

**THE MINUTES OF THE MEETING OF THE  
DEVELOPMENT CONTROL AND REGULATORY PANEL  
HELD ON TUESDAY, 25 SEPTEMBER, 2007**

**Present:** Councillor R Davison (Chair)  
Councillors B Bates, Mrs M Baird,  
Mrs G Bleasdale, Mrs A E Laing and  
C Walker

**Applicants:** A Bell, Mr and Mrs Taylor and Mr  
Mortimer

**Supporter:** Mrs Althwaite

**Objectors:** Mrs Blake, Mr Rochester, Mrs Wilkinson,  
Mr Clark, Mr and Mrs Weightman

**Apologies:** Councillors Mrs E M Connor, M Routledge  
and D Milsom

1 **THE MINUTES OF THE LAST MEETING** held on 4 September, 2007, a copy of  
which had been circulated to each Member, were confirmed.

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

**2007/0429      SEAHAM (SEAHAM NORTH) – 20 No and 45 No Apartments  
at former Vane Tempest Club, New Drive, Seaham for Miller  
Homes NE Limited**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to a suitable Section 106 Agreement for the provision of offside play space and subject to conditions relating to landscaping, materials, means of enclosure, noise insulation scheme, hours of operation, wheel washing facilities, drainage, no forward walls, affordable dwelling provision and amended plans.

The proposal was considered to be in accordance with the Statutory Development Plan, in particular, Local Plan Policies 1, 35, 36, 37, 66, 67, 90 and 92.

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 Blake explained that she was speaking on behalf of residents and a petition of more than fifty people had been submitted. Residents were pleased that the plans had been amended but all that had been gained was five units, nothing

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on height and hardly anything on density. The application site was surrounded by residential houses which would be overpowered by the development. The three storey houses would be twenty foot high in front of the properties on New Drive and the Council should take into consideration the people who already lived there who would lose their privacy as well as the light being blocked out. Some three storey high houses were as high as a block of flats.

Mrs Blake explained that her main objection was regarding the height and density. Government guidance was thirty houses per hectare and this development had a density of sixty five per hectare. She queried why so many buildings were to be built on a small area. She explained that she would like a reduction in the height of the houses and queried what type of affordable housing would be built. Would the houses be private or Council?

The Principal Planning Services Officer explained that he was not aware that a petition had been submitted. Mrs Blake explained that the petition had been handed in the previous day.

The Principal Planning Services Officer explained that the Planning Officer had taken into account the height and density and that's why the amended plans had been submitted. The higher part of the development had been moved away from New Drive.

Mrs Blake explained that it was not just the residents in New Drive affected by the development but also residents across the railway line. The Principal Planning Services Officer explained that the Council's privacy standards and distances had been achieved.

A Member queried how high the highest house would be. The Principal Planning Services Officer explained that the highest house would be 10.5 metres and the usual two storey house was 8.5 metres high.

A Member referred to the height and density and queried if this had not been rectified in the amended plans. The Principal Planning Services Officer explained that Officers had negotiated the best scheme they could.

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

**PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS, COUNCILLOR C WALKER DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.**

**2007/0472      SEAHAM (SEAHAM HARBOUR) – Change of Use from Retail to Residential Unit for Addiction Rehabilitation including Rear Extensions at 24 Church Street, Seaham for Free the Way**

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Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to materials to be agreed. The proposal was considered to be in accordance with the Statutory Development Plan, in particular, Local Plan Policies 1, 22, 35, 71, S32, S33 and 101.

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.

Angela Bell explained that she was a spokesperson for Free the Way who welcomed the new developments that had already taken place in Seaham and looked forward to the regeneration of the Town Centre.

It was a well known fact that the majority of crime and anti-social behaviour was caused by the use of drugs and alcohol and it would be a great cause of concern if the large sums of money spent attracting new investment and development were spoiled by this behaviour.

