted. This was an emergency exit and was covered by an enforceable covenant and had been used as such for over 20 years.

- **Impact**

The paragraph was written as if the estate that the wall bound was vulnerable to crime, when in fact the open plan nature mirrored the majority of new estates in Easington District and matched the surrounding houses in the estate.

Members of the Southside Social Club objected to the proposals on grounds relating to environmental health, health and safety and local planning guidelines.

The second letter from Hall and Company explained that they did not agree with the comments of the Planning Officer and did not agree with his conclusions that taking all relevant planning considerations into account,

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it was considered that the wall would have no adverse impact on neighbours or the street scene.

The Council's Local Plan specified that development should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, such as it affected the level of amenity that they could reasonably expect to enjoy. They had previously advised that for the wall to be constructed, would block a right of way to which their clients had a legal entitlement. Whilst it was accepted that a right of way and obstruction of it did give rise to civil remedies, the access was nevertheless an amenity which they would submit must be considered when considering the planning application.

To block off an access clearly affected the amenity and enjoyment of a neighbouring property. This was further compounded by the comments made by the Fire Authority. The Fire Authority stated that the proposal may result in alterations to fire escapes being requested at the Southside Social Club. The wall would prevent the ability to escape from the Club in the event of fire or emergency. If the wall was built any persons using the fire escapes would be trapped to the rear of the Club. This was therefore a loss of amenity for the Club as well as placing potential users in danger.

It would also cause significant detriment to the Club if the Fire Authority sought alterations to the fire escape. It was his understanding that there would be no other way in which a fire escape could be constructed to the Club. This would place the Club's registration certificate in jeopardy and the continued use of the property as a Club. There was therefore a considerable potential detriment to the Members of the Club in that it may be rendered unusable as a Social Club if the existing fire exit could no longer be used by virtue of the construction of a wall on the adjoining property.

In addition, it was felt that there would also be a financial detriment to the Club. If planning permission was granted, they would then have to commence court proceedings to obtain an injunction to restrain the development and also the potential of costly alterations to the Club premises if the Fire Brigade sought alterations to the exits. They felt that it would not be fair or reasonable to allow the planning application in view of the clear and obvious detriment, both in loss of amenity and actual financial expense the Club would suffer.

The Principal Planning Services Officer explained that advice had been sought from the Council's Monitoring Officer and the dispute between Mr and Mrs Maddison

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and Southside Social Club was a private matter and was not for planning Officers to take into consideration.

Mr Walton explained that he was Secretary of Southside Social Club and had been for the last 20+ years. Social Clubs were a dying breed and it was located in the heart of Easington Village. Southside Social Club sponsored Easington Village Football Team and Easington Cricket Team. It had been used by Weight Watchers for the last ten years and Easington Radio Club also used the Club. They had recently sponsored a student to go to Peru and the last fundraising event raised £600 for Hartlepool Hospice. They had had numerous christenings, Diamond Weddings and birthdays and it was used as a community facility.

The application did threaten the existence of Southside Social Club. He had spoken to the Fire Officer and if the rear fire door could not be used, additional ones would have to be installed in the front but this would not service the rear of the Club. The Club objected on loss of amenity, health and safety and safety of patrons. The refuse bins had been taken via the back entrance for the last 20 years. This was an open plan estate and he queried how this application could be approved.

Mrs Maddison, the applicant, explained that it was a civil matter in terms of rights of access. She referred to the covenants and their deeds and explained that the Club did have access for the removal of refuse. In June 2002, a meeting was held between Mr Harriman and Mr Walton from Southside Social Club to come to an amenable solution. The amenable solution would be to grant fire exit rights and widen the width of the gap. They had agreed to this on condition that the Southside paid the legal costs and a nominal fee.

Members of Southside Social Club had been in discussions regarding the cost implications for using the rear of the property for disability issues. The covenant had not been agreed and no legal agreement had taken place, therefore it was now in the hands of solicitors.

Mrs Maddison explained that she did want the Southside Club to continue and it was never her aim to have it closed down. She wanted to ensure that there was an economical and viable community. She distributed photographs showing that the fire exit had been open one Bank Holiday Monday when patrons had been outside smoking and urinating against her garage. She explained that she had a 3 year old daughter and feared for her safety. She had spoken to the Conservation Officer for guidance on the wall and had made amendments accordingly, so it was in keeping with the rest of the village.

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A Member queried if the applicants were willing to let the Southside use their property as a fire exit. Mrs Maddison explained that they were prepared to have negotiations with the Club to use the property as a fire exit as long as the Club paid for the legal costs and it was not accessible at all times.

Mr Maddison explained that they were prepared to grant fire exit rights only. This was not written down but they had always allowed them access for the refuse to pass through.

A Member queried how the fire exit would work. Mr Maddison explained that they had agreed that the gate would always be open if the exit was legally allowed to be a fire exit.

A Member queried if the fire exit could be a condition on the planning permission. The Principal Planning Services Officer explained that the Fire Officer had assessed the plans and must have had some problems with the gates and he could only assume that he was not satisfied with the fire exit.

The Chair asked Mr Walton if the Club was prepared to pay the legal fees. Mr Walton explained that the Club was always willing to come to a compromise.

Members suggested that the application be deferred to enable clarification from the Fire Authority to the exact effects the wall and gate would have on Southside Social Club.

Mr Walton explained that the Club had an application approved to build an extension for a conservatory and smoking shelter.

