

THE MINUTES OF THE MEETING
OF THE DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY 23 SEPTEMBER 2008

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

Objectors – Mr Routledge, Councillor K McGonnell,
Mr Stanbridge, Mr Henry, Ms Symons

Agent/Applicant – Mr Self

Apologies: Councillors Mrs A E Laing, M Routledge,
D Milsom and B Bates

1 **THE MINUTES OF THE LAST MEETING** held on 2 September 2008, 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**

**2008/0005 SEAHAM (SEAHAM HARBOUR) – Retail Units and Apartments
at 1 South Terrace, 4-7 Church Street, 20-22 Green Street,
Seaham for Mr G Bhondi**

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 the completion of a Section 106 Agreement relating to offside open space provision and the conditions outlined in the report. Delegated authority be granted 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 be in accordance with the Statutory Development Plan and the policies detailed in the report.

The Senior Planning Services Officer explained that Members had visited the site previously and were familiar with location and setting. The application had been deferred at the last meeting due to Members concerns relating to parking, access, servicing and delivery arrangements for the proposed properties. No parking or service base could be provided because of the location of the site. The deliveries and service area was from Green Street and goods were either carried or wheeled to the units. Durham County Council was happy with the current arrangements and it was felt that the lack of parking was insufficient to refuse the application.

The Senior Planning Services Officer explained that the parking was not ideal as it was normally required in other schemes.

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Town centre developments did not have to be restrictive as other locations. This site was unique and South Terrace was to be restricted to buses only. Green Street had bollards and Church Street was pedestrianised.

A Member commented that she was very concerned about the parking as the public car parks had signs explaining that there was no overnight parking and she could not see where residents would park their cars.

The Senior Planning Services Officer explained that this site was important for the redevelopment of Seaham and he did not feel that a precedent would be set. An exception had been made due to its uniqueness.

A Member queried if there were any long term plans for car parking in Seaham. The Head of Planning and Building Control Services explained that following the last meeting, car parking was referred to the Regeneration Sub-Committee and car parking surveys were currently being carried out as well as car parking in general as part of the St John's Square redevelopment. This was an unusual site in a prominent location and was important for the redevelopment of Seaham town centre.

A Member commented that the redevelopment of the site would enhance the whole area.

RESOLVED that:-

- (i) the application be approved subject to the completion of a Section 106 Agreement;
- (ii) delegated authority be given to the Head of Planning and Building Control Services to issue the decision.

2008/0224

WINGATE (WINGATE) – Relocation of Porch and Raising of Roof Line on Block of Flats (Retrospective) at 65-66 North Road East, Wingate for Mr B Archibold

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that had an appeal against the non-determination not been lodged, the planning permission would have been granted subject to a condition requiring the bricking up of the east facing porch window opening within one month of the permission being granted and the applicant would have been advised that the changes to the dormer window sizes and positions would be considered acceptable should a further regularising application be submitted. The proposal was not considered to adversely affect adjacent residents to such a degree as to justify refusal of planning permission and was thus considered to be in accordance with Policies 1 and 35 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 and gave a detailed presentation on the main issues outlined within the report.

Mr Routledge, an objector explained that the planning permission was granted on the agreement that the extension would follow the existing roof line. The roof line was higher and all of the windows were at different heights. The porch had been relocated and because it had been raised, anyone standing on the porch had a direct view down to the whole of his downstairs. Because the porch had been extended, there had been a loss of one car parking space. There were also trees around the area and a further two car parking spaces had been lost.

With regard to the height, the ridge line was at seven bricks which was 750mm high. When the application was first considered, he had asked how the developer would fit three storeys into the building. The developer had reduced the ceilings and built the development into the ground to try to accommodate three storeys. Three storeys had still been unable to be achieved and the developer had therefore raised the roofline without any permission. The hip roof on the top corner started higher than the top of his house. The building was dominant and he only received three feet of sunlight into his garden. If the building was reduced by two feet then he would receive an extra two feet of light into his property which would make a huge difference to his quality of life.

The new dormer windows were a different design from the original ones and the whole building was a mish mash of extensions. The application had been refused by the panel because the development would be overbearing which had now been exacerbated by the developer not adhering to the plans and building the extension higher.

