

**THE MINUTES OF THE MEETING OF THE
DEVELOPMENT CONTROL AND REGULATORY PANEL
HELD ON TUESDAY, 24TH FEBRUARY, 2009**

Present: Councillor M. Routledge (Chair)

Councillors Mrs. M. Baird, Mrs. G. Bleasdale,
Mrs. E.M. Connor, D.J. Taylor-Gooby and
C. Walker

Objectors: Mr. McIntosh, Mrs. Peacock, Mr. Harrison,
Mr. Froud, Mr. Day

Agents/
Applicants: Mr. Murray, Mr. Gilthorpe, Mr. Wheeler,
Mr. Self

Apologies: Councillor R. Davison

1. **THE MINUTES OF THE LAST MEETING** held on 3rd February, 2009, 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 BUILDING AND CONSERVATIONS AREAS) ACT 1990**

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM, COUNCILLOR M. ROUTLEDGE DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

Nominations were requested for a Chair for the following item.

RESOLVED that Councillor C. Walker be elected Chair.

2009/0016 Easington Village (Easington Village and South Hetton) - Provision of New Two Storey School Buildings with Part Demolition and Alterations to Existing School Building at Easington Community Science College, Stockton Road, Easington Village for Mr. Stephen Nickson, Carilion Construction Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the District Council supports the proposal in principle subject to the County Council giving due consideration to imposing planning conditions as identified in the report.

The Senior Planning Services Officer gave a detailed presentation of the main issues outlined in the report.

Members commented that the wheel washing facilities should be strictly adhered to on the construction traffic as well as the condition applied regarding hours of construction.

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RESOLVED that the District Council support the proposal in principle subject to the County Council giving due consideration to imposing planning conditions as identified in the report.

COUNCILLOR M. ROUTLEDGE REJOINED THE MEETING AND TOOK THE CHAIR.

2009/0017 **PETERLEE (PASSFIELD) - New Three and Part Four Storey Secondary School, Sports Facility and Associated External Works with Demolition of Existing School at Shotton Hall Comprehensive School, Waveney Road, Peterlee for Carillion Construction**

2009/0018 **PETERLEE (PASSFIELD) - New Single Storey Primary School with Associated External Works and Demolition of Existing Building at Shotton Hall Primary School, Waveney Road, Peterlee for Mr. Stephen Nixon, Carillion Construction**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the District Council support the proposal in principal subject to the County Council giving due consideration to imposing planning conditions as identified in the report.

The Senior Planning Services Officer gave a detailed presentation on the main issued outlined in the report.

Dennis Coates explained that he was Chair of Governors at Shotton Hall Infants School and a Governor at the Secondary School. During the consultation one problem had arisen concerning the access for traffic, dropping-off and picking-up points. There had been a number of minor accidents around the school. This was a very heavily used school and had been identified as one of the busiest in the County. Durham County Council had made several adjustments to the scheme but he felt that it should be continued to be monitored and improvements made in the future.

A Member commented that he felt that Durham County Council had not taken on board some of the feedback they had received. There was a problem regarding the traffic access especially at the Waveney Road entrance. There was sheltered housing adjacent to the entrance and he was concerned regarding congestion around it and the number of children that existed and passed the sheltered housing. He did not think this was a good arrangement.

The Senior Planning Services Officer explained that he would raise the issues with Durham County Council.

A Member queried if a full traffic survey could be carried out in the area and passed on to Dennis Coates. The infrastructure needed to be right before the schools were built.

RESOLVED that the District Council support the proposals in principle subject to County Council giving due consideration to imposing planning conditions as identified above and comments made.

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2009/0026 SEATON WITH SLINGLEY (SEAHAM NORTH) - Timber Frame and Timber Clad Entrance Way, 2 No. Lock Up Storage Equipment Containers, CCTV, Steel Container, Timber Frame Lean-to and Office Building at Land South of Sharpley Hall Farm, Seaton for Mr. S.W. Weightman

The Chair advised that this item had been deferred til the next meeting.

RESOLVED that application no. 2009/0026 be deferred.

2008/0511 MONK HESLEDEN (BLACKHALLS) - Conversion and Refurbishment of Dwelling at Building Rear of Crimdon Terrace, Blackhall for Mr. G. Angus

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to materials, means of enclosure, landscaping, landscaping timing, structural works and wildlife mitigation. The proposal was considered to be in accordance with the Statutory Development Plan and policies detailed in the report.

