

**THE MINUTES OF THE MEETING OF THE  
DEVELOPMENT CONTROL AND REGULATORY PANEL  
HELD ON TUESDAY 18 DECEMBER 2007**

Present: Councillor M. Routledge (Chair)  
Councillors B. Bates, Mrs. M. Baird,  
Mrs. G. Bleasdale, R. Davison, R.  
Liddle, D. Milsom, D.J. Taylor-Gooby  
and C. Walker

Objectors: Mr. & Mrs. Maddison, Mr. Ruddle,  
Mr. & Mrs. Smithson, Mr. Martin,  
Councillor Johnson

Agents/Applicants/  
Supporters: Mr. Mowatt, Mr. Everett, Mr. Pinfield,  
Mr. Dixon, Mrs. Osborne, Mr. Hartis,  
Mr. Jackson, Mr. Atmore and Mr.  
Hedley

1. **THE MINUTES OF THE LAST MEETING** held on 27 November 2007 and of the **SPECIAL MEETING** held on 15 December 2007, copies 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 CONSERVATIONS AREAS) ACT 1990**

**2006/0869 HASWELL (HASWELL AND SHOTTON) – 5 WIND TURBINES,  
CABLES, ACCESS TRACKS AND SUBSTATION AT HASWELL  
MOOR FARM, HASWELL FOR E-ON UK RENEWABLES  
DEVELOPMENT**

**2007/0223 HASWELL (HASWELL AND SHOTTON) - 2 NO. WIND TURBINES  
AT COLLIERY FARM, GREEN LANE, HASWELL FOR HALLAM  
LAND MANAGEMENT LIMITED**

Consideration was given to the reports of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to interference with communications, archaeology, construction/de-commissioning, ecology, landscaping/mitigation, noise/shadow flicker. The proposed development was considered to comply with national, regional and local planning policies referred to above.

The Senior Planning Services Officer explained that the two planning applications, although submitted by different developers, had a cumulative impact on the landscape and therefore should be considered together. He indicated that Members had visited the sites that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the reports.

Mr. Mowatt explained that he had lived in Haswell Plough for 23 years and had built many small turbines. He had recently

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visited Harehill Farm and you could barely hear the turbines turning. Inside the base you could hear a whine, but as soon as the door closed, you could not hear anything. Turbines were huge but took up little space on the ground. The hard core road was covered with grass and there was no major structural road. The cables were underground and could not be seen and the area was tidy and clean. The computer room had PC's monitoring the turbine and each turbine made 2 megawatts which could power 4,000 homes.

Mr. Mowatt explained that he would look straight out onto the turbines and had spoken to neighbours and they had no issues. The nearest turbine would be 1 kilometre away. The turbines were clean, quiet, graceful and cut carbon emissions. He added that the income from the turbines would boost the villages.

Mr. Everett explained that he lived in Pitlington on the edge of Durham City for the past 21 years. He had spent a huge amount of time calling at properties on the perimeter of the turbines and had spoken to many people, a large proportion of who would look onto the development. For the past 18 months, he had been working across the country on environmental complaints and had not encountered where there was an overwhelming support for wind turbines as in Haswell. Many people thought wind turbines were graceful and attractive and one comment from a member of the public was that they believed that they would be an asset, amazing to watch and blend into the landscape. When people saw the turbines they often felt that they had come home and saw them as guardians of the village. The average output for turbines was increasing. One produced 4,360 megawatt hours of electricity which was equivalent to supplying 1,000 homes.

Mr. Everett explained that he had become involved in the work because he was passionate about the environment and climate change troubled him. His daughter was a diving instructor and she had informed him that coral was disappearing and there was a lack of snow in the Scottish highlands. He added that an E-on project had been approved near Sedgfield and there were many similar ones across the country. Planning Policy 22 gave a clear steer to Planning Officers to make sure the wider economic benefits were taken into consideration when determining planning applications in relation to wind turbines.

Mrs. Osborne explained that the Council was trying to promote green policies and Easington Council had committed itself to sustainable energy and taken action in its Climate Change Community Action Plan 2006 and had signed the Nottingham Declaration on Climate Change. There needed to be a move towards sustainable energy if it was to be a better place to live. Page 47 of the Action Plan referred to the Council's application of the plan in the context of planning policy.

Mrs. Osborne explained that she could remember what many villages were like, especially Shotton fifty nine years ago. There

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was the pit heap and coke ovens and everything was covered in dust, the air was polluted. The wind turbines were poetry in motion, clean, quiet and could provide homes with electricity. They were not a blot on the landscape and improvements in Shotton had been slow but consistent. This was a way forward with the wind turbine. She wanted the Council to offer support to sustainable energy.