Unfortunately, like most parts of the country, the drug and alcohol problem existed in Seaham. It would not go away because they wanted it to or because they refused to acknowledge it. Opening a Rehabilitation Centre was the only way to deal with the problem and they hoped to explain that rather than being detrimental to the regeneration of Seaham, a renovated property providing rehabilitation services would be an asset to the community.

The Police had explained that the crime rate in Church Street had fallen by ninety per cent since Free the Way Drop In Centre and Advice Centre had been opened. The Annual Trustee Report giving details of the achievements were available for anyone to read. A Rehabilitation Centre was the next logical step in helping people overcome their drug and alcohol problems and would have no negative impact whatsoever on local businesses in Church Street.

All clients would be assessed before they were admitted and had to show that they were free from drugs and alcohol and that they had a desire to make the necessary changes in their lives. Clients would be monitored twenty four hours per day by trained staff and were not allowed to leave the premises unaccompanied. The Centre would be a completely drug and alcohol free environment and visitors would be family and next of kin only and limited to a couple of hours on either a Saturday or Sunday. Part of the rehabilitation process would be teaching life skills, coping strategies, help with financial matters and budgeting, helping clients become responsible for their actions. By working with other Agencies such as DISC and Acumen, they helped clients to get back to work with the help of the Bond Scheme. This helped clients find accommodation before they left.

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Clients leaving the Rehab Centre would be ready for work and have accommodation waiting for them. There would also be continued support after clients had left the Centre. Free the Way had a number of clients who had successfully completed a stay in rehab and now gave something back by doing voluntary work. Local businesses would benefit from the Rehab Centre and not only because they would be using their service but also because the general appearance of Church Street would improve with the renovation of a derelict property. The local economy would also benefit from the creation of jobs. Seaham urgently needed a Rehabilitation Centre and needed access to the same services enjoyed by the rest of the country.

A Member queried if there was an age limit using the facilities and what area the people came from. A Bell explained that they took people from eighteen years and above and came from all over Easington District. Free the Way provided after care and the person being rehabilitated would eventually move into a house and they would help with the bond and visit them regularly. There was also a buddy system in operation to help and support them.

Members commented that they felt that a more suitable location could be found. Church Street was in a shopping centre and the Council were trying to regenerate and revitalise the area and felt that this type of development was inappropriate.

A Member queried how they could ensure that the residents were safe and not out of the premises. A Bell explained that they would not be allowed out unaccompanied and had a set routine from 7.00 am to 10.00 pm.

Mrs Scholes explained that the Centre would be manned 24/7. There would always be someone with the residents and there were two members of staff during the night.

A Member commented that Free the Way was doing a brilliant job for the residents of the District but felt that the location was unsuitable.

A Member queried if they had tried to purchase houses in other locations. A Bell explained that it was a matter of finance as they had to raise the money prior to buying the property.

Members commented that they were concerned about the loss of a retail unit in Church Street and felt that it should be regenerated for retail and not residential. They felt that it would adversely affect the amenity of local residents and there was a fear of crime.

**RESOLVED** that the application be refused.

**COUNCILLOR C WALKER REJOINED THE MEETING.**

**2007/0479 SEAHAM (SEAHAM HARBOUR) – Large Scale Site Redevelopment comprising Provision of Multi-Use Public Services Centre/Office Space, Residential, Retail and Health Care Provision and a Public Square at St John’s Square, Seaham for District of Easington**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to full details to be submitted within three years, protected species mitigation, Environment Agency conditions, reference made regarding the need for affordable housing element and a need for Section 106 Agreement relating to open space provision. It was considered that the proposals conformed with relevant planning policies and guidance as well as promoting the regeneration of Seaham.

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.

The Senior Planning Services Officer explained that comments had been received from Seaham Environmental Association since the report was prepared. They felt public open space was too small and the amount of different uses too great. They did welcome the additional meeting rooms although adequate lighting and security should be high priority. Public transport around the area should be enhanced and they felt that the inclusion of town houses made the scheme too cramped.

