

**MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY 16 DECEMBER 2008**

Present: Councillor M. Routledge (Chair)
Councillors Mrs. G. Bleasdale, Mrs. J.
Maitland, D. Milsom, B. Quinn, D.J.
Taylor-Gooby and C. Walker

Objectors: Councillor J. Grigg

Agent for the Applicant: Craig Stockley and Nathan Franklin

Apologies: Councillors Mrs. E.M. Connor, R. Davison
and Mrs. M. Baird

1. **THE MINUTES OF THE LAST MEETING** held on 25 November 2008, a copy of which had been circulated to each Member, were confirmed.
2. **APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS CONSERVATIONS AREAS) ACT 1990**

2008/0453

TRIMDON FOUNDRY (WINGATE) - CHANGE OF USE OF LAND TO GYPSY CARAVAN SITE AND ASSOCIATED WORKS (ACCESS TRACK, HARDSTANDING, LANDSCAPING, UTILITY BLOCK, SEPTIC TANK ETC.), STABLES WITH YARD AREA AND PORTABLE BUILDING FOR USE AS TEMPORARY STABLES AT LAND OFF WINGATE ROAD, TRIMDON FOR MR. J. SMITH

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as it was considered that the junction of the access road leading to the application site with the C22, Wingate Road was sub-standard in terms of its alignment and the available sight lines, particularly to the east for traffic joining the C22 and that the proposed development would be likely to result in an unacceptable increase in the number of traffic movements at this junction to the detriment of highway safety contrary to Policies, 1, 35, 36 and 72 of the District of Easington Local Plan. Authority be given to the Head of Planning and Building Control Services to take the necessary legal action to secure the satisfactory reinstatement of the land in its previous state as an open field.

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 since the report had been prepared, correspondence had been

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received from the agent for the applicant which expressed concern that the report made no reference to the relevant guidance in Circular 1/2006. In particular, paragraph 66 which stated that 'proposals should not be rejected if they would only give rise to modest additional daily vehicular movement'. This was clearly the case given the existing vehicular use of the track, especially in winter was low. The proposed use would not add greatly to the existing use given that the family were previously visiting their field up to three times a day to bring water/hay to check their horses when they lived off site.

The agent had highlighted that it was a concern that the report did not draw the following matters to the attention of Members.

- The traffic survey and low level of use was made of a vehicular access track
- No highway objections sufficient to refuse permission was raised in connection with the previous application for stabling which would have generated vehicular movement
- No record of any accidents associated with the junction
- The other uses made of the access/track
- Permission was granted in 2006 for a new house on the side garden of Waycott to make use of the track regardless of concerns over substandard visibility, although permission had not been implemented. The justification by Durham County Council was that the house replaced a garage and would not therefore add to traffic generation was not accepted given that there was little if any vehicular generation associated solely with the domestic garage. There was at present, spare capacity using the junction and the temporary permission could be considered until such time as a replacement house was built and operational

Concerns were raised that there was no consideration of transitional arrangements in the report. In particular, there was no consideration of the possibility of a temporary permission until suitable alternative sites were found through the Local Development Framework process. Matters of Human Rights and the Race Relations Act 1976 were not discussed.

The Principal Planning Services Officer explained that Durham County Council had been appraised of the traffic surveys and still maintained their objections. It was felt that the Race Relations Act was not relevant to the recommendation as it was based on highway safety

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grounds. The application did ask for refusal and enforcement action to be taken, therefore, temporary approval was not necessary as enforcement action could be delayed to allow for relocation if considered appropriate.

Mr. Grigg explained that he was representing Trimdon Foundry Parish Council who objected to the proposals along with many residents. The objections were based on the grounds of traffic and vehicular movement and access. Two years ago the Parish Council knew there were problems with the access and made moves to make a new entrance. This was completed using Streetsafe funding so there was access for emergency vehicles but was also used by contractors to cut the grass. There was also concerns regarding foul drainage, there was a play area opposite the site and a bowling green and the Parish Council were trying their best to improve the area. There were a lot of people walking adjacent to the site and street lighting had just been completed in that location.

RESOLVED that:-

- (a) the application be refused
- (b) authority be given to the Head of Planning and Building Control Services to take the necessary legal action to secure the satisfactory reinstatement of the land to its previous state as an open field.

2008/0503

THORNLEY (THORNLEY AND WHEATLEY HILL) - 20 NO. DWELLINGS AT GORE HALL FARM, GORE LANE, THORNLEY FOR MS L. BERESFORD

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 off-site open space provision and subject to conditions of materials, means of enclosure, landscaping works and timing, tree survey, tree protection works, hours of construction, contaminated land risk assessment, bat mitigation measures and Northumbrian Water requirements. 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 the Statutory Development Plan and related policies 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. Negotiations had been undertaken with the Agent and if the applicant was unwilling to enter into a Section 106 Agreement, it was recommended that the application be refused.