Mr. Dixon explained that he was a Director of Mencap and had been for 30 years. If the turbines were to be built, the community fund would be made available. There were many projects which needed additional funding and it was hoped that they could apply to the fund. Many other projects in the village would benefit such as the Church and Community Centre. The project was 100% supported by the village and they welcomed the extra investment.

Mr. Pinfield explained that he was the project developer for the scheme and had been involved in the project for the past two years. There were over 20 operational wind farms in the UK and had recently received planning consent from Sunderland City Council and Sedgefield Borough Council for similar schemes. One of the prime goals was to find the right site and they wanted to be a good neighbour. They had made substantial donations towards solar heat at Jesmond swimming pool and a donation towards Sedgefield Veterans Group.

Mr. Pinfield explained that he had spoken to the people of Haswell and they supported the application. In addition, there was a positive response from the Parish Council and from statutory consultees and no issues had been highlighted that could not be controlled by planning conditions. The UK had the best wind resource. Everyone was aware of the national and regional renewable energy targets and this area had been identified as suitable for development for a wind farm. 14,000 tons of carbon dioxide would be saved and enough power would be generated for 7,000 homes. The wind farm presented significant economic advantages for the area as local companies would tender for the work. There was an estimated total sum of £8m for the region over the life of the project and the estimated community fund for local causes would be approximately £250,000 over the life of the scheme.

A Member referred to the de-commissioning of the wind turbines if they were not used and to the turbines at Warden Law that had never moved in the last four years. He queried what their policy was on de-commissioning.

Mr. Pinfield explained that he was happy to accept any planning condition, should the turbines not be in operation for a reasonable period of time. The turbines at Warden Law were a prototype and had been inoperable for sometime. He was aware that the developer had now received planning permission for them to be replaced with more modern machines.

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A Member queried if there would be any interference with communications and if any of the airports had complained. The Senior Planning Services Officer explained that the application was only submitted once all problems were resolved with third parties. Sites had to be chosen with care. Newcastle and Durham Teas Valley had advised that there would be no impact on radar and flight plan and the telecommunications mast that was close by would not be affected by the development. There would be a condition attached to the planning permission that the developers would be required to mitigate any member of the public whose TV reception was affected.

### **RESOLVED:-**

2006/0869            The application be conditionally approved;

2007/0223            The application be conditionally approved.

**2007/0536            SHOTTON (HASWELL AND SHOTTON) - CHANGE OF USE TO MIXED USE AS STABLE YARD (AUTHORISED) AND CARAVAN SITE FOR STATIONING OF 3 RESIDENTIAL CARAVANS WITH ASSOCIATED WORKS (SURFACING OF YARD), REPAIRS TO BOUNDARY WALL/FENCING FOR OCCUPATION BY SINGLE TRAVELLER FAMILY AT LAKEBANK STABLES, MOOR TERRACE, SHOTTON COLLIERY FOR MR. & MRS. T.J. COLLINS**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to restriction of occupancy of site to gypsy travellers, number of caravans to be limited to 3 No., no commercial/industrial activities to take place on the site. The proposed development was considered to comply with the national and local planning policies referred to in the report.

The Senior Planning Services Officer explained that Members had visited the site previously and gave a detailed presentation on the main issues outlined in the report.

The Senior Planning Services Officer explained that further information had been received from County Durham Gypsy and Travellers and a need study was provided to the Planning Department. The key findings were that new sites were required in Easington District. This site would not provide for further travellers but was considered acceptable. An additional condition was suggested for a temporary permission to enable the Council to control future use of the site.

The Principal Planning Services Officer explained that he had been approached by Local Members for the Shotton Ward who had expressed concerns about the development. They had had a lot of complaints from local residents and queried if they were legitimate travellers, if the development fell within the green belt land and that the development would be a blot on the landscape. The access was across cleared land and they felt

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this was not acceptable. The Highway Authority had offered no objections to the access arrangements.

Mr. Scott explained that he was representing the applicant and explained that Mr. Collins and his family had made a vast improvement to the site. The children attended local schools and they had cleared the adjacent area as it was being used for fly tipping. He added that they would accept the timescale for the temporary permission.

Members queried if this was an authorised site. The Senior Planning Services Officer explained that this was not an authorised site but a retrospective planning permission to establish use as an authorised site.

