

THE MINUTES OF THE MEETING
OF THE DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY 13 JANUARY 2009

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

Objectors – Mr and Mrs Kelly,
Mr Davison, Mrs Ramage, Mrs Brunskill

Agent/Applicants – Mr Robinson, Mr Stone,
Mr Duncan, Mr Pleben

1 **THE MINUTES OF THE LAST MEETING** held on 16 December 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**

**2007/0814 EASINGTON COLLIERY (EASINGTON COLLIERY) – CHANGE OF
USE OF PASTURE LAND FOR PLANT MACHINERY TRAINING
INCLUDING ERECTION OF SCAFFOLDING AND USE OF BARN
AS TRAINING CENTRE AT EASINGTON LEA FARM,
EASINGTON FOR MR D ROBINSON, TRAINING SUPPORT FOR
INDUSTRY**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that delegated authority be given to the Head of Planning and Building Control Services to approve the application once the relevant public consultation period had expired, providing no issues not already covered in the report arose, subject to conditions relating to temporary use for one year, hours of operation, landscaping scheme, maximum heights for temporary structures on the site, maximum heights for spoil and spoil heaps, means of enclosure. The proposal was considered to be an acceptable departure from the Statutory Development Plan due to the nature and scale of the use subject to appropriate planning conditions.

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 Kelly, an objector explained that he lived in the bungalow that was directly affected by the development. He had lived on farms and been involved with farms all his life and did not have any unrealistic expectations of the countryside not having smells and being noise free. When the applicant had

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purchased the property he had advised them that there would not be any weekend work and there would be an opportunity to have free heating on the site from some type of heat pump technology. A dump truck and a road roller had arrived on a low loader and the key post at the top of the field had been broken and the fence slackened off. He had made a verbal request to the applicant to make the repairs but to date they had not been done.

The barn on the site was being developed and rubble had been moved onto the field. When the training had commenced, mounds had been put into the field and he had spoken to the Planning Officer who had advised that plans had been submitted and were available to view.

When he had looked at the plans, they stated that residents had been consulted but that was incorrect because they had not been. It also stated that there was no impact on others but there was. Over the summer months, roads had been constructed, scaffolding towers erected and training had been provided on the site. The hours of work suggested 8.30am – 4.30pm, but each morning there was engine noise and movement alarms from the machinery.

He commented that he felt that this was not typical of agricultural work and the fields should be brought back into use for that purpose.

Mr Robinson, an objector explained that he was a resident of Hawthorn and referred to the Planning Policy Officers observations. He added that the site had been a farm for generations. He had spoken to people in the training industry and they were on reduced capacity and reduced staff because of the economic situation. He commented that the Policy Officers and the Planning Officers contradicted each other.

Mr Robinson, the applicant explained that he had been running the training company for over 13 years at the rear of the carpet centre in Easington Colliery and had helped to get a lot of people back into work. He had dealt with over 900 people obtaining NVQs and over 2000 plant machinery tests. He had looked at sites in Peterlee, Horden and Blackhall but there was no suitable land or factory units that would suit his training needs. The farm had 11 acres and 7 acres was hired out to a farmer. 2 acres was used for agricultural training and 2 acres used as construction related training.

Mr Robinson explained that he had spoken to the objector about free heating and had dug down to 250 metres but had hit a mineshaft therefore making this unviable. Some of the products from the farm had been sold onto the gentleman who was converting the barn on the site. Training did start in March 2008 but had to finish in August because all CITB work and everyone who had instructor status had been withdrawn in August. At no time from March to August did the objector complain to him. He had one complaint about reversing

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buzzers from a nearby neighbour and they had been disconnected when they could be.

There was no test centre or training centre in County Durham and people were travelling to Penrith to take their tests. He had used local labour, shops and put over £80,000 of finance back into Easington Colliery and Peterlee based companies.

He referred to the boundary fence and some planting had been completed in September but they took time to grow. One area that he had not gone into as yet was the Unemployment Services to get people back into work. The Unemployment Service had to go to Glasgow, Bedlington or Hartlepool to train their people. There was nowhere in County Durham that provided plant machinery training. Training for plant machinery was still going well and the economic situation had not affected them. He added that he had the funding through the Unemployment Service and Hartlepool and Darlington colleges and his main catchment area was the East Durham community.

