

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL**

HELD ON TUESDAY 18 MARCH 2008

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

Also Present: Councillors K. McGonnell and T. Unsworth

Applicants/Agent: Mr. Trainer, Mr. Naylor, Ms. Burke, Mr. Jones

Objectors: Mr. & Mrs. Robson, Mr. Humble

Apologies: Councillor Mrs. G. Bleasdale

1. **THE MINUTES OF THE LAST MEETING** held on 26 February 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**

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

**2008/0045 MURTON (MURTON WEST) - HOUSE (RE-SUBMISSION) AT
SANDHILLS, LAND REAR OF DAVISON CRESCENT, MURTON
FOR MR. J. NAYLOR**

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 countryside outside the existing settlement boundaries. In the absence of any agricultural or other appropriate justification of need, the proposal was considered to be contrary to Policies 1 and 3 of the District of Easington Local Plan and advice contained within Planning Policy Statement No. 7: Sustainable Development in Rural Areas.

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. Murton Parish Council had submitted a letter of objection explaining that they had concerns about the development. The land was greenfield and outside of the settlement boundary and public funding had been used to support adjacent land.

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Mr. Naylor, the applicant, referred to anti social behaviour in the area and explained that he had a report from the Police. It was no secret that there were anti social people in Murton and the Street Wardens and Police had been called out the previous evening. A meeting had also been held in Murton the previous evening regarding anti social behaviour. The footpath had been closed by Durham County Council on advice from the Police and the Fire Inspector. He referred to the grass adjacent to the site and explained that the damage had been done by a Council vehicle. He had his own access into the site and did not need to park on any of the Council's roads. A Contaminated Land Risk Assessment had been carried out by Groundwork East Durham in 2004.

Mr. Naylor explained that £160,000 had been spent on the gardens and projects. The gardens kept thirty young people off the street. The site was agricultural and he was often there until 9pm on an evening.

He advised that there was a breeding programme of rare pigs and had to attend the site during the night. He had a number of animals including goats, pheasants, ducks and geese and needed to look after the site day and night. Vandals had been on the site the previous week and £300 had been lost in one day through the killing of animals. School children, disabled children and disadvantaged children all used the site. Surestart and Houghall College had been involved in the project.

A Member queried if it was a viable sustainable business and if all relevant accounts were in place. The Senior Planning Services Officer explained that the recommendation was based on the information received. There needed to be functional and financial need proven and it was the functional need that was being questioned.

A Member referred to anti social behaviour and queried if there was evidence that anti social behaviour had been reduced in the area. The Senior Planning Services Officer explained that no evidence had been provided in the supporting statement although Mr. Naylor had provided a statement by a PCSO that evening.

A Member commented that there was a lot of boarded up housing around the site and queried if this land could be used for housing that was within the boundary. The Senior Planning Services Officer explained that the houses were East Durham Homes stock and were to be demolished.

Mr. Naylor explained that all of the windows had been broken in the houses and East Durham Homes had boarded them up. He had been advised that they were to be demolished and two bedroom bungalows were to be built in their place.

The Chair commented that if approved, the dwelling could be tied to the development.

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Mr. Robinson queried what guarantees if any, could be made that anti social behaviour would be reduced. Mr. Naylor explained that he would be on site twenty four hours per day and at the moment, he lived four hundred metres away. The project had been a success and had taken five years to grow.

A Member commented that he wished the business every success but the area was outside of the settlement boundary.

RESOLVED that the application be refused.

COUNCILLOR MRS. J. MAITLAND REJOINED THE MEETING.

2007/0857 WHEATLEY HILL (THORNLEY AND WHEATLEY HILL) - CHANGE OF USE FROM NURSERY TO GARDEN CENTRE AND ERECTION OF COFFEE SHOP, FARM SHOP AND GENERAL SALES AREA AT GREEN LANE NURSERIES, GREEN LANE, TRIMDON STATION FOR MR. & MRS. TRAINER

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the application would result in inappropriate retail development outside the settlement boundaries identified in the District of Easington Local Plan and the applicant had failed to demonstrate that no suitable sites were available for the proposal within the settlement boundaries. As such, the proposal was considered contrary to Policies 1 and 106 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.

The Senior Planning Services Officer explained that on site that morning, Members had queried the planning permission for Plants R Ross which was approved in 2004 against Officer advice. Officers were not of the opinion that the site had set a precedent. In that instance, no other sites had been acceptable or available and had no impact in terms of amenity or detriment to South Hetton or Easington Village.

Councillor McGonnell explained that he supported the applicant and felt that Plants R Ross and Richardsons Garden Centre had set a precedent. The Parish Councils in the surrounding area had no objections and were fully supportive as well as the five District councillors around the area. Wingate Nature Reserve was adjacent to the site and he believed that the Garden Centre would bring people into the area and perhaps make more use of the Nature Reserve.