A Member queried if the Parish Council had made representations. The Principal Planning Services Officer explained that no record of comments had been received from the Parish Council.

A Member commented that he was not happy about reversing the previous decision as a precedent was being set.

**RESOLVED** that the application be conditionally approved for a temporary period of three years.

**2007/0609**

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

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as National Planning Guidance in the form of Planning Policy Statement 7 - Sustainable Development in Rural Areas required that new residential development in the open countryside should have a special justification to enable planning permission to be granted contrary to established residential planning policies relating to the open countryside. The reasons put forward by the applicant were of insufficient weight to warrant the overriding of existing planning policies for this area designed to preserve the character of the open countryside and in particular, the open character of the Green Belt.

It was considered therefore, that the proposed development would form an intrusive domestic feature which would have an unacceptably detrimental effect on the character of the rural location which was designated as Green Belt land, contrary to Policy 5 of the Durham Structure Plan, Policies 1,3,4 and 35 of the District of Easington Local Plan and Planning Policy Statement 7 - Sustainable Development in Rural Areas. The proposed development was served by an unsatisfactory access onto the B1285 Stockton Road. The additional traffic created by a new dwelling would be likely to exacerbate existing road safety problems to an unacceptable degree contrary to policy 36 of the District of Easington Local Plan.

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The Principal Planning Services Officer explained that Members had visited the site previously and gave a brief presentation on the main issues outlined in the report.

Mr. Hartis, the Agent, explained that he wanted to reiterate what was explained at the previous meeting when the Panel was minded to approve the application. The application had been referred to Government Office for the North East and they had returned it, explaining that it did not conflict with their policies. He felt that his client had demonstrated justification of need.

Mr. Davidson explained that he would like to resolve the issue regarding the agreed access that evening. He wanted to drive out of his drive the same way as he came in for a number of years and did not want to waste more time negotiating with Officers.

The Chair queried which access formed part of the application. The Principal Planning Services Officer explained that the original access formed part of the application although highways had objected on grounds of road safety.

Members commented that they felt that the applicant had proven justification of need. He had sold the other properties to keep the farms going and felt that the access should be the same as at present.

The Senior Planning Services Officer suggested conditions of restricting occupancy to agricultural use and details of design

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

**2007/0634**

### **EASINGTON VILLAGE (EASINGTON VILLAGE AND SOUTH HETTON) - REAR SUN LOUNGE EXTENSION AT SOUTHSIDE SOCIAL CLUB, SOUTHSIDE, EASINGTON, FOR SOUTHSIDE SOCIAL CLUB**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to materials and accord with amended plans received. The proposal was considered to be in accordance 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 previously in connection with another application and gave a detailed presentation on the main issues outlined in the report.

Mr. Ruddle explained that he had lived in East Grange Court for 23 years. Over a number of years the club had become busier and more profitable and he had noticed a difference in the last few years, especially since the licence had been extended to midnight with noise, vehicles, taxis, shouting and he had to telephone the Police on a number of occasions. He felt that

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the extension would attract more people into the club. In the summer months there had been a number of occasions when the fire doors had been opened and loud music could be heard especially on weekends. He lived in a quiet cul-de-sac and he thought it would create a bigger problem. There had been a considerable difference in traffic especially on Southside and people often left their cars over the weekend. He felt that the extension would affect the quality of life of the people living in the cul-de-sac and he should not have to deal with noise and abuse.

Mrs. Maddison explained that she was expressing concern on behalf of the cul-de-sac. She wanted to have a responsible attitude from both parties and did not want to close the Southside Social Club. There were double doors which led out at the moment and the doors that would be leading out if the application was approved, would be made considerably larger. The proposal was to demolish the wall and she felt that this would make the noise a lot worse and the level at weekends was unacceptable. Legal action was currently being taken against the club because the fire doors were often open.

The plan referred to the opening of windows. She felt that they weren't open windows but sliding patio doors and would leave the premises more open. She was not complaining about the size of the extension but about the lack of amenities for residents due to noise pollution and felt that it should be refused on grounds of lack of amenity and noise, or conditions should be put in place.

Mr. Maddison explained that the plans clearly marked the windows as opening windows but they did look like patio doors and members of the public would be able to walk through them.

The Principal Planning Services Officer explained that the submitted drawings showed the window openings but they did appear to concertina. Environmental Health had objected to the scheme but had since withdrawn their objection to the amended plan. He added that he was concerned about the noise from the extension.

A Member queried what restrictions could be put in place to reduce the noise impact. The Principal Planning Services Officer explained that they could require the windows to remain closed when the club was open but was not sure if this was feasible.