Environmental Health had visited him prior to Christmas and the ambient noise level was 71 decibels from the A19 and the machine noise only increased it one more decibel. If he was required to erect a fence then he would, but would rather not as it did not complement the area. The barn conversion had planning permission and he had to allow the owner right of access across his property and it was those machines that the objector was complaining about. He added that Mr Kelly had not objected in February when a water main had burst and his machinery had fixed it.

A Member commented that she was taken aback by the appearance of the site and the conditions of excavating and it was a total mess. She queried if this was the norm or would the land get worse and deteriorate.

Mr Robinson explained that the site would not get worse. The scaffolding was there to support the forklifts. The digging area had been excavated and was as large as it was going to be and would be reinstated every night. He only had two cars coming in and out and all the traffic using the road was to support the bungalow being built at the back of his property. He had a legal obligation to give access for one year or until the bungalow was built. He did try to keep the mud down especially walking from the car park to the barn.

A Member commented that the first road the bus had attempted was impassable. Mr Robinson explained that the road belonged to Durham County Council and there was water there all year round. The previous week it had been knee deep. He advised everybody to use the bus route to access the site.

The Senior Planning Services Officer explained that Durham County Council were aware that the access road was a single track that often flooded but had offered no objections to the application.

Mr Kelly explained that the road to the site had been substantially repaired the previous day as there had been considerable damage.

RESOLVED that

- (i) the application be conditionally approved, temporary use for one year
- (ii) delegated authority be granted to the Head of Planning and Building Control Services to issue the decision.

2008/0411

MURTON (MURTON WEST) – RESIDENTIAL DEVELOPMENT (OUTLINE) AT EAST MURTON FARM, STATION ROAD NORTH, MURTON FOR MR GARY TURNBULL

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to reserved matters, contaminated land, revised site layout (highways authority), surface water drainage scheme, Arboricultural Impact Assessment and Tree Constraints Plan. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

RESOLVED that the application be conditionally approved.

2008/0412

MURTON (MURTON WEST) – RESIDENTIAL DEVELOPMENT COMPRISING 7 NO DWELLINGS AT EAST MURTON FARM, STATION ROAD NORTH, MURTON FOR MRS A TURNBULL

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, means of enclosure, landscaping plan to be agreed, timing of landscaping, revised site plan (highway comments), contaminated land report, surface water drainage scheme. 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.

The Senior Planning Services Officer explained that there were concerns regarding the plot what was adjacent to the bungalow, Meadow Grange and site levels would need to be submitted and agreed. A condition would be attached to deal with site levels prior to any works commencing.

Mr Davison, an objector explained that he was speaking on behalf of his parents who lived in Meadow Grange. He was not opposed in principle to the development of the land for residential purposes and wanted to compliment the applicant

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on what they had done to date. The objection was based on what they perceived to be a fundamental flaw in the design of the development in that the design posed a significant departure from the general principles of development, planning policy statement and the authority's local plan.

The proposed property shown in the south west corner denoted as building 2 of the development off Station Road was the primary concern. The property had been positioned 7 metres away from the gable wall of Meadow Grange which contained primary bedroom windows. Privacy distances for the district were 21 metres for primary windows to windows and 14 metres for primary windows to a blank wall.

Regarding the loss of residential amenity, there were major concerns over the height and siting of the building in particular, in relation to overlooking, overshadowing and overbearing impact. This was a large two storey house sited on land already at a level approximately 10' higher than the existing footpath level on Station Road, which in effect elevated the proposed dwelling to a comparable size of that of a three storey townhouse. This would be overbearing, would result in overlooking and a loss of direct sunlight to the primary windows and the gable of Meadow Grange. Loss of solar gain resulted in an increased need for artificial lighting and additional heating which was a loss of residential amenity.

No full street scene drawings had been made available to show how the proposed development would affect Meadow Grange. He felt that the overwhelming height of the proposed adjacent property would seriously undermine the rhythm of the street scene.

If approved, the decision would set a dangerous precedent for all future development designs in relation to privacy distances and residential amenity in the district. He urged the panel to apply common sense and refuse the application in its current form and encourage the planning department to work with the applicant in producing the new design which protected privacy distances and residential amenity.

