

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

HELD ON TUESDAY 16 OCTOBER 2007

- Present: Councillor R. Davison (Chair)
Councillors B. Bates, Mrs. M. Baird,
Mrs. G. Bleasdale, R. Liddle, Mrs. J.
Maitland and C. Walker
- Applicants: Mr. & Mrs. Maddison
Mr. Vila
- Supporters: Mr. Shorthouse
Mr. & Mrs. Dalton
- Objectors: Mr. & Mrs. Harriman
- Apologies: Councillors Mrs. E.M. Connor, A.J.
Holmes, Mrs. A.E. Laing, D. Milsom,
M. Routledge and D.J. Taylor-Gooby

1. **THE MINUTES OF THE LAST MEETING** held on 25 September 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.**

**2007/0442 EASINGTON VILLAGE (EASINGTON VILLAGE AND SOUTH
HETTON) - BOUNDARY WALL AT EAST GRANGE FARM,
SOUTHSIDE, EASINGTON FOR MR. & 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.

Mr. Harriman explained that he was representing the Southside Social Club as the Secretary was on holiday. The Club was successful and very well run in Easington Village with approximately 450 members. Some evenings there were up to 200 people frequenting the Club. There was one main entrance and three fire doors spilling out onto the rear garden area, as there needed to be a right of way to vacate as soon as possible and to get the emergency

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services into the Club. He queried that had Southside Social Club been an old peoples home, would Planning Officers have recommended it for approval? The Club had been prepared to talk to the applicants regarding the access arrangements. The majority of members from the Club were between 40 and 70 but there were still some 80 year olds on a regular basis.

Mr. Shorthouse, a supporter, explained that he had written a letter that had been submitted to the Council and he had been under the impression that it would have been read out that evening. He read out the contents of the letter as follows:-

"I wish to express considerable concern regarding the above proposals, all of which were interdependent. His major concern was that no emergency exit from the rear of Southside Social Club presently existed, which, in the event of a fire, would present a catastrophic disaster. Following a verbal comment delivered during the Development Control and Regulatory Panel meeting on 4 September 2007, a Planning Officer highlighted a request signed by some 400 neighbours of Southside Social Club, objecting to the construction of a boundary wall by the present residents of East Grange Farm. Presumably, this number may well represent the possible occupancy of the Southside Social Club at any time. Without adequate fire exits in place it would seem impossible to vacate the property effectively in the case of fire, although having only been a resident of East Grange Court for 20+ years, to the best of his knowledge, this had never been put to the test in respect of a fire drill supervised by the Fire Brigade.

In the event of a smoking shelter being erected at the rear of the property as the name implies, this would inevitably exacerbate the necessity for a fire exit since the proposed location was bordered by numerous mature broad leaved trees coupled with the lewd and irresponsible behaviour by club patrons as a consequence of excessive alcohol consumption.

Worthy of note from the minutes of the meeting held on 4 September 2007, the Club Secretary had informed him that 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 those doors was not possible.

Since the meeting, he had monitoring the use of the 'so tight doors' and could confirm that they had been open Friday, Saturday and Sunday evenings each week apart from Sunday 14 October 2007. This facility had enabled patrons to both enter and re-enter the property after occasionally vomiting and urinating on the parts of land to the rear. Such activities seemed somewhat incongruous to the utopian ideology so eloquently described by the Club Secretary at a previous meeting. Such statements tend to

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question the integrity of individuals. Prior to Mr. & Mrs. Maddison residing at East Grange Farm, the previous owners Mr. & Mrs. Willoughby permitted the removal of ash from the rear of the Club via the gap in their boundary wall as it was adjacent to the Club's boiler room. All other refuse was collected from the front of the Club. The Willoughby's intention was to eventually remove this gap once the solid fuel boiler had been replaced since the sole function of the gap was to allow for the removal of ash and definitely not as a fire exit.

Following the death of Mrs. Willoughby in February 1992, her husband having pre-deceased her, suddenly refuse bins appeared for the collection, having been dragged from the rear of the Club via the gap, and left for emptying at East Grange Court.

On numerous occasions when necessary maintenance work had been undertaken to the fabric of Southside Social Club, the rear entrance had been used and vehicles parked on the private road of East Grange Court, workmen assuming it was their divine right to do so. The verbal abuse from such workmen when asked to move vehicles in order that residents may exit the Close, had to be witnessed to be believed. Such an attitude was also indicative of patrons of Southside Social Club when questioned about their entry via East Grange Court, suggesting this organisation may well be responsible for the gradual degeneration of society.

Who could query the Maddisons for wanting to construct a boundary wall in order to create a garden, a garden being a place of spacious and attractive surrounding to shelter an innocent child from happenings next door".

Mr. Dalton explained that he had lived in East Grange Court for 20 years and had 28 years with the emergency services and was familiar with major factors of security. The best way of securing property was to have a limited means of access and would make East Grange Court and Southside Social Club more secure. The last burglary on the Club came from the rear of the premises. The residents had not opposed the wall and felt that it would financially enhance the value of their properties. He had had first hand experience of illegal trespass in the Court and road obstruction on more than one occasion when the emergency services had been unable to access the cul-de-sac. His wife had also witnessed patrons urinating on the wall. Nos. 3,4,5,6 and 7 East Grange Court all had bins located at the front without complaints from any residents. Three doors away from the Club, Nos. 7 and 8 also had bins at their front door, therefore, the solution would be to place the bins at the front of the Club. He added that he welcomed the wall that would enhance the neighbourhood.

The Principal Planning Services Officer referred to Mr. Shorthouse's letter and explained that this had not been

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read out because it referred to the smoking shelter planning application for Southside Social Club and not to the current application.