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A Member queried why the developer could not make a Section 106 contribution and if the financial backing was in place to pursue the development.

Mr. Stockley explained that the applicant was not averse to enter into a Section 106 Agreement but they felt that it was inappropriate to place a condition on a reserved matters application. A Section 106 Agreement should have been agreed at the outline stage. The planning permission was being obtained for the client and the client was the site owner and not a developer.

The Chair referred to the Section 106 Agreement and queried why the developer thought they should not pay it. Mr. Stockley explained that in terms of case law, it was not normally a general requirement on a reserved matters application and the issue was normally agreed at the outline stage.

The Senior Planning Services Officer explained that reserved matters was for the layout of the site and felt that the applicant should enter into a Section 106 Agreement.

Mr. Stockley explained that he would like the opportunity to submit further information on behalf of his client.

The Head of Planning and Building Control Services explained that if the applicant was willing to pay the Section 106 Agreement, then he felt that the application should be approved. Once the legal situation was investigated, delegated approval should be given to either approve or refuse the application.

RESOLVED that:-

- (a) the application be conditionally approved on completion of a Section 106 Agreement;
- (b) if the Section 106 Agreement was not agreed, then the application be refused;
- (c) Delegated Authority be given to the Head of Planning and Building Control Services to issue the decision.

2008/0668

PETERLEE (DENEHOUSE) - WAREHOUSE ENCLOSURE 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 the existing. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

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A Member raised concerns regarding the landscaping at the rear of the Asda Store. Mr. Franklin, the agent for the applicant, explained that landscaping was not part of the application as it was linked to a previous application on the installation of the mezzanine floor.

RESOLVED that the application be conditionally approved.

2008/0670

PETERLEE (DENEHOUSE) - ERECTION OF A NEW TEMPORARY STRUCTURE FOR THE SALE OF GOODS 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 temporary permission during construction works, car parking works prior to commencement. The proposal was considered to be in accordance with the Statutory Development Plan and the policies detailed in the report.

A Member queried how long the temporary structure would be there. Mr. Franklin explained that it would take approximately 22 weeks to complete the internal mezzanine floor and 5 weeks to take down the temporary structure.

RESOLVED that the application be conditionally approved.

3. SECTION 106 AGREEMENTS QUARTERLY UPDATE

Consideration was given to the report of the Head of Planning and Building Control Services which provided a fourth quarterly update on progress made in collecting and distributing funds through Section 106 Agreements, a copy of which had been circulated to each Member.

The Head of Planning and Building Control Services explained that since the last quarterly update, further reminders had been circulated and the majority of Parish and Town Councils had been in contact to advise that they were in the process of preparing proposals for consideration by the Panel. Although progress was encouraging, concerns were still raised that there was in excess of £475,000 from Parishes across the District still waiting to be allocated to suitable schemes.

Members queried if the money could be given to Parish Councils for future schemes. The Head of Planning and Building Control Services explained that there needed to be a scheme proposed before any funding could be approved.

Members felt that Town and Parish Councils should be contacted once again as well as Groundwork Trust to see if they had any environmental improvement schemes for the villages. They felt every avenue should be explored.

RESOLVED that the information given be noted.

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4. APPLICATION FOR SECTION 106 FUNDING - GENERAL UPGRADING OF RECREATION AREA TO THE REAR OF NATTRESS TERRACE, TRIMDON

Consideration was given to the report of the Head of Planning and Building Control Services for general upgrading of the recreational area to the rear of Nattress Terrace, Trimdon, a copy of which had been circulated to each Member.

Trimdon Foundry Parish Council had put forward previous schemes regarding the upgrading of the recreational area. Following approvals and as a result of works commencing on site, the Parish were submitting additional requests for funding. Unfortunately the costing for the noticeboard had risen which was not foreseen when the original proposal was submitted.

RESOLVED that the sum of £1,988.49 from Section 106 Agreement monies to fund the enhancement of the recreational area to the rear of Nattress Terrace, Trimdon be agreed.

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 1, 2 and 6(a), Part 1 of Schedule 12A of the Act.

6. PLANNING INVESTIGATION REPORT

(i) Erection of Boundary Wall and Change of Use of Land from Access Track to Residential at 5 Paradise Crescent, Easington Colliery

Consideration was given to the report of the Head of Planning and Building Control Services in relation to the above Planning Investigation Report.

RESOLVED that no action be taken.

(ii) Land and Gable End at Front Street, Wheatley Hill

Consideration was given to the report of the Head of Planning and Building Control Services in relation to the above Planning Investigation Report.

RESOLVED that:-

- (i) enforcement action be taken and notice be served under Section 215 of the Town and Country Planning Act 1990;
- (ii) the notice specify measures to be drafted by the Head of Planning and Building Control Services;
- (iii) the notice specify a ten week compliance period;
- (iv) the Head of Planning and Building Control Services be authorised to take any other action deemed appropriate.

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JC/CB/COM/DCRP/081202
19.12.08