

**THE MINUTES OF THE MEETING**  
**OF THE DEVELOPMENT CONTROL AND REGULATORY PANEL**  
**HELD ON TUESDAY 26 JULY 2005**

**Present:** Councillor M Routledge (Chair)  
Councillors Mrs G Bleasdale, B Burn,  
P J Campbell, Mrs E M Connor,  
R Davison, R Liddle, Mrs A Naylor,  
M Nicholls and R Taylor

Applicants:-  
Miss H Pattison, Mr Logan  
Mr Miller, Mr and Mrs Sara

1. **THE MINUTES OF THE LAST MEETING** held on 5 July 2005, a copy of which had been circulated to each Member, were confirmed.
2. **TREE PRESERVATION ORDER – LADYWOOD, DURHAM LANE, EASINGTON VILLAGE**

Consideration was given to the report of the Head of Planning and Building Control Services, the purpose of which was to enable Members to determine the Tree Preservation Order in respect of land at Ladywood, Durham Lane, Easington Village, a copy of which had been circulated to each Member.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting. This matter had been reported to the District Council of Easington on 7 July 2005. Having considered representations from the landowner, the Council resolved to refer the matter to the Development Control and Regulatory Panel for a site visit. The Panel's decision was then to be submitted to District Council for endorsement.

Mr Miller, the applicant, queried if any Members had been given a copy of the original application submitted in 2003. It was explained that Members had not been given a copy of the original application.

Mr Miller explained that he was very unhappy in the way this matter had been dealt with. He had asked the Council to make a decision on the application to remove the trees over 20 months ago. At that time, no mention had been made of the replacement agreement that would take place over 15 years. He referred to paragraph 2.1 of the report which stated that the Parish Council, landowners and surrounding landowners had been consulted in accordance with statutory procedures. He explained that this statement was not correct and the surrounding landowners had not been consulted.

Mr Miller referred to Section 3.5 of the report which stated that "it was relevant to assess whether or not it was expedient to make an order, for example, even if a tree was deemed worthy of an order on amenity value, if they were under good arboricultural management then it would not normally be expedient to make an order. Conversely if the Council considered the subject trees were under risk possibly from development pressure then it would be

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expedient to pursue the Order". He explained that he had lived in the house for 20 years and had a good track record with the Council and had always sought approval before carrying out any works. The trees were under arboricultural management, Premier Tree Services pruned and trimmed the trees. He added that the land was owned by himself and felt that this matter did not fall into this category.

Mr Miller referred to paragraph 4.2 of the report which explained that one of the sycamores to the front of his property had been damaged. He explained that this was the first time this had been highlighted and added that the tree was not damaged and the tree surgeon could confirm this in writing.

Mr Miller explained that he felt that he had been treated unfairly by the Council. An application had been made to remove the trees on 22 December 2003 and he had no contact from the Council until 2 February 2004 when a large document had been posted through his letterbox explaining that a temporary Tree Preservation Order had been placed on the trees. He contacted the Council on 9 February 2004 and an Officer visited his home but couldn't answer any questions. A site meeting had been held on 19 February 2004 and agreement had been met that if he applied for removal of one tree and no adverse comments were received he would be given permission to remove another. He explained that on 8 March 2004 he received permission to remove one tree. On 8 April 2004 he had spoken to the Principal Planning Services Officer and asked for a face-to-face meeting. The Council Officer had promised to contact him in mid June but no contact was made until 2 July when an Officer spoke to his wife explaining that he would be contacted shortly. He wrote to the Council on 8 July 2004 and a meeting took place on 11 August 2004.

The Chair advised Mr Miller that he had spoken for longer than the five minutes that was allowed for members of the public to speak at the Panel but would allow him additional time to conclude.

Mr Miller explained that he had contacted his local Member in December 2004 when he had had no response from the Council. It was explained that the trees were to be replaced over 15 years and sycamores were not indigenous, Castle Eden Dene had demolished every single sycamore and the Forestry Commission were demolishing sycamores in the area. Sycamore trees had no benefit to wildlife. He explained that if the tree was removed this would reduce the problems affecting his property. The wall was turning green and it was difficult to walk on the paths around the house. He added that he felt aggrieved in the way he had been dealt with by the Council.

