

THE MINUTES OF THE MEETING
OF THE DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY 15 JANUARY 2008

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

Objectors

Mr Harper, Mr Roberts, Mr and Mrs Brown

Applicant

Mr Grufferty

In Attendance

Councillor R J Todd

Apologies: Councillor Mrs E M Connor

- 1 **THE MINUTES OF THE LAST MEETING** held on 18 December 2007, a copy of which had been circulated to each Member, were confirmed.

2 **MATTERS ARISING**

**2006/0869 and
2007/0223**

Councillor Davison asked if a condition was to be attached for the removal of the wind turbines if they were not in operation for longer than six months. The Senior Planning Services Officer explained that he was still in discussions with the applicants regarding the conditions. If the turbines were not in operation for more than six months then they should be dismantled was one of the conditions that would be attached to the planning permission.

RESOLVED that the information given, be noted.

3 **APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

2007/0732

**SEAHAM (SEAHAM HARBOUR) – CHANGE OF USE OF LAND
FROM CAR PARKING TO RECYCLING AT GREEN STREET CAR
PARK, SEAHAM 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 Policies 1, 22, S32, S33 and 101 of the District of Easington Local Plan.

RESOLVED that the application be unconditionally approved.

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

2007/0737

**SOUTH HETTON (EASINGTON VILLAGE AND SOUTH HETTON) –
24 HOUSES AND 9 BUNGALOWS AT ARGYLE PLACE AND
LAND SOUTH OF RAVENSWORTH COURT, SOUTH HETTON
FOR ACCENT NORTH EAST LIMITED**

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 off site play space provision, and the expiration of the requisite departure publicity period, and subject to conditions relating to materials, means of enclosure, revised highways details, landscaping, removal of permitted development rights for extensions, hours of construction. Delegated authority be given 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 Policies 1, 66 and 67 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.

Councillor Todd explained that he had no objection to the scheme in principle but required some assurance regarding the parking problem which would accompany the scheme. There had been a substantial increase in car usage on the estate since it was originally built 30 years ago. There was a severe parking problem associated with the estate itself and people had to park on the main arterial road into it. He referred to the bungalow development on the open space area and explained that some of the parking would be opposite the shopping area and queried if Officers were satisfied with the way the layout was devised. He did not want to see any increase in the problems that already existed.

The Principal Planning Services Officer explained that the highways engineer at Durham County Council had assessed the site and had advised that the road layout was acceptable. A revised plan relating to parking and junction arrangements had been received and these needed to be clarified with the highway authority. He added that he would contact the highway authority and raise the specific issue with them.

RESOLVED that:-

- (i) Members be minded to approve the application 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.

COUNCILLOR R DAVISON REJOINED THE MEETING

2007/0778

HASWELL (HASWELL AND SHOTTON) – HOUSE AND GARAGE AT FORMER HASWELL PLOUGH WORKINGMENS CLUB, DURHAM LANE, HASWELL FOR MR J MILNER

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to materials, landscaping and new footpath details. The proposed development complied with Development Plan policies referred to 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.

Mr Harper, an objector queried the land ownership and explained that the plan submitted with the application was different than that from the Land Registry. 90% of the land had not been in the clubs ownership. The previous application in 2004 was for Mr Peverley and not Mr Milner. He did not object to a bungalow on the site as the rest of the properties were all bungalows and queried why there should be such a large property for one person. In 1986, the Council were supposedly putting £3,000 per year aside to buy the land through a Compulsory Purchase Order.

Mr Harper referred to the condition of the road and said it was a concern. A previous application for a bungalow nearby had been refused because of the state of the road, and the access to the main road which had a better view of traffic than the one which would be used. The bungalow that was being built at the top of the road as he understood was to have the same roof as the old chapel on the opposite side. He commented that all the properties were bungalows and any buildings should be the same with the same materials.

Mr Harper explained that there should also be consideration for the pigeon shed next to the house. It would overshadow the site formally used for the enjoyment of the pigeon men. There was also a lamp post in the middle of the development and he queried if this would be removed.

The Senior Planning Services Officer explained that the applicant had signed a declaration that he owned the land and Officers had no reason to doubt this. If there were issues of ownership then the previous owners could restrict any building on the land. With regard to the change in applicant, quite often in planning, land was sold and the new applicant wanted to move the house away from Mr Harper's bungalow, Linthorpe. He felt this was a better scheme than the previous one. The access was in a state but was not a public highway and the highways had no jurisdiction over it. Permission had already been granted for a house on the site.