A Member queried where the smoking shelter would be located. Mr Walton explained that the boiler room would be demolished prior to any building commencing.

RESOLVED that application number 2007/0442 be deferred.

2007/0466

PETERLEE (PASSFIELD) – Sun Room Extension at 50 Lambton Court, Peterlee for Mr and Mrs Clynes

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval. The proposal was considered to be in accordance with the statutory Development Plan and Policies 1, 35 and 73 of the District of Easington Local Plan.

RESOLVED that the application be approved.

2007/0471

EASINGTON VILLAGE (EASINGTON VILLAGE AND SOUTH HETTON) – Garden Centre, Farm Shop and Tea Room at Plants ‘R’ Ross, South Hetton Road, Easington Village for Ross Weightman

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, conditions relating to materials to be agreed, landscaping scheme and timing, means of enclosure, protected right turn provision, timing of access improvements, limit on retail floorspace, limit on goods to be sold. The proposal was considered to be in accordance with the Statutory Development Plan and policies detailed in the report.

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.

RESOLVED that the application be conditionally approved.

2007/0491

SEAHAM (SEAHAM HARBOUR) – Rear Conservatory at 77 Viceroy Street, Seaham for Mr C Booth

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval. The proposal was to be considered in accordance with the Statutory Development Plan and Policies 1, 35 and 73.

RESOLVED that the application be approved.

2007/0493

MURTON (MURTON EAST) – 14 No. Houses and 36 No. Apartments (Resubmission) at Jamies Tiles, The Avenue, Murton for George Wimpey North Yorkshire

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

- (i) approval be granted subject to the completion of a Section 106 agreement relating to a contribution to offsite open/play space and subject to conditions relating to materials, contaminated land, revised plans. 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 14 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

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Space in New Development). Authority be delegated to the Head of Planning and Building Control Services to issue the decision.

RESOLVED that:-

- (i) the application be conditionally approved, subject to completion of a Section 106 agreement. Authority be delegated to the Head of Planning and Building Control Services to issue the decision;
- (ii) the application be refused, should a satisfactory Section 106 agreement not be received by 14 September 2007. Authority be delegated to the Head of Planning and Building Control Services to issue the decision.

2007/0513

MURTON (MURTON EAST) – Rear Extension of 15 Hawkins Road, Murton for Mr P Musgrove

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

RESOLVED that the application be conditionally approved.

2007/0516

SEAHAM (DAWDON) – Offices at Spectrum 7, Spectrum Business Park, Seaham for Hillford Dawdon IX Development Partners

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

The Principal Planning Services Officer explained that there was a change to the recommendation as some concern had been expressed from the Environment Agency regarding contamination of land. Delegated authority was requested to be granted to the Head of Planning and Building Control Services to issue the decision.

RESOLVED that delegated authority be granted to the Head of Planning and Building Control Services to issue the decision.

2007/0517

SEAHAM (DAWDON) – Offices at Spectrum 8, Spectrum Business Park, Seaham for Hillford Dawdon IX Development Partners

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval, subject to conditions relating to means of enclosure, landscaping scheme, timing of landscaping works, works in accordance with revised details and parking provision. The proposal was considered to be in accordance with the Statutory Development Plan and policies detailed in the report.

The Principal Planning Services Officer explained that there was a change to the recommendation as some concern had been expressed from the Environment Agency regarding contamination of land. Delegated authority was requested to be granted to the Head of Planning and Building Control Services to issue the decision.

RESOLVED that delegated authority be granted to the Head of Planning and Building Control Services to issue the decision.

2007/0554

SEAHAM (SEAHAM NORTH) – House and Garage at Land South of Greeba, Stockton Road, Seaham for Mr and Mrs D Taylor

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, contaminated land risk assessment, landscaping, means of enclosure and removal of permitted development rights. Authority to determine the application at the end of the consultation procedure and publicity period be delegated to the Head of Planning and Building Control Services, as long as no significant objections had been received.

The Principal Planning Services Officer explained that he was requesting deferral of the application as some telephone calls had been received indicating that there was strong objections to the proposals. It was felt that a further report should be provided before consideration of the application.

RESOLVED that application number 2007/0554 be deferred.

3. **REQUEST FOR SECTION 106 MONIES TOWARDS RECREATIONAL PLAY FACILITIES IN WINGATE**

Consideration was given to the report of the Head of Planning and Building Control Services regarding the request for Section 106 monies towards recreational facilities in Wingate, a copy of which had been circulated to each Member.

The land involved in the proposal was an area to the east of the northern part of the pond in Wingate Welfare Park. As part of the general upgrading of the park, Wingate Parish Council and the WISH Partnership thought it was important to foster a greater appreciation and understanding of the valuable natural environment. It was planned to make and install hand carved decorated wooden seating for an outdoor classroom area, along with marker posts for a trail through the woodland. A request had been received from Wingate Parish Council for the shortfall in their budget outlined in the report to be met from Section 106 monies, currently held for provision or enhancement of recreational facilities.

A Member commented that she felt it would be useful if meetings included local Members when considering what Section 106 monies were available in their Ward. The Principal Planning Services Officer explained that he had written to all Parish and Town Councils where monies were available and in future would include local Members.

RESOLVED that the release of the sum of £3,285 from Section 106 monies currently in hand to fund the shortfall in the budget for the seating and marker posts works be granted.