The Principal Planning Services Officer explained that he did apologise to Mr Miller at the District Council meeting for the delays. These had been down to the internal workings of the unit. He explained that the original application had included a managed replacement scheme and this had been fully considered by the Countryside Officer. The only option the Council had was to respond by imposing a temporary Tree Preservation Order if trees were under threat. In Officers views, the trees made a contribution to the Conservation Area. The Tree Preservation Order would not preclude an application being made for works to the trees and if requests were reasonable then the Council would grant consent.

The Countryside Officer explained that English Nature and the Forestry Commission were eradicating sycamores where they were located in ancient

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woodland area. The statement that sycamores had no benefits to wildlife was generally untrue. A study had taken place and a number of species lived off the leaves of sycamore trees and the tree had a good wildlife value. The sycamore hosted a lot of greenfly and peaked later in the season and provided an important food source for bats and birds.

Mr Miller explained that he felt he had not had the opportunity to be fairly heard and was not happy with the democratic process.

The Chair explained to Mr Miller that at the beginning of the meeting he had advised him that he had five minutes and if he was unhappy with the democratic process there was a complaints procedure that could be used.

Mr Miller queried what value the trees had in terms of the number of insects/birds that used them. The Countryside Officer explained that there was a number of insects on leaves and as the tree aged it was fantastic for wildlife and was generally accepted as a British Countryside tree.

The Countryside Officer explained that the Management Plan he had began in 2003 and ended in 2013. The first tree planted was not of a sufficient size to benefit the Conservation Area.

Mr Miller referred to the problem he was experiencing with moss and infestation and asked if this did not have any bearing on the decision. The Countryside Officer explained that the property had a fair degree of sunlight, although the trees cast a shade at certain times of the day but on balance he felt this was acceptable. He felt that the moss was a maintenance issue.

Members referred to one tree in particular that they felt was causing a problem to Mr Miller and queried if this tree could be omitted from the Tree Preservation Order. The Principal Planning Services Officer explained that the Tree Preservation Order could not be varied. An option was to confirm the Tree Preservation Order but invite Mr Miller to submit an application to fell the tree.

The Chair explained that the decision to agree the felling of the tree could be delegated to the Head of Planning and Building Control Services to allay any further delays.

**RESOLVED** that:-

- (i) the District of Easington (Ladywood, Durham Lane, Easington Village), Tree Preservation Order 2004 be confirmed and submitted to District Council for endorsement;
- (ii) delegated authority be granted to the Head of Planning and Building Control Services to determine the application to fell the tree that was of concern.

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

**05/51 WINGATE – Proposed House, Stable Block and Hay Barn at land adjacent to Ferndale, Rodridge Lane, Station Town for Ms S L Blakey**

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The Chair advised that the application had been deferred by the Development Control and Regulatory Panel on 14 June 2005 following the request of the agent acting for the applicant. The application had since been withdrawn.

**RESOLVED** that the information given, be noted.

**05/279**

### **EASINGTON VILLAGE AND SOUTH HETTON – Alterations and Change of Use of Barns to Dwelling at Murton Moor West Farm, South Hetton for Mr M Pattison**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the proposed development entailed the substantial rebuilding of parts of the existing building to such an extent that it conflicted with Local Plan Policies that related to the conversion of rural buildings and open countryside locations. Policy 70 of the District of Easington Local Plan supported the conversion of sound buildings in the countryside providing extensive rebuilding works were not required. It was considered that the proposals conflicted with this policy and were tantamount to building a new dwelling in the open countryside and as such failed to be considered under Policy 68 and 69 of the Local Plan. In the absence of any agricultural or forestry justification, the proposed development was considered to be contrary to these policies and detrimental to the rural character of the locality by virtue of the creation of the substantially rebuilt structure in a visual sensitive location.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting.

The Principal Planning Services Officer explained that Members had been provided with supplementary information and statement from the applicant's architect which explained that the family members wanted to take over running of the farm in the future and needed a family home. Details were given of the architect's statement. It was felt that the extent of the rebuilding works would not comply with conversion policy.

Miss Pattison explained that the sole reason for the application was to create a family home. She explained that the farm had been in her father's family for over 300 years and she and her partner wanted to carry on farming. She explained that they could buy a new house anywhere but they needed the conversion to live on the farm and there was no other suitable accommodation as the main farmhouse would continue to be used as a family home for her parents, sister and two brothers. She explained that a farmhouse had been demolished in 1990 and there was no other suitable accommodation.