Mrs Turnbull, the applicant explained that herself and her husband had carried out all of the work on the site and had worked closely with the Conservation Officer at Durham County Council. The buildings and barns had been listed and they had taken particular attention to each dwelling and residents in Murton had commented on the standards of them. The Conservation Officer had asked her to apply for an award for the buildings they had previously converted. They lived on the site and it was in their best interests to make sure the dwellings complimented the rest of the site. She was born in Murton and the buildings were the oldest in the village. The Conservation Officer was delighted with the current plans.

The Senior Planning Services Officer explained that the house was sited forward and he did not think that there was a loss of

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amenity or was overbearing or intrusive to the occupant of Meadow Grange. Plots 1 and 2 had been stepped back from the adjacent farm buildings and he was happy with the street scene.

Members commented that they felt that the levels should be made as low as possible as to not have an overbearing impact on the neighbouring properties.

RESOLVED that the application be conditionally approved and site levels to be agreed.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS, COUNCILLORS MRS E M CONNOR, R DAVISON AND D J TAYLOR-GOOPY DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

2008/0532 THORNLEY (THORNLEY AND WHEATLEY HILL) – 5 NO DWELLINGS (OUTLINE) AT LAND ADJACENT GORE HALL FARM, THORNLEY FOR PF TRADING NORTH EAST LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to reserved matters, materials, means of enclosure, contaminated land, revised site layout (highway comments), landscaping scheme, landscaped timing, detailed proposals for play area. 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, gave a detailed presentation on the main issues outlined in the report.

The Senior Planning Services Officer explained that there would also be an additional condition that the footpath adjacent to the properties in Gorehill be removed. Since the report was prepared a representation had been received from a local Member who was concerned about the play area and whether it was required. There was already a play area in the vicinity which was under-used and vandalised and was a target for anti-social behaviour.

Mrs Brunskill explained that she was objecting on privacy grounds. The houses would be 17' from her outhouse to the boundary fence where the buildings began. There was a high level of anti-social behaviour at the moment on Gorehill Estate which was mainly caused by the playground. Residents were concerned how close the houses were to their properties and concerned that their privacy would be invaded. At present she had south facing sunlight and the houses if built would restrict this.

With regard to the access road, there were two accesses to Gorehill Estate with very large gradients and the largest one was often impassible in the winter. An application was

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approved at the last meeting for housing and the access would also egress onto this road. That would be two accesses onto a steep hill which she thought was very dangerous. In inclement weather, cars were often stuck at the bottom of the hill and residents often had to leave them there overnight. She had applied for permission approximately 20 years ago for a paved area and had been refused, the reason given because she was at the top of the gradient on a bend.

Mrs Ramage explained that one of the houses would only be 15' from her boundary and she would be overlooked. At present there was no anti-social behaviour on the field. If the land was developed then it would be a race track for bikes and be very dangerous.

Mr Stone, the agent explained that detailed pre-planning advice had taken place for 8 houses but given the need for open space then the plans had been revised. He empathized with residents but the layout was only indicative and more detailed proposals would be submitted and the community could be involved. With regard to access, he had worked with the highways authority regarding visibility splays and they were convinced it would be safe. The applicants had a flexible approach to the open space because the District Council had requested it to be incorporated. Surveillance from the existing and new houses should increase security in the area.

The Senior Planning Services Officer explained that privacy distances could be achieved and he did not believe this to be an issue and the development would not have an impact.

RESOLVED that the application be conditionally approved.

COUNCILLORS MRS E M CONNOR, R DAVISON AND D J TAYLOR-GOOPY REJOINED THE MEETING.

2008/0639 SEAHAM (DAWDON) – ERECTION OF DWELLINGHOUSE (OUTLINE) AT THERESA STREET, SEAHAM FOR MR E PLEBEN

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to standard outline conditions, retention of trees, contaminated land risk assessment, limit on times of construction works and sound installation measures. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

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

A Member commented that the house would be built in the woodland and was opposed to a property being built in ancient woodland which was part of Hazeldene.

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The Principal Planning Services Officer explained that the house would be built in the garden area next to the woodland.

A Member commented that he had been under the assumption that British Coal had handed the land over to Seaham Town Council.