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

**2007/0510 WHEATLEY HILL (THORNLEY AND WHEATLEY HILL) – Change of Use from Garage to Bungalow at Greenhills Farm, Wheatley Hill for Mr and Mrs Horn**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to materials, contaminated land, hours of working on site, road junction improvements. The proposed development was considered to be acceptable in relation to the policies detailed in the report.

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

**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,

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contaminated land risk assessment, noise impact assessment, restriction on hours of construction work, landscaping, means of enclosure to be agreed, position of garage to be agreed and the removal of permitted development rights. The proposed development was considered to constitute an accepted departure from the Development Plan for the area together with its related policies.

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

The Principal Planning Services Officer explained that an award of costs was not automatic in appeal cases. There were three different appeal methods:-

- Written appeal, where there was no award of costs
- Local enquiry, where there could be an award of costs
- Informal hearing, where costs were incurred and there could also be an award of costs.

This was an important issue but not an overriding factor.

Mr Rochester explained that he was speaking on behalf of his parents who lived adjacent to the application site. He explained that he was no expert on law but found the Officers report to be very contradictory and very subjective and could not understand the logic. The area of land had increased by three times and not two and Policies 6 and 14 were in direct conflict with Development Plan Policies. He disputed that the house was six metres from the boundary as it was actually only one metre. He felt that the house could be extended in future.

His parents were elderly and his father had Alzheimers and it was a big worry for them. All the houses in the row were rendered and pebble dashed with stone and he would hope that if approved, it would be in keeping with the properties in the surrounding area. Bringing the garage forward so it was level to the front of the house did not stop later development. He could not understand why the house had been located to the North of the site and could only assume that the applicants would apply for another house at a later date.

Mrs Wilkinson explained that she had studied at the documentation from the Planning Officers and the green belt was key to the application. This was the only green belt in Seaham and the surrounding area. She had researched policies regarding green belt and the Local Plan, and referred to a number of Policies in the District of Easington Local Plan. She added that policies could not be ignored.

Mrs Wilkinson explained that it was now Government Policy to involve communities in planning applications. It had taken

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her one week to receive the 'Statement of Community Involvement' from the Council. This was most importantly about involving ordinary people and consulting them and making them aware of what was going on in the area. She added that she did try her best to help the community in which she lived.

Mrs Wilkinson referred to publicity and explained there had been a site notice erected on the lamppost and a very small article in the Sunderland Echo. She walked her dog regularly along Stockton Road and had not seen the site notice on the lamppost and felt that there had been a material change from the previous outline permission.

Mr Clark explained that he was Vice President of Seaham Environmental Association and had worked in Seaham since 1933. He explained that the fact that the town of Seaham still remained in Durham County and within the District of Easington was remarkable. Like the Houghton and Hetton area which was absorbed by Sunderland, Seaham also very nearly became an integral part of it.

Prior to the 1974 proposed boundary changes, a Conservative Government Minister commissioned to visit the North East had decided that as built up areas seemed to be nearly continuous from Sunderland to Seaham, then Seaham should certainly become part of Sunderland. Before the Boundaries Bill went to the House of Commons there was some horse trading and Seaham remained in Durham.

There now still existed a green belt to the North of Seaham, that green belt was very precious for two reasons:-

- It had immense value for its inherent and intrinsic merit. Green belt areas and this overcrowded country were increasingly precious
- It acted as a vital buffer between Seaham and Sunderland

Apart from the legalities associated with the green belt, any incursion of a dwelling into the green belt would spark a sort of gold rush of developers, resulting in Seaham becoming joined to Ryhope and inevitably just a matter of time before Seaham became a section of Sunderland.

Like other members of the Environmental Association, he did not know the applicant but what he did know was that quite apart of the legal implications, if unthinkably the application was to be agreed and ratified, a great disservice to Seaham would follow.

He had long been involved in many ways with Seaham and queried if the residents of Seaham had been made aware of the implications. A mistake could be disastrous. Expensive public inquiries had been held for less. The applicant could

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do himself and very many others a favour by withdrawing his application and building elsewhere.