Miss Pattison explained that she had met with Officers for advice before any plans were drawn up. The footprint had been changed on the recommendation of the Planning Officers. She

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explained that the buildings weren't in ruins but they were in a poor state of repair. The Planning Officer from the Council had stated that the proposal was in conflict with Policies 68, 69 and 70 but one of the main reasons he used for the decision was that there was no agricultural justification for the proposed development. She felt that there was major justification for the conversion.

It was explained that the conversion was to enable her to carry on with the family farm to enable her father to retire. Without a home for herself and her partner the farm would not be able to continue and would have to be sold.

The Principal Planning Services Officer explained that when the building had been demolished in 1990, an application could have been made at that time. The Council acknowledged that the repairs were extensive and the buildings needed to be in firm condition. If an agricultural justification was being claimed then there needed to be a different application submitted. The information that had been submitted was not sufficient for agricultural justification. The applicants could withdraw the application and submit a new application with agricultural justification included.

Members explained that the farm had been in operation for over 300 years and must be a viable business for it to still be operating. It was felt that the conversion of the buildings would enhance the character and appearance of the area and that there was sufficient agricultural justification.

**RESOLVED** that the application be approved.

### **05/415 HASWELL AND SHOTTON – Proposed Annexe to Existing Dwelling at Hospital Farm, Haswell, for Mrs N Mills**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the scale, size and contents of the annexe essentially represented a new dwelling in the open countryside situated outside the settlement boundaries as identified on the proposals map of the District of Easington Local Plan. Without any special justification of need, the proposal was considered contrary to the provisions of Policy 69 (Rural Workers Dwellings) at the said Local Plan and Policy 14 (New Houses in the Open Countryside) of the County Durham Structure Plan. The annexe as an extension to the existing dwelling was considered out of scale and over large. The proposal was considered contrary to provisions of Policy 73 of the District of Easington Local Plan.

**RESOLVED** that the application be refused.

### **05/419 BLACKHALLS – Proposed Indoor Riding School (Outline) at Crimdon Pony World, Crimdon, for Mr R Ayre**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended outline

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approval. The proposal was considered to accord with Policies 1, 35, 85 and 86 of the District of Easington Local Plan.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting. This was to be a prominent building as part of an established recreational use and it was felt that this needed to be a well designed building on a prominent hilltop site.

**RESOLVED** that outline permission be approved.

**05/426 HUTTON HENRY – Conversion to Two Dwellings with Family Annexe Accommodation at Former Poultry Houses, Weems Farm, Monk Hesleden for Mr L Sara**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended refusal as the existing poultry houses, by virtue of their poor structural condition and potential to collapse, did not represent sound buildings. The proposed conversions would involve a substantial amount of new build therefore representing new dwellings in the open countryside. The proposal was considered to be contrary to Policy 70 of the District of Easington Local Plan. The substantial amount of rebuilding represented new dwellings within the open countryside and without any forestry or agricultural justification of need the proposal was considered to be contrary to the requirement of Policy 69 of the Easington District Local Plan.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting.

Mrs Sara explained that the building had been stood for a number of years and it needed to be converted very quickly because of the vandals. A survey was carried out in March and they had been advised that there was a possibility to convert the buildings. She added that this was an unusual proposal and in principle was acceptable. They were looking at environmentally friendly factors for the building. They respected the people of the village who were terrified that the buildings would revert back into chicken sheds and cause infestation.

Their engineer had stated that he felt that there would be no reason why the development could not go ahead. They had been advised by the Council to remove the glazing, then subsequently were asked to put it back into the plans. In March, there had been heavy winds that had damaged the buildings. She felt that if the structural engineer had conducted a report prior to the winds he would have come up with a different conclusion.

Mrs Sara explained that when the Planning Officers asked them to resubmit the application she felt they did this because they weren't meeting government targets. They had done as the Council requested and subsequently damage had been done to

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the poultry houses. She explained that they were worried that children would be hurt as the structure was unstable and needed developing. Their engineer still believed that there was a possibility for conversion.

Mr Sara explained that a design statement from the architects had explained that to repair and build the existing buildings the top half of the building would need to be removed. He explained that he could return them back to agricultural but the people of the village did not want that.