Mrs. Maddison explained that they were prepared to negotiate with the Club and on numerous occasions had attempted to do this. At the end of the last meeting, Mr. Walton had made a suggestion that they get together. Arrangements were made to meet at the Club on Friday at 7.00pm. They had attended and there had been no-one there to meet them and no-one came to talk to them.

She referred to the fire exits at the rear and the aged population that frequented the Club and commented that someone in stilettos could not manage the ploughed land never mind an aged person. The deeds clearly stated that the gap was for the removal of rubbish and no other purpose whatsoever. The right of way had been defunct some years ago and the opening of the fire exit doors was a problem for them. At the last meeting she had circulated photographs showing the doors open. When the Southside had contracted sub-contractors, they had passed over her premises and been very rude. They had parked in front of a double garage and been unreasonable.

She was concerned regarding the language from patrons and her 3 year old daughter had commented that there was a stranger around the corner. This was one afternoon at 3.00pm. She had spoken to the steward in the Club and asked him to close the fire door and he had refused. All she wanted was a safe environment for her daughter and she was willing to discuss the fire exit rights. This needed to be done correctly and could not just be altered.

Mr. Harriman explained that on Bank Holiday Monday, the Club did not open until 7.00pm. The applicant's father was a member of the Club and Mr. Maddison also frequented it.

The Principal Planning Services Officer explained that the major issue was regarding access rights. In planning terms, this was a separate legal issue between the two parties concerned. There may be rights of access but this was up to the courts to decide. The granting of planning permission would not override the court's decision.

A Member queried if there had been a report from the Fire Authority. The Principal Planning Services Officer explained that it was not within their remit to comment as it involved a private property. He had received an e-mail from D. Mitchelson confirming that he could not object to a private domestic dwelling although it would have a knock on effect on Southside Social Club and could lead into the reduction of occupancy of the Club.

Mrs. Harriman explained that when they had received the new license, it was condition that they had the fire exits in

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place. The Principal Planning Services Officer explained that licensing arrangements would still apply and may have an impact.

Mr. Harriman explained that the deeds showed clearly that they had a right of way for removing refuse and fire exits.

Mr. Maddison explained that they had never disputed the right of way for removal of the ash and rubbish but there was no right of way for the fire exit. When the land was sold over 50 years ago, some of the land no longer was in his possession and was on a neighbours drive. The rights they had no longer crossed over his land.

RESOLVED that the application be conditionally approved.

2007/0508

WHEATLEY HILL (THORNLEY WHEATLEY HILL) - 26 NO. HOUSES AND ASSOCIATED WORKS AT FORMER SCRAPYARD, BLACK LANE, WHEATLEY HILL FOR MR CHRIS BURNIP, RMK PROPERTIES LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval, subject to the submission of satisfactory plans relating to highway improvements and public footpath diversion. The Head of Planning and Building Control be authorised to approve the application subject to the conditions relating to materials, landscaping, contaminated land survey and highway improvements. The proposed development was in accordance with the planning policies referred to above and would not harm the character of the locality.

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. Vila, agent for the applicant, explained that the site was granted planning permission in 2003 for 15 dwellings but had not taken account of the public footpath issue. The footpath was disused and had been for some time. At one end it was fenced off and the other end there was barbed wire and he explained that there was no demand for the footpath. The footpath could be diverted which would make it safer for the development. The new design had more houses and less road and was more developable.

A Member queried if the site had been tested for contamination. Mr. Vila explained that he had a contamination report of 100+ pages. There would be one foot of top soil on the estate where there were no roads and any contamination issues would be dealt with as part of building regulations.

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A Member commented that the report explained that nothing had changed since 2003 but the numbers of houses was a big change. The Senior Planning Services Officer explained that the comment in the report referred to planning policy. The density was fairly low at 30 per hectare but was not an over-dense development and the gardens were a reasonable size and were acceptable.

The Principal Planning Services Officer explained that the policy did not specify numbers of houses and it was for Officers to assess.

RESOLVED that authority be given to the Head of Planning and Building Control Services to approve the application subject to conditions detailed in the report and a satisfactory submission of plans relating to highway improvements and public footpath diversions.

2007/0609

SEAHAM (SEAHAM NORTH) - HOUSE (RE-SUBMISSION) AT SEAHAM GRANGE FARM, STOCKTON ROAD, SEAHAM FOR MR. I. DAVIDSON

The Principal Planning Services Officer explained that further information had been received regarding this application and requested that it be deferred from the agenda to assess its contents.

RESOLVED that application No. 2007/0609 be deferred.

3. TREE PRESERVATION ORDER - PEAR TREE HOUSE, THE VILLAGE, SEATON

Consideration was given to the report of the Head of Planning and Building Control Services which sought confirmation of a Tree Preservation Order at Pear Tree House, The Village, Seaton.

RESOLVED that the panel recommend to District Council the confirmation of District of Easington (Pear Tree House The Village Seaton No. 2) Tree Preservation Order 2007.

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 involved the disclosure of exempt information, as defined in Paragraphs 1 and 7, Part 1 of Schedule 12A of the Act.

5. PLANNING INVESTIGATIONS REPORT St. Michael's Rise Residential Development, Hawthorn

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:-

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- (i) the offenders detailed in the report be prosecuted under Section 187 (A)(9) of the Town and Country Planning Act 1990 for failure to submit drawings illustrating a scheme of landscaping and highway construction details by 20 July 2007;
- (ii) authority be delegated to the Head of Planning and Building Control Services to take any other action deemed appropriate including further prosecutions which may be required.

JC/CB/DCRP/071001
24.10.07