The Principal Planning Services Officer explained that the main gable to the proposed house was six metres away from the property. The materials to be used could also be dealt with by planning conditions. The house had been located at the North of the site on the basis of the original outline planning permission. With regard to publicity, the legal requirement was carried out and organisations had been made aware and had made representations.

The Principal Planning Services Officer explained that there was an increase in the plot but he did not feel there was a material change sufficient enough to warrant a change in circumstances. He did not dispute and acknowledge that it was contrary to policy. He fully accepted that the policy arguments were relevant and were the same arguments as Officers had put forward on the previous application. He had carefully looked at the background to the case and recent case law and felt that the right recommendation was for approval, although a good case could be put forward for refusal if Members felt that that was the correct decision.

Mr Taylor, the applicant, explained that the reason he had not acted on the previous application was that he had been made redundant and did not want to commence building. He lived in a house around the corner from the application site which was too small for his growing family. All of his neighbours in the cul-de-sac and Mr Rochester had supported the application three years ago. He explained that he had lived in Seaham for sixteen years and the only reason he wanted to build this house was because his was too small for his family. His children went to the local schools and if he had wanted to make money he would have sold the land on numerous occasions to developers. He had a letter from the previous application from all of the residents in the cul-de-sac supporting the application.

Mrs Taylor explained that it was a strange piece of land and they had bought extra land to hope to turn it into a garden and they did not want to infringe over any borders. Mr and Mrs Rochester had been in support of the original application. The original application had indicated that they would stay within the styles of the houses in the street, although the houses were fairly individual. She added that it was a large garage but her family had three vehicles.

Mr Rochester queried that at the time when his Father had supported the application, were the plans of the proposed house drawn up.

The Head of Planning and Building Control Services explained that they had heard numerous arguments against development in the countryside. This was a particular set of circumstances and highly unusual. Planning Officers nearly



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always recommended refusal to proposals for development in the countryside but this application was unique as it had been previously granted approval.

Mrs Wilkinson explained that applications that were approved in the green belt should be forwarded to the Secretary of State for their decision and this had not happened. The Principal Planning Services Officer explained that this should be treated as a departure from plan and referred to the Secretary of State. If Members wished to approve the application then they would need to be minded to approve it and refer it to the Secretary of State for a decision.

**RESOLVED** that Members be minded to approve the application.

### **2007/0583      SEAHAM (DAWDON) – 16 No Terraced Houses at Land at Embleton Street, Seaham for Regent Developments Limited**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that Members be minded to approve the application subject to completion of a Section 106 Agreement relating to offsite open space provision and subject to conditions relating to materials, means of enclosure, revised highways details and landscaping. Delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement. The proposal was considered to accord with the relevant Development Plan Policies, in particular, Local Plan Policies 1, 35, 36, 37, 66, 67 and S4.

**RESOLVED** that

- (i) the application be approved subject to satisfactory receipt of the Section 106 Agreement;
- (ii) Delegated Authority be granted to the Head of Planning and Building Control Services to issue the decision.

**PRIOR TO COMMENCEMENT OF THE FOLLOWING ITEM OF BUSINESS, COUNCILLOR C WALKER DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING**

### **2007/0600      SEATON WITH SLINGLEY (SEAHAM NORTH) – Boundary Wall at the Bungalow, Sharpley Hall Farm, Seaton Lane, Seaton for Mr M Mortimer**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to colour of railings and wattage of lighting. The proposal was considered to be in accordance with the Statutory Development Plan, in particular, policies 1, 3, 4, 5, 35, 38 and 73 of the District of Easington Local Plan.

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

The Principal Planning Services Officer explained that a further letter of objection had been received raising similar concerns to those outlined in the report, relating to impact on highway safety, loss of natural habitat, inappropriate design and landscaping, light pollution and land ownership issues.