The Principal Planning Services Officer explained that this was an interesting looking conversion and the applicants had tried to retain the essential character of the buildings. He explained that the Planning Officers followed Officer's advice regarding the current condition of the buildings. Twelve objections had been received by the Council and it was felt that the application went beyond conversion.

**RESOLVED** that the application be refused.

**03/460**

### **HASWELL AND SHOTTON – Substitution of House Type at Plot 19, Station Street, Haswell, for Miller Homes (NE) Limited**

Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the amended house design which included a gable end landing window be approved.

The Principal Planning Services Officer explained that Members had visited the site that day and were familiar with the location and setting.

A Member commented that it seemed obvious that some form of frosted glass would solve the problem and queried if there was any way this could be achieved.

The Principal Planning Services Officer explained that the difficulty was that the applicant, Miller Homes who was the original developer, had now sold the house so the glazing was not within their control. If Members did not accept the amendment then the owners would have to make a full application. If the application was refused then they could appeal against that decision. He explained that the property was empty at the moment and this could be an opportune time to have the glazing installed.

**RESOLVED** that the amended house design be approved, subject to obscure glazing being installed.

**05/489**

### **SEAHAM NORTH – 15m Telecommunications Mast, Antennas and Associated Equipment at Seaham Grange Industrial Estate, Seaham, for Orange Personal Communication Service Limited**

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Consideration was given to the report of the Head of Planning and Building Control Services which recommended that the Council did not control the siting and appearance of the mast. The design of the mast and positioning within the industrial estate was not considered to have undue impact upon amenity to warrant controlling the siting and appearance of the mast.

**RESOLVED** that prior approval was not required.

### **PRIOR TO THE FOLLOWING ITEM OF BUSINESS, COUNCILLOR B BURN DECLARED A PERSONAL AND PREJUDICIAL INTEREST AND LEFT THE MEETING**

#### **4. OCCASIONAL PUBLIC ENTERTAINMENT LICENCE, WINGATE GRANGE FARM, WINGATE**

Consideration was given to the report of the Environmental Health and Licensing Manager which sought consideration of an application for an Occasional Public Entertainment Licence for music, singing and dancing in respect of Wingate Grange Farm, Wingate, a copy of which had been circulated to each Member.

The Principal Environmental Health Officer (Licensing) explained that the licence was requested for 27 August 2005 from 12.00 noon until 28 August 2005, 3.00 am. Residents nearest to the premises, the Police and Fire Officer had all been consulted and two objections from residents had been received.

The Environmental Health Section had one previous record of a complaint with regard to noise from the premises prior to the present application. The complaint was via a local Member and the complainant did not give details of their location in respect of the premises.

The applicant had attended the Easington District Safety Advisory Group and addressed the concerns of the Police, Fire, Traffic Management at Durham County Council and Environmental Health in respect of the running of the event.

Mr Chrystal, the applicant, explained that he had diversified into small parties, birthdays and country and western events and each event had always had a charitable contribution. He explained that he had been approached to carry out a larger event. The main stage would be located in the grain store for larger bands and a smaller stage in the field for any bands who wanted their first chance to play their own music.

The farm was one mile from civilisation in either direction and he thought this was the ideal location for the event to be held. He added that New York Promotions would be involved to conduct the sound system together with a sound engineer. The open mike outside would be in a wagon and the speakers would be placed against the wind to reduce the noise in the surrounding villages. From midnight til 3.00 am there would be a quieter rhythm and blues and soul music and the louder music would be played during the day. He explained that he had a traffic management plan in place so there would be no problems with traffic.

A Member referred to the people attending the event being able to camp on the farm overnight and queried if people would be travelling home. Mr



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Chrystal explained that not all people would stay on the site but the site would be stewarded with a professional security firm for 28 hours. The only time people would not be allowed to leave the site was from 1.00 pm until 7.00 pm.

At this point all parties were asked to withdraw from the meeting while Members debated the application.

Having considered the three options available to Members, it was **RESOLVED** that the application be granted from 12.00 noon on 27 August 2005 until 2.00 am on 28 August 2005. The music in the open area to cease at 12.00 midnight and 2.00 am in the main barn.

JC/KA/COM/DEV/050801  
8 August 2005