Mr Pleben, the applicant explained that when he had moved to Seaham in 1993 he had rented the land from British Coal and then had the opportunity to purchase it and had occupied it ever since. British Coal had asked him to leave access to the footpath and he had put the fence on the opposite side to enable this. Hazeldene was a coppice that stuck out into the golf course and the dene was not an ancient woodland. During the 1930s, it was a welfare park for miners and he disagreed that it was part of the woodland. He had planted trees in the garden and had always invited wildlife into it and he would not do anything to harm them.

A Member queried if a precedent was being set for the use of allotments. The Principal Planning Services Officer explained that the site was not an allotment, it was a domestic garden.

A Member queried if the wooden hut had been resided in. Mr Pleben explained that in 1997 he had applied for special permission to use the hut for occasional overnight use which had been granted. He added that there was a plot of land 25 metres to the west which was smaller than his that had been granted planning permission.

RESOLVED that the application be conditionally approved.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS, COUNCILLOR MRS A E LAING DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

2008/0692 HASWELL (HASWELL AND SHOTTON) – ERECTION OF RESPITE CARE CENTRE TO ACCOMMODATE RESPITE CARE COTTAGES, MANAGERS HOUSE AND STABLES WITH ANIMAL SHELTERS AND LAND AT DURHAM LANE, HASWELL FOR KINDSTREAM LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposal involved development in a prominent isolated location in the countryside adversely affecting the character and appearance of the area contrary to Policies 1, 3 and 35 of the District of Easington Local Plan and PPS7. The proposal included residential development in the countryside for which insufficient evidence of need had been submitted contrary to Policies 1 and 3 of the District of Easington Local Plan and PPS7. Insufficient information had been provided to allow the local planning authority to assess whether or not the proposed development would have an adverse effect on a designated wildlife corridor contrary to Policy 17 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 in the report. Two objections had been received since the report was prepared stating that it was not in accord with policy and there would be an increase in traffic. The Environment Agency had objected on grounds that there was insufficient information that any risks to drinking water supplies could be managed.

Mr Duncan explained that the concept was sustainable in the long term and would not adversely affect the character and appearance of the area. The development would help to protect wildlife, enhance the landscape and help vulnerable and a disadvantaged group of individuals. Kindstream was a flexible and caring company which provided support to 31 client users. It was felt that the application site was part of the farm and the boundaries had only been split for the barn conversions.

Policy 35 met all the requirements for energy conservation. There was adequate open space and landscape features would have no adverse effects to the people nearby. It would also protect the right of way and the natural habitat would be enhanced by providing more hedgerows. The Officers had recommended that the development should take place in the north paddock but for practical reasons was more beneficial in the south paddock. The application would help to expand an invaluable service provided for vulnerable people in the district and was of benefit to families as well.

The Principal Planning Services Officer explained that he did sympathise with the applicant and the principles behind it but felt it would be an isolated development and the arrangement of buildings was of concern.

A Member queried why the development could not take place in the north paddock. Mr Duncan explained that at the moment the north paddock was used for a day centre and the facilities would have to be cut down for the people who attended. Developing in the current location would also have less impact on the other four houses on the site.

A Member referred to the manager's house and queried if anyone was staying overnight at the moment. Mr Duncan explained that there was a house with three people who had learning disabilities and two members of staff.

A Member commented that he was aware of the work that Kindstream did but had not been aware of the problems developing on the north side of the farm and he would be willing to accept the proposal subject to the accommodation being tied to the business. He considered this to be an agricultural use and therefore appropriate in the location.

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The Principal Planning Services Officer suggested that if the application was approved, conditions should relate to a wildlife risk assessment, ground water risk assessment, hedgerow retention notice, improve visibility splays, details of materials to be used, landscaping and tied to the business.

RESOLVED that the application be conditionally approved.

2008/0694

**COUNCILLOR MRS A E LAING REJOINED THE MEETING
PETERLEE (DENEHOUSE) – INSTALLATION OF ADDITIONAL
PLANT EQUIPMENT AT ASDA STORES LIMITED, SURTEES
ROAD, PETERLEE FOR ASDA STORES LIMITED**

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 match, landscaping scheme and timing. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

RESOLVED that the application be conditionally approved.

2008/0705

**PETERLEE (DENEHOUSE) – SCAFFOLD ENCLOSURE OF REAR
WAREHOUSE AT ASDA STORES LIMITED, SURTEES ROAD,
PETERLEE FOR ASDA STORES**

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

RESOLVED that the application be conditionally approved.