Members commented that they did not think it was practical to have the windows locked and felt that the planning application should be altered as it was a flawed design.

Members felt that the application should be refused as the design was flawed and there was an opportunity for substantial nuisance to residents.

**RESOLVED** that the application be refused.

**2007/0699 HORDEN (HORDEN NORTH) - RESIDENTIAL DEVELOPMENT COMPRISING 21 NO. DWELLINGS AT HORDEN WORKINGMENS CLUB, EDEN STREET, HORDEN FOR MR. M. SAVAGE, HOLYSTONE DEVELOPMENTS LIMITED**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to landscaping works, surface treatments and contaminated land risk assessment and the removal of permitted development rights, the satisfactory completion of a Section 106 Agreement relating to childrens play facilities. The proposal was considered to be in accordance with Policies 1, 36, 66 and 67 of the District of Easington Local Plan.

**RESOLVED** that:-

- (i) the application be conditionally approved;
- (ii) a satisfactory completion of a Section 106 Agreement relating to children's play facilities should be received.

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

**2007/0710 SOUTH HETTON (EASINGTON VILLAGE AND SOUTH HETTON) - OUTDOOR AND INDOOR ARENA WITH ATTACHED AND DETACHED STABLES AND ASSOCIATED CAR PARKING AT WHITEGATES EQUESTRIAN CENTRE, SALTERS LANE, SOUTH HETTON FOR MS. S. LINCOLN**

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, car parking, refuse storage and disposal, highway works, drainage arrangements, external lighting, means of enclosure, landscaping, earthworks and floor levels, sound amplification equipment. The proposal was considered to be in accordance with Policies 1,3 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.

The Principal Planning Services Officer explained that since the report was prepared, the Parish Council had responded and had objections regarding riders using the roads and footpaths. They felt that if the application was approved, there would be an increase in activity. The applicant had stated that if the application was approved, this would reduce the need for riders to use the roads and footpaths. There would be more facilities on site.

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Mr. Smithson explained that he lived in Logan Terrace and it would impact on him as it would be visible from his front door. If lights were erected, it would also impact upon his amenities. The A19 often became blocked and cars used the road through South Hetton and if horses were coming out onto the main A road it was felt that this could cause an accident. There was also a problem with horse manure. It was often left behind in front of his home and was never cleaned up. If it was his dog, he would be fined. Horse bedding and manure was often left outside and attracted vermin and flies. He did not object to the Centre itself but felt that the applicants did not take care.

Mrs. Smithson explained that she had no objection to the Equestrian Centre and had lived in Logan Terrace for four years and felt that the Centre was mismanaged. She felt that the owner did not take responsibility for the facilities that they were providing. The horses often came down the back lane and was a hazard if children were out playing. The fence had been bitten by horses and had just needed repairing but had not been done.

Sharon Elton explained that she was a livery at the riding centre and a Childrens Home manager. A lot of young people used the Centre as well as children who were involved in crime and anti-social behaviour activity. The proposals made the conditions better and the leisure time much safer.

Mr. Jackson, the Agent, explained that the facility was cramped at present and the proposals would be a vast improvement visually. The stench would be moved considerably further to the south. The access arrangements had been approved by Durham County Council and what happened outside the premises was not always in his clients control. The facilities would be vastly improved and remove a lot of the trekking that went on in the streets at present. The client was more than happy to meet neighbours about the trekking around the streets.

Members raised concerns regarding the lighting and the access arrangements. The Principal Planning Services Officer explained that a condition relating to lighting to reduce the impact on nearby residents was suggested. The Highway Authority were satisfied with the proposals put forward in relation to the access.

Mr. Jackson explained that there was a side access and that would remain for the existing dwellings. The vehicle traffic had to egress onto the A road although the quieter access could be used for horses.

**RESOLVED** that the application be conditionally approved subject to further agreement on access arrangements.

**COUNCILLOR R. DAVISON RE-JOINED THE MEETING.**

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**2007/0715 MURTON (MURTON WEST) - HOUSE AT SANDHILLS, LAND REAR OF DAVISON CRESCENT, MURTON FOR MR. J. NAYLOR**

The Principal Planning Services Officer explained that this application had been withdrawn.

