

**THE MINUTES OF THE EXTRAORDINARY MEETING  
OF THE DISTRICT COUNCIL OF EASINGTON  
HELD ON THURSDAY 28 JULY, 2005**

Present: Councillor Mrs J Maitland (Chair)

Also Present: Councillors E Bell, Mrs G Bleasdale, B Burn,  
Mr P J Campbell, A Collinson, Mrs E M Connor,  
R Davison, H High, B Joyce, T Longstaff,  
Mrs J Maslin, D Myers, A Napier, Mrs A Naylor,  
Mrs M Nugent, C Patching, W R Peardon, G Pinkney,  
B Quinn, D Raine, D J Taylor-Gooby, R Taylor and  
C Walker

**1. CONSULTATION ON NEW BUILD – EAST DURHAM AND HOUGHALL  
COMMUNITY COLLEGE**

The Chair introduced Mr M Fallow, Vice Principal, Customer Services from East Durham and Houghall Community College, who was in attendance to give a presentation to Members on proposals to build a new one campus facility in Peterlee.

Currently the college was a medium sized tertiary college with three main centres, Burnhope Way and Howletch in Peterlee and the Houghall site in the City of Durham. Courses were also provided in a number of community venues in East Durham and there was significant delivery within the workplace.

The main elements of the proposals were to replace the accommodation at the Burnhope Way centre and the Howletch campus with purpose built flexible facilities which were fully accessible for those with restricted mobility. With the exception of Houghall the entire college estate would be withdrawn from its existing location and rebuilt at Howletch on the existing sports pitch. The college viewed the project as an opportunity to resolve the space utilisation issues and build flexible space that could expand and contract with the movement of the future curriculum.

He then proceeded to outline the key drivers to the proposals which included the 14-19 Agenda. He explained that the Building Schools for the Future Programme (BSF) would fundamentally change the delivery of secondary school education and the college was active within a number of 14-16 partnerships to develop and deliver vocational GCSE's. Central to the BSF programme would be the continued development of Byron Sixth Form College currently based at St. Bede's School. The college's proposed new build would present further opportunities for collaborative activity which could provide a breadth of curriculum and the sharing of knowledge and expertise which could enhance and support the development of Byron College.

A rationalised Peterlee presence would provide a one stop shop for its partnership schools. Currently the college had to expend management time and money in transferring students and teachers to participate in vocational delivery across the three existing sites. The proposals would also assist the

college in its work with the most hard to reach learners who had often disengaged from education while at Secondary School and then dropped out to form a substantial NEET population (not in employment, education or training) in East Durham. In addition, the new facilities would strengthen the routes into higher education courses. The college currently provided routes into the University of Sunderland's degree portfolio with its own foundation degrees or direct entry. The intention would be to improve progression pathways where the University had no route.

In relation to funding the total capital cost of the project proposal was estimated to be around £21 million. Approximately £3.5 million was expected from the proceeds of the Burnhope Way site, around £10 million from the Learning Skills Council, although this could be subject to change, and a loan of £6.37 million.

In response to Members questions M Fallow advised that the college's target date for occupation of a single site core facility was September 2007. The proposals would have no impact on the Houghall site as this was an agricultural based learning centre. This college would remain specialist and there were no plans to bring the agricultural/horticultural courses to the new site.

In relation to the design of the premises this would proceed as part of the usual planning process. Negotiations on this had not yet commenced.

To conclude M Fallow asked the Council to make a formal response to the proposals as part of the consultation exercise.

Following discussion it was **RESOLVED** that the proposals to build a new one campus facility, be endorsed.

**PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS COUNCILLORS A NAPIER AND D MYERS DECLARED PERSONAL AND PREJUDICIAL INTERESTS AND LEFT THE MEETING**

**2. APPLICATION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 05/81 – RETAIL DEVELOPMENT AT LAND BETWEEN SOUTH TERRACE, FOUNDRY ROAD AND LINK ROAD, SEAHAM FOR MODUS (SEAHAM) LIMITED**

Consideration was given to the abovementioned report of the Head of Planning and Building Control Services which recommended approval of the application subject to conditions as outlined, a copy of which had been circulated to each Member.