The Countryside Officer had advised that the area was good for foraging bats and was concerned regarding the lights. The design of the lamps needed to be amended to a closed top and the hours of operation be limited with low pressure lights being used. A letter had been received from three Councillors for the Seaham North who were in support of the application.

Mr Weightman, an objector, explained that the wall was totally out of character to the countryside road. He had looked at areas like Wynyard and Darras Hall and there was nothing as lavish as this. In previous applications he had made, he had worked with the Landscape Officer. He felt that the wall would replace the wildlife corridor with bricks and mortar. He explained that it was bad enough pulling out the ancient hedge but to add lights was an unwanted sacrifice. The lighting was more likely to attract thieves as it was easier to walk behind the wall and would have a double whammy to bats. Recent reports explained that lights had significant changes to a bats regime and altered their pattern and increase mortality. Natural England should have been consulted as part of the planning process.

It was a known fact that a section of the wall was on disputed land and the applicant should have included an Ownership Certificate for the validation of the planning application. A HM Land Registry Search should have been included but was omitted. He circulated photographs of the hedge before any works were commenced and its present condition with the wall. He felt that Natural England, the Landscape Consultants and the County Durham Ecologist should have all been consulted. The application should be deferred for further representations and consideration.

Mrs Althwaite, a Supporter, explained that her parents had owned the bungalow prior to Mr Mortimer purchasing it. Mr Weightman had also removed hedges at the top of the bank for lorries to gain access. With regard to the bats and noise pollution, there was noise from the paint ball activities which was horrendous and there was an awful lot of traffic from the car boot sale.

The Principal Planning Services Officer explained that the Countryside Officer had been consulted and although he had not recommended refusal, he had asked for some conditions. The Monitoring Officer had been contacted regarding the

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ownership issue and he had advised that the declaration submitted with the planning application was sufficient. The Parish Council had been consulted and he was not aware of any adverse comments from them.

Mrs Weightman had explained that a hedge had been taken out to the west of the site but had only been a small amount and they had planted many more hedges in its place. She felt strongly about the large section of hedge that had been removed. The applicant had already built the wall and she did not want to be unreasonable and ask him to remove it, but asked that part of the hedge be reinstated. The applicants property had four security lights at present which were bright and she could not conceive what the wall would look like with lighting. They were trying to teach their children sustainability and to be environmentally aware.

Mr Mortimer, the applicant, explained that Durham County Council as Highway Authority had no objections. The only other objector to the application was from a gentleman who lived fifteen miles away and he was astounded as to how he could comment on the application. The objector had objected to the Christmas lights he erected every year in aid of charity and felt this was very distasteful. He had a paintball activity on his front door, and a club house, driving range and hotel which had just recently been approved. The driving range was lit up and open til late in the evening. He explained that he had two young daughters and that's why he required lights on the wall for their safety. He added that the three Ward Councillors for the Seaham North Ward supported him and felt that the objector had a personal grievance.

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

### 3 **CONFIRMATION OF TREE PRESERVATION ORDER AT DENE HALL, EASINGTON COLLIERY**

Consideration was given to the report of the Head of Planning and Building Control Services which sought confirmation of a Tree Preservation Order at Dene Hall, Easington Colliery.

**RESOLVED** that the Panel recommend to District Council the confirmation of the District of Easington (Dene Hall) Tree Preservation Order 2006.

### 4 **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 it involves the disclosure of exempt information, as defined in Paragraphs 1 & 7, Part 1 of Schedule 12A of the Act.

**5 PLANNING INVESTIGATIONS REPORT  
RYEDALE COURT RESIDENTIAL DEVELOPMENT, TRIMDON STATION**

Consideration was given to the report of the Head of Planning and Building Control Services in connection with the above Planning Investigations Report.

**RESOLVED** that:-

- (i) The offender detailed in the report be prosecuted under Section 187(A)(9) of the Town and Country Planning Act 1990 for its failure to submit a drawing illustrating a scheme of landscaping by 28 August, 2007.
- (ii) Authority be delegated to the Head of Planning and Building Control Services to take any other action deemed appropriate.