The Principal Planning Services Officer explained that the issue that the property was only for one person was not a matter for the panel to consider. Mr Harper had referred to a bungalow and he explained that the panel had granted permission previously and this application was not significantly different. With regard to CPOs on the site, he was not aware of any. Durham County Council was responsible for public lighting and if the lamp post had to be moved then it would be for the applicant to negotiate with Durham County Council. He added that he had no details of the previous bungalow that had been refused nearby.

A Member queried if the applicant had to produce proof before he could build on the land. The Senior Planning Services Officer explained that the applicant could build on the land but he needed to satisfy himself that the land was in his ownership.

A Member queried that when the first application was approved if the land issue was discussed. The Senior Planning Services Officer explained that it was a slightly different shaped piece of land although there was some query after the decision was made about land ownership.

A Member referred to materials and their compatibility with the surrounding houses. The Principal Planning Services Officer explained that each planning application was assessed on its own merits and how it fit in with the adjacent surroundings.

A Member commented that he felt the development should have the same type of roof as the surrounding buildings and a condition to this effect should be placed on the application. The Principal Planning Services Officer explained that the Council could condition the type of materials used.

Mr Harper commented that the road in front of his house was an adopted road. The Senior Planning Services Officer explained that no issues had been raised by highways. It was adopted but not made up.

RESOLVED that the application be conditionally approved.

2007/0802

**SEAHAM (SEAHAM HARBOUR) – TELECOMMUNICATIONS
BASE STATION AT ENFIELD ROAD GARAGE, ENFIELD ROAD,
SEAHAM FOR 02 (UK) 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. The proposal complied with the relevant planning policies referred to 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.

A Member commented that he felt the mast should not be erected until the old one was dismantled.

The Principal Planning Services Officer explained that the developer might have difficulty in doing this as they would want to maintain coverage whilst the mast was being built. He suggested that the mast remain until the switch over then it be dismantled.

A Member commented that a previous mast that had been given permission for replacement had never been removed.

Mr Brown queried how many masts were in Seaham. The Principal Planning Services Officer explained that there was a mast register in the office and he could provide details.

RESOLVED that the application be conditionally approved and the mast be dismantled before the new one erected.

2007/0831

SEAHAM (SEAHAM NORTH) – CHANGE OF USE FROM SUN TAN SHOP TO HOT FOOD TAKEAWAY AT 56 AMBLESIDE AVENUE, SEAHAM FOR MR M GRUFFERTY

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal. The proposed development, by virtue of its location outside a designated local shopping centre and close to residential properties would be likely to result in a loss of amenity to occupiers of those properties in terms of noise, disturbance, odours and increased traffic activity, particularly during late evening hours. The proposal was considered to be contrary to Policies 1, 35 and 111 of the District of Easington Local Plan.

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.

He added that the sunbed shop was not closed and was a going concern. Since the report was prepared four additional letters and a petition of 129 signatures had been received from local residents objecting to the proposal. Two letters of support had been received and referred to the pizza shop opening late and felt that this was an extra facility and more convenient especially for shift workers. Seaham Town Council objected to the proposal. Their reasons were similar to residents who had raised objections.

Mr Roberts explained that he was speaking on behalf of his mother who was resident of Ambleside Avenue. This was the third occasion where planning permission had been requested for a hot food takeaway and the residents hoped and trusted for the same outcome. Residents experienced problems

Development Control and Regulatory Panel – 15 January 2008

regarding the access, traffic congestion and general inconvenience which it brought. There were youths and late night revellers and there had been several incidences of anti-social behaviour. The applicant had proposed that he would not open after 10.30 pm but there were no guarantees that this would not happen. If approved, the takeaway would open on a Sunday. The shop did not open at present on Sundays, it was the only day of peace for residents.

His mother was unable to enjoy the garden because of the litter, odour and vermin being caused by the rubbish and remnants of food. There was photographic evidence of this and it had been submitted with the petition. The rear access of the property was used as a storage area and was an unpleasant sight and overlooked the side entrance to his mother's house. The application stated that there was an 8' barrier. There was an 8' wall at the front of the property and then a single slat horizontal fence that his mother could see through.

Mr Roberts explained that it was predominantly a residential area and there were several new build properties on the old Millbank House retirement home. The application did conflict with Planning Policy 111. The applicant had stated that there would be an extra litter bin provided but people did not use the existing one. The objections were supported by Seaham Town Council and the petition in excess of 100 signatures by residents. Contrary to discussions between his family and the applicant he was not interfering in Mr Grufferty's business.

Mrs Brown explained that there was a lot of young children who had moved into the new build houses and felt that they would be affected by noise and disturbances on an evening.

Mr Grufferty, the applicant explained that he had purchased the shop three years ago and was now suffering a dramatic loss in the business and was trying to survive. He was looking for a change of use for himself and his staff. His only previous experience was of a takeaway business. With regard to the objections, ten letters had been sent to local residents and only one had replied within the 21 days. At present his shop was open from 1 till 9.00 pm and he had a customer base. If he was granted permission for the change of use, this would not attract more people and the highway authority had no problems with the development.

He understood that residents had explained that people parked over their drives but he queried if there were any reports to the police or any evidence of this. With regard to odours, there would be nothing fried in fats and the fish shop was far worse. There would be some litter but he would try to educate people to put it into the bins and he would promote a delivery service.

One objection had related to late night revellers and he queried if there was any proof. In the three years he owned the shop he had never had to call the police and not seen any problems at

Development Control and Regulatory Panel – 15 January 2008

all. In Seaham, there were only three designated pizza shops to serve 22,000 people and one more would be an advantage to the residents. There was a fish shop there at present but people needed the freedom of choice of what they wanted to purchase. Currently the shop opened 8 hours per day and the new proposal would be to reduce it to 5½ hours per day. He totally denied that the back of the property was untidy and there was nothing wrong with his shop or the fish shop next door.

Mr Grufferty explained that the fish shop had been there for a number of years, policy 111 was introduced in 2001 and he felt that he had been discriminated against. He was trying to survive and employ local people and pay taxes. He was born and bred and lived in Seaham was local to the area. He had a wife and two children and the shop was his livelihood and he needed to go forward. The shop would be closing at the end of the month.

The Principal Planning Services Officer explained that the objectors endorsed the concerns of planning officers and they had given evidence that there had been blocked drives. A delivery service was typical of a pizza shop but the Council could not control or insist upon it. The main concern was late night activity and a second takeaway would increase any problems that might be experienced at present. The fish and chip shop was an established business and pre dated Council policies. Although he did have sympathy with the applicant, the Council had to protect residents in the area.

A Member queried if any response had been received by Environmental Health. The Senior Planning Services Officer explained that no response had been received from Environmental Health but if permission was granted they would want equipment installing to reduce the odours.

A Member referred to the refusal in 2000 and queried what would happen if that decision was now overturned. The Senior Planning Services Officer explained that the fish shop was in operation at that time and the concerns from surrounding residents were the same. Nothing had changed.

A Member asked the planning officer to read out policy 111. The Senior Planning Services Officer explained that policy 111 was a saved policy and gave details of its contents.

A Member queried if people could open a business without planning permission as a takeaway shop had recently opened in Seaham without permission. The Principal Planning Services Officer explained that all changes of use must have planning permission and the premises would be investigated further.

A Member queried if the applicant would be prepared to close at 9pm the same as the fish shop. Mr Grufferty explained that he did not want to open every day but did not know if it was

Development Control and Regulatory Panel – 15 January 2008

viable from 5.30 till 9pm. In his original application, he had asked for midnight but then had reduced it to 10.30 pm.

A Member queried what the reaction from the Planning Inspectorate would be if the decision was overturned. The Principal Planning Services Officer explained that Members could overturn the recommendation, there was not an appeal process as third parties did not have the right of appeal. Judicial review could be held but someone would have to challenge a decision through the courts and it was very expensive and he had never known it to happen.

A Member commented that she visited that area regularly and had not seen any anti-social activity, youths gathering or litter.

Some Members felt that there was an established fish shop and takeaway next to the application site and if there was any noise it was already there. This was a local business and no anti social behaviour had been seen or reported.

RESOLVED that the application be conditionally approved. Conditions relating to hours of opening and odour equipment.

JC/MA/com dev/080101
17 January 2008