The Principal Planning Services Officer advised that since the report had been prepared a letter had been received from the applicants in response to comments made by the objector which they received on 13 July 2005. The applicants appreciated that the realignment of Foundry Road brought the road closer to the objector's property, however felt that it was necessary for the retail development layout to work. In addition the alignment of the new road had been agreed after lengthy consultation with Durham County Council Highways Department. A direct access off Foundry Road had not been allowed for as they could find no trace of any existing rights within their various title searches at the Land Registry. They did not consider that the access was a legal right of way. The applicants were prepared to offer double glazing to the

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objector to the relevant elevations of his property and would be willing to offer a hard/soft landscaping proposal to separate his property from the new road. They would also be happy to offer him an area of land for car parking close to existing land on the proposed residential site. Should the objector be unhappy with the offer of alternative land the applicants would be prepared to offer either a new similar sized property within their proposed residential development or alternatively be prepared to purchase his property to allow him to move elsewhere.

In relation to the loss of amenity, overshadowing and light the applicants considered that the nearest structure to the objector's property was the wall to the Asda service yard. This was at its closest point 18 metres away from the property. The nearest building to the objector's property was a distance of 30 metres. Any potential impact from the service yard had been lessened by screening the wall with soft landscaping and tree planting.

With regard to the bus station the proposed six new bus stops reflected the specific requirements for Seaham and had been approved by Durham County Council Highways Department. In relation to the objector's comments regarding noise and nuisance the main retail activity within the scheme would arise at the northern end of the site and for service traffic there were two service yards with only one having access from Foundry Road past the objector's property. Only five retailers would be servicing from this yard. It was considered that the prevailing noise environment within the locality was high and the level of noise generated from the proposed scheme was unlikely to be significant. However the service yard had been designed with a brick wall boundary rather than, say a palisade fence. Any potential increase in noise was certain to be lower than that generated by the Harbour Dock Company who previously occupied and operated from the site. With regard to vermin to the service yards this was an ongoing management matter and was not a planning issue. Modus owned and managed numerous shopping centres and retail properties and this had never been a problem elsewhere.

A full Transport Assessment had been submitted and all matters in relation to this had now been fully addressed. The Transport Assessment dealt with parking provisions which were within both national and local guidelines and the Highways Authority had raised no concerns with the level of parking proposed.

Modus had also addressed the other general concerns put forward by the objector within the same letter and responded that landscaping proposals had subsequently been submitted which would be controlled by a planning condition. Modus had undertaken a comprehensive and full public consultation event which was attended by 300 local inhabitants. The consultation was advertised for two weeks in the local press and leaflets were distributed to all children within local schools. Local residents had provided significant feedback which had subsequently been fed back into the detailed design of the scheme. In terms of retail need assessment the site was allocated within the adopted local plan as a town centre expansion site. Whilst they did not know the level of employment at the time the application was submitted Modus could now estimate that approximately 350 full and part time jobs would be created within the new development. The other application on part of the site had been refused on the grounds that it did not comply with policy. A separate detailed planning application had been submitted for the new scout and angling club facilities on South Terrace.

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In relation to the objector's comments about demolition, the company accepted that there was a small amount of demolition required.

The Principal Planning Services Officer also advised Members of a letter received on 27 July 2005 from the objector's solicitors in relation to the report. The solicitors were in the process of registering possessory title at HM Land Registry to the area of land to the front of the objector's property. This application was made on the basis that the objector had the use and enjoyment of this area of land for many years without any adverse claim. It was not correct for the report to state that the land and its use were not within the control of the owners of Adolphus Place. The full service of option available to Modus as set out in the report would not appear to be available to it if their objector's application was granted.

R McGawley from Modus advised that he had spoken to the objector prior to the meeting. Modus had offered a number of solutions and the objector had asked him to convey to Members that they were currently negotiating a satisfactory package. He then proceeded to give an update on the proposals, stating that 80% of the whole scheme was now in pre-lettable stage which was an indication of how commercially viable the project was.