**RESOLVED** that the information given be noted.

**2007/0725 PETERLEE (PASSFIELD) - RESTORATION WORKS AND ALTERATIONS TO PAVILION INCLUDING INSTALLATION OF CCTV CAMERAS, SEATING, VIEWING PLATFORM, VISITOR INFORMATION PANELS AND LANDSCAPING WORKS AT PASSMORE PAVILION, OAKERSIDE DRIVE, PETERLEE 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 revised plans and materials. Proposals were considered to conform with the planning policies referred to in the report.

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

**2007/0733 EASINGTON VILLAGE (EASINGTON VILLAGE AND SOUTH HETTON) – CHANGE OF USE FROM CAR PARKING TO RECYCLING SITE AT SEASIDE LANE CAR PARK, EASINGTON FOR DISTRICT OF EASINGTON**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval as the proposal was considered to be in accordance with planning policies 1 and 35 of the District of Easington Local Plan.

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

**2007/0746 TRIMDON FOUNDRY (WINGATE) - HOUSE WITH INTEGRAL STUDIO/WORKSHOP (RE-SUBMISSION) AT LAND REAR OF WESTVIEW FARM, THORNLEY ROAD, TRIMDON STATION FOR MR. A. SMALLWOOD**

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 justification of need for rural workers dwellings, the proposal was considered to be contrary to Policy 3 of the District of Easington Local Plan and advice contained with Planning Policy Statement 7 - Sustainable Development in Rural Areas.

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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Mr. Atwood, the Agent, explained that there was a need for the applicant for a new home as his family had outgrown his existing property and also incorporated their business. Design was low impact on the site and low energy use with a low carbon footprint. This was a unique structure that collected heat from the south and the north was banked into the site. This assisted with the appearance of the structure on the site and had a grassed roof. The design has been supported unanimously and had been worked through with the Planning Officers at an early stage. This had also been supported by the Parish Council and the local Councillor.

The site itself was clearly a brownfield site and the demolition of the power station opposite which had created a hard core area. This could not be used as pasture land.

The settlement boundary was as described but had been completed some years ago when Deaf Hill Farm was a farm. There were currently three residential properties and the extension of the village had occurred naturally. The speed limit sign had been moved which indicated that this had been a natural extension of the village. There was an adjoining property which was new build and he felt that this development was not in the countryside per se. It was surrounded by structures and no objections had been raised. His clients were more than happy to accept the condition regarding the landscaping. Mrs. Smallwood's business had outgrown her existing premises and there was a need for new premises.

The Senior Planning Services Officer explained that the adjacent house had been built outside the village boundary but this had been approved in 2000 before the current Local Plan was in operation. This did not offer a precedent as it was not assessed against the current Local Plan. The main issue was location outside the settlement boundary and not whether the site was brownfield or greenfield. This, historically was a farm and the established planning use was of agricultural.

A Member commented that there had been discussions regarding the designs with the Planning Department and queried why they were recommending refusal. The Senior Planning Services Officer explained that it had been made clear to the applicant from the outset that there was a clear planning policy objection. Discussions that had taken place was on the design of the house and which one would be favourable to the Planning Department.

Mr. Atmore explained that he knew the site was outside of the established village boundary but PPP7 referred to good design and innovation and felt that the application addressed this policy.

The Head of Planning and Building Control Services explained that the Council did not pre-approve planning applications but did their best to talk to applicants for the best design possible.

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Members commented that they felt this was an innovative design which would enhance the gateway into the village and support local industry.

The Senior Planning Services Officer explained that if approved, conditions relating to the setting, road, materials to be used, means of enclosure, landscaping scheme, timing and revised access arrangements should be attached to any planning application.

**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.**

### **3. VARIATION OF HOURS OF WORKING CONDITION - EAST DURHAM COLLEGE DEVELOPMENT, PETERLEE – PLAN/2007/0063**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that permission be granted for the proposed extension of working hours as requested by the developers, that is up to twelve occasions during the period of three months from the date of the decision for the purposes of laying and power-floating concrete floors within the new college and other buildings on the site, all other construction operations to remain subject to the stated time limits.

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

Councillor Johnson explained that he was the Ward Member and was concerned regarding the out of hours working. The current working hours already represented a significant allowance of the working week. When the initial application was approved, the conditions attached were clear and specific and he was very concerned that the Company had not been made to adhere to them. The report made reference to occasional and was not specific enough. The noise referred to that of a car engine but people operating the machinery would wear head defenders. He didn't think that could be compared to driving a car. He wanted to minimise disruption to residents and had real concerns that any further extension to the arrangements would only exacerbate current problems.

Mr. Martin explained that the noise was a varying noise which started at a high pitch then went down to vibrating and it was nothing like a car engine. There was also a generator on site which ran 24 hours per day to power the lighting which floodlit the back of his house.