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

Mr. McIntosh explained that he was concerned regarding the rights of access and also the rights of the bird life and queried what measures were in place to protect them.

Mrs. Peacock queried why the owner had placed a caution on the access if he had rights over it. If planning permission was granted could residents be guaranteed that works would not commence until the legal situation with the access was resolved. She circulated photographs and a copy of the Land Registry Title which stated that the caution did not give any legal entitlement over the access. The photos showed clear boundary lines that had been erected by the owners of Beacon, five years ago, boundary fences had been erected. Mr. Angus, the applicant, had access via No. 12 Crimdon Terrace. According to Land Registry records Mrs. Angus was the owner of the land.

Mrs. Peacock queried if adequate provision had been made for the owls and also swallows used the building. What would happen if the applicant did not adhere to the conditions imposed.

Mr. Harrison explained that in 1973 access to the stable was stopped because of traffic and it was being turned into a builders yard. The occupant at that time had ran wagons through the alleyway causing damage to the adjacent properties. Birds had nested there for over ten to fifteen years and there was also a tree in the middle of the dwelling. She queried what would happen to that. Excessive rain and flooding was also a problem and the building would make it worse.

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The Senior Planning Services Officer explained that the rights of access had been discussed with some of the objectors and the applicant had been questioned regarding his legal right to use the land. There was no registered owner of the land so he had registered a caution on it. As there was no registered owner, the applicant would be able to use the access unless this was challenged. The legalities of the access was not a planning consideration and the applicant had been made aware of the potential problems. An alternative access could be used but this would be subject to a new application.

With regard to the wildlife, an ecologist had carried out a full report subject to mitigation measures being introduced, no objection was raised by the Countryside Officer. If complaints were received that the mitigation measures were not being adhered to then Officers would investigate. Drainage was not an issue in determining the application although engineers had assessed the site and there were no problems with it. With regard to the new build, scaled drawings had been provided and was a minor element of the application. There were no objections to any trees on the site.

A Member referred to the ownership of the land and queried if anyone could build a house when they wanted to convert a building. The Senior Planning Services Officer explained that subject to planning permission a house could be built on the land. This application was only being supported because it was a conversion of an existing building and permitted development rights would be removed.

Mr. Parkin queried if visitors would have to park on the main road. The Senior Planning Services Officer explained that parking and a turning area was to be provided on the site.

Mrs. Peacock commented that there was little room for cars at present, there were numerous cars in the back lane and there was no safe area for children to play. The Senior Planning Services Officer explained that Durham County Council had accepted the proposed access and had raised no concerns over highway safety.

Members expressed concerns regarding the access, highway safety and the impact the development would have on local residents. They also felt it would be setting a precedent.

RESOLVED that the application be refused.

2008/0688

EASINGTON VILLGE (EASINGTON VILLAGE AND SOUTH HETTON) - House and Detached Garage at Land at Rosemary Lane, Easington for Mrs. F. Tate

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to standard time limit, external materials, slate roof, roof lights, means of enclosure, contaminated land risk assessment. The proposal was considered to be in accordance with the Statutory Development Plan and policies detailed in the report.

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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. Froud explained that he was a builder by trade and had ran his own business for 22 years. Development on the application site had been refused twice previously because of overshadowing issues. The building had now been moved by 1 ft and he queried if moving it would satisfy the overshadowing issue and he felt that it didn't. He referred to the Party Wall Act and the District Council had sent leaflets out suggesting that this should be overcome before any planning permission was applied for. He had sent a letter to the architect and the applicant and had received no reply. Without permission from himself and the owner of 1 North Terrace the development could not happen. The drawings the architect had submitted had omitted parts of his dwelling and also parts of No. 1 both of which were pertinent to the Party Wall Act.

The applicant was proposing to reduce the site level by 3ft but would have to dig down 4ft to satisfy the ridge levels and have adequate foundations. His house was built 110 years ago and has no foundations as it was built on clay. To make his property sustainable during the development it would need to be underpinned. A drawing was submitted at a late stage to show the sections which showed reductions in ground levels. To maintain the eaves levels there would have to be different pitches in the roofs and would look very untidy. He was in possession of a booklet on the Easington Conservation Area and noted that all buildings around the proposal were unlisted buildings of local importance and felt that this one would be unsuitable for the area.

Bill Day, Clerk to Easington Village Parish Council, explained that the Parish Council objected due to the size of the building and the poor alignment of the doors and windows and felt it would sit in an inappropriate gap. The gap had been there for over 100 years and was the rear of the old farm. Durham County Council Highways had no concerns but he felt that the development would lead to more parking on Rosemary Lane and would be detriment to the Conservation Area.