Councillor McGonnell explained that the Planning Inspector had placed conditions on the approval that the extension had to fit in with the other building and it would not dominate over Dawson Road. This had not been abided by. The building had been built the way the applicant had wanted and had now come back for planning approval and he felt that it should be refused.

John Higgins explained that he was Vice Chair of Wingate Parish Council and he was very concerned that the written report stated that no response had been received from the Parish Council as this had been submitted two weeks ago. The Parish Council were concerned that the plans that had been approved had not been adhered to. The two storey extension to the front of the building and the dormer windows were not in sequence and not in line. The whole building was an eyesore.

The Principal Planning Services Officer explained that the porch should not affect the car parking space as the depth had not changed. With regard to the trees affecting two car parking

spaces, then this would be investigated by Officers. It was acknowledged that there had been a change in design and size of the dormers and he had asked the applicant to submit plans for the changes and also changes made to the front of the building. Officers would continue to seek planning permission for the amendments to the dormers and the front extension to be submitted.

A Member queried if the applicant had been made aware that he had not built the extension as per the planning permission. The Principal Planning Services Officer explained that the developer had been made aware and had acknowledged this by submitting the current application. If additional plans were not forthcoming, then the Council would need to decide if enforcement action was to be taken.

A Member queried if the Building Inspectors had been to inspect the building to see if it was in accordance with the plans. The Principal Planning Services Officer explained that the Building Inspectors were concerned with the construction of the building and less concerned regarding the design and appearance. Different drawing had been submitted to Building Control than to Planning.

Members commented that the extension was overbearing and overshadowed Dawson Road and the applicant had not kept the building in alignment with the street scene. The building was very obtrusive and the increased height had caused loss of light and was detrimental to the amenities of nearby residents.

RESOLVED that if the appeal against non determination had not been lodged, then the application would have been refused.

2008/0358

THORNLEY (THORNLEY AND WHEATLEY HILL) - DEMOLITION OF ANCILLARY STORAGE BUILDING AND CONSTRUCTION OF GARAGE WITH FIRST FLOOR STORAGE AT UNIT 1 THORNLEY MOOR FARM, CASSOP FOR HASWELL MOOR DEVELOPMENTS

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

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. Since the report was prepared, Environmental Health had confirmed that they had no objections or concerns.

Mr. Henry explained that he was representing the objector and did not accept that the development accorded with the saved policies. Policy 1 referred to developments within settlement

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boundaries and there were no other policies that suggested they were building within the curtilage. Policy 3 referred to development in the countryside. He referred to the previous application for conversion when it was recommended that permitted development rights be withdrawn. He felt that the application undermined the decision of the previous panel to erect a new building.

The building proposed was to be converted with a second floor and it was more than half of the original footprint. The external structure could be seen from the adjacent property.

Mr. Henry explained that in relation to bats, a survey had been carried out in 2005 and he had a letter from a lecturer at Houghall College who was concerned that the survey had been taken three years ago which had focused on the barns and not the pigstys.

Mr. Henry referred to similar developments and one in particular at Weems Farm, whereby the application had been refused and felt that a precedent had been set.

The original application had stated that the pigstys would be used for the oil tanks but the oil tanks were situated elsewhere. The site had considerable history and was subject to a complaint to the local Ombudsman. The construction traffic should not have passed Thornley Moor Farm and all traffic had to use the alternative access but this had never happened. The objectors had to endure traffic passing daily.

There were other applications relating to the site that were to be discussed at a future meeting. If the application was approved, then he felt conditions should be attached that would not allow traffic to pass the gable end of Thornley Moor Farm.

AT THIS POINT, COUCILLOR C. WALKER DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

The Senior Planning Services Officer explained that planning applications were assessed on their merits. Permitted development rights had been removed and now planning permission was being sought. This was a residential extension in a residential curtilage and was well sited and would not project into the open countryside. There was no reason why the building should be retained.

With regard to the protected species, the Countryside Officer had explained that further work had been carried out in 2006 and 2007 and the Ecologist was satisfied that there was no risk to the protected species.