Mr. Martin referred to the planning conditions and explained that they had not been adhered to. He had written to Environmental Health and had been told that the hours of work were set out in the planning conditions. When researching the site, he came across flagpoles and found out that you could not erect flagpoles on the construction site. On August Bank Holiday Monday, workmen were working on the site and when he approached them, the men explained that they were from Scotland and Scotland was not on a Bank Holiday. On 6 and 7 November they worked until after midnight. 22 and 23 November they worked all through the night and it woke him up at 5.00am. 6 and 7

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December they worked until after 10.00pm and he was told that their Superiors had ordered them to work.

Mr. Martin explained that no-one had advised Councillors about the extra working hours and queried if the Planning Department talked to Members, it was not his job to police the site. He had e-mailed the Senior Planning Services Officer on 20 November and received a reply that the Environmental Health Officer had confirmed that the concrete drying process was only expected to take place for another 10 times in the next 3 month period. He sent an e-mail to the Senior Planning Services Officer, the Head of Planning and Building Control Services and the Environmental Health Officer and received an undeliverable message. He commented that surely Miller Construction could come up with some other method of setting concrete.

Geoff Hedley explained that he was representing Miller Construction and in charge of the project. He could not comment on the planning application but was aware of the planning conditions. Concrete set at different speeds with varying temperatures and they could not guarantee when the concrete would go off. When it was so cold, concrete set very quickly. The only works that they were doing was power floating the concrete which was used by a sit-on machine with two fans and a blade which polished the floor. The lights were for the compound for safety and security and were required. They had done some research and had the quietest generator that could be purchased and were currently having an acoustic fence built around it.

Mr. Hedley explained that they had looked at every other way of laying the concrete and there was no other way of doing it. He apologised for the workmen working on the Bank Holiday weekend as it was a Scottish team and it should not have been allowed. The Site Manager had telephoned him the previous Friday to explain the situation and he had told them to shut the operation down and they would re-do the area again. He had not meant to upset residents but they were trying to build a college facility for the town and working in the winter months did exacerbate the situation.

A Member queried who had given permission to Miller Construction to work out of hours and did the Council give notification to the residents of Stainton Way. The Senior Planning Services Officer explained that no-one had given permission to Miller. The report was recommending to give Miller permission to work out of hours.

The Head of Planning and Building Control Services explained that when planning permission was granted, conditions were attached but Officers did not automatically visit the site to check if conditions were adhered to. Members of the public had contacted the Planning Department and that was how it had been brought to the attention of Officers. This was an unusual set of circumstances and the Site Manager had tried to give an explanation.

A Member queried if it was twelve occasions. Mr. Hedley explained that they only required ten occasions. He had planned the project and would be working in blocks over the next 8-10 weeks. The next time they would need an extension to the hours was early in the New Year. Mr. Hedley explained that he was happy to have consultations with residents. The college had explained that they would send a newsletter to residents to explain what would be happening but he was prepared to have communication and consultation on a more regular basis and could give 24-48 hours notice when the out of hours working would take place.

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The Chair commented that if Members were minded to approve the application, then they needed to ensure that the condition was enforced and he would want a programme of the ten days that the extension was required.

Mr. Hedley explained that concrete was very weather dependent and he could not give the exact dates when the works would take place. The previous Friday they could not lay bricks, tarmac and concrete because the temperature was so low and he did not want to give false times. He could consult with residents and give an estimate of when the works would take place.

A Member commented that Miller Construction seemed to have exhausted all possibilities and the only way was to approve the 10 days but they should give residents at least 48 hours notice and there should only be a maximum of 10 occasions when they needed to work out of hours. Planning Officers should also be informed when the works were to take place.

**RESOLVED** that permission for the extension of working hours up to 10 occasions over a period of three months from the date of the decision, be agreed.

### **COUNCILLOR C. WALKER RE-JOINED THE MEETING.**

#### **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 items of business on the grounds that they involved the disclosure of exempt information, as defined in Paragraph 3, Part 1 of Schedule 12A of the Act.

#### **4. SECTION 106 AGREEMENTS**

Consideration was given to the report of the Head of Planning and Building Control Services, the purpose of which was to make Members aware of the money currently available through Section 106 Agreements. Progress in realising schemes that would enable funds to be released and action to ensure that funds retained were quickly distributed, a copy of which had been circulated.

**RESOLVED** that the information given be noted.

JC/CB/COM/DCRP/071201  
21.12.07