Mr. Murray, the agent, explained that the application was as a result of two previous applications. The developer had listened carefully to Planning Officers refusals on the previous applications and had developed the current scheme. The application had been dealt with professionally and there was no criticism of the design or proposal in the report. It was accepted that this was a residential windfall site and detailed consultations had taken place with the Planning Officer and the Conservation Officer who had explained that it was an attractive form of development with good levels of amenity and good separation between the two dwellings. There was generous space within the site to accommodate a number of cars.

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With regard to the Party Wall Act, this was not relevant in terms of making a decision on the application. The reason they had not entered into negotiations with the neighbours was because it was not appropriate at this stage. Preliminary negotiations had taken place with civil engineers who assured him that the building could be constructed. The gap had no amenity value at all and planting had been carried out by the applicant. The developer had been approached by a number of families to purchase the dwelling.

A Member queried if the house was a two storey house or a three storey house. The Senior Planning Services Officer explained that it was a two storey house with room in the loft space.

A Member commented that he found it difficult to say that there would be no overshadowing to the adjacent properties. The Senior Planning Services Officer explained that this was an infill development between two existing houses but would not project to the front or to the rear or any higher. The windows in the side of the adjacent properties were not habitable rooms and therefore some impact would be made but not sufficient enough to warrant refusal.

Members commented that they felt that the residents of the adjacent properties would be affected by light and queried what would happen with the Party Wall Act. The Senior Planning Services Officer explained that an independent surveyor would be appointed who would make an award as to what works would need to be completed and both parties would be bound by it.

A Member queried the vehicular access onto the applicant's land. Mr. Murray explained that the right of way would pass with the title and the existing access would be maintained as it was.

A Member queried why windows were allowed in the roof space at the front. The Senior Planning Services Officer explained that the design was brought about because of the previous refusals and detailed discussions had been held with the Conservation Officer at Durham County Council. She was fully supportive of the scheme.

Mr. Murray explained that the top floor was an attic floor and the mass of the building was two storey. Extensive discussions had been held with the Conservation Officer and the design and access statement had been submitted with the planning application. He felt that this would contribute to the Conservation Area not detract from it.

The Chair referred to the balcony above the archway and queried if there were any others with this design on Rosemary Lane. The Senior Planning Services Officer explained that the balcony would not project and there were no other archways on Rosemary Lane. The District Council relied on the Conservation Officer for advice.

Mr. Robinson commented that he felt the property was not in keeping with Rosemary Lane and took issue with the Conservation Officer's comments.

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Members felt that the development would be inappropriate and would severely affect the amenities of neighbours, The design was out of character and appearance with the area.

RESOLVED that the application be refused.

PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS COUNCILLOR C. WALKER DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING.

2008/0709 SEAHAM (DAWDON) - Single 600kw Wind Turbine at Plot 7 and 8 Fox Cover Industrial Estate, Seaham for Cumbrian Seafoods Limited

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval subject to conditions relating to time limit, protected species mitigation, landscaping works, operation noise limits shadow flicker control. The proposal was considered to accord with national planning guidance contained within PPS22: Renewable Energy. The proposal was considered to accord with Policies 1 and 35 of the District of Easington Local Plan and there were no material considerations sufficient to outweigh the support for the proposal.

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. Since the report was prepared the Ministry of Defense had confirmed that they had no objections.

Mr. Wheeler, the agent, explained that the previous reasons for refusal had been looked at, reviewed and more information supplied with the new application submitted. A company that specialises in renewable energy had advised that a single turbine would produce more electricity than two turbines together and would be a lot quieter. The single turbine would be visually better and had the edge over the paired arrangement. It would be a skyline feature and would not dominate or be intrusive. There was no residential properties that lay within the 40db for daytime noise. A car traveling at 40 mile per hour, 100 metres away would create 50db and it was felt that the turbine would not be noticed in terms of background noise. The greenkeepers house lay within 20 metres and it was very unlikely that shadow flicker would cause a disturbance to this property although the turbines could be programmed to switch off at certain times of the year if this occurred. Advice had been taken and this could possibly only happen ten hours per year.

The Heritage Coast had objected due to the affect on the coastline. This had been considered in detail and he thought that this was overstated and it was not a case of compromising the environment.