With regard to the oil tanks, Officers would be investigating this further and there were two current applications which would be considered at the next panel and were subject to ongoing

discussions. The traffic and access road was covered by the current application and it was not an issue.

The Principal Planning Services Officer explained that Officers were in discussion with the applicants regarding the access road.

Mr. Self, the agent for the applicant, explained that the application did not undermine any previous decisions and everything had been carried out with planning consent. The access was not relevant and the decision was not setting a precedent. Pre-application discussions had taken place with Officers who had made a number of points which had been taken into consideration. The application was for a replacement building and would have no material harm to the objector or to people using the footpath. The planning application was in accord with policies and would not have an effect on the character or appearance of the area. The building could not be used for any other purpose than was sought.

The Principal Planning Services Officer explained that there were certain works that had been carried out which did not have planning permission and the applicants had been written to regarding this.

A Member queried if the building could be converted into residential in the future. The Senior Planning Services Officer explained that nothing could be done without planning permission although the size did not allow for it to be converted into a dwelling. He was confident that it had been designed for the purpose of a garage.

A Member commented that the building was used for storage, had an asbestos roof, was in disrepair and felt it would not be safe to leave it as it is.

RESOLVED that the application be conditionally approved.

COUNCILLOR C. WALKER REJOINED THE MEETING.

2008/0359

THORNLEY (THORNLEY AND WHEATLEY HILL) - CHANGE OF USE OF LAND TO FORM EXTENSION TO DOMESTIC GARDENS AND PLANTING OF TREES TO CREATE WOODLAND AT UNITS 2 AND 3 THORNLEY MOOR FARM, CASSOP FOR HASWELL MOOR DEVELOPMENTS

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to the completion of a Section 106 Agreement relating to a landscaping scheme and its future maintenance, and subject to conditions detailed in the report. Delegated authority be granted 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 be in accordance with the Statutory Development Plan and the policies detailed in the report.

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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 the two roads that ran through the site at present were not authorised and were subject to a further application.

Mr Henry explained that development plans looked to protect the openness of the countryside. The development was against Policies 1 and 3 and material considerations should not be for the benefit of the developer.

He referred to another application at 9 – 15 The Grove, where the applicant had wanted to extend the gardens into the countryside and although this may not be identical it was subsequently refused. Landscaping work on the roads had been carried out which did not have permission. Officers had explained that if the gardens had been included in the original application, then this would have been approved, but he felt that the garden areas were more beneficial to the developer than to the resident.

The Principal Planning Services Officer explained that with regard to 9 – 15 The Grove, the extension of the residential gardens was into a farmer's field and was a totally different situation.

Mr Self, the agent explained that the roads were not part of the application as this was part of a future application. The site was agricultural and outside of the village boundary. The applicant would enter into a legal agreement regarding the landscaping and its future maintenance. The gardens would add to the amenity of the residents but this would not be inappropriate. This was to benefit the overall area, the residents and the properties.

A Member queried if there would be restrictions on what could be done with gardens. The Senior Planning Services Officer explained that one condition would be to remove permitted development rights and permission would have to be sought to have sheds or any other structure on the gardens.

RESOLVED that:-

- (i) the application be approved subject to completion of a Section 106 agreement;
- (ii) delegated authority be given to the Head of Planning and Building Control Services to issue the decision.

3 APPLICATION FOR SECTION 106 FUNDING – UPGRADING OF TWO CHILDRENS PLAY AREAS AT THE WELFARE GROUND, EASINGTON COLLIERY

Consideration was given to the report of the Head of Planning and Building Control Services for the upgrading of two childrens play areas at the Welfare Ground, Easington Colliery, a copy of which had been circulated to each Member.

The aim of the proposal was to provide an attractive play space for use by both the local residents and visitors to the area. This would be achieved through the installation of several new pieces of play equipment to replace the old equipment currently on the sites.

Easington Colliery Parish Council felt it was important to promote and enhance the current facilities the Welfare Park given that the existing play areas were currently quite run down in nature.

RESOLVED that the sum of £36,000 from Section 106 Agreement monies to fund the upgrading of the two childrens play areas at the Welfare Park ground, Easington Colliery be agreed.