Members made reference to the design and layout of the scheme and the comments made by Durham County Council and CABE. The Principal Planning Services Officer stated that the development was a basic functional design with not much architectural detail but the layout had been agreed over a long period of negotiation. The proposals needed to be linked into Church Street and this was considered to be the best way of achieving that.

R McGawley added that the company had inherited a design brief from One NorthEast and a number of amendments had been made to achieve a better design. The company had been successful in bringing a supermarket to the town, which had not previously been possible in 2003. It was felt that the comments did not take into account the location and character of Seaham.

In relation to the relocation of the scouts and angling club R McGawley confirmed that both organisations were satisfied with the proposals.

The Principal Planning Services Officer advised that in addition to the conditions already proposed it was suggested that noise impact assessments be carried out for the public address systems and trolley collection.

To conclude, the Principal Planning Services Officer stated that the proposed development would meet the objectives of the District of Easington Local Plan and the long term objectives of the Seaham Regeneration Strategy by delivering a comprehensive retail development on the town centre expansion site. The application addressed the design and highway issues. Whilst it was acknowledged that there was some residential amenity impact, the use of appropriate mitigation measures and the offers from the applicant to assist in this mitigation, could address these concerns. The wider regenerative benefits that the proposal would deliver for Seaham and beyond would be considerable. On balance, it was not considered that these particular amenity impacts were sufficient to justify a refusal.

It was unanimously **RESOLVED** that the application be approved subject to conditions. (Conditions relating to materials, storage of waste materials, car park oil interceptor, flood risk assessment, details of traffic calming to be

agreed, details of pedestrian crossing to be agreed, positions of bus stops to be agreed, loading and unloading areas to be agreed, entry/exit onto A182 for buses to be agreed, entry only adjacent to disabled parking to be agreed, noise impact assessment for loading/unloading area to be agreed, cycle parking facilities, service doors to be kept closed at all times, secure details of new square to County Council design guidelines to be agreed, demolition of scout hut, means of enclosure, details of surface treatment to be agreed, noise impact assessments to be carried out for the public address systems and trolley collection. All retail uses to be A1, unless otherwise agreed by the LPA.

### **COUNCILLORS A NAPIER AND D MYERS RETURNED TO THE MEETING**

#### **3. HIGH HEDGES CHARGING POLICY**

Consideration was given to the report of the Head of Planning and Building Control Services on proposals for a high hedges charging policy, a copy of which had been circulated to each Member.

The purpose of the report was to consider the introduction of a charging policy for complaints relating to the recently introduced high hedges legislation which made provision for local councils to determine complaints by the owners/occupiers of domestic properties adversely affected by evergreen hedges over two metres high and to charge a fee for this service.

The role of the Council was not to negotiate or mediate between individuals but to act as an independent and impartial third party and to adjudicate on whether the hedge was adversely affecting the reasonable enjoyment of the complainant's property.

The Office of the Deputy Prime Minister had undertaken research to estimate the likely cost of delivering this service and it was recommended by the Head of Planning and Building Control Services that an initial fee be £300 which was towards the lower end of the scale of charges imposed by other authorities.

**RESOLVED** that the duties relating to the high hedges complaints be discharged by the Planning and Building Control Service on behalf of the Council and the fee for this service be set at £300.

#### **4. ADDITIONAL ITEM OF BUSINESS**

In accordance with Paragraph 3.2 of the Council Procedure Rules contained in Part 4 of the Council's Constitution the Chair agreed that consideration be given to an additional item of business not shown on the Agenda. However, due to the exempt nature of the information contained within the report, it be considered following the exclusion of the press and public.

#### **5. 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 Paragraph 8 Part 1 of Schedule 12A of the Act.

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**6. REFURBISHMENT OF MEMBERS ROOM – BUILDING 10 COUNCIL COMPLEX**

Consideration was given to the report of the Executive Member for Regeneration which sought approval to works in the Members Room in Building 10 of the Council Complex, a copy of which had been circulated to each Member.

**RESOLVED** that:-

- (a) the works to refurbish and upgrade the facilities in the Members Room be approved;
- (b) standing orders under Section 4 of the Contract Standing Orders (Invitation to Tender) be waived for the works within the project which were not subject to competitive tender.

JE/CS/COM/DIST/050801  
11 August 2005