Mr. Gilthorpe explained that investing in renewable energy was a priority for the business as green credentials were very important. They led an industry for sustainable sourcing of fish and they wanted to do this with energy. The turbine would generate 20% of

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the energy requirements and in the current economic climate every penny counted and savings would provide a significant boost for the company. The company was a small private owned business based in the north-east. Over £15m had been invested in Seaham and the head office was to be relocated there. Since the application was submitted, the number of jobs had increased to over 550 and employed a lot of local residents. Since the last application had been refused the company had listened to concerns raised and spent considerable time learning lessons from it and liaising with the cricket club and Seaham Town Council.

A Member commented that she would like reassurances that if planning permission was granted and the appeal was successful for the other two turbines, they would not be built.

The Senior Planning Services Officer explained that both applications could not be implemented as they were on the same site and a condition could be attached in this regard.

A Member suggested that the application be deferred until the outcome of the appeal was known. The Senior Planning Services Officer explained that the appeal was not relevant to the current planning application. The applicant had submitted a great deal of work and addressed the noise and shadow flicker problems.

Mr Gilthorpe explained that the company were putting a lot of efforts in and this was one way of doing it. The amount of carbon going into products needed to be reduced wherever possible and he was trying to reduce the carbon footprint. At some stage in the future retailers would want carbon footprint on packages.

The Chair queried if the applicant had explored solar power. Mr Gilthorpe explained that unless solar power was built in the original construction of the building it was not appropriate.

Mr Wheeler explained that they felt the view from the heritage coast was not relevant as the coast was half to one kilometre away. The turbine would be on raised ground behind a mass of industrial buildings.

The Head of Planning and Building Control Services explained that the business brought a lot of jobs into Seaham which were very important. The developers of the film studio were aware of the development and had no objections or concerns. A lot of work had gone into the application and it was a different proposition than the previous one and felt that deferral would not be appropriate.

Mr Wheeler explained that they would be prepared to withdraw the appeal with the Planning Inspectorate if the application was approved.

RESOLVED that the application be approved subject to confirmation from the Planning Inspectorate that the appeal on application 2008/0620 be withdrawn.

COUNCILLOR C WALKER REJOINED THE MEETING

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2008/0715 THORNLEY (THORNLEY AND WHEATLEY HILL) – Alterations to elevations to unit 1 and installation of 3 no oil tanks (retrospective) at Thornley Moor Farm, Cassop for Haswell Moor Developments

Consideration was given to the report of the Head of Planning and Building Control Services which recommended approval as the proposed works were considered to be in accordance with 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.

Mr Robinson referred to the Conservation Officer's comments in the report regarding the works that had been carried out and not approved. He passed comment that why have a planning system when people are just consistently pushing the boundaries.

Mr Self, the agent explained that since the report had been prepared he had forwarded an appeal decision to Officers that was practically identical to the current situation. The appeal had been granted because enforcement action was wholly inappropriate.

A Member queried if they could not put a protective bund around the tank. Mr Self explained that should it be a requirement under building regulations then it would be carried out.

RESOLVED that the application be approved.

3 APPLICATION FOR SECTION 106 FUNDING: PURCHASE OF ADDITIONAL CRICKET EQUIPMENT, CASTLE EDEN CRICKET CLUB, CASTLE EDEN

Consideration was given to the report of the Head of Planning and Building Control Services for an application for Section 106 funding for the purchase of additional cricket equipment, Castle Eden Cricket Club, Castle Eden, a copy of which had been circulated to each Member.

The cricket club were looking to purchase two mobile batting cages which would offer more opportunities for young players within the community to practice and develop their batting techniques in a safe and enjoyable environment.

RESOLVED that the release of the sum of £3,220 from Section 106 Agreement monies to fund the purchase of additional equipment at Castle Eden Cricket Club be agreed.

4 APPLICATION FOR SECTION 106 FUNDING: UPGRADING OF FENCING AT WELFARE PARK, ELEVENTH STREET, BLACKHALL

Consideration was given to the report of the Head of Planning and Building Control Services for an application for Section 106 funding for upgrading of fencing at Welfare Park, Eleventh Street, Blackhall, a copy of which had been circulated to each member.

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It was proposed that the 240 metre long section of wall be replaced by new fencing. The fence would be 2 metres in height, of metal construction and finished in green colour.

RESOLVED that the release of monies in the sum of £18,057.24 be released from Section 106 Agreement monies to fund the enhancement of the established recreational area of Welfare Park, Blackhall once planning permission had been granted and the works had been implemented.

JC/PH/MA/com dev/090201
27 February 2009