Councillor Unsworth explained that he supported the application as did other District and Parish Councillors in the

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area. The development would bring employment and could only bring future prosperity to the surrounding area.

Mr. Trainer, the applicant, explained that he was not applying for a new business but expansion of the existing business. He wanted to erect a coffee shop, farm shop and a general sales area. The nursery had been open for three years and a large majority of his customers already thought it was a Garden Centre and could not understand why he only sold certain goods.

Mr. Trainer explained that he supplied the local community with the service that they did not have. At present, he employed two full time staff, two part time staff and two seasonal staff and if the Garden Centre was approved, he would employ a further two full time. He referred to Policy 106 and explained that until the Agenda had been printed, he was not aware that this policy was relevant and that he had to show that there was no other available land. Over four years ago, he had looked for available land to start his business and made enquiries with four or five land agents, contacted landowners inside and outside the District, the Land Registry as well as the District Council. He had been informed that there was no land available at affordable agricultural rates. The only land that had been available was for housing developments.

It was explained that he had invested £300,000 into the nursery and would invest a further £200,000 to expand to a Garden Centre. He felt that a precedent had already been set with Plants R Ross and Richardsons Garden Centre. He had spoken to the owner of Richardsons Garden Centre and they employed twenty six people so the Garden Centre could grow to that potential.

A Member asked for the difference between a Garden Centre and a nursery. The Principal Planning Services Officer explained that a nursery was principally the growing of plants and the sales were incidental to this. A Garden Centre was predominantly retail and adjacent town centres needed to be protected from unfair competition.

A Member commented that the Garden Centre should not have any effect on shops or amenities as it was in a remote location.

A Member commented that if permission was granted, then a control on parking, especially for disabled, should be implemented.

The Senior Planning Services Officer explained that if the application was approved, conditions should be attached relating to time limit, landscaping scheme, parking and site visibility splay. Retail should be limited to key items that could be sold with relation to the farm shop. It should be ancillary to the main use and the foodstuff profits should be

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no more than 20% of turnover originating out of the northern region. The floor area limit should be restricted to what was shown on the submitted plan.

Members commented that they felt that the business was up and running and was an extension of current activities. More employment would be brought into the area and there was not much evidence of retail outlets being threatened.

RESOLVED that the application be conditionally approved.

2008/0042

SHOTTON (HASWELL AND SHOTTON) - CHANGE OF USE FROM INDUSTRIAL USE TO CHILDRENS AND ADOLESCENT MENTAL HEALTH SERVICE CENTRE AT 3 WINCHESTER DRIVE, SOUTH WEST INDUSTRIAL ESTATE, PETERLEE FOR TEES, ESK AND WEAR NHS TRUST

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to a condition relating to standard time limit. The proposed development was considered to represent an acceptable minor departure from Development Plan policy which would not be detrimental to planning matters of acknowledged importance.

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.

Mr. Humble, an objector, explained that he occupied the building adjacent to the application site. The first letter from the Highway Authority indicated that there would be 25-30 car parking spaces for staff and visitors. He explained that the access to the main road was very busy and it was difficult to egress in rush hour traffic. There was also a growing problem with cars parking just off the premises and it would be easy to park outside and block the view up and down the road. There was no expansion of the car parking facilities proposed, although there was land to the right of the premises.

Mr. Jones, the Agent for the Applicant explained that in pre-application discussions with Durham County Council, they had been satisfied with all concerns raised. There was adequate parking and a lot of employees would be visiting patients during the day. It would be a rare occurrence that there would be maximum capacity.

A Member queried what times the facility would be in use. Mr. Jones explained that it would be open from 8.30am to 6.00pm.

A Member queried how long the unit had been empty. Mr. Jones explained that it had been on the market for twelve to fourteen months.

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Members queried if there was inadequate parking for the units. The Principal Planning Services Officer explained that the first letter from the Highway Authority stated there were thirty available spaces but it was difficult to deduce if this was sufficient or not and queried how many people were employed. They had requested further information from the applicant. The Applicants Agent had supplied the information and the second response indicated that the car parking spaces were acceptable.

Mr. Jones explained that when the application was submitted, the Highway Authority had requested additional information. All the additional information was provided and the Highway Authority were now satisfied.

RESOLVED that the application be conditionally approved.

2008/0052

MONK HESLEDEN (HUTTON HENRY) - FRONT CONSERVATORY (RETROSPECTIVE) AT BYWAYS, HIGH HESLEDEN FOR MS. S. BURKE AND MRS. M. SCOTT

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the development, by virtue of its size, design and location, resulted in an excessive form of development which was detrimental to the character and appearance of the house frontage and the area and adversely affected the residential amenities enjoyed by the occupants of the neighbouring property in terms of visual intrusion, overbearing impact, overshadowing and loss of privacy contrary to Policies 1, 35 and 73 of the District of Easington Local Plan. Appropriate enforcement action be authorised in the event that planning permission was refused and the applicants did not voluntarily remove the conservatory.

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 the applicant had stated that the builders had misled them and they thought they had the necessary permissions. Once they realised this was not the case, then all work had ceased.

Mr. Robson, an objector, explained that he was sorry that the applicant had been misled by the builders but the conservatory exceeded all guidelines set by the Council. He found it so overbearing and was close to the main living area which made it an unpleasant sight. There were two other conservatories within a hundred metres of the property but neither hit you in the eye and did not stand out as much as the adjacent property.

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Ms. Burke explained that she felt that there was inaccurate information in the Planning Officer's report and thought it was misleading. The report stated that her property was one of the first properties on entering the village and it was in fact the fourth property and you could not see it because of the bushes and hedges. She felt that the conservatory was not visible from several vantage points and it could only be seen from the road from the right into Monk Hesleden and the gable end of Dene View. She explained that the conservatory did not extend the whole of the frontage.

Ms. Burke explained that she felt a precedent had already been set and there were at least four other conservatories exceeding the Council's guidelines. She felt that there was no street scene and no architectural design and no two properties were alike. With regard to overshadowing, the conservatory was constructed in clear glazing and she could not see any overshadowing issue.

Ms. Burke explained that she had been misled by the builders and had spoken to her neighbours to inform them that they were building a conservatory and encouraged her neighbours to view the foundations. The neighbours had viewed the foundations and had no objections until the conservatory was completed. She explained that there was a partition fence that was nine feet long and four feet three inches high. She added that she was happy to install obscure glazing as a means to amicably address the issue. The conservatory was made of brick and white UPVC and was in keeping with the house and others in the village.

Ms. Burke explained that she felt the Officers report did not portray the true facts and she would welcome an amicable agreement. She had invited the neighbours to discuss the fencing and she had not deliberately set out to contravene any building or planning controls.

The Principal Planning Services Officer explained that he did not accept all the criticism of the Planning Officer's report. 'Byways' was one of the early properties into the village and the other conservatories in the area related to detached properties and were not as prominent. He felt that there would be overshadowing even though the conservatory was glazed. He did not feel that the partition wall and party fence would have the same impact as a conservatory. The Council would have recommended obscure glazing but the size was not appropriate for the site.

A Member commented that he did not think that the conservatory was overbearing and dominant and felt that even if the conservatory was built to the 1.5 metre standard, there would still be overshadowing on the neighbouring property.

Members felt that the applicant and the neighbour should come to some compromise and obscure glazing should be

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installed. They felt that the conservatory was well back from the main road and did not have a great impact on the village.

A Member commented that she felt that the conservatory was overbearing and did have a detrimental impact on the neighbour.

Councillor Mrs. Connor requested that it be noted that she was in favour of the Officer's recommendation for refusal.

The majority of Members felt that the conservatory was not dominant from the road, did not have a detrimental effect on the street scene and an amicable solution with obscure glazing could be reached.

RESOLVED that the application be conditionally approved.

2008/0078

SEAHAM (SEAHAM HARBOUR) - SUBSTITUTION OF HOUSE TYPES AT LAND AT FOUNDRY ROAD, SEAHAM FOR KENMORE MODUS (SEAHAM) LIMITED

Consideration was given to the report of the Head of Planning and Building Control Services which recommended conditional approval, conditions relating to materials, means of enclosure, contaminated land, noise survey, noise mitigation measures and landscaping. The proposal was considered to be in accordance with Policies 1, 35 and 66 of the District of Easington Local Plan.

RESOLVED that the application be conditionally approved.

3. ANY ADDITIONAL URGENT ITEMS OF BUSINESS

In accordance with the Local Government Act, 1972, as amended by the Local Government (Access to Information) Act 1985, Section 100B(4)(b) the Chair, following consultation with the Proper Officer, agreed that following item of business, not shown on the Agenda, be considered as a matter of urgency.

4. TEMPEST ROAD, SEAHAM (AOB)

A Member explained that the wall had been removed outside 3 - 5 Tempest Road and had not been reinstated. The Principal Planning Services Officer had explained that Officers had been in discussion with the applicant who wanted to extend the rear of the property. The property was in a Conservation Area and the applicant was in discussions with the Conservation Officer at Durham County Council and was aware that the wall needed to be reinstated.

The Chair suggested that a further report be brought back to the Panel.

RESOLVED that a report be awaited on progress with the reinstatement of the wall at 3-5 Tempest Road, Seaham.

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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 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.

6. SECTION 206 AGREEMENTS - QUARTERLY UPDATE

Consideration was given to the report of the Head of Planning and Building Control Services which provided an update on progress made in collecting and distributing funds through Section 206 Agreements, a copy of which had been circulated to each Member.

RESOLVED that the information given within the report, be noted.

JC/CB/COM/DCRP